

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 13, 2013**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

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

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

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

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (April 25, 2013)
5. Continued Public Hearings

**Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.**

***Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela Warner**

Request: Authorize the storage and dispensing of agriculture fertilizer as a "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" facility as a Special Use in the AG-1 Agriculture Zoning District.

Location: A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One- Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

Case 732-AT-12 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 7.1.2B. as follows:

- (1) Strike "non-family" and replace with "non-resident".**
- (2) Revise subparagraph 7.1.2B.i. to strike "five acres" and replace with "two acres in area"; and renumber the subparagraph to 7.1.2B.(1).**
- (3) Revise subparagraph 7.1.2B.ii. to strike "five acres" and replace with "that are two acres in area"; add the phrase "and provided that"; and renumber the subparagraph to 7.1.2B.(2).**
- (4) Add new subparagraph 7.1.2B.(3) to authorize that all employees may be present and working on the premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated by other business considerations.**
- (5) Add new subparagraph 7.1.2B.(4) to authorize that family members who are residents of the property when the HOME OCCUPATION is operating but who subsequently move from the premises may remain active in the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.**

Part B. Revise paragraph 7.1.2E. as follows:

- (1) Strike "Second Division vehicle as defined by the Illinois Vehicle Code" and replace with "MOTOR VEHICLES"; and add the phrase "and parked at".**
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.**
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike "vehicles over 8,000 lbs. gross weight" and replace with "MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)"; and add the phrase "and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)".**

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Case 732-AT-12 cont:

- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”.
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike “Second Division vehicles” and replace with “MOTOR VEHICLES and licensed trailers”; and strike “indoors” and replace with “in an enclosed building”; and add “outdoors subject to the following minimum separations for outdoor parking:”; and add the following subparagraphs:
 - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
 - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.
 - (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
 - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
 - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

Part C. Add new paragraph 7.1.2F. as follows:

- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
- (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).

Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.

Part E. Revise paragraph 7.1.2K. as follows:

- (1) Add the phrase “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:”.
- (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
- (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.

Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H. Warner and Gerald E. Warner

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.

Location: A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

6. New Public Hearings

*Cases 750-S-13 and 751-V-13

Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General Manager

*Case 750-S-13 Request: Authorize a water storage tank and water pumping station as a Special Use with waivers of standard conditions and requested variance in related Case 751-V-13 as a “Water Treatment Plant” in the AG-2 Agriculture Zoning District.

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Cases 750-S-13 and 751-V-13 cont:

***Case 751-V-13 Request:** Authorize the following for the construction of a storage tank and pumping station proposed in related Case 750-S-13:

Part A. Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.

Part B. Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet;

Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet;

Part D. Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet, on the property below:

Location for Cases 750-S-13 and 751-V-13:

An approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living World Omega Message Church at 2272 CR 350E, Mahomet.

Case 756-AT-13 Petitioner: Champaign County Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:
Amend Paragraph 7.1.2K. to add a requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations area that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

7. Staff Report
8. Other Business
 - A. Review of Docket
 - B. April and May 2013 Monthly Reports
 - C. Zoning Case Wrap-Up Report
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

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6 **MINUTES OF REGULAR MEETING**

7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

8 1776 E. Washington Street
9 Urbana, IL 61802

10
11
12 **DATE: April 25, 2013**

PLACE: Lyle Shields Meeting Room
1776 East Washington Street
Urbana, IL 61802

13
14 **TIME: 6:30 p.m.**

15 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
16 Passalacqua, Roger Miller

17
18
19 **MEMBERS ABSENT :** None

20
21 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Kass

22
23 **OTHERS PRESENT :** Marcus Harris, Tim Murray, Alan Singleton, Julia Hall, Jean Fisher, Mark
24 Fisher, Wayne Ward, William Jones, Lois Jones, Elista Dimitrova, Neal
25 Toler, Phillip Jones, Ben Shadwick, Jerry Christian, David Martin, Steve
26 Stanley, Jody Eversole, Douglas Smith, Harold Hazen

27
28
29 **1. Call to Order**

30
31 The meeting was called to order at 6:36 p.m.

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present with one Board seat vacant.

36
37 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
38 sign the witness register for that public hearing. He reminded the audience that when they sign the
39 witness register they are signing an oath.

40
41 **3. Correspondence**

42
43 None

44
45 **4. Approval of Minutes (March 14, 2013)**

46
47 Mr. Thorsland entertained a motion to approve the March 14, 2013, minutes.

48
49 **Mr. Palmgren moved, seconded by Mr. Courson to approve the March 14, 2013, minutes.**

50
51 Mr. Thorsland stated that Mr. Larry Hall requested that staff review the meeting audio tape and revise Line
52 40 on page 12 as follows: Dr. Jones stated that if the runway is approved then they could use some of the
53 property for generating some hay for his livestock but he does not need that much hay because he has plenty

1 of hay. He said that the only reason why the grass was planted at that location was for the runway.

2
3 Mr. Thorsland stated that Ms. Julia Hall sent staff an e-mail requesting the following revisions to her
4 testimony: Line 17 on Page 28 indicating the following: Ms. Hall stated that according to Ms. Julius any
5 cutting of trees in the forested area will have a significant impact on the remaining trees and could cause
6 them to fail; and Line 15 on Page 18 indicating that following: She said that there are already unenforceable
7 restrictions in the finding of fact and the petitioner has already done things that are restricted in Champaign
8 County.

9
10 Mr. Thorsland stated that staff reviewed these recommended changes with the meeting audio tape and
11 revised the minutes as requested.

12
13 Mr. Thorsland asked the Board if they were in favor of approving the March 14, 2013, minutes as amended
14 and the Board agreed.

15
16 **The motion carried by voice vote.**

17
18
19 **5. Continued Public Hearing**

20
21 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**
22 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
23 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
24 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
25 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
26 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
27 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
28 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
29 **driveway separation between driveways in the same development; (4) require minimum driveway**
30 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
31 **(5) require for any proposed residential lot not served by a public water supply system and that is**
32 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
33 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
34 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
35 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
36 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
37 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
38 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
39 **the agency response.**

40
41 Mr. Thorsland stated that the petitioner has requested a continuance for Case 685-AT-11. He asked the

1 petitioner if he would like to add any information at this time and the petitioner indicated that he did not.
2
3 Mr. Thorsland stated that a suggested continuance date for this case is May 16, 2013.
4
5 Mr. John Hall, Zoning Administrator, agreed to a continuance date of May 16th.
6
7 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the May 16th meeting.
8
9 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Case 685-AT-11 to the May 16th**
10 **meeting. The motion carried by voice vote.**
11
12

13 **Case 687-AM-11 Petitioner: Phillip W. and Sarabeth F. Jones Request: Amend the Zoning Map to**
14 **change the zoning district designation from CR Conservation Recreation to AG-1Agriculture.**
15 **Location: An approximately 14 acre tract of land that is located in the North Half of the South Half of**
16 **the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois**
17 **Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and**
18 **County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**
19

20 **Case 688-S-11 Petitioner: Phillip W. and Sarabeth F. Jones Request: Authorize the construction and**
21 **use of a “Restricted Landing Area” for use by airplanes consistent with Illinois Department of**
22 **Transportation regulations and helicopter use for public safety assistance as needed and with limited**
23 **helicopter use for personal use, as a Special Use on land that is proposed to be rezoned to the AG-1**
24 **Agriculture Zoning District from the current CR Conservation Recreation Zoning District in related**
25 **zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by Section 6.1**
26 **that requires compliance with Footnote 11 of Section 5.3. Location: An approximately 14 acre tract of**
27 **land that is located in the North Half of the South Half of the Northeast Quarter of Section 27 of**
28 **Crittenden Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet**
29 **south of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and commonly**
30 **known as the property at 175N CR 1600E, Villa Grove.**
31

32 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.
33

34 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County
35 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
36 show of hands for those who would like to cross examine and each person will be called upon. He requested
37 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
38 that those who desire to cross examine are not required to sign the witness register but are requested to
39 clearly state their name before asking any questions. He noted that no new testimony is to be given during
40 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
41 exempt from cross examination.

1

2 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
3 sign the witness register for that public hearing. He reminded the audience that when they sign the
4 witness register they are signing an oath.

5

6 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

7

8 Mr. Alan Singleton, attorney for Dr. and Mrs. Jones, stated that additional information has been submitted
9 and he will review that information with the Board tonight. He said that an appraisal report was completed
10 by James Webster, MAI, SRA, and Mr. Webster indicated on page 14 of his report that the granting of a
11 special use permit to allow an RLA will not have a negative impact on real estate values in the
12 neighborhood. Mr. Singleton stated that Mr. Webster's appraisal is the second appraisal on the subject
13 property, one previously submitted by Cragg's Appraisal Service, and the neighbors have not submitted any
14 opinions from an appraiser but only from a realtor.

15

16 Mr. Singleton stated that at the last meeting the Board requested a letter from Mr. Bragg affirming that the
17 Jones have permission for the RLA to use the Bragg Farms property for the side transition. Mr. Singleton
18 stated that Mr. Bragg's letter was included in the additional information for the Board's review.

19

20 Mr. Singleton stated that the submitted information for the Board's review also includes an updated EcoCat
21 review which indicates that adverse effects are unlikely. He said that included in the submitted packet of
22 information is a photograph taken from Route 130 of Larry and Julia Hall's front yard showing a recreational
23 vehicle parked in the yard and the only reason why he included this photo was because recreational vehicles
24 travel up and down Route 130 every day and there are no special licenses required for their weight. He noted
25 that Mr. and Mrs. Fisher also have an RV parked on their property. Mr. Singleton stated that recreational
26 vehicles are typical examples of outdoor storage and land uses that might occur in a rural area.

27

28 Mr. Singleton stated that the submitted packet of new information includes a photograph of a sign located in
29 the University of Illinois Research Park which is an indication that it is an accepted practice of not mowing
30 in order to encourage native plant growth, increase habitat for wildlife, and promote sustainable landscapes.
31 He said that there has been criticism from Mr. Larry Hall regarding the fact that Dr. Jones has planted trees
32 along the property line. Mr. Singleton stated that the packet of information includes an aerial GIS map of the
33 Hall property showing the line of trees that Dr. Jones planted along the northern boundary of the property
34 which is an example of the customary practice in rural areas to allow planted trees to function as a fence or
35 border. Mr. Singleton stated that the packet of information includes a Property Management Plan created by
36 Bruce Stickers, as requested by staff and the Board. He said that the plan appears to be a general plan but it
37 is what was requested and it has been submitted. Mr. Singleton stated that the packet of information
38 includes a bar graph depicting the comparison of sound pressure levels (SPL) in decibels, including Cessna
39 aircraft and a Bell helicopter. He said that what was interesting is that there is no differential in sound and
40 the aircraft fit in to the decibel levels and are certainly lower than other item on the list. He said that with the
41 few passes that will be made by the helicopter and airplane the noise becomes a non-issue.

1
2 Mr. Singleton stated that there have been some questions about the trees which exist in the area of the
3 proposed hangar. He said that the hangar was going to be located behind the Fisher's residence although a
4 different location was chosen due to the proximity to the neighbor's homes and was relocated to its current
5 proposed location. He said that the movement of the proposed hangar appears to be coming back to bite the
6 petitioner. He said that Mr. Wayne Ward will present testimony indicating that he located a few trees which
7 are in the nine or ten inch diameter range in the proposed hangar area. Mr. Singleton stated that he visited
8 the property this morning to observe the species of trees and found Osage Orange and Locust trees which
9 both are known for their thorns. He presented the Board with an example of the thorns that thrive on both
10 types of trees in the hangar area. He said that also in this general area, not in the area where the hangar is
11 proposed, are old trees which have died and the next generation of trees in the overgrowth are Osage Orange
12 and Locust.

13
14 Mr. Singleton stated that the petitioners are proposing a special condition which requires Dr. Jones to plant
15 two hardwood trees of four inches in diameter or greater for every ten inch or greater tree that is removed
16 and that those trees be hearty varieties such as Red Oak. He said that Red Oak trees establish well and
17 would be a great way to set up the right kind of eco-system in a managed fashion and would still allow the
18 hangar to be built in the proposed area. He said that this will establish a better species for reforestation and
19 replace the trash trees with good trees. He said that eventually, 150-years or more, the area might return to
20 oak trees but if the petitioner is aggressive and plants a good species of trees the process could be accelerated
21 to establish a good hardwood forested area.

22
23 Mr. Singleton stated that due to the amount of evidence he agrees to the need for the Table Summarizing
24 Most Salient Evidence but on page 3, Item 2.d. indicates that there has been conflicting opinion from real
25 estate professionals about the impact that the proposed RLA may have on adjacent property values. He said
26 the only opinion from a real estate professional was from Mr. Cothorn, Keller Williams Real Estate, which
27 was submitted by the neighbor, and Mr. Cothorn made no representation that he is an appraiser and rendered
28 his opinion before the RLA was shifted further south away from the homes and rendered an opinion before
29 there were special conditions limiting the impacts and made the assumption that a commercial insecticide
30 plane would land and reload with chemicals and fuel. Mr. Singleton stated that anytime an appraiser makes
31 an assumption or bases an appraisal upon false assumptions it must be disregarded therefore there is no
32 appraisal evidence to back up any confusion.

33
34 Mr. Singleton stated that he would like to call the Board's attention to the conservation aspect of the grass on
35 the runway. He said that as he thinks about walking through the areas of the country which are not farmed
36 the water which runs down the streams is clear and that is because the farmland is not washing into the
37 stream. He said that to have a buffer strip, an area where grass is planted in order to conserve soil, is a good
38 thing and he submitted an article regarding this topic for review.

39
40 Mr. Singleton stated that the petitioners have tried very hard to remain positive and not criticize the
41 neighbors but Ms. Fisher submitted a photograph of a semi-trailer which has been placed on the Jones'

1 property therefore he must respond to that photograph. Mr. Singleton submitted a photograph of a trash pile
2 which Mr. and Mrs. Fisher have placed upon the petitioner's property and they built a fence which is
3 approximately 40 or 50 feet over the land and their attorney sent the petitioners a letter indicating that Mr.
4 and Mrs. Fisher are attempting to take the land by adverse possession. Mr. Singleton stated that he
5 understands that this hearing is not the forum for the dispute between the Fishers and the petitioner regarding
6 the fenced area but as the Board listens to the people who testify they must also understand the motivation
7 behind their testimony.

8
9 Mr. Singleton stated that Mr. John Hall set forth a map which showed the area which is adjacent to the Hall
10 home that he believed was better suited for CR. Mr. Singleton stated that he began reviewing zoning
11 ordinances and the Zoning Ordinance for Piatt County does not directly include a CR district but its closest
12 district to the CR district does allow a special use permit in that district. He submitted a copy of the section
13 from the Piatt County Zoning Ordinance for the Board's review.

14
15 Mr. Singleton stated that Mr. Larry Hall submitted information which included comparisons and arguments
16 to the fact that his property will be diminished in value because properties that are adjacent to commercial
17 airports are diminished in value. Mr. Singleton stated that to say that the restricted landing area with only a
18 few landings is the same as a commercial airport is to say that a driveway is the same thing as the Dan Ryan
19 Expressway. He said that I.D.O.T. has blessed this project in the sense that they set forth a standard
20 indicating that the RLA is at a safe distance and there are case laws suggesting that for the County to impose
21 additional safety standards would be inappropriate. He said that the RLA is further from the Hall home than
22 Route 130 is from the Hall home. He encouraged the Board to keep things in perspective as they weigh the
23 evidence for this restricted use of the property and restricted RLA and respectfully requests that the Board
24 approve it.

25
26 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were none.

27
28 Mr. Thorsland asked if staff had any questions for Mr. Singleton.

29
30 Mr. John Hall, Zoning Administrator, clarified that every time he mentioned a property management plan it
31 was when the petitioner had made claims of the good things that they have done on the property. He said
32 that property management can be more complicated than what can be handled in a zoning case and he is not
33 a big fan of it but when the petitioners are testifying that they have created habitat on their property the only
34 way that habitat is communicated to the County Board is if there is a plan or drawing that shows the location
35 of improved prairie and woodland habitat. He said that granting permission for an RLA to remove woodland
36 because some trees are going to be planted somewhere else is fine if that is what the ZBA wants then that
37 would work but the policies talk about habitat which is not just planting trees. He said that staff can tell the
38 petitioners what the policies are but it is up to the petitioners to decide what it means and the value that they
39 put on things therefore if it is purely the number of trees then that is one thing. He said that the original site
40 plan indicated a hangar at the extreme north end of the property which would have been rezoning a strip of
41 land almost one-half mile long and it may have not taken out many trees but it would have looked even more

1 peculiar than the small area where the hangar is currently proposed. He said that having a smaller strip of
2 land is a better thing but again this is the CR district and the whole point of the CR district is the natural and
3 scenic areas and proposing to remove the habitat that makes up the scenic and natural area is, in his mind, a
4 very significant thing but it remains to be seen what the ZBA thinks about that and it remains to be seen what
5 the County Board thinks about it.
6

7 Mr. Singleton stated that the Board must keep in mind that this is not old growth forest but is a thicket. He
8 said that if the petitioner plants new hardwood trees, as per the petitioner's proposed special condition, then
9 the area will be better.

10
11 Mr. Hall asked Mr. Singleton where the new trees are proposed to be planted.

12
13 Mr. Singleton asked Mr. Hall where he would like the trees.

14
15 Mr. Hall stated that he does not know and that is up to the Board. He recommended to the Board that the
16 new location for the trees not to be in an area that is grazed or subject to a lot of recreational traffic from
17 four-wheeled vehicles. He said that unless the Board is only concerned about having a certain number of
18 trees then anywhere that is not already treed, which appears to be the area to the east, would be the ideal
19 location. He said that if the Board is going to be open to the idea of planting trees somewhere then the
20 petitioner should take the time to call that area out on a plan and determine how large of an area that will be
21 and if the Board accepts it then great.
22

23 Mr. Thorsland asked if the Board or staff had any other questions for Mr. Singleton and there were none. He
24 noted that the relevance of the Piatt County semi-equivalent CR district is not something that the Board
25 should consider and if Piatt County is more favorable then perhaps the RLA would be better suited in Piatt
26 County not Champaign County.
27

28 Mr. Singleton stated that he understands Mr. Thorsland's point although Mr. John Hall has cited ordinances
29 in other counties for guidance.
30

31 Mr. Thorsland stated that very early on the Board talked about the tree management plan and there was
32 thought that the petitioners had a plan. He said that asking Mr. Hall where he would like the trees planted is
33 not as relevant as the Jones telling the Board, other than providing handouts from Mr. Stickers, where they
34 desire to place the trees. He said that this information would give the Board a better idea as to how to rule
35 on the map amendment.
36

37 Mr. Singleton stated that the petitioners have already planted 1,009 trees.
38

39 Mr. Thorsland stated that the Board is aware of that evidence but the driver for this issue is the petitioner
40 when it comes to the management plan and not the Board. He said that the Board has requested the
41 management plan previously and indeed the Board has more information than it had before. He said that

1 there has been a desire to rule on the case fairly soon although another packet of new information has been
2 submitted at tonight's meeting. He asked Mr. Singleton if he would like the Board to continue the case to a
3 later date so that the Board can digest the submitted information or move forward tonight and include the
4 new packet as evidence.

5
6 Mr. Singleton stated that the new packet of information can be included as evidence. He said that these
7 cases have been going on for a long time and it is time to get a ruling. He said that he assumes that most of
8 the Board members have made their decision by now anyway.

9
10 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Singleton and there were
11 none.

12
13 Mr. Thorsland called John Hall.

14
15 Mr. John Hall, Zoning Administrator, stated that the only new information from staff tonight is the
16 distributed Table Summarizing Most Salient Evidence Relevant to Special Use Permit Criteria and Map
17 Amendment Findings in Cases 687-AM-11 and 688-S-11. He said that the table is intended to be the salient
18 evidence, from staff's perspective, of the hundreds of pages of evidence and the task is to make that evidence
19 available at the time that the Board makes its final decision. He said that the table lists the decisions that are
20 necessary for the special use permit and the decisions which are necessary for the map amendment and the
21 ones that use the same information are put together and the most salient information is to the right. He said
22 that the Board can use the references to the items of evidence to go back and review the evidence for each
23 item in each instance but there are hundreds of pages of evidence for these cases and the table is merely an
24 attempt to assist the Board while they are working through their decisions. He said that staff did the best it
25 could to make sure that the salient evidence is both evidence for and evidence against, if there is evidence on
26 both sides, and staff did not cherry pick the evidence.

27
28 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

29
30 Mr. Thorsland stated that he will first call witnesses from the last public hearing that, due to the lateness of
31 the meeting, did not have the opportunity to testify.

32
33 Mr. Thorsland called Ben Shadwick to testify.

34
35 Mr. Ben Shadwick, who resides at 1004 Fox Run Drive, Villa Grove, stated that he owns a five acre parcel
36 of land which is adjacent to Dr. and Mrs. Jones' property. He said that he has attended every meeting
37 regarding these cases and would like to voice his support for the RLA. He said that he has known Dr. Jones
38 for a long time and has been present in aircraft under Dr. Jones' operation. He said that Dr. Jones is a
39 licensed pilot and the FAA does everything they can to assure that they have safe pilots. He said that there
40 has been a lot of discussion regarding safety and he does understand many of the concerns by the neighbors.
41 He said that in regards to habitat, Dr. Jones has taken leaps and bounds to promote habitat and would be

1 happy to show anyone what he and his wife have done with the property.
2

3 Mr. Shadwick stated that in the near future he intends to build a home on his five acres which is adjacent to
4 the subject property and the possibility of Dr. Jones having an RLA in proximity to his property will not
5 detour him from his plans. He urged the Board to move forward and make a decision tonight. He said that
6 he is sure that these cases has been hard on everyone but if the Board allows these cases to continue negative
7 comments will continuously be heard. He said that, like Mr. Singleton, he assumes that most of the Board
8 already has their mind made up therefore a final decision needs to be made soon.
9

10 Mr. Thorsland asked the Board if there were any questions for Mr. Shadwick and there were none.
11

12 Mr. Thorsland asked if staff had any questions for Mr. Shadwick.
13

14 Mr. Hall asked Mr. Shadwick if he could estimate how far the location of his future home will be from the
15 proposed RLA.
16

17 Mr. Shadwick stated that he would estimate 300 yards or less than 1,000 feet.
18

19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Shadwick at this time regarding
20 Case 688-S-11 only and there was no one.
21

22 Mr. Thorsland called Mr. Jody Eversole to testify.
23

24 Mr. Jody Eversole, who resides at 16 Hancock Drive, Villa Grove, stated that he cannot believe how long
25 these cases have continued on before this Board. He said that he grew up less than one mile from the subject
26 property and spent a lot of time canoeing up and down the river. He said that Dr. and Mrs. Jones have made
27 remarkable improvements to the property because at one time you could not even get through the property.
28 He said that Mrs. Jones is a school teacher for the Villa Grove Schools and she has a nature course that visits
29 the property. He said that he cannot believe how these cases have become all about trees and he would
30 recommend that anyone from the Board or staff visit the property to see the nature sanctuary that has been
31 established. He said that Dr. Jones has planted over 1,000 trees on the property which is a remarkable
32 amount. He said that he cannot see any reasons against the requests and the neighbors who are opposing the
33 requests are friends of his but it appears that the neighborhood has a Hatfield and McCoy scenario. He said
34 that it is absurd that the neighbors have accused the Jones of cutting down trees and not being
35 environmentally friendly because the property is 100 times better than it was prior to the Jones' ownership.
36

37 Mr. Eversole stated that the property is located along Route 130 therefore the issue of noise already exists.
38 He said that the main reason why he is in attendance is several county sheriffs are involved. He said that he
39 has been involved in politics most of his adult life and understands that when a political figure writes a letter
40 and places their name on it in support of a certain request then it is for a good reason. He said that at any
41 given time when Dr. Jones' assistance is required he drops his instruments and runs to assist. He said that

1 when Mr. Martin got lost in the Villa Grove area Dr. Jones provided his services in his helicopter to search
2 for him. He said that someone testified about aircraft flying through fires and being a detriment to the fire
3 fighters and law enforcement although this is not the practice of Dr. Jones because anytime someone calls
4 him to assist he provides his services.

5
6 Mr. Eversole stated that he considers himself an environmentalist as well and he drives past the subject
7 property every day and most of the time the property will look no differently because Dr. Jones does not
8 have a lot of time to fly due to his dentist practice.

9
10 Mr. Eversole thanked the Board for their time.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Eversole and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Mr. Eversole and there were none.

15
16 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Eversole regarding Case 688-S-11
17 only and there was no one.

18
19 Mr. Thorsland called Dr. William Jones to testify.

20
21 Dr. William Jones deferred to testify at this time.

22
23 Mr. Thorsland called Dr. Phillip Jones to testify.

24
25 Dr. Phillip Jones deferred to testify at this time.

26
27 Mr. Thorsland called Mark Fisher to testify.

28
29 Mr. Thorsland reminded Mr. Fisher that the Board requests that testimony remain brief and only contain new
30 information.

31
32 Mr. Mark Fisher, who resides at 195 CR 1600E, Villa Grove, stated that he feels that he must defend himself
33 in regards to the burn pile and fence line that was mentioned by Mr. Singleton. He said that the burn pile
34 and the fence line have been at its current location for over 20 years and the issue regarding ownership began
35 about one year ago. He said that the issue of the burn pile and fence line is a separate issue that cannot be
36 resolved by this Board.

37
38 Mr. Fisher stated that at the last meeting it was evident that the petition was not based on agriculture which
39 is important because it renews the question regarding what kind of aircraft are going to be used if not for
40 agriculture and how much noise will be produced. He said that at one point the petitioner stated that he
41 bought and sold planes as a broker therefore it is important to request the decibel levels of the aircraft that

1 Dr. Jones owns now because he may apparently own different aircraft in the future.
2
3 Mr. Fisher stated that at the last meeting Dr. Jones indicated that it is not his fault that the property is zoned
4 CR and that he does not care whether the County calls his property CR or AG-1 and only desires to obtain
5 the necessary permits for the RLA. Mr. Fisher stated that he and his wife purchased their property because it
6 was located in a conservation area but apparently the petitioner purchased his property mindless of what the
7 property was zoned which raises the question as to if the petitioner understands the difference between CR
8 and AG. Mr. Fisher stated that while it may not be the petitioner's fault as to how the property is zoned it is
9 still the responsibility of the landowner to educate themselves on local and county ordinances before land is
10 purchased for its intended use.
11
12 Mr. Fisher stated that he cannot see how a positive vote for the rezoning can occur until the tree issue at the
13 west end of the runway is resolved. He said that it is clear that trees are penetrating or have a significant
14 ability to penetrate the air space at the west end and what is most problematic is that the majority of the
15 hazardous trees are located on someone else's property. He said that the tree hazard area stretches from the
16 field on the east side of the river to the field on the west side of the river including the entire river basin
17 therefore how will the petitioner manage trees if they are not on his property. He cannot see how the Board
18 can approve the rezoning based on the tree issue alone.
19
20 Mr. Fisher stated that based on the reasons above and 37 other petitioners in opposition he requests that the
21 Board deny the petitioner's requests.
22
23 Mr. Thorsland asked the Board if there were any questions for Mr. Fisher and there were none.
24
25 Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.
26
27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fisher and there was no one.
28
29 Mr. Thorsland asked Mr. Fisher if he had any written testimony to present to the Board.
30
31 Mr. Fisher indicated that he did not.
32
33 Mr. Thorsland called Jean Fisher to testify.
34
35 Ms. Jean Fisher, who resides at 195 CR 1600E, Villa Grove, stated that on July 28, 2010, the Department of
36 Planning and Zoning received an inquiry from the Illinois Department of Transportation Division of
37 Aeronautics requesting if an applicant had received approval for an RLA. She said that the petitioner had
38 apparently applied to the Illinois Department of Transportation on October 5, 2009, for a certificate of
39 approval for an RLA and had indicated "yes" under the question whether local zoning had been approved on
40 the IDOT application for an Airport/RLA Certificate of Approval. She said that the Zoning Administrator
41 replied to IDOT indicating that no zoning approval had been issued. She said that the IDOT Certificate of

1 Approval was placed on hold while the applicant sought local zoning approval. Ms. Fisher stated that this is
2 the origin of the petitioner's case and since then not much has changed.
3

4 Ms. Fisher stated that it is more than evident that Dr. Jones wants what he wants and to the detriment of rural
5 life citizens who are generally called neighbors. She said that Dr. Jones wants an RLA which places a very
6 big risk to the neighbors who chose to live in harmony with the conservation area. She said that the
7 conservation areas are a more populous area of residence due to the beauty of the conservation and forested
8 eco-systems. She said that, in her opinion, it is unfortunate that Dr. Jones does not recognize the impact that
9 his request will have on the area. She said that the area is part of less than 1% of forested land in Champaign
10 County and 37 people recognize the impact and safety issues and gladly signed a petition to deny these
11 requests. She urged the Board to preserve our natural resources and protect the citizens of the E.E. Rogers
12 Subdivision and the three mile curve conservation district.
13

14 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.
15

16 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.
17

18 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Fisher and there was no one.
19

20 Mr. Thorsland called Mr. Larry Hall to testify.
21

22 Mr. Larry Hall, who resides at 177 CR 1600E, Villa Grove, stated the he intends to be brief although he
23 would like to comment on a few items that have been mentioned. He said that Mr. Singleton spoke about
24 the trees to the north although those trees existed when Mrs. Julia Hall purchased the property and they
25 divide their yard from the neighbor's yard. He said that the existing trees have never impaired the view of
26 the conservation area or the wildlife that she observed when she purchased the house. He said that anyone is
27 welcome to come visit their property for a current view because the photograph that was submitted with the
28 appraisal is approximately three years old. Mr. Hall submitted a current picture of his property for the
29 Board's review. He said that the only reason why an older picture might have been submitted was to send a
30 subliminal message that any financial impact upon his property would not amount to much.
31

32 Mr. Larry Hall stated that during the last meeting Mr. Thorsland asked Dr. Jones if he knew the sound level
33 of his helicopter and the standard sound ratings utilized by the FAA. Mr. Hall stated that Dr. Jones
34 responded that he had submitted a chart although it was very general. Mr. Hall stated that he completed
35 some further investigation and discovered that the FAA Aircraft Noise Levels, which he submitted, page 8
36 indicated propeller driven aircraft and of the 22 models of Cessna aircraft all but 2 are above the cited
37 decibel range on the chart. He said that Appendix 10 shows 9 models of Bell helicopters, which is the model
38 that the petitioner owns, are above the 85 decibels indicated on the chart. He said that for every 10 decibels
39 the noise level doubles.
40

41 Mr. Thorsland noted that he has the benefit of having a Zoning Board of Appeals that knows more about

1 decibels than he could ever imagine because sound decibels were a very extensive subject during the wind
2 farm ordinances. He said that there is no need to explain further what the decibels mean and the doubling of
3 the sound.

4
5 Mr. Larry Hall stated that it is very important to realize that it doesn't take much to double the sound and he
6 feels that giving examples of decibel levels at the lowest end of the range is very misleading.

7
8 Mr. Larry Hall stated that page 14 of the appraisal report indicates that the consultant has considerable
9 experience appraising residences which are near private landing strips such as Aero-Place east of Urbana as
10 well along with community airports including Monticello, Paxton, and Tuscola where nearby properties has
11 not been negatively impacted. Mr. Hall stated that the Google maps that he has submitted to the Board for
12 review indicates the lack of residences along those runways as they go out into the fields with the exception
13 of a home which is located on the north end across the highway at Paxton. He said that he personally located
14 that home and found that it had approval before it was constructed. He said that there is a row of houses
15 north of the Piatt County Airport and across the road and a building on the airport property. He said that the
16 FAA data information sheet dated March 7, 2013, recommends take off to the south to avoid noise sensitive
17 areas to the north of the airport which is the location of the homes. He said that north is where the homes are
18 located which recognizes that there is a noise issue with take-offs. He said that the airport houses only single
19 engine planes and hang-gliders and is meant for local aviation. He said that the proposed RLA always talks
20 about taking off to the east which is where Mr. Hall's home is located. He said that the Annual Review of
21 Aviation Accidents indicates that half of all aviation accidents occur during either take-off or landings.

22
23 Mr. Larry Hall stated that Mr. John Hall referenced that there were no comparables to support the opinion of
24 the consultant. Mr. Larry Hall stated that what we have is an unsupported professional personal opinion by a
25 real estate appraiser versus what he and his wife submitted earlier which was a professional personal opinion
26 by a leading real estate marketing firm, Keller-Williams Real Estate. He said that the opinion from Keller-
27 Williams Real Estate stated that the negative impact on his property's value would be considerable. Mr.
28 Larry Hall stated that the Board now has differing opinions, one is right and one is wrong, but he is not
29 willing to take the risk that only time is going to answer which one is right because he does not want to be
30 the example.

31
32 Mr. Larry Hall stated that in regards to the property management plan, Mr. John Hall referenced the
33 submitted report as a guideline for the property management plan, on April 7, 2013, Dr. Jones burned a large
34 portion of his field on the proposed RLA property. Mr. Larry Hall stated that he was not aware of the event
35 until someone from Villa Grove called him because they could see the flames. He said that immediately
36 Mrs. Hall went outside and she could also see the flames that were occurring during the night. Mr. Larry
37 Hall stated that at 7:56 p.m. he called Dr. Jones to make sure that someone was back there and Dr. Jones
38 assured him that there was someone back there and that it was a controlled burn and everything was okay.
39 Mr. Larry Hall stated that Mr. Bruce Stickers indicated in his letter attached to the proposed management
40 plan that an annual permit is required from the Illinois EPA for burning and this information is also stated in
41 the CCSWCD guidelines section, Practice Standard 338 for Prescribed Burning. He said that his research of

1 the IEPA website indicated that a permit had been not issued therefore he would like the Board to ask Dr.
2 Jones if a permit was obtained, and if so is the permit current. Mr. Larry Hall stated that the practice
3 standard indicates that burning will occur during daylight hours only and mop-up should be completed
4 before sunset. He said that the practice standard also indicates that adjoining landowners, utility companies
5 with facilities within the burn unit (overhead or underground) and residences and businesses within the first
6 mile of the anticipated airshed shall be notified prior to burning. Mr. Hall stated that the neighbors were not
7 notified. Mr. Hall stated that Dr. Jones violated the property management guidelines even though he assured
8 the Board that he would follow them. Mr. Hall stated that the burning is an example of the continued pattern
9 of not following the established rules for public safety therefore, how can we trust that the rules will be
10 followed for the RLA, especially when some of those rules are self-policing.

11
12 Mr. Larry Hall stated that he appreciates the Board's time and consideration and he requests that the Board
13 deny the petitioner's requests tonight.

14
15 Mr. Thorsland asked the Board if there were any questions for Mr. Larry Hall and there were none.

16
17 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall and there were none.

18
19 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there was no one.

20
21 Mr. Thorsland called Wayne Ward to testify.

22
23 Mr. Wayne Ward, who resides at 977N CR 1500E, Camargo, stated that he is only providing professional
24 engineering service for the issue before this Board tonight. He said that he has provided engineering services
25 for Dr. Jones on several occasions therefore he assumes that Dr. Jones was satisfied with his work which is
26 the reason why he employed him for this project. Mr. Ward stated that he has no bias one way or another
27 regarding this matter and as a matter of fact he has provided engineering services for several of the people
28 who have gone on record as being opposed to the proposed RLA. He said that he has worked with several of
29 the neighbors, Larry and Julia Hall, Damon Hood, Carl Brown, Justin Harrison and Wes Miller regarding
30 various projects and he is sure that they will tell the Board that he has provided professional services within
31 the rules and regulations of their particular issue.

32
33 Mr. Ward stated that for this project he provided engineering information and drawings that are based upon
34 the rules and regulations of the federal and state requirements as well as those of the Champaign County
35 Zoning Ordinance. Mr. Ward said that having said all of the above there seems to be some issues remaining.
36 He said that the issue of the trees located at the west end of the proposed RLA seem to continue to be a
37 concern and according to his measurements and calculations concerning those trees the height and location
38 will currently meet the federal, state and county requirements. He said that he has also reviewed the area that
39 is designated as the site for the hangar and if all of the brush and small trees were removed from the area it
40 would involve the removal of 3/10th of an acre of brush and small trees. He said that there are only a few
41 trees as large as 10 inches in diameter and the rest are small trees and a lot of brush. He said that there are

- 1 three trees existing together and one is a large locust that is approximately 24 inches in diameter but it is the
2 largest tree in the cluster. He said that there are no large, mature trees within the site and he has taken
3 photographs from all angles around the site to indicate that there are no large trees existing within the site
4 and those photographs have been provided to the Board for review.
5
- 6 Mr. Ward stated that he knows of no issues in the proposed plan that does not conform to all of the
7 regulations of the federal government, the state government and the Champaign County Zoning Ordinance
8 requirements.
9
- 10 Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.
11
- 12 Mr. Thorsland asked if staff had any questions for Mr. Ward.
13
- 14 Mr. Hall stated that staff enjoys working with Mr. Ward and for the projects that he works on he provides
15 some of the best engineering data that staff receives and Mr. Hall appreciates what has been provided
16 tonight. Mr. Hall asked Mr. Ward if the large tree indicated in Photo #17 is within the hangar site.
17
- 18 Mr. Ward stated that the large tree indicated in Photo #17 is outside of the designated area.
19
- 20 Mr. Hall asked Mr. Ward if the tree in the photo is an Oak tree.
21
- 22 Mr. Ward stated yes. He said that there is another large oak tree to the east of the designated area as well.
23
- 24 Mr. Hall asked Mr. Ward if the trees that he referred to during his testimony are the trees that are just across
25 the river on west end of the runway.
26
- 27 Mr. Ward stated that the trees that he referred to during his testimony are the trees that are closest to the
28 runway.
29
- 30 Mr. Hall asked Mr. Ward if he crossed the river to review that area.
31
- 32 Mr. Ward stated no.
33
- 34 Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.
35
- 36 Mr. Thorsland asked if staff had any additional questions for Mr. Ward and there were none.
37
- 38 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ward. He reminded the audience
39 that they may only ask Mr. Ward questions based upon his testimony.
40
- 41 Mr. Larry Hall asked Mr. Ward if he testified that the trees meet all requirements.

1

2 Mr. Ward stated yes.

3

4 Mr. Larry Hall asked Mr. Ward if he could state with professional authority that the future growth of the
5 trees will meet the requirements.

6

7 Mr. Ward stated certainly not.

8

9 Mr. Alan Singleton asked Mr. Ward if there was reason why he did not cross the river to measure the trees.

10

11 Mr. Ward stated that he measured the trees that would be affecting the 15:1 slope and those were the ones
12 that were the closest to that slope. He said that the trees that are further away are not a problem and the trees
13 that are closest to the runway are the ones that could create a problem. He said that anytime you go out on a
14 15:1 slope by the time you cross the river those trees are not a problem.

15

16 Mr. Thorsland asked the audience if there was anyone else who would like to cross examine Mr. Ward and
17 there was no one.

18

19 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
20 testimony regarding these cases and there was no one.

21

22 Mr. Thorsland closed the witness register.

23

24 Mr. Thorsland asked the Board if there were any questions for staff regarding these cases and there were
25 none.

26

27 Mr. Thorsland stated that the Board will review the map amendment first and once completed the Board will
28 review the special use.

29

30 Mr. Palmgren asked Mr. Hall if the Board is going to review the map amendment first, should the Board
31 ignore Case 688-S-11 during that review.

32

33 Mr. Hall stated that the policies discusses uses that are discretionary approvals and that is why the Board has
34 begun evaluating map amendments by a special use permit when there is one that is related. He said that the
35 Board cannot ignore Case 688-S-11 during the map amendment's review.

36

37 Mr. Palmgren read the following full disclosure statement: For the record, I have previously mentioned to
38 the Administrator and some of the ZBA members that I do know Dr. Phillip Jones and some members of his
39 family casually. Pilots tend to run into each other at pilot gatherings just as other groups with similar
40 interests would. At those infrequent times, no specifics of either case were discussed. I have no financial or
41 other interest in anything concerning the petitioners, nor the protestors, for that matter. I have never been on

1 the property in question although I have passed by it. Additionally, I have never been to Dr. Jones' residence
2 or office, nor have I flown with Dr. Jones or any family members. The record has shown that I am a private
3 pilot residing at Day Aero Place Residential Airport, sometimes called a "glorified RLA." My personal
4 experiences of flying from and living on this airstrip in very close proximity to numerous aircraft operations
5 for 17 years have caused me to take a special interest in these cases. Neither Dr. Jones nor any family
6 member has flown into Day Aero Place. Finally, after almost two years, eight meetings, many hours of staff
7 time and reams of documentation, I see no winners here, regardless of who prevails. I fear that these cases,
8 like Aero Place before them, will be a continuing issue for both parties unless differences can be resolved
9 among the participants.

10
11 Mr. Palmgren submitted his statement as a Document of Record.

12
13 Mr. Thorsland thanked Mr. Palmgren. He asked the Board if anyone was uncomfortable with Mr. Palmgren
14 voting on either case.

15
16 The Board indicated that they were not uncomfortable with Mr. Palmgren voting on either case.

17
18 Mr. Thorsland asked the petitioners if they were uncomfortable with Mr. Palmgren voting on either case.

19
20 The petitioners indicated that they were not uncomfortable with Mr. Palmgren voting on either case.

21
22 Mr. Thorsland stated that the Board will work through the Summary Finding of Fact. He said that if there
23 are relevant items that the Board would like to add to the Finding of Fact then this is the time to insert them.
24 He said that staff will update the Documents of Record to reflect the items which have been received tonight
25 and testimony will be inserted in the appropriate location.

26
27 Mr. Hall stated that prior to the meeting he noticed that the draft Findings of Fact that was mailed on April
28 17, 2013, Item #20.A on page 23, requires revision. He said that the decision is whether the proposed
29 rezoning will HELP ACHIEVE or NOT HELP ACHIEVE Objective 10.1 and the Board may recall that at
30 the last public hearing staff had received new information from the State Historic Preservation Agency
31 indicating that no Phase I Archaeological Survey is required. He said that unfortunately on the Summary
32 Finding of Fact Objective 10.1 is indicated under WILL NOT IMPEDE. He said that staff discussed this
33 issue and decided that they would put Objective 10.1 under WILL NOT IMPEDE since we now know that it
34 is not going to impede. He said that Objective 10.1 could be handled either way and it is certainly not going
35 to impede but in light of the fact that there are no resources at risk it could be left as HELP ACHIEVE. He
36 said that it is up to the Board and what they are comfortable doing but there is a contradiction and it needs to
37 be corrected. He said that this not detrimental to the case and is a good thing.

38
39 Mr. Passalacqua asked if the Board could indicate that it does not apply.

40
41 Mr. Hall stated that the petitioner could indicate that it does apply because the State Historical Preservation

1 Agency looked and decided that no Phase I Archaeological Survey is necessary. He asked the Board what
2 this means to them, does it mean that it WILL NOT IMPEDE or HELP ACHIEVE.

3
4 Mr. Palmgren stated that in a way it is not applicable and it is nothing that the petitioners should be dinged
5 for because State Historical Preservation Agency decided that no survey was required.

6
7 Mr. Thorsland stated that perhaps the Board could indicate an Item E indicating that GOAL 10 is a HELP
8 ACHIEVE because the petitioner did ask and received a letter indicating that no survey was necessary. He
9 said that the petitioner did take the appropriate steps that are part of the Goals and Policies of the LRMP. He
10 said if the Board could add Goal 10 to new Item E on the Summary Finding of Fact and indicate that the
11 proposed rezoning will HELP ACHIEVE Goal 10.

12
13 Mr. Palmgren agreed.

14
15 Mr. Hall stated that once the Board goes through the other Goals this will boil down to three sets, HELP
16 ACHIEVE, NOT IMPEDE and NOT RELEVANT and it remains to be seen if there are any other sets.

17
18 Mr. Thorsland asked the Board if they desired to work through each page of the Finding of Fact or would
19 they prefer to review the Summary Finding of Fact that has been prepared by staff.

20
21 Mr. Hall stated that he does not believe that the Board can adequately review the map amendment without
22 focusing on the special use and reminded the Board of all of the special conditions that are part of the special
23 use. He said that at this point there are a lot of special conditions that he is not sure will apply.

24
25 Mr. Passalacqua stated that he would like to review the Summary Finding of Fact in lieu of reviewing each
26 page of the Findings.

27
28 Mr. Thorsland asked Mr. Passalacqua if he wants to work both cases at the same time or just keep in mind
29 the special conditions that are associated with the special use.

30
31 Ms. Capel stated that the Board should review the special conditions associated with the special use prior to
32 review of the Summary Finding of Fact for the rezoning.

33
34 Mr. Thorsland read the special conditions proposed by the petitioner for Case 688-S-11 as follows:

35
36 A. There will be no tight northbound departures below 1,000 feet.

37
38 B. There will be an increased traffic pattern altitude of 1,500 feet above ground level as opposed
39 to the standard 1000 feet above ground level.

40
41 Mr. Palmgren stated that altimeters in aircraft use mean sea level. He said that the elevation at Aero Place

1 Subdivision is 700 feet and an 800 foot pattern or 1,500 feet m.s.l. which is what the pilot will review. He
2 said that the Board may want to change special conditions A and B to indicate mean sea level measurements.
3 He said that it is his opinion that doubling up on the height will not make a difference for noise but if that is
4 what the petitioner has agreed to do then he assumes that it is okay. He said that currently we are looking at
5 1,000 feet plus whatever the elevation is, which is approximately 650 feet, therefore giving a 1,650 foot
6 pattern altitude for aircraft.
7

8 Mr. Thorsland stated that the special conditions were proposed by the petitioners. He said that Mr.
9 Palmgren's input is very important and the Board looks to Mr. Palmgren for his aviation expertise.
10

11 Mr. Thorsland stated that per Mr. Palmgren's suggestion special condition A. would read as follows:
12

13 A. There will be no tight northbound departures below 1,000 feet above ground or 1,650 msl.
14

15 Mr. Palmgren agreed.
16

17 Mr. Thorsland stated that revised special condition A. would help someone who is not a pilot understand that
18 it 1,000 feet up from where they are standing and the pilot would understand that it is 1,650 msl.
19

20 Mr. Thorsland stated that the map amendment is relevant to the special condition and he is inclined to work
21 through the map amendment and staff is inclined that the Board at least considers the special condition in the
22 special use.
23

24 Mr. Hall asked the Board if they are contemplating making the two proposed conditions as special conditions
25 of the special use.
26

27 Mr. Thorsland stated that he is working through the special conditions with the Board as a process not
28 necessarily as final conditions. He said that Mr. Palmgren's submitted input as to how to revise the special
29 conditions proposed by the petitioner if they were a special condition is valuable. He said that he would like
30 to work through the Summary Finding of Fact for the map amendment keeping in mind the conditions
31 therefore perhaps the Board should only review the special conditions and not revise them at this time.
32

33 Mr. Courson asked how staff will enforce special conditions A and B. He said that he does not understand
34 how the special conditions can be relevant because people could call staff reporting that the plane is flying
35 lower than what they believe is 1,650 msl. He said that the proposed special conditions are a waste of time.
36

37 Mr. Thorsland asked Mr. Courson if he is indicating that the Board should not bother with proposed special
38 conditions A and B due to the enforcement issue.
39

40 Mr. Courson stated that it is nearly impossible to determine how high an airplane truly is unless you are
41 seated in the airplane looking at the altimeter therefore he doesn't see how the County can enforce such a

1 condition.

2
3 Mr. Thorsland stated that the one airport, not RLA, had a specific condition in its certificate which indicated
4 southbound departures only. He asked Mr. Palmgren if such a condition is something that IDOT may
5 propose if the petitioner had input.

6
7 Mr. Palmgren stated that if the pattern is to the south regardless of what runway is being used would be a
8 less safe thing to do because a standard aircraft pattern is to the left. He said that there are airports which
9 have conditions where they are near a hospital or something on the other side. He said that on the other side
10 if you take a standard one-half mile pattern from the runway and you throttle back the noise will be reduced
11 because when you are landing you are not at full power. He said that turning to the left is standard because
12 when you are in a fixed wing aircraft the pilot sits on the left side and when you have a right hand pattern the
13 pilot has a hard time seeing what he is approaching. He said that if pilots who are not familiar with the area
14 and in this case invitation only pilots, the petitioner will need to choose his friends carefully. He said that
15 Frasca Field has a right hand pattern and all left and right hand patterns are in the same area to the north of
16 the airport. He said that if you were to sit and watch the airfield you would observe that there are always
17 planes which are not in the correct pattern which occurs because pilots are human and are not used to things,
18 patterns that are not normal.

19
20 Mr. Thorsland stated that as a matter of time he will briefly read through the remaining special conditions so
21 that the Board has them in mind as they work through the map amendment.

22
23 Mr. Thorsland read staff's proposed special conditions as follows:

- 24
25 **A. The Restricted Landing Area must be in compliance with the approved Certificate of**
26 **Approval for operation from the Illinois Department of Transportation Division of**
27 **Aeronautics to ensure that the proposed RLA is operated so as to ensure public safety.**
28
29 **B. The petitioner shall apply for a Change of Use Permit within 30 days of the approval of**
30 **the special use permit or the proposed rezoning in related zoning case 687-AM-11,**
31 **whichever occurs last to ensure that compliance with the Zoning Ordinance within a**
32 **reasonable time frame.**
33
34 **C. The use of the RLA by fixed wing aircraft for non-public safety assistance shall be no**
35 **more than three take offs and three landings in any 28 day period whether that use is**
36 **by the petitioner or an invited guest to ensure that the use of the RLA does not become**
37 **excessive in such close proximity to a dwelling under other ownership.**
38
39 **D. The use of the RLA for personal helicopter use shall be limited to no more than two**
40 **takeoffs and two landings in any 28 day period whether that use is by the petitioner or**
41 **an invited guest to ensure that the use of the helicopter(s) for personal use does not**

- 1 exceed the amount of use authorized for fixed wing aircraft given that no Heliport-RLA
- 2 has been requested.
- 3
- 4 **E. No “FLY-In Event” (more than 6 planes) as described in 92 IL.Adm.Code 14.760 shall**
- 5 **occur on the subject property to ensure that the use of the RLA does not become**
- 6 **excessive in such close proximity to a dwelling under the other ownership.**
- 7
- 8 **F. The petitioner shall maintain at all times when take-offs and/or landings may occur at**
- 9 **the RLA, public liability and property damage insurance with a minimum coverage of**
- 10 **\$5 million dollars and a copy of a valid certificate of insurance shall be on file with the**
- 11 **Zoning Administrator when any take-offs or landings do occur to ensure that the**
- 12 **petitioner has adequate insurance to compensate anyone affected by injury or property**
- 13 **damage resulting from the operation of the RLA in such close proximity to a dwelling**
- 14 **under other ownership.**
- 15
- 16 **G. No pre-operation run up procedures shall be conducted east of the proposed hangar**
- 17 **location to ensure to prevent nuisance conditions resulting from the RLA.**
- 18
- 19 **H. All landing traffic patterns shall be flown exclusively south of the RLA to maximize the**
- 20 **distance between the aircraft landing at the RLA and the neighboring residential**
- 21 **properties to the north to ensure to minimize nuisance conditions resulting from the**
- 22 **RLA.**
- 23
- 24 **I. The Special Use Permit shall not be transferrable to future owners of the subject**
- 25 **property to ensure any future owner(s) of the subject property must also receive the**
- 26 **proper approvals for an RLA.**
- 27
- 28 **J. All aircraft (operable and inoperable) and aircraft parts must be stored in a fully**
- 29 **enclosed building/hangar at all times to ensure that nuisance problems do not arise as a**
- 30 **result of the establishment of the RLA.**
- 31
- 32 **K. The only aircraft that may be stored at the RLA and on the owner’s adjacent property**
- 33 **shall be limited to the owner’s aircraft and the aircraft owned by the parents, children,**
- 34 **or siblings of the owner which in no case shall exceed eight aircraft at any given time to**
- 35 **ensure that the proposed RLA only be used for aircraft of the owner and the immediate**
- 36 **family.**
- 37
- 38 **L. This RLA Special Use Permit does not authorize landscape or tree maintenance in the**
- 39 **wooded area in the CR District on the west side of the East Branch of the Embarrass**
- 40 **River and any tree trimming or removal of trees in that area pursuant to the RLA shall**
- 41 **cause this Special Use Permit to become void to ensure that the environmental quality of**

1 the wooded area is not damaged for the purpose of protecting the RLA certification by
2 IDOT.

3
4 M. No take-offs or landings shall occur at anytime other than during daylight hours except
5 as required for public safety assistance which may occur anytime necessary to ensure
6 that the use of the RLA does not occur at nighttime unless required for public safety
7 assistance.

8
9 N. There shall be a minimum separation distance of at least 230 feet between the nearest
10 point of the RLA and the nearest dwelling to ensure that the use of the RLA does not
11 pose unusual safety or nuisance concerns due to even closer proximity to a dwelling
12 under other ownership.

13
14 Mr. Thorsland requested that Mr. Hall explain the note under Special Condition N.

15
16 Mr. Hall stated that Special Condition N is not proposed as a condition so much as a reminder. He said that
17 if the Board does not believe that there is any minimum separation necessary then the note can be ignored
18 but if the Board believes that there is a minimum separation necessary that is greater than what the current
19 plan shows then the Board would either have to get the petitioner's agreement with the special condition
20 requiring that separation which doesn't make sense because it suggests that there must be a different plan.
21 He said that any condition that the Board imposes on the special use permit needs to be accepted by the
22 petitioner because the Board cannot impose a condition that the petitioner does not agree to which is why in
23 every special use the Board makes sure that they obtain that agreement. He said that the note is just a
24 reminder to not overlook this but again it is whatever standard the Board believes is reasonable.

25
26 Mr. Thorsland stated that keeping the special conditions in mind the Board should work on the Summary of
27 Evidence for the map amendment.

28
29 **Summary Finding of Fact:**

30
31 From the documents of record and the testimony and exhibits received at the public hearing conducted on
32 June 16, 2011, August 11, 2011, November 10, 2011, May 31, 2012, August 16, 2012, December 13, 2012,
33 March 14, 2012, and April 25, 2013, the Zoning Board of Appeals of Champaign County finds that:

34
35 1. The proposed amendment will NOT HELP ACHIEVE the Land Resource
36 Management Plan because of the following (objectives and policies are very briefly
37 summarized).

38 A. The proposed amendment will NOT HELP ACHIEVE Goal 4 Agriculture
39 because of the following:

40 •It will NOT HELP ACHIEVE Objective 4.1 requiring minimization of the
41 fragmentation of farmland, conservation of farmland, and stringent

1 development standards on best prime farmland because the only relevant
2 policies are the following:

- 3 • It will **HELP ACHIEVE** Policy 4.1.1 requiring that other land uses only be
4 accommodated under very restricted conditions or in areas of less
5 productive soils (see Item 14.A.(2)).
6

7 Mr. Thorsland stated that the Board’s first decision point is the following:

- 8
- 9 • It **DOES NOT** conform to Policy 4.1.6 requiring that the use, design,
10 site and location are consistent with policies regarding suitability,
11 adequacy of infrastructure and public services, conflict with agriculture,
12 conversion of farmland, and disturbance of natural areas (See Item
13 14.A.(3)).
14

15 Mr. Thorsland stated that it is up to the Board to decide whether or not this **DOES** or **DOES NOT** conform
16 to Policy and the Board will start with Policy 4.1.6. He said that it is suggested that it will **HELP ACHIEVE**
17 Policy 4.1.1.
18

19 Mr. Hall stated that it may be easier to answer Policy 4.1.6 after the Board reviews Policy 4.3 and Policies
20 8.5.1, 8.5.2, and 8.6 which are the policies which are at issue. He said that Policy 4.1.6 is somewhat odd in
21 that it is sort of overarching and cannot be answered until all of the other policies that are relevant to it have
22 been considered but the Board has had this case for a long time and the Board may know what works for
23 Policy 4.1.6.
24

25 Mr. Thorsland stated that if the Board prefers they could move on to Objective 4.3.
26

27 •It will **NOT HELP ACHIEVE** of Objective 4.3 requiring any discretionary
28 development to be on a suitable site because it will **NOT HELP ACHIEVE** the
29 following:

- 30 •It will **NOT HELPACHIEVE** Policy 4.3.1 requiring on other than best prime
31 farmland the County may authorize a discretionary review development if the
32 site is suited overall (See Item 14.C(1)).

33 And will **HELP ACHIEVE** the following:

- 34 •Policy 4.3.3 requirements existing public services be adequate to support the
35 proposed development effectively and safely without undue public expense (see
36 Item 14.C.(3)).
- 37 •Policy 4.3.4 requiring existing public infrastructure be adequate to support the
38 proposed development effectively and safely without undue public expense (See
39 Item 14.C.(4)).

40 **B.** The proposed amendment will **NOT HELP ACHIEVE** Goal 8 Natural
41 Resources because while it will neither not impede or is not relevant to the other

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Objectives and Policies under this goal, it will NOT HELP ACHIEVE the following:

•**Objective 8.5 requiring the County to encourage maintenance and enhancement of aquatic and riparian habitats because while it will either not impede or is not relevant to the other Objectives and Policies under this goal it, will NOT HELP ACHIEVE the following:**

•**Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (See Item 18.a.(2)).**

•**Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (See Item 18.A.(3)).**

•**Objective 8.6 that avoids loss of degradation of habitat because it will NOT HELP ACHIEVE the following:**

•**Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (See Item 18.B.(2)).**

And will HELP ACHIEVE the following:

•**Policy 8.6.3 requiring the County to use credible sources of information to identify priority areas for protection, restoration, preservation or enhancement (See Item 18.B.(3)).**

•**Policy 8.6.4 requiring implementation of IDNR recommendations of discretionary development sites that contain endangered or threatened species (see Item 18.B.(4)).**

C. The proposed amendment will NOT IMPEDE the following LRMP goal(s).

•**Goal 6 Public Health and Safety**

•**Goal 7 Transportation**

•**Goal 10 Cultural Amenities**

D. The proposed amendment is NOT RELEVANT to the following LRMP goal(s):

•**Goal 1 Planning and Public Involvement**

•**Goal 2 Governmental Coordination**

•**Goal 3 Prosperity**

•**Goal 5 Urban Land Use**

•**Goal 9 Energy Conservation**

Mr. Hall reminded the Board that the distributed Table Summarizing Most Salient Evidence Relevant to Special Use Permit Criteria and Map Amendment Findings for these cases is available for their review. He said that the idea of the table is to boil down the hundreds of pages of evidence down to the smallest and

1 fewest amount of words possible and the table finishes up the review of suitability that was begun in June
2 2011 and it is all underlined in the middle column and proposed under new item 14.C.(1)(b)ix., which is
3 Policy 4.3.1. He said that the new evidence talks about 38% of the area proposed for rezoning is at least
4 "highly suited" to the CR District based on the compatibility of the proposed Special Use Permit with the CR
5 District and changing the Zoning District will change the essential character of the CR District. He said that
6 the new evidence reviews the .671 acres where the hangar is proposed and the Board received new evidence
7 tonight regarding that .671 acres and he does not know if the proposed evidence necessarily changes whether
8 or not that land is highly suited to the CR District but it is relevant evidence. He said that the second bullet
9 talks about the 3.926 acres of existing CR District that is not wooded but is located near enough to the
10 existing wooded CR District such that the mature trees will likely penetrate the west Approach Area and is
11 located at or below the Base Flood Elevation which makes it susceptible to flooding and is therefore highly
12 suited to the CR District. He said that the third bullet talks about .953 acres of land within a 230 foot radius
13 of the adjacent dwelling located at 177CR1600E that is highly suited to the CR District based on
14 compatibility of the proposed Special Use Permit with the dwelling. He said that if the Board does not
15 believe that there is any minimum radius necessary or at least no more than what has been proposed, then the
16 land would no longer be highly suited to the CR District. He said that if the Board believes that 142 feet of
17 separation is adequate then the Board would not want to include bullet three in the evidence.

18
19 Mr. Passalacqua stated that he agrees with staff the proposed amendment does NOT IMPEDE Goals 6, 7 and
20 10 and is NOT RELEVANT to Goals 1, 2, 3, 5, and 9 but he can't find a reason to say anything other than
21 that Goals 4 and 8 do NOT HELP ACHIEVE.

22
23 Mr. Thorsland agreed with Mr. Passalacqua.

24
25 Mr. Thorsland asked Mr. Passalacqua if he is suggesting that Objectives 4.1, 4.3 and 4.3.1 should be
26 indicated as does NOT HELP ACHIEVE.

27
28 Mr. Passalacqua stated that Mr. Thorsland is correct.

29
30 Mr. Thorsland asked Mr. Passalacqua if he is indicating that the proposed map amendment DOES NOT
31 conform to Policy 4.1.6.

32
33 Mr. Passalacqua stated yes.

34
35 Mr. Thorsland asked Mr. Passalacqua if he is indicating that overall the proposed amendment will NOT
36 HELP ACHIEVE the Land Resource Management Plan.

37
38 Mr. Passalacqua stated yes.

39
40 Mr. Thorsland stated that the Board will now review Goal 8. He said Objective 8.5 requires that the County
41 encourages the maintenance and enhancement of aquatic and riparian habitats. He said that the Board has

1 received testimony tonight about the hangar area and the proposal to plant two trees for every one tree
2 removed that may or may not help achieve the goal of Objective 8.5. He read Policies 8.5.1 and 8.5.2 for the
3 Board.

4
5 Mr. Passalacqua stated that the proposed map amendment will NOT HELP ACHIEVE Objective 8.5.

6
7 Mr. Thorsland agreed.

8
9 Mr. Palmgren disagreed with Mr. Passalacqua due to all of the programs and replant that the petitioner has
10 started on the subject property. He said that essentially the airstrip itself is existing now therefore there are
11 no proposed changes, other than the petitioner is making the ground better than it is.

12
13 Mr. Thorsland asked Mr. Palmgren if he is indicating that the proposed map amendment will HELP
14 ACHIEVE Objective 8.5.

15
16 Mr. Palmgren stated yes.

17
18 Mr. Hall cautioned the Board that the Policies as they appear in the Draft Finding of Fact are not the
19 verbatim policies and he believes that the Board should be reading the full policies so that the Board cannot
20 be accused of working from an imperfect copy. He said that Policy 8.5.1. is located on page 19 of the
21 Summary of Evidence.

22
23 Mr. Thorsland requested that the Board read the verbatim text of Policy 8.5.1.

24
25 Mr. Hall stated that his view is that you do not have to enhance the degraded habitat just because there is
26 some on your property it is only when you are disturbing it. He said that the policies are meant to address
27 the areas that are being disturbed and not the entire property.

28
29 Mr. Palmgren stated that the only disturbance on the property is at the hangar location. He said that there
30 will be no change proposed at the location at the existing runway. He said that a plane could land on bare
31 land but the petitioner's management plan and their existing program is working to make the land better and
32 even though preservation is important sometimes you have to replant and clear brush that is not native.

33
34 Mr. Thorsland stated that the key words in Policy 8.5.1 are as follows: preserve existing habitat, enhance
35 degraded habitat and restore habitat. He said that there is an argument to be made that in the hangar area the
36 petitioner intends to restore habitat in a different location on the property. He said that Policy 8.5.2 reads as
37 follows: The County will require in its discretionary review that new development cause no more than
38 minimal disturbance to the stream corridor environment.

39
40 Mr. Palmgren stated that he believes that the proposed map amendment WILL ACHIEVE Policy 8.5.2
41 because they are not disturbing the stream corridor at all.

1

2 Mr. Thorsland asked Mr. Hall if the Board could change HELP ACHIEVE in the Summary Finding of Fact
3 to WILL ACHIEVE.

4

5 Mr. Hall stated that the Board can change the Summary Finding of Fact in any way that they desire. He said
6 that page 21 of 51 should indicate that the proposed rezoning WILL HELP ACHIEVE/WILL NOT
7 ACHIEVE/PREVENT ACHIEVEMENT OF Policy 8.5.2 for the same reasons as for Policy 8.5.1 above.

8

9 Mr. Thorsland asked the Board if they agreed with Mr. Palmgren in stating that Objective 8.5 will HELP
10 ACHIEVE Policy 8.5.1 and Policy 8.5.2.

11

12 Mr. Passalacqua stated that he will tend to agree with Mr. Palmgren regarding Policy 8.5.2 but he is shaky
13 about Policy 8.5.1. He said that he is thinking about the percentage of existing CR District in the County.

14

15 Mr. Thorsland stated that page 19 of 51 of the Draft Finding of Fact indicates Policy 8.5.1 and Mr.
16 Passalacqua points out that the proposed rezoning WILL NOT HELP ACHIEVE Policy 8.5.1 but Mr.
17 Palmgren points out that the proposed rezoning WILL HELP ACHIEVE Policy 8.5.2. Mr. Thorsland stated
18 that the discrepancy could be reflected in the Summary Finding of Fact.

19

20 Mr. Thorsland stated that Mr. Passalacqua is discussing the hangar area and how it is proposed to be
21 changed.

22

23 Mr. Palmgren stated that the airstrip itself will not be changed and the hangar area will not affect the airstrip.

24

25 Mr. Passalacqua agreed.

26

27 Mr. Thorsland stated that the hangar area is part of the map amendment and changing that area could be
28 enough argument to indicate NOT HELP ACHIEVE but at the same time since there is no intent to do
29 anything within the stream corridor the map amendment will HELP ACHIEVE Policy 8.5.2.

30

31 Mr. Hall stated that from a planning perspective the hangar area is also part of the stream corridor.

32

33 Ms. Capel stated that there is more to the stream corridor because it is an entire area and there is more to it
34 than just water, fish, deer and trees. She said that the stream corridor is an environment and there is going to
35 be a significant change and she does not agree that the map amendment will HELP ACHIEVE Policy 8.5.2.

36

37 Mr. Thorsland stated that the Board has taken a long circle and returned to the map amendment does NOT
38 HELP ACHIEVE Objective 8.5.

39

40 Mr. Palmgren stated that the petitioner will be enhancing habitat and restoring habitat and it is necessary to
41 do those things because they intend to build the hangar. He said that a replant of species which are more

1 suitable to the environment than the brush and locust trees is a big improvement to the area.

2
3 Mr. Thorsland stated that Ms. Capel is pointing out that it is not just the hangar area but the whole map
4 amendment and approving the map amendment will allow the special use which drives the changes to the
5 stream corridor and wooded areas. He said that after listening to Ms. Capel and Mr. Passalacqua and
6 thinking about as not what the petitioner has already done and how the area is now but what will happen if
7 the map amendment is approved and he tends to agree with Ms. Capel and Mr. Passalacqua's determination
8 of does NOT HELP ACHIEVE.

9
10 Mr. Palmgren stated that the Board is talking about less than 6/10ths of an acre and he does not see where
11 the surface of this will change from what it is today. He said that there will be no change to the airstrip
12 because they do not intend to take out any trees at the end.

13
14 Ms. Capel stated that the concern isn't just the particular intended special use but what happens when the
15 land changes from CR to AG-1 and the other uses that are allowed in the AG-1 District than in the CR
16 District. She said that the AG-1 District and the CR District have significantly different intents and the big
17 picture is how the RLA will impact the environment as a whole. She said that she understands that Dr. Jones
18 has had a positive impact on his property that is currently zoned CR but the request is to change the property
19 to AG-1.

20
21 Mr. Palmgren asked Ms. Capel to explain what ramifications will occur if the zoning is changed.

22
23 Ms. Capel stated that we would be taking a strip of CR that is right next to the woods and turning it into AG-
24 1 and that will create a lot of possibilities for that strip of land.

25
26 Mr. Thorsland stated that the special use permit, if approved, will expire if Dr. Jones no longer requires it but
27 the zoning will remain as AG-1. He said that the list of possible uses for AG-1 is very large in comparison
28 to the list for CR.

29
30 Mr. Palmgren stated that if the map amendment is approved there could be ramifications in the future if the
31 current occupant would leave the property the RLA would no longer be allowed.

32
33 Mr. Thorsland stated that the special use case hinges upon this map amendment but in broader perspective
34 once the map amendment is determined it will not change back if ownership changes. He said that special
35 conditions cannot be placed upon the map amendment therefore if the map is changed to AG-1 the land will
36 be different for a long time.

37
38 Mr. Palmgren stated that he does not know how long Dr. Jones intends to remain on the property but he
39 would imagine that the investments that have been made to make this project possible would indicate that he
40 is not planning on leaving the property any time soon.

1 Mr. Thorsland stated that the Board needs to remember that the special use is relevant to the map
2 amendment but the map amendment is its own thing and it will last forever. He said that the Board must
3 decide what will be achieved by the map amendment.
4

5 Mr. Palmgren asked if it would be possible for a special condition to be attached to the map amendment
6 indicating that if ownership changes the land would revert back to CR.
7

8 Mr. Thorsland stated that special conditions are never attached to map amendments.
9

10 Mr. Passalacqua stated that he agrees with Paul in that there is not a net impact of the airstrip but the net
11 impact is the rezoning of the ground from CR to AG-1. He said that the existing strip of grass will be
12 relatively unchanged but the net change is the rezoning.
13

14 Mr. Palmgren asked Mr. Thorsland how this dispute with findings will be handled.
15

16 Mr. Thorsland stated that a roll call vote could be taken but the Board needs to determine what they are
17 voting on.
18

19 Mr. Hall reminded the Board that Item 9.D.(1)(c) page 6 of 51 of the Draft Finding of Fact reads as follows:
20 The uses authorized by-right in the AG-1 District should be compatible with the uses authorized by-right in
21 the CR District. He said that he believes that the uses are compatible with the CR District also therefore the
22 concern about changing the zoning district and allowing other uses is not valid because the only uses that
23 would be a problem would be other special uses which always require approval by the ZBA. He said that, in
24 general, if it is AG-1 or CR disregarding the RLA from a staff perspective the land is more suitable for CR
25 given its natural qualities but in terms of the uses there is not much difference. He said that if the Board
26 disagrees with staff then maybe the Finding of Fact needs changed or reconsidered.
27

28 Mr. Palmgren asked Mr. Hall if the rezoning is not as big of a deal as others on the Board believe that it is.
29

30 Mr. Hall stated that he believes that the map amendment has to be looked at in context with the special use
31 and given that there is going to be three-quarters of an acre for the hangar area which will lose existing
32 vegetation it is a big deal. He said that the over-flight area across the river may be even a bigger deal and
33 letting an RLA go in when there is a lot of evidence indicating that it doesn't seem feasible in the long run
34 because of the trees on the other side of the river is a substantial question but as to whether it is AG-1 or CR
35 does not seem to be real meaningful. He said that the question is AG-1 with RLA or the existing CR.
36

37 Mr. Thorsland stated that the driver for the AG-1 zoning change is the special use permit and the only reason
38 why the ZBA is here tonight in trying to make a decision is because the Petitioner would like to obtain the
39 special use. He said that the changes to the CR District are because of the proposed special use but the Board
40 has to weigh whether or not it is warranted to change the zoning to AG-1 and what will be the long term
41 uses. He said that he agrees with Mr. Hall on some level regarding the by-right uses in both districts but

1 changing the zoning to AG-1 opens the property up to other applications for special use.

2
3 Mr. Hall stated that the ZBA will review every application for a proposed special use.

4
5 Mr. Thorsland stated that the Board needs to decide what two choices will be voted upon. He said that at
6 this point he believes that the two choices for Section B. of the Summary Finding of Fact are HELP
7 ACHIEVE or NOT HELP ACHIEVE. He said that the Board will include Objective 8.6 in the vote. He said
8 that he agrees with staff's recommendation of HELP ACHIEVE for Policies 8.6.3 and 8.6.4. He said that the
9 Board's roll call vote will be focusing on Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6 and Policy 8.6.2.

10
11 Mr. Thorsland entertained a motion whether or not Goal 8, Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6
12 and Policy 8.6.2. HELP ACHIEVE or NOT HELP ACHIEVE.

13
14 **Ms. Capel moved, seconded by Mr. Miller that the proposed map amendment will NOT HELP**
15 **ACHIEVE Goal 8, Objective 8.5, Policies 8.5.1, 8.5.2, Objective 8.6 and Policy 8.6.2. The motion**
16 **carried by voice vote.**

17
18 Mr. Thorsland requested a roll call vote.

19
20 **Courson-yes Miller-yes Palmgren-no**
21 **Passalacqua-yes Capel-yes Thorsland-yes**

22
23 Mr. Thorsland stated that the only items left to work on are Goals 6 and 7 which staff recommends that the
24 proposed map amendment will NOT IMPEDE. He said that Goal 10 Cultural Amenities will become Item
25 1.E. He said that staff recommends that the map amendment is NOT RELEVANT to Goals 1, 2, 3, 5, and 9.

26
27 Ms. Capel asked Mr. Thorsland if the Board needs to go back to Goal 4.

28
29 Mr. Thorsland stated that the Board determined that Goal 4 does NOT HELP ACHIEVE throughout.

30
31 Mr. Palmgren requested a vote on Goal 4.

32
33 Mr. Thorsland entertained a motion to vote "yes" for NOT HELP ACHIEVE for all items under Goal 4
34 except for Policy 4.1.6. He explained that a "yes" vote is for NOT HELP ACHIEVE for Goal 4, Objective
35 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1. He said that the Board previously reviewed and appeared
36 to have agreed with Mr. Passalacqua's recommendations that the map amendment does NOT HELP
37 ACHIEVE Goal 4, Objective 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1. Mr. Thorsland read the
38 findings under Item 1 as follows:

- 39 **1. The proposed amendment will NOT HELP ACHIEVE the Land Resource**
40 **Management Plan because of the following (objectives and policies are very briefly**
41 **summarized).**

- 1 A. **The proposed amendment will NOT HELP ACHIEVE Goal 4 Agriculture**
2 **because of the following:**
- 3 • **It will NOT HELP ACHIEVE Objective 4.1 requiring minimization of the**
4 **fragmentation of farmland, conservation of farmland, and stringent**
5 **development standards on best prime farmland because the only relevant**
6 **policies are the following:**
- 7 • **It will HELP ACHIEVE Policy 4.1.1 requiring that other land uses only be**
8 **accommodated under very restricted conditions or in areas of less**
9 **productive soils (see Item 14.A.(2)).**
- 10 • **It DOES NOT conform to Policy 4.1.6 requiring that the use, design,**
11 **site and location are consistent with policies regarding suitability,**
12 **adequacy of infrastructure and public services, conflict with agriculture,**
13 **conversion of farmland, and disturbance of natural areas (See Item**
14 **14.A.(3)).**
- 15 • **It will NOT HELP ACHIEVE of Objective 4.3 requiring any discretionary**
16 **development to be on a suitable site because it will NOT HELP ACHIEVE the**
17 **following:**
- 18 • **It will NOT HELPACHIEVE Policy 4.3.1 requiring on other than best prime**
19 **farmland the County may authorize a discretionary review development if the**
20 **site is suited overall (See Item 14.C(1)).**
21 **And will HELP ACHIEVE the following:**
- 22 • **Policy 4.3.3 requirements existing public services be adequate to support the**
23 **proposed development effectively and safely without undue public expense**
24 **(see Item 14.C.(3)).**
- 25 • **Policy 4.3.4 requiring existing public infrastructure be adequate to support**
26 **the proposed development effectively and safely without undue public**
27 **expense (See Item 14.C.(4)).**
- 28 B. **The proposed amendment will NOT HELP ACHIEVE Goal 8 Natural**
29 **Resources because while it will neither not impede or is not relevant to the other**
30 **Objectives and Policies under this goal, it will NOT HELP ACHIEVE the**
31 **following:**
- 32 • **Objective 8.5 requiring the County to encourage maintenance and**
33 **enhancement of aquatic and riparian habitats because while it will either not**
34 **impede or is not relevant to the other Objectives and Policies under this goal**
35 **it, will NOT HELP ACHIEVE the following:**
- 36 • **Policy 8.5.1 requiring discretionary development to preserve existing habitat,**
37 **enhance degraded habitat and restore habitat (See Item 18.a.(2)).**
- 38 • **Policy 8.5.2 requiring discretionary development to cause no more than**
39 **minimal disturbance to the stream corridor environment (See Item 18.A.(3)).**

- 1 •Objective 8.6 that avoids loss of degradation of habitat because it will NOT
- 2 HELP ACHIEVE the following:
- 3 •Policy 8.6.2 requiring new development to minimize the disturbance of habitat
- 4 or to mitigate unavoidable disturbance of habitat (See Item 18.B.(2)).
- 5 And will HELP ACHIEVE the following:
- 6 •Policy 8.6.3 requiring the County to use credible sources of information to
- 7 identify priority areas for protection, restoration, preservation or
- 8 enhancement (See Item 18.B.(3)).
- 9 •Policy 8.6.4 requiring implementation of IDNR recommendations of
- 10 discretionary development sites that contain endangered or threatened species
- 11 (see Item 18.B.(4)).

12 C. The proposed amendment will NOT IMPEDE the following LRMP goal(s).

- 13 •Goal 6 Public Health and Safety
- 14 •Goal 7 Transportation
- 15 •Goal 10 Cultural Amenities
- 16 D. The proposed amendment is NOT RELEVANT to the following LRMP goal(s):
- 17 •Goal 1 Planning and Public Involvement
- 18 •Goal 2 Governmental Coordination
- 19 •Goal 3 Prosperity
- 20 •Goal 5 Urban Land Use
- 21 •Goal 9 Energy Conservation

22

23 Mr. Thorsland entertained a motion that the map amendment does NOT HELP ACHIEVE Goal 4, Objective

24 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1.

25

26 **Ms. Capel moved, seconded by Mr. Courson that the map amendment does NOT HELP ACHIEVE**

27 **Goal 4, Objective 4.1, Policy 4.1.6, Objective 4.3, and Policy 4.3.1.**

28

29 Mr. Thorsland stated that a “yes” vote will finalize Item #1.A. of the Summary Finding of Fact and a “no”

30 vote will not.

31

32 Mr. Thorsland requested a roll call vote.

33

34	Miller-yes	Palmgren-no	Passalacqua-yes
35	Capel-yes	Courson-yes	Thorsland-yes

1
2 Mr. Kass noted that Goal 10 will be inserted in a similar format as the other Goals and Objectives under
3 HELP ACHIEVE. He said it will become new Item C. and the original items C. and D. will become D. and
4 E.

5
6 The Board agreed to staff's recommendation for Goal 10.

7
8 Mr. Thorsland called for a five minute recess.

9
10 **The Board recessed at 8:50 p.m.**

11 **The Board resumed at 8:58 p.m.**

12
13 Mr. Thorsland stated that after a discussion with staff and some of the petitioners the Board has made much
14 progress on the Jones' cases although the cases will not be completed tonight. He said that the Board has
15 another case on the agenda for the Board's review and the meeting will end at 10:00 p.m. He said that the
16 Board has indicated that they will not request any time extensions for tonight's meeting. He said that in
17 fairness to the next petitioner he would like to continue Case 687-AM-11 and Case 688-S-11 to the next
18 available date so that the Board can continue the work that has already been completed. He said that if there
19 is any time left after the next case is completed, prior to 10:00 p.m., the Board will return to Case 687-AM-
20 11 tonight.

21
22 Mr. Singleton asked if the Board would reconsider extending the meeting.

23
24 Mr. Thorsland stated no. He said that when the Board voted to begin tonight's meeting at 6:30 p.m. an
25 extension had already been considered.

26
27 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11.

28
29 **Mr. Palmgren moved, seconded by Mr. Courson to continue Cases 687-AM-11 and 688-S-11.**

30
31 Mr. Thorsland stated that staff has recommended that the cases be continued to May 2, 2013.

32
33 Mr. Palmgren stated that he will not be in attendance at a meeting on May 2, 2013.

34
35 Mr. Passalacqua stated that it is important to have Mr. Palmgren in attendance.

36
37 Mr. Thorsland stated that the meeting room is available for a special meeting on May 1, 2013.

38
39 Mr. Palmgren stated that he would be available for a meeting on May 1, 2013.

40
41 Mr. Thorsland asked the petitioners if they would be available for the meeting and the petitioner indicated

1 that they would be available.
2
3 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to May 1, 2013, at 7:00
4 p.m.
5
6 **Mr. Passalacqua moved, seconded by Mr. Palmgren to continue Cases 687-AM-11 and 688-S-11 to**
7 **May 1, 2013, at 7:00 p.m. The motion carried by voice vote.**
8
9 Mr. Singleton asked Mr. Thorsland if the Board will revisit Case 687-AM-11 tonight.
10
11 Mr. Thorsland stated that the Board will revisit Case 687-AM-11 if there is ample time after Case 741-AM-
12 13 is completed and if it is before 10:00 p.m.
13
14 Mr. Singleton asked Mr. Thorsland if any further testimony would be allowed.
15
16 Mr. Thorsland stated that previously he closed the witness register therefore unless there is a compelling
17 reason why the Board would request that he re-open it the witness register will remain closed.
18
19 The Board proceeded to Case 741-AM-13.
20
21 The Board completed Case 741-AM-13 and returned to Case 687-AM-11.
22
23 Mr. Thorsland read Finding #2.
24
25 **2. The proposed Zoning Ordinance map amendment IS NOT consistent with the *LaSalle***
26 **and *Sinclair* factors because of the following:**
27 **●There have been conflicting reports on the effect of neighboring property values.**
28 **●The proposed use could not be established without the proposed map amendment.**
29 **●The subject property is SUITABLE for the current zoned uses and is**
30 **NOT SUITABLE for the proposed Special Use Permit.**
31 **●The proposed map amendment on the basis of the proposed Special Use Permit, is**
32 **INCOMPATIBLE with the existing uses and zoning of nearby property.**
33 **●There IS a need and demand for the use based on petitioner’s evidence**
34 **regarding public safety.**
35 **●The proposed use DOES NOT CONFORM to the Champaign County Land**
36 **Resource Management Plan.**
37

- 1 Mr. Thorsland requested the Board's input for Finding #2.
2
- 3 Mr. Palmgren stated that regarding the third bulleted item he would recommend that the subject property is
4 SUITABLE for the current zoned uses and is SUITABLE for the proposed Special Use Permit.
5
- 6 Mr. Passalacqua asked if the finding is in regard to the property's current zoning.
7
- 8 Mr. Palmgren stated that staff has recommended SUITABLE for the current zoned uses. He said that he is
9 indicating that the subject property is SUITABLE for the proposed Special Use Permit.
10
- 11 Ms. Capel stated that she disagrees with Mr. Palmgren. She said that she would state that the subject
12 property is SUITABLE for the current zoned uses and is NOT SUITABLE for the proposed Special Use
13 Permit.
14
- 15 Mr. Palmgren disagreed with Ms. Capel.
16
- 17 Mr. Thorsland stated that the Board will continue with its review of the bullets and any items that require a
18 roll call vote the Board will return to that item and address it with a roll call vote.
19
- 20 Mr. Thorsland stated that regarding the fourth bulleted item he would recommend that the proposed map
21 amendment, on the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and
22 zoning of nearby properties because it is zoned CR and it would be CR continued nearby.
23
- 24 Mr. Palmgren disagreed.
25
- 26 Mr. Miller stated that regarding the fifth bulleted item he would recommend that there IS a need and demand
27 for the use.
28
- 29 Mr. Thorsland asked Mr. Miller if his determination is based upon the petitioner, public safety or some other
30 evidence.
31
- 32 Mr. Miller stated that his determination is based upon the petitioner and evidence regarding public safety.
33
- 34 Mr. Palmgren agreed with Mr. Miller.
35
- 36 Mr. Thorsland stated that regarding the sixth bulleted item he would recommend that the proposed use
37 DOES NOT CONFORM to the Champaign County Land Resource Plan.
38
- 39 Mr. Thorsland stated that by general consensus, but not by all members, he would entertain a motion that a
40 "yes" vote states the following: The proposed use is NOT SUITABLE for the proposed Special Use Permit;
41 and the proposed map amendment is INCOMPATIBLE with existing uses and zoning of nearby property;

1 and there IS a need and demand for the use; and that the proposed use DOES NOT CONFORM to the
2 Champaign County Land Resource Management Plan; and therefore IS NOT consistent with the *LaSalle* and
3 *Sinclair* factors.

4
5 Mr. Palmgren requested that each bulleted item be voted upon by roll call vote.

6
7 Mr. Hall stated that the first bullet, which is not a decision point, is a statement of fact. He said that in order
8 to give fair recognition of the study submitted by Mr. Webster the text indicating that no formal study has
9 been conducted regarding property values can be stricken.

10
11 Mr. Thorsland stated that the first bullet would read as follows: There have been conflicting reports on the
12 effect of neighboring property values.

13
14 Mr. Passalacqua stated that he does not agree with that either because he agrees with the testimony that only
15 bona-fide appraisers gave positive reports and an appraiser is one thing and a real estate broker is another.
16 He said that he would like the text to indicate the following: There have been conflicting reports on the
17 effect of neighboring property values but professional appraisers have agreed that there would be no affect
18 on property values.

19
20 Ms. Capel stated that you have to include the real estate broker's professional opinion and it is true that there
21 have been conflicting reports.

22
23 Mr. Hall stated that there were reports from Mr. Dan Cothorn, the Hillard Agency, Cragg's Appraisal
24 Service, and James Webster, MAI. He said that Mr. Webster is the only appraiser that submitted an
25 extensive report.

26
27 Mr. Passalacqua stated that the text for the first bullet should read as follows: There have been conflicting
28 reports on the effect of neighboring property values.

29
30 Mr. Thorsland asked the Board if they agreed with Mr. Passalacqua's proposed text for the first bullet and
31 the Board agreed.

32
33 Mr. Thorsland stated that second bullet is very straight forward in stating the following: The proposed use
34 could not be established without the proposed map amendment.

35
36 Mr. Thorsland stated that the third bullet has been requested by the majority of the Board to indicate the
37 following: The subject property is SUITABLE for the current zoned uses and is NOT SUITABLE for the
38 proposed Special Use Permit.

39
40 Mr. Thorsland entertained a motion that a "yes" vote is an indication that the subject property is SUITABLE
41 for the current zoned uses and is NOT SUITABLE for the proposed Special Use Permit.

1
2 **Mr. Courson moved, seconded by Ms. Capel that the subject property is SUITABLE for the current**
3 **zoned uses and is NOT SUITABLE for the proposed Special Use Permit.**
4

5 Mr. Thorsland requested a roll call vote.
6

7 **Miller-yes** **Palmgren-no** **Passalacqua-yes**
8 **Capel-yes** **Courson-yes** **Thorsland-yes**
9

10 Mr. Thorsland stated that the fourth bullet has been requested by the majority of the Board to indicate the
11 following: The proposed map amendment, on the basis of the proposed Special Use Permit, is
12 INCOMPATIBLE with the existing uses and zoning of nearby properties.
13

14 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on
15 the basis of the proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of
16 nearby properties.
17

18 Mr. Passalacqua stated that we have AG-1 on one side and CR on the other so it is compatible on one side
19 and incompatible on the other therefore we have an invisible line where it is and is not.
20

21 Ms. Capel stated that we are talking about the map amendment, on the basis of the Special Use Permit.
22

23 Mr. Thorsland stated that the bullet is asking if the proposed map amendment is COMPATIBLE or
24 INCOMPATIBLE with the existing uses and zoning of nearby properties. He said that the proposed hangar
25 goes up into CR therefore it is not just abutting on one side. He said that the perimeter of the north part
26 includes the lines that go up and encompass the hangar area as well and all of that remains CR therefore if
27 we go mathematically it abuts more CR than AG-1.
28

29 **Ms. Capel moved, seconded by Mr. Courson that the proposed map amendment, on the basis of the**
30 **proposed Special Use Permit, is INCOMPATIBLE with the existing uses and zoning of nearby**
31 **properties.**
32

33 Mr. Thorsland requested a roll call vote.
34

35 **Miller-yes** **Palmgren-no** **Passalacqua-yes**
36 **Capel-yes** **Courson-yes** **Thorsland-yes**
37

38 Mr. Thorsland stated that the Board agreed that the fifth bullet should indicate that there IS a need and
39 demand for the use. He asked the Board if they were still in agreement.
40

41 Mr. Courson asked if it would be appropriate to indicate that the petitioner has indicated that there IS a need

1 and demand for the use.

2
3 Mr. Hall stated that this is the special use criteria but the finding is however the Board chooses it to be. He
4 said that the Board has always assumed that if someone comes to the Board to request something then there
5 apparently is a need. He said that another way to look at this is if the petitioner’s request is enough of a need
6 and all he can say is that the Board should be clear as to how they are interpreting this and applying it but it
7 is really up to the Board. He said that on the Special Use Permit the Board still has the first criteria of
8 necessary for public convenience.

9
10 Mr. Thorsland stated that this could be worded differently and states the following: There is a need and a
11 demand for the use as expressed by the petitioner and public safety crew or based upon the need of the
12 petitioner there is a demand for the use.

13
14 Ms. Capel stated that the Board should make it clear whether or not we are considering public safety.

15
16 Mr. Hall reminded the Board that Sheriff Walsh made it very clear in his letter of support that he was not
17 addressing all of the other zoning issues and was leaving that up to the Board. He did not say that this is a
18 good thing regardless of the impacts. He said that the Board has not included as a special condition that the
19 petitioner provides public safety assistance in the special use.

20
21 Mr. Thorsland asked the Board if they agreed that there is a need and demand for the use.

22
23 The Board agreed.

24
25 Mr. Thorsland stated that the consensus of the Board was that the sixth bullet should indicate the following:
26 The proposed use DOES NOT CONFORM to the Champaign County Land Resource Management Plan.

27
28 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed use DOES NOT
29 CONFORM to the Champaign County Land Resource Management Plan.

30
31 **Ms. Capel moved, seconded Mr. Passalacqua that the proposed use DOES NOT CONFORM to the**
32 **Champaign County Land Resource Management Plan.**

33
34 Mr. Thorsland requested a roll call vote.

35
36 **Miller-yes Palmgren-no Passalacqua-yes**
37 **Capel-yes Courson-yes Thorsland-yes**

38
39 Mr. Thorsland stated that by “yes” votes to “no” votes he concludes that the proposed Zoning Ordinance
40 map amendment IS NOT consistent with the *LaSalle* and *Sinclair* factors. He said that if there is a
41 disagreement the Board could take a roll call vote as well.

1
 2 The Board agreed that the proposed Zoning Ordinance map amendment IS NOT consistent with the *LaSalle*
 3 and *Sinclair* factors and that no roll call vote was necessary.

4
 5 Mr. Thorsland read Finding #3.

6
 7 **3. The proposed Zoning Ordinance map amendment will HELP ACHIEVE/PREVENT**
 8 **ACHIEVEMENT OF the purpose of the Zoning Ordinance because:**

- 9 ●The proposed map amendment, on the basis of the proposed Special Use Permit is
 10 either fully consistent with or will not impede the achievement of 10 of the 18 Purpose
 11 statements.
- 12 ●The proposed map amendment, on the basis of the proposed Special Use Permit,
 13 DOES secure adequate light, pure air, and safety from fire and other dangers
 14 (Purpose 2.0 (a) see Item 23.A.).
- 15 ●The proposed map amendment, on the basis of the proposed Special Use Permit,
 16 DOES/DOES NOT conserve the value of land, buildings and structures
 17 throughout the County (Purpose 2.0 (b) see Item 23.B.).
- 18 ●The proposed map amendment, on the basis of the proposed Special Use Permit,
 19 DOES NOT promote the public health, safety, comfort, morals, and general
 20 welfare (Purpose 2.0 (e) see Item 23.E.).
- 21 ●The proposed map amendment, on the basis of the proposed Special Use Permit,
 22 DOES NOT protect natural features such as forested areas and
 23 watercourses (Purpose 2.0 (o) see Item 23.O.).
- 24 ●The proposed map amendment, on the basis of the Special Use Permit DOES NOT
 25 do the following:
 26 •it adequately restricts the location of trades and industries and the location of
 27 buildings, structures, and land designed for specified land uses; and
 28 •it is consistent with the existing division of the County into Districts and
 29 different classes according to the use of land, buildings and structures, intensity of
 30 the use of lot area, and other classification as may be deemed best suited to carry out
 31 the purpose of the ordinance; and
 32 •it is consistent with the regulations and standards to which buildings, structures or
 33 uses therein shall conform; and
 34 •it is consistent in its prohibition uses, buildings, or structures incompatible with the
 35 character of such District. (Purposes 2.0 Ii) (j) (k) and (l); see Items 23.I., J., K. and
 36 L.).

37 Mr. Thorsland stated that regarding the second bulleted item he is not sure how a map amendment has much

1 to do about adequate light, pure air, and safety from fire and other dangers. He asked Mr. Hall if the Board
2 is to consider the Special Use Permit request to drive the finding for this item.

3
4 Mr. Hall stated that if the Board looks back at the evidence it is on the basis of the proposed Special Use
5 Permit therefore that would be the intent. He recommended that the phrase, "on the basis of the proposed
6 Special Use Permit," be added prior to every decision point.

7
8 Mr. Thorsland read the second bulleted item as follows: The proposed map amendment, on the basis of the
9 proposed Special Use Permit, DOES/DOESNOT secure adequate light, pure air, and safety from fire and
10 other dangers (Purpose 2.0(a) see Item 23.A). He said that he would assume that this is based on the special
11 conditions that the Board intends to tack on to the special use permit. He said that the underlying theme of
12 these questions is that the Board needs to consider not only the Special Use Permit but the fact that it
13 includes many special conditions as well and most special conditions have something to do with light, air
14 and public safety.

15
16 Ms. Capel stated that the proposed map amendment, on the basis of the proposed Special Use Permit, DOES
17 secure adequate light, pure air, and safety from fire and other dangers.

18
19 Mr. Thorsland asked the Board if they agreed with Ms. Capel's recommendation and the Board agreed.

20
21 Mr. Thorsland read the third bulleted item as follows: The proposed map amendment, on the basis of the
22 proposed Special Use Permit, DOES/DOES NOT conserve the value of land, buildings and structures
23 throughout the County (Purpose 2.0 (b) see Item 23.B).

24
25 Mr. Palmgren stated that he does not understand how this one use affects the entire County.

26
27 Mr. Hall stated that this is our own Zoning Ordinance and it states that one purpose is to conserve the value
28 of land, buildings and structures throughout the County. He said that he does not believe that they really
29 meant that every decision has to conserve all of the value of all of the land in the whole County because on
30 the face of it that is ridiculous. He said that he believes that it really means that when the Zoning Ordinance
31 is applied we will make sure that it does "this" in every instance.

32
33 Mr. Thorsland stated that meaning in this part of the County are we conserving the value of land, buildings
34 and structures.

35
36 Mr. Palmgren stated that we are referring to the area in question.

37
38 Mr. Thorsland stated yes and the surrounding area. He said that the proposed map amendment, on the basis
39 of the Special Use Permit, DOES/DOES NOT conserve the value of land, buildings and structures
40 throughout the County, meaning adjacent and that particular piece. He asked Mr. Hall if he was correct.

41

1 Mr. Hall stated yes.
2
3 Mr. Passalacqua stated that appraisals have been submitted indicating that it DOES and that it DOES NOT.
4
5 Mr. Thorsland requested a motion.
6
7 **Mr. Passalacqua moved, seconded by Mr. Miller that the proposed map amendment, on the basis of**
8 **the Special Use Permit, DOES conserve the value of land, buildings and structures throughout the**
9 **County.**
10
11 Mr. Thorsland stated that a “yes” vote is an indication that the proposed map amendment, on the basis of the
12 Special Use Permit, DOES conserve the value of land, buildings and structures throughout the County.
13
14 Mr. Thorsland requested a roll call vote.
15
16 **Capel-no Courson-no Miller-yes**
17 **Palmgren-yes Passalacqua-yes Thorsland-no**
18
19 Mr. Thorsland indicated that the Board has indicated a tie vote.
20 Mr. Hall stated that the Board will have the same decision point in the Special Use Permit case.
21
22 Mr. Thorsland read the fourth bulleted item as follows: The proposed map amendment, on the basis of the
23 proposed Special Use Permit, DOES/DOES NOT promote the public health, safety, comfort, morals, and
24 general welfare (Purpose 2.0 (e) see Item 23.E).
25
26 Mr. Thorsland stated that for the purpose of voting he will indicate that the proposed map amendment, on
27 the basis of the proposed Special Use Permit, DOES NOT promote the public health, safety, comfort,
28 morals, and general welfare.
29
30 Mr. Passalacqua agreed with Mr. Thorsland.
31
32 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on
33 the basis of the proposed Special Use Permit, DOES NOT promote the public health, safety, comfort, morals
34 and general welfare.
35
36 **Ms. Capel moved, seconded by Mr. Courson that the proposed map amendment, on the basis of the**
37 **proposed Special Use Permit, DOES NOT promote the public health, safety, comfort, morals and**
38 **general welfare.**
39
40 Mr. Thorsland requested a roll call vote.
41

1 **Miller-yes** **Palmgren-yes** **Passalacqua-yes**
2 **Capel-yes** **Courson-yes** **Thorsland-yes**
3

4 Mr. Thorsland read the fifth bulleted item as follows: The proposed map amendment, on the basis of the
5 proposed Special Use Permit, DOES/DOES NOT protect natural features such as forested areas and
6 watercourses (Purpose 2.0 (o) see Item 23.O).
7

8 Mr. Thorsland stated that the proposed map amendment, on the basis of the proposed Special Use Permit,
9 DOES NOT protect natural features such as forested areas and watercourses.
10

11 Mr. Palmgren disagreed with Mr. Thorsland’s recommendation. He said that the petitioner has done a lot of
12 work to preserve and protect the natural features.
13

14 Mr. Miller stated that testimony and evidence has been received indicating the petitioner’s work to protect
15 the forested area.
16

17 Mr. Thorsland entertained a motion that a “yes” vote is an indication that the proposed map amendment, on
18 the basis of the proposed Special Use Permit, DOES NOT protect the natural features such as forested areas
19 and watercourses.
20

21 **Ms. Capel moved, seconded by Mr. Passalacqua that the proposed map amendment, on the basis of**
22 **the proposed Special Use Permit, DOES NOT protect the natural features such as forested areas and**
23 **watercourses.**
24

25 Mr. Thorsland requested a roll call vote.
26

27 **Miller-no** **Palmgren-no** **Passalacqua-yes**
28 **Capel-yes** **Courson-yes** **Thorsland-yes**
29

30 Mr. Thorsland read the sixth bulleted item as follows: The proposed map amendment, on the basis of the
31 proposed Special Use Permit, DOES/DOES NOT do the following: •it adequately restricts the location of
32 trades and industries and the location of buildings, structures, and land designed for specified land uses; and
33 •it is consistent with the existing division of the County into Districts and different classes according to the
34 use of land, buildings and structures, intensity of the use of lot area, and other classification as may be
35 deemed best suited to carry out the purpose of the ordinance; and •it is consistent with the regulations and
36 standards to which buildings, structures or uses therein shall conform; and •it is consistent in its prohibition
37 uses, buildings, or structures incompatible with the character of such District. (Purposes 2.0 (i) (j) (k) and (l);
38 see Items 23.I., J., K. and L.).
39

40 Mr. Thorsland stated that his recommendation for this finding is DOES NOT.
41

1 Mr. Thorsland entertained a motion that a “yes” vote is a recommendation of DOES NOT for this finding.
2

3 **Mr. Courson moved, seconded by Ms. Capel that the proposed map amendment, on the basis of the**
4 **proposed Special Use Permit, DOES NOT do the following: •it adequately restricts the location of**
5 **trades and industries and the location of buildings, structures, and land designed for specified land**
6 **uses; and •it is consistent with the existing division of the County into Districts and different classes**
7 **according to the use of land, buildings and structures, intensity of the use of lot area, and other**
8 **classification as may be deemed best suited to carry out the purpose of the ordinance; and •it is**
9 **consistent with the regulations and standards to which buildings, structures or uses therein shall**
10 **conform; and •it is consistent in its prohibition uses, buildings, or structures incompatible with the**
11 **character of such District. (Purposes 2.0 (i) (j) (k) and (l); see Items 23.I, J, K. and L.).**
12

13 Mr. Thorsland requested a roll call vote.

15	Capel-yes	Courson-yes	Miller-yes
16	Palmgren-no	Passalacqua-yes	Thorsland-yes

17
18 Mr. Thorsland stated that the Board has received many, many documents and pieces of evidence therefore he
19 is leaving it up to staff to accurately update the Documents of Record.
20

21 Mr. Thorsland stated that the Board must decide whether or not they are going to move to a Final
22 Determination on Case 687-AM-11 without going through all of the Special Use Permit, which is driving the
23 map amendment. He said that the Board must keep in mind that if the petitioners so chooses they can take a
24 denial to the County Board without a decision on the Special Use Permit. Mr. Thorsland asked the Board if
25 they desired to work through all of the evidence on the Special Use Permit or continue with Case 687-AM-
26 11 and move to a Final Determination.
27

28 Mr. Passalacqua asked what the petitioner needs to take this to the County Board regardless of the vote. He
29 asked if the Board needs to complete both cases to accommodate the petitioner.
30

31 Mr. Thorsland stated that he believes that the answer would be that the petitioner should have a complete
32 package when he presents his case to the County Board. Mr. Thorsland deferred the correct answer to Mr.
33 Hall.
34

35 Mr. Hall stated that he would expect the County Board to say that they will defer the case until the ZBA
36 takes action on the Special Use Permit.
37

38 Mr. Passalacqua stated that either way the Board is going to have to complete both cases.
39

40 Mr. Hall stated that the County Board would appreciate it because sending a map amendment without a
41 decision on the special use is a convenient way to put off voting on the map amendment therefore the ZBA

1 didn't achieve anything.
2
3 Mr. Thorsland asked Mr. Hall if the ZBA or the petitioner decides whether or not the map amendment would
4 go to the County Board.
5
6 Mr. Hall stated that only the petitioner decides whether or not the map amendment would go to the County
7 Board.
8
9 Mr. Thorsland stated that if the ZBA makes a decision on the map amendment tonight it is up to the
10 petitioner to decide whether or not they want the map amendment to go to the County Board alone or include
11 the special use decision. He said that he will assume that the ZBA is not going to make a final decision on
12 the Special Use Permit tonight. He asked the Board if they desired to complete the Final Determination for
13 the map amendment case tonight and continue Case 688-S-11 at the special meeting on May 1st.
14
15 Mr. Passalacqua stated if he was in the petitioner's shoes, regardless of the recommendation, he would want
16 a final decision on the map amendment so that he can decide what he wants to do regarding the County
17 Board.
18
19 Mr. Thorsland proposed that the Board complete the Final Determination tonight and continue the Special
20 Use Permit case on May 1st.
21
22 Mr. Thorsland entertained a motion to approve the Findings of Fact and Documents of Record.
23
24 **Mr. Palmgren moved, seconded by Mr. Courson to approve the Findings of Fact and Documents of**
25 **Record as amended. The motion carried by voice vote.**
26
27 Mr. Thorsland entertained a motion to move to a Final Determination for Case 687-AM-11.
28
29 **Ms. Capel moved, seconded by Mr. Courson to move to a Final Determination for Case 687-AM-11.**
30 **The motion carried by voice vote.**
31
32 Mr. Thorsland informed the petitioner that a full Board is present at this time with one vacant seat therefore
33 it is at his discretion whether to move to a final determination with the present Board or continue the case
34 until the vacant seat is filled.
35
36 Mr. Singleton requested that the present Board proceed to the Final Determination.
37
38 Mr. Hall noted that on a Final Determination a tie is a denial even if the motion is to approve and there is no
39 reconsideration.
40
41 Mr. Singleton stated that he understands Mr. Hall's concern and requested that the Board proceed.

1
2 **Final Determination for Case 687-AM-11:**
3

4 **Ms. Capel moved, seconded by Mr. Courson that pursuant to the authority granted by Section 9.2 of**
5 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
6 **determines that the Zoning Ordinance Amendment requested in Case 687-AM-11 should NOT BE**
7 **ENACTED by the County Board in the form attached hereto.**
8

9 Mr. Thorsland requested a roll call vote.

11	Miller-yes	Palmgren-no	Passalacqua-yes
12	Capel-yes	Courson-yes	Thorsland-yes

13
14 Mr. Hall informed the petitioners that they have received a recommendation for denial for Case 687-AM-11
15 therefore the case will be placed on the May 9, 2013, Environment and Land Use Committee meeting
16 agenda. He said that he assumes that the petitioner wants the case forwarded to ELUC.
17

18 Mr. Singleton asked Mr. Hall if the Board will complete Case 688-S-11 prior to forwarding it to ELUC.
19

20 Mr. Thorsland stated that the ZBA will not complete Case 688-S-11 tonight. He said that Case 688-S-11 has
21 been continued to the May 1st Special Meeting. He said that the petitioner can choose to only send Case
22 687-AM-11 to ELUC or wait until a Final Determination is completed on Case 688-S-11 and submit both
23 cases to ELUC.
24

25 Mr. Hall stated that the only case that will be forwarded to ELUC is Case 687-AM-11 and it is up to the
26 petitioner to decide whether or not he desires to proceed immediately or wait to receive the outcome of the
27 special use. He noted that the petitioner does not need to make this decision tonight.
28

29 Mr. Thorsland reminded the petitioner that the Board will review Case 688-S-11 at the May 1st Special
30 Meeting which will begin at 7:00 p.m. in this meeting room.
31

32 **6. New Public Hearings**
33

34 **Case 741-AM-13 Petitioner: Marcus Harris and landowner Tharco Incorporated Request: Amend**
35 **the Zoning Map to change the zoning designation from the I-1 Light Industry Zoning District to the**
36 **B-4 General Business Zoning District for the purpose of establishing a firearm sales store and indoor**
37 **shooting range as a “Sporting Goods Sales and Service” store. Location: Lot 3 of Triumph Industrial**
38 **Park Subdivision in the Southeast Quarter of Section 33 of Somer Township and commonly known as**
39 **the buildings at 1414 Triumph Drive, Urbana.**
40

41 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must

1 sign the witness register for that public hearing. He reminded the audience that when they sign the
2 witness register they are signing an oath.

3
4 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their request.

5
6 Mr. Marcus Harris, who resides at 1780 CR 1650N, Urbana, stated that he is requesting that 1414 Triumph
7 Drive, Urbana be rezoned from I-1 to B-4. He said that B-4 zoning is better suited for the proposed indoor
8 gun range and gun shop as opposed to I-1. He said that most of the surrounding area is zoned B-4 and he has
9 received letters of support from the local businesses and no local business was in opposition to the proposed
10 rezoning or the use.

11
12 Mr. Thorsland asked the Board if there were any questions for Mr. Harris and there were none.

13
14 Mr. Thorsland asked if staff had any questions for Mr. Harris.

15
16 Mr. John Hall, Zoning Administrator, stated that he had no questions but noted that conveyance of the
17 property has occurred.

18
19 Mr. Harris stated that Mr. Hall was correct and he submitted a copy of the deed to staff. He said that there
20 was time lapse with setting up a separate limited liability corporation, Big Top Properties LLC Series, for the
21 property to be purchased under. He said that he offered to personally purchase the property but they wanted
22 it under Big Top Properties LLC because of liability.

23
24 Mr. Hall stated that Mr. Thorsland read the agenda at the beginning of the hearing but Mr. Kass stated that
25 he has been able to make the changes regarding ownership.

26
27 Mr. Harris stated that from now on he is the only petitioner.

28
29 Mr. Hall distributed a new Supplemental Memorandum dated April 25, 2013, to the Board for review. He
30 said that the new memorandum mentions the fact that the conveyance has been completed. He said that staff
31 received a new floor plan of the building that is proposed to house the gun shop and the indoor shooting
32 range and that floor plan is attached. He said that also attached to the new memorandum are letters/e-mails
33 of support and a list of uses comparing I-1 to B-4. He said that there were no goals or policies where there
34 were no recommendations.

35
36 Mr. Hall stated that the Supplemental Memorandum dated April 25, 2013, includes a proposed special
37 condition of approval. He said that the special condition is regarding the smaller building so that there is no
38 uncertainty in the future. He read the proposed special condition as follows:

- 39 **C. The smaller building on the subject property shall only be used as an accessory use to**
40 **the uses and activities in the larger building unless a Special Use Permit is authorized**
41 **for two principal buildings.**

1 The special condition above is to ensure the following:

2 **The use of the smaller building shall be in compliance with the Zoning Ordinance.**

3
4 Mr. Hall stated that the petitioner has not had a chance to review the proposed special condition until tonight
5 but it really is only documenting what the Zoning Ordinance requires.

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

8
9 Mr. Thorsland called Tim Murray to testify.

10
11 Mr. Marcus Harris stated that Mr. Murray is a fire fighter for the Champaign Fire Department and during the
12 break he was called for service and had to leave the meeting.

13
14 Mr. Thorsland asked Mr. Harris if he would prefer that the Board continue working on this case tonight or
15 continue the case until such time that Mr. Murray can be present to testify.

16
17 Mr. Harris requested that the Board continue working on the case tonight. He said that he owns the building
18 and Mr. Murray is the head of the Morgan Group. He said that D & R Firearms is one of the FFLs and will
19 be the primary resident of the gun shop and Tim Murray is the instructor and will run the educational
20 components. He said that the Board has received letters of support for D & R Firearms and letters of support
21 for Mr. Murray and Mr. Harris and he understands that it may be a little bit confusing and he apologized for
22 that confusion.

23
24 Mr. Thorsland asked the Board if there were any questions for Mr. Harris and there were none.

25
26 Mr. Thorsland asked if staff had any questions for Mr. Harris and there were none.

27
28 Mr. Thorsland asked the Board if there were any questions or concerns regarding the proposed special
29 condition and there were none.

30
31 Mr. Thorsland read the proposed special conditions as follows:

32 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**
33 **741-AM-13 by the County Board.**

34 The above condition is required to ensure the following:

35 **The establishment of the proposed use shall be properly documented as required by the**
36 **Zoning Ordinance.**

37
38 Mr. Thorsland asked Mr. Harris if he agreed to Special Condition A.

39
40 Mr. Harris stated that he agreed to Special Condition A.

41

- 1 **B. No Zoning Use Permit for expansion of building area or parking area and no Change of**
2 **Use Permit authorizing a different use with a greater wastewater load shall be**
3 **approved without documentation that the Champaign County Health Department has**
4 **determined that the existing or proposed septic system will be adequate for that**
5 **proposed use.**

6 The above special condition is required to ensure:

- 7 **That the existing septic system is adequate and to prevent wastewater runoff onto**
8 **neighboring properties.**

9
10 Mr. Thorsland asked Mr. Harris if he agreed to Special Condition B.

11
12 Mr. Harris stated that he agreed to Special Condition B.

- 13
14 **C. The smaller building on the subject property shall only be used as an accessory use to**
15 **the uses and activities in the larger building unless a Special Use Permit is authorized**
16 **for two principal buildings.**

17 The special condition above is to ensure the following:

- 18 **The use of the smaller building shall be in compliance with the Zoning Ordinance.**

19
20 Mr. Thorsland asked Mr. Harris if he agreed to Special Condition C.

21
22 Mr. Harris stated that he agreed to Special Condition C.

23
24 Mr. Thorsland entertained a motion to approve the proposed special conditions as read.

25
26 **Mr. Courson moved, seconded by Mr. Palmgren to approve the proposed special conditions as read.**
27 **The motion carried by voice vote.**

28
29 Mr. Thorsland stated that the Board will review the Summary Finding of Fact for Case 741-AM-13. He said
30 that staff has indicated recommendations and there are no decision points for the Board. He said that if the
31 Board has any disagreements with staff's recommendations then they should voice those disagreements at
32 this time.

33
34 **Summary Finding of Fact for Case 741-AM-13:**

35
36 From the documents of record and the testimony and exhibits received at the public hearing conducted on
37 April 25, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 38
39 **1. The proposed amendment will HELP ACHIEVE the Land Resource Management Plan**
40 **because of the following (objectives and policies are briefly summarized):**

- 41 **A. The proposed map amendment will HELP ACHIEVE the following LRMP**

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goals:
Goal 5 Urban Land Use because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will HELP ACHIEVE the following:

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it will HELP ACHIEVE the following:
 - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.1)).
- Objective 5.2 encourage any urban development to demonstrate good stewardship of natural resources because it will HELPAchieve the following:
 - Policy 5.2.1 encourage the reuse and redevelopment of older and vacant properties within urban land (Item 15.B.(1)).
 - Policy 5.2.2 ensure that urban development on best prime farmland is efficiently designed to avoid unnecessary conversion and encourage other jurisdictions to do the same (Item 15.B.(2)).
- Objective 5.3 requiring the County to oppose new urban development unless adequate utilities infrastructure, and public services are provided because it will HELP ACHIEVE the following:
 - Policy 5.3.1 require new urban development in unincorporated areas to be sufficiently served by available public services without undue public expense and encouraging other jurisdictions to do the same (Item 15.C.(1)).
 - Policy 5.3.2 require new urban development to be adequately served by public infrastructure without undue public expense and encouraging other jurisdictions to do the same (Item 15.C.(2)).

Goal 6 Public Health and Public Safety because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will HELP ACHIEVE the following:

- Objective 6.1 ensure that development does not endanger public health or safety because it will HELP ACHIEVE the following:
 - Policy 6.1.2 ensure that wastewater disposal and treatment will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (Item 16.C.(1)).

B. The proposed amendment will PARTIALLY ACHIEVE the following LRMP goal(s):

- 1 ●Goal 3 Prosperity
- 2 C. **The proposed amendment will NOT IMPEDE the following LRMP goal(s):**
- 3 ●Goal 1 Planning and Public Involvement
- 4 ●Goal 2 Governmental Coordination
- 5 ●Goal 4 Agriculture
- 6 ●Goal 7 Transportation
- 7 D. **The proposed amendment is NOT RELEVANT to the following LRMP goal(s):**
- 8 ●Goal 9 Energy Conservation
- 9 ●Goal 10 Cultural Amenities
- 10
- 11 2. **The proposed Zoning map amendment IS consistent with the *LaSalle* and *Sinclair***
- 12 **factors because:**
- 13 ●The subject property is suitable for the proposed use and will allow a vacant property
- 14 to be put into productive use. There is adequate building area for the proposed use
- 15 and there is adequate area for the required parking.
- 16 ●The proposed map amendment is in general conformance with the City of Urbana's
- 17 Comprehensive Plan as reported by Robert Myers in an e-mail dated April 9, 2013.
- 18
- 19 3. **The proposed Zoning Ordinance map amendment will HELP ACHIEVE the purpose**
- 20 **of the Zoning Ordinance because it is consistent with all of the purposes of the Zoning**
- 21 **Ordinance.**
- 22
- 23 4. **Regarding the error in the present Ordinance that is to be corrected by the proposed**
- 24 **change:**
- 25 ●Everything around it is a retail use site, and to some extent not an industrial use.
- 26

27 Mr. Thorsland asked the Board if he disagreed with any of staff's recommendations or if there was any

28 information that the Board would like to add to the Summary Finding of Fact and there were none.

29

30 Mr. Thorsland stated that a new Item #15 should be added to the Documents of Record indicating the

31 following: 15. Supplemental Memorandum dated April 25, 2013, with attachments: A. List of Authorized

32 Uses in the I-1 and B-4 Zoning Districts; and B. Email of Support from Bernie Houser dated April 20, 2013;

33 and C. Letter of Support from Dan Bailey received April 22, 2013; and D. Email of Support from Dan

34 Sensenbrenner dated April 24, 2013; and E. Email of Support from Kirk Bales dated April 24, 2013; and F.

35 Letter of Support from Jan King received April 25, 2013; and G. Email dated April 25, 2013, from Matt

1 Deering and Warranty Deed; and H. Building Floor Plan received April 19, 2013 (included separately).
2
3 Mr. Thorsland entertained a motion to approve the Finding of Fact, Documents of Record and Summary
4 Finding of Fact as amended.

5
6 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Finding of Fact, Documents of Record
7 and Summary Finding of Fact as amended. The motion carried by voice vote.**

8
9 Mr. Thorsland entertained a motion to move to a Final Determination. He informed the petitioner that a full
10 Board is present at this time with one vacant seat therefore it is at his discretion whether to move to a final
11 determination with the present Board or continue the case until the vacant seat is filled.

12
13 Mr. Harris requested that the present Board move to a Final Determination tonight.

14
15 **Mr. Courson moved, seconded by Mr. Passalacqua to move to a Final Determination for Case 741-
16 AM-13. The motion carried by voice vote.**

17
18 **Final Determination for Case 741-AM-13:**

19
20 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of
21 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
22 determines that the Zoning Ordinance Map Amendment requested in Case 741-AM-13 should BE
23 ENACTED by the County Board in the form attached hereto.**

24
25 Mr. Thorsland requested a roll call vote.

26
27 **Courson-yes Miller-yes Palmgren-yes**
28 **Passalacqua-yes Capel-yes Thorsland-yes**

29
30 Mr. Hall informed the petitioner that he has received a recommendation of approval from the ZBA therefore
31 the case will be forwarded to the May 9, 2013, Committee of the Whole, Environment and Land Use
32 Committee Meeting.

33
34 Mr. Thorsland stated that the Board will return to Case 687-AM-11 and continue through the Summary
35 Finding of Fact beginning with Finding #2 of the Summary Finding of Fact.

36
37 **7. Staff Report**

38
39 None

40
41 **8. Other Business**

1 **A. Review of Docket**

2 **B. Review of March 2013 Monthly Report**

3
4 Mr. Hall stated that during his work on the March 2013 Monthly Report he noted that the ZBA has 20
5 pending cases on the docket. He said that a couple of years ago the Board didn't have 20 cases for the entire
6 year. He said that the Board did a great job in April and currently there are only 14 pending cases. He said
7 that if the Board feels like they are doing a lot of work this year they would be correct.

8
9 **9. Audience Participation with respect to matters other than cases pending before the Board**

10
11 None

12
13 **10. Adjournment**

14
15 Mr. Thorsland entertained a motion to adjourn the meeting.

16
17 **Mr. Courson moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice**
18 **vote.**

19
20 The meeting adjourned at 9:58 p.m.

21
22
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24
25 Respectfully submitted

26
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30 Secretary of Zoning Board of Appeals

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CASE NO. 731-S-12

SUPPLEMENTAL MEMORANDUM

June 7, 2013

Petitioners: **Warner Brothers, Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **.96 acre (38.55 acre parcel)**

Time Schedule for Development: **Under
Construction**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Authorize the storage and dispensing of agricultural fertilizer as a "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" facility as a Special Use in the AG-1 Agriculture Zoning District.

Location: A .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR2700N, Rantoul.

STATUS

This case is continued from the May 16, 2013, public hearing. A revised draft summary of evidence is attached.

PLAT OF SURVEY

A revised plat of survey (site plan) was received on June 5, 2013, and is attached. See the underlined text in Item 5 of the Summary of Evidence for the additions to the site plan.

ROAD STUDY

The Department of Planning and Zoning has not received a copy of the full report of the road study that was conducted by Applied Research Associates, Inc. for Rantoul Township. A copy of the report will be provided to the Board when it is available.

ATTACHMENTS

- A Plat of Survey received June 5, 2013
- B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination

PLAT OF SURVEY
OF PART OF
SECTION 18, T21N R9E 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

STONE FOUND @ N1/4 COR. SEC. 18

W. LINE SE1/4 SEC. 18

N. EDGE OF EXISTING CRUSHED STONE

EDGE OF EXISTING CRUSHED STONE

36" x 36" CONCRETE
FOUNDING
DIESEL FUEL TANKS;
10,000 GALLON
INDICATED CAPACITY EACH

48" x 18"
LOAD-OUT
CONCRETE PAD
(UNDER
CONSTR.)

FERTILIZER
TANKS;
75,000 GALLON
INDICATED CAPACITY

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731-S-12

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: June 13, 2013

Petitioners: Warner Brothers, Inc.

Request: Authorize the storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, and June 13, 2013,** the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Warner Brothers, Inc., with owners Joseph H. Warner and Gerald E. Warner, 1254 CR 2700N, Rantoul, and shareholders/officers Kristi Pflugmacher, 203 West Shelly Drive, Thomasboro, Kathy McBride, 620 Garver Place, Rantoul, Denise Foster 105 Weldon Springs Road, Monticello, and Angela Warner, 105 E. Meade Street, White Heath, own the subject property.
2. The subject property is a .96 acre (41,817.6 square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning but Rantoul Township does have a plan commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in agricultural production, except for the portion that the proposed use occupies.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is zoned AG-1 Agriculture and is in agricultural production.
 - (2) Land on the south is zoned AG-1 Agriculture and is in commercial use, but is the subject of Case 747-AM-13 and is proposed to be rezoned to the B-1 Rural Trade Center Zoning District.
 - (3) Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - (4) Land west of the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:

- *A. The Plat of Survey prepared by Nicholas P. McCabe received March 21, 2013, and revised on June 5, 2013, indicates the following:
- (1) The location of the existing ~~765,818~~ 750,000 gallon indicated capacity storage tank that is approximately 48 feet in height. This tank is proposed to be utilized to store 28% nitrogen fertilizer for the petitioner's agricultural operation as well as providing bulk storage space to lease.
 - (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
 - (3) The edge of the existing crushed stone.
 - (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.
 - (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
 - (6) The general area of employee parking.
 - (7) The general area of where farm equipment is displayed on the east side of the property.
 - (8) The location of a tower that is 120 feet in height.
 - (9) The general locations of the septic tank and leach field.
 - (10) The location of a 5' diameter concrete pedestal supporting crane.
 - (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.
 - (12) The locations of a propane tank and water well.
 - (13) A 40' × 16' load-out concrete pad.
 - (14) A 41' × 41' sunken tank enclosure.
 - (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity.

- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is a adjacent.
- (19) The entire 3.8 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 747-AM-13

- B. The floor plan of the 54' × 72' sheet metal building received March 21, 2013, indicates the following:
 - (1) A tank containment area (8 feet deep) with four 2,500 gallon tanks with pit.
 - (2) A 69½' × 22' transfer containment area with pit (loading and unloading area) with a 14 inch slope.
 - (3) A mini bulk containment area with a 3 inch slope and a pit.
 - (4) Three 18' × 18' overhead doors.
 - (5) An 8 feet wide raised concrete walkway and raised fill platform.
 - (6) A pump.
- C. The petitioner intends to utilize the storage tank and mixing building for the storage and mixing of 28% nitrogen fertilizer for their farm operations. In addition, the petitioner intends to lease excess storage space in the tank to farmers and agricultural business. The subject property will be accessed from the property that is the subject of Case 747-AM-13.
- D. The subject property is considered BEST PRIME FARMLAND with a Land Evaluation (LE) rating of 97. The subject property consists of Drummer (152A), Raub (481A), Clare (663B), and Dana (56B) soils. The proposed Special Use will take a minimal amount of land out of production (less than 1 acre).
- E. At the March 28, 2013, public hearing Gene Warner, co-petitioner, testified in regards to traffic, the storage tanks, and the operations of the tank as follows:
 - (1) Trucks normally enter along the east side of the Kinze dealership.

- (2) The tank will be used for storage for Warner Brothers and that he understood that construction of the tank was perfectly legal.
 - (3) For Warner Brothers use the increase in traffic would be very little in relation to the amount of traffic that goes in and out of the Kinze dealership on a daily basis and that it may increase 10%.
 - (4) The increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.
 - (5) The tank could be filled for Warner Brothers to use during multiple seasons.
 - (6) On average the truck traffic would be the same because more than likely the tank will be filled once in early spring.
 - (7) The tank has been filled with ten train car loads and that there are eight rings on the tank and only two of the rings that have fertilizer in it.
 - (8) During cross examination at the March 28, 2013, public hearing Gene Warner, co-competitor indicated the following while answering questions from Attorney, Kent Follmer:
 - (a) The tank was filled approximately 5 weeks ago.
 - (b) None of the product has been sold because it is all for Warner Brothers use.
 - (c) Crop Production Services orders the product for Warner Brothers.
- F. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
- (1) Regarding lighting:
 - (a) A 1,000 watt light and a light for the flag pole are located on the front of the main office/sales building.
 - (b) A pole light is located 5 feet from the southeast corner of the chemical building.
 - (c) The large storage building has 16, 250 watt lights and a 400 watt security light.

- (2) A handicap parking sign has been posted on the front of the office/sales building.
 - (3) A sign directing trucks to enter and exit through the east drive has been posted and if necessary vegetable oil will be used to control dust if needed.
 - (4) Regarding product in the tank:
 - (a) On March 28, 2013, they actually had 104,876.38 gallons of 28% in the tank, not 500,000 gallons.
 - (b) As of May there are 467,968.88 gallons of 28% in the tank.
 - (5) The large tank was built because it is more cost effective long term. The tank will also allow them to be independent by applying product when needed, provide lower costs by buying in large quantities, and anticipate future growth and/or changes in farming.
 - (6) Regarding the chemical building and commercial use of the tank:
 - (a) The building was just a shell in January and was not finished until April.
 - (b) There was no product in the building until April or any in the tank until the last part of January for their use.
 - (c) They are not selling any chemicals. All products in the building are for Warner Brother's use only.
- G. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
- (1) Local companies such as fertilizer companies and grain elevators use the township roads which have 80,000 pound limits to truck various products throughout the year.
 - (2) Local elevators haul for farmers from fields to the elevators. They also haul to and from the elevator to load rail cars.
 - (3) Farmers haul grain to grain bins sites and later on take it to the elevators.
 - (4) They have been farming and in business together since around 1972. They built the shop and started to grow.
- H. Monthly Product Inventory Reports (January 2013 – May 2013) for the storage tank were submitted on May 16, 2013, and are summarized as follows:

- (1) The January 2013, report indicates that the tank was empty at the beginning of the month, but by the end of the month there was 559.51 tons of 28% in the tank.
 - (2) The February 2013, report indicates that the tank was not filled with any additional product and had 559.51 tons of 28% in the tank.
 - (3) The March 2013, report indicates that at the beginning of the month there was 559.51 tons of 28% in the tank. An addition of 440.484 tons of 28% was added to the tank in March. By the end of the month there was 999.99 tons of 28% in the tank.
 - (4) The April 2013, report indicates that at the beginning of the month there was 999.99 tons of 28% in the tank. An addition of 1496.61 tons of 28% was added to the tank in April. By the end of the month there was 2496.60 tons of 28% in the tank.
 - (5) The May 2013, report indicates that at the beginning of the month there was 2496.60 tons of 28% in the tank. The report does not indicate if any additions have been made in May 2013.
- I. Three invoices from Crop Production Services were submitted on May 16, 2013, and are summarized as follows:
- (1) An invoice dated 02/01/13 indicates a quantity of 559.5155 tons of 28% was sold to Warner Brothers.
 - (2) An invoice dated 04/03/13 indicates a quantity of 440.4840 tons of 28% was sold to Warner Brothers.
 - (3) An invoice dated 4/16/13 indicates a quantity of 1496.6145 tons of 28% was sold to Warner Brothers.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.

- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.

 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing,

processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (4) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) "BUILDING" is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) "ESTABLISHMENT" is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (8) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (10) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.

- (12) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (14) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.

- (18) "YARD, REAR" is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (19) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:

- (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
- (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Additional storage capacity will be a benefit to the public during times of unusual need, and will provide a redundancy of facilities to anticipate casualty loss to other storage facilities.”**
 - B. A letter from Therese Wyman, Manager, Crop Production Services (CPS), received March 21, 2013, is summarized as follows:
 - (1) Issuing the permit to the Warner’s would allow CPS to buy at a better price, receive the product in a timely manner, and have the product readily available to farmers in the spring time.

- (2) Having the extra storage would allow CPS to purchase additional product early and would help prevent problems with transportation because the product would already be there.
 - (3) The location of the tank would be a short distance to haul product from and would eliminate a lot of waiting and telephone calls.
- C. The subject property is approximately 2.5 miles from U.S. 45.
- D. The petitioner's attorney, Paul Cole, testified at the March 28, 2013, public hearing that the larger tank is cost effective and will allow the opportunity to purchase additional product when the price is right and keep the product for multiple years to use on the petitioner's own land, and because the tank is on agricultural property there might be potential for other people to use the tank for excess storage capacity.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **"The Illinois Department of Agriculture has inspected and approved the facilities for the planned use. Such approval has included review by the Illinois EPA."**
 - B. Regarding surface drainage; the subject property appears to drain to the east.
 - C. The subject property is accessed from CR 2700N on the south side of the property that is the subject of Case 747-AM-13. Regarding the general traffic conditions on CR 2700N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Annual Average Daily Traffic (AADT) for CR 2700N in front of the subject property is 75 AADT.
 - (2) CR 2700N is a MINOR STREET as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) At the March 28, 2013, public hearing James Rusk, Rantoul Township Supervisor, testified that the road is a ten inch gravel base road with oil chip over it, and the Township has concerns regarding the number of 80,000

pound vehicles that will travel the road if the Special Use Permit is approved.

- (b) At the March 28, 2013, public hearing Gene Warner, co-petitioner, testified that the increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.
 - (c) At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified that if the subject tank is the biggest around there is reason to believe that there will be a huge increase in traffic for large tankers on this minor road that is only 20 feet wide. According to his research it would take 160 full size tankers to fill a tank of this size.
 - (d) Refer to Item 8.K. for testimony from Kenneth Warner, adjacent landowner, given at the March 28, 2013, public hearing regarding traffic.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 4.2 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. No part of the subject property is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan or proposed.
- G. Regarding wastewater treatment and disposal on the subject property, there appears to be no proposed wastewater treatment facilities and no bathroom proposed.
- H. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.

- (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
- (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
- (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
- (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
- (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
- (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building

design and construction necessary to provide a safe means of egress from all parts of the building are not checked.

- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
 - (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.

- I. Regarding Compliance with Illinois Department of Agriculture (IDAG) requirements:
 - (1) On May 1, 2013, The Department of Planning and Zoning received a copy of the Experimental Permit (# AC13030985) issued by the Illinois Department of Agriculture for the storage tank.
 - (2) On May 1, 2013, The Department of Planning and Zoning received a copy of the Permit (# AC13020954) issued by the Illinois Department of Agriculture for the operational containment structures and the secondary containment structures in the mixing building.
- J. At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified as follows:
 - (1) The corner of his client's lot is 250 feet from the tank and their home is 500 feet from the tank.
 - (2) His clients would like to know that there are some reasonable safeguards for the protection of their property including the obvious reduction in property value because who would want to purchase a beautiful rural farmhouse when there is a fertilizer plant next door.
 - (3) After much discussion it appears that Warner Brothers wants to use the tank for their own farming operation but they have solicited and obtained a letter from Crop Production Services which is evidence of doing business with other businesses.

- K. At the March 28, 2013, public hearing Kenneth Warner, adjacent property owner testified as follows:
- (1) The subject property has housed a Kinze dealership for many years and there are a few semi-trucks which travel in and out but if they are going to load approximately 700,000 gallons of product to use during corn planting season it appears that there will be 320 semi-trucks traveling in and out of the property and he does not understand how there will not be a traffic issue.
 - (2) If there was information regarding the truck traffic then he and his wife could determine whether or not they were still concerned. If it takes 160 semi-trucks to fill the tank and they may haul 80 trucks one day and 80 the next.
 - (3) He would not have a problem with the tank if the petitioner would use it for their own farming operation.
 - (4) He believes that commercial use of the tank would result in a lot more traffic. If the petitioner has 5,000 acres of corn and they use 50 gallons of chemical per acre that is 250,000 gallons of chemical required for their operation not 780,000 gallons. Fifty semi-loads of product for the farming operation versus 320 loads for the commercial use is a big difference.
 - (5) He has observed 10 to 12 trucks come in and out of the property to deliver product to the tank which would approximately be 80,000 pounds.
- L. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, this is an agriculture use.”**
 - B. Regarding compliance with the *Zoning Ordinance*:

- (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
- (4) All structures meet setback and front, side and rear yard requirements.
- (5) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
 - (b) The petitioner has indicated that there is to be only one employee in the conduct of the operation of the proposed Special Use. There appears to be adequate area on the subject property to meet the minimum required parking areas.
- (6) Regarding loading berths on the subject property:
 - (a) Paragraph 7.4.2 C.5. requires one 12' × 40' loading berth for establishments establishing 1 – 9,999 square feet of floor area.
 - (b) A total of one loading berth is required. No loading berth has been indicated on the site plan, but there is adequate area available.
- C. Regarding compliance with the *Stormwater Management Policy*, the proposed special use is exempt from the *Stormwater Management Policy* because this development will not be 1 acre or more in impervious area.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
- G. The proposed Special Use may have to comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility

regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings, if necessary.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
 - (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
 - (1) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) There is no evidence indicating that the requested Special Use Permit will have any negative effect on nearby properties.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - (a) No significant increase in traffic is anticipated as a result of the requested Special Use Permit.
- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - (a) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the

ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed use is not related to this purpose.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The proposed use will take a minimal area of land out of production, and is not an urban use and will serve agricultural uses.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed use will not require the development of public utilities or transportation facilities.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The proposed use will take a minimal area of land out of production, and is not an urban use and will serve agricultural uses.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use is not related to this purpose.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **The petitioner did not provide a response to this question presumably because the proposed use is not a nonconforming use.**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 731-S-12 by the Zoning Board of Appeals .**
- The above special condition is required to ensure the following:
- The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.**
- B. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner provides documentation of compliance with Illinois Department of Agriculture regulations for fertilizer storage tanks.**

The above special condition is required to ensure the following:

- That the proposed use is in compliance with the Illinois Department of Agriculture regulations.**
- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the proposed Special Use until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and, (C) the Illinois Plumbing Code.**

The special condition stated above is required to ensure the following:

That the proposed structures comply with Illinois Public Act 96-704.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Joseph Warner received August 31, 2012, with attachments:
 - A Site Plan
 - B Legal Description
 - C Plat Book Map
 - D Aerial Photo
2. Zoning Use Permit Application No. 244-12-01 received August 31, 2012
3. List of Owners and Officers of Warner Brothers, Inc. received September 5, 2012
4. CST Storage Tank Technical Drawings and Specifications received September 5, 2012
5. Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
6. Legal Description received January 2, 2013
7. Plat of Survey received February 6, 2013
8. Plat of Survey received February 12, 2013
9. Revised Special Use Permit Application signed by Joseph and Gerald Warner received March 1, 2013, with attachments:
 - A Plat of Survey
 - B Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage
 - C Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd.
 - D Map of Existing Drainage Tile
10. Application for Map Amendment received March 1, 2013, signed by Joseph and Gerald Warner with attachments:
 - A Legal Description
 - B Plat of Survey
11. Plat of Survey for Case 731-S-12 received March 21, 2013
12. Plat of Survey for Case 747-AM-13 received March 21, 2013
13. Building Plans for mixing building received March 21, 2013

14. Letter from Therese Wyman received March 21, 2013
15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination
16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - A Plat of Survey received March 21, 2013
 - B Site Visit Photos
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix
 - D Draft Finding of Fact and Final Determination
17. Plat of Survey received March 26, 2013
18. Supplemental Memorandum for Case 747-AM-13 dated March 28, 2013, with attachments:
 - A Plat of Survey received March 26, 2013
 - B Revised Draft Finding of Fact and Final Determination
19. Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk
20. Entry of Appearance for Cases 731-S-12 and 747-AM-13 submitted by Kent Follmer at the March 28, 2013, public hearing
21. Supplemental Memorandum for Case 731-S-12 dated May 8, 2013, with attachments:
 - A Proposed Evidence and Revisions
 - B IDAG Experimental Permit for Agrichemical Containment Facility received May 1, 2013
 - C IDAG Permit Agrichemical Containment Facility received May 1, 2013
 - D Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March

- 28, 2013, public hearing by James Rusk
E Draft March 289, 2013, Meeting Minutes
22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
A Draft March 28, 2013, Meeting Minutes
23. Plat of Survey with annotations received May 15, 2013
24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
A Proposed Evidence
B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
C Letters from gene Warner received May 16, 2013
D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
E invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
F Drainage Tile Map received May 16, 2013
25. Page of Photos received May 16, 2013
26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
28. Plat of Survey received May 23, 2013
29. Plat of Survey received June 5, 2013
30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
A Plat of Survey received June 5, 2013
B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
A Revised Draft Finding of Fact and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 731-S-12 held on **March 28, 2013, May 16, 2013, and June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE} {because*}*:

 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because*}*:

 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE} {because*}*:

 - e. Public safety will be *{ADEQUATE / INADEQUATE} {because*}*:

 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE} {because*}*:

 - g. The property is BEST PRIME FARMLAND and the property with the proposed improvements *{IS/IS NOT}* WELL SUITED OVERALL.
 - h. The existing public services *{ARE/ARE NOT}* available to support the proposed special use effectively and safely without undue public expense.

- i. The only existing public infrastructure together with proposed improvements **{ARE/ARE NOT}** adequate to support the proposed development effectively and safely without undue public expense.

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{CONFORM / NOT CONFORM}** to all relevant County ordinances and codes.
 - b. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses.
 - c. Public safety will be **{ADEQUATE / INADEQUATE}**.
4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **{IS/ IS NOT}** necessary for the public convenience at this location.
 - c. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use **{IS/ IS NOT}** an existing nonconforming use and the requested Special Use Permit ~~**{WILL/WILL NOT}** make the existing use more compatible with its surroundings~~ **{because:***
6. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW**

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **731-S-12** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED }* to the applicant to **Warner Brothers, Inc.** to **authorize the storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District.**

{ 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 732-AT-12

SUPPLEMENTAL MEMORANDUM

June 7, 2013

Champaign County
Department of

**PLANNING &
ZONING**

Petitioner: **Zoning Administrator**

Prepared by: **John Hall, Zoning Administrator**
Andy Kass, Associate Planner

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 7.1.2B. as follows:

- (1) Strike “non-family” and replace with “non-resident”.
- (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1).
- (3) Revise subparagraph 7.1.2B.ii. to strike “five acres” and replace with “that are two acres in area”; add the phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2).
- (4) Add new subparagraph 7.1.2B.(3) to authorize that all employees may be present and working on the premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated by other business considerations.
- (5) Add new subparagraph 7.1.2B.(4) to authorize that family members who are residents of the property when the HOME OCCUPATION is operating but who subsequently move from the premises may remain active in the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

Part B. Revise paragraph 7.1.2E. as follows:

- (1) Strike “Second Division vehicle as defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase “and parked at”.
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike “vehicles over 8,000 lbs. gross weight” and replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)”.
- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”.
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike “Second Division vehicles” and replace with “MOTOR VEHICLES and licensed trailers”; and strike “indoors” and replace with “in an enclosed building”; and add “outdoors subject to the following minimum separations for outdoor parking;”; and add the following subparagraphs:
 - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
 - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

- (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
 - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
 - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

Part C. Add new paragraph 7.1.2F. as follows:

- (1) Limit the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that are also parked outdoors.
- (2) Require that equipment in outdoor storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c).

Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall be screened; and also provide that loading berths are not required for RURAL HOME OCCUPATIONS.

Part E. Revise paragraph 7.1.2K. as follows:

- (1) Add the phrase "for other than equipment used in any RURAL HOME OCCUPATION"; and strike the phrase "screened as provided by Section 7.6, and replace with the phrase "shall be provided as follows:".
- (2) Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street parking spaces.
- (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs in any yard within 1,000 feet of certain specified uses of surrounding property.

STATUS

No substantive changes have been made to the proposed amendment since the April 11, 2013, public hearing. Some paragraph letters have been revised. Attachment C is the complete amended Section 7.1.2.

ATTACHMENTS

- A Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- B Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- C Amended Section 7.1.2

Note: The indications for proposed changes are as follows:

- Changes proposed at the Committee of the Whole on September 25, 2012, are indicated in single strike out if deleted and single underlining for new text.
- Changes made during the ZBA public hearing are indicated in double strike out if deleted and double underlining for new text.
- Deletions and additions since the last ZBA meeting are highlighted.

1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. (and reletter as required) to read as follows:

- E. ~~Non-farm, Second Division vehicles as defined by the Illinois Vehicle Code~~ MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers; used ~~in~~ and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers displaying the name of the RURAL HOME OCCUPATION and/ or used in any way for the at any RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
 - ~~i.2.~~ No more than three self-propelled vehicles over 8,000 lbs. gross weight MOTOR VEHICLES that are either a truck tractor and/ or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be permitted authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
 - ~~ii.3.~~ No more than 10 ~~vehicles~~ MOTOR VEHICLES in total, including vehicles under 8,000 lbs. gross vehicle weight, and/ or licensed semitrailers and/ or licensed pole trailers off road vehicle shall be permitted authorized excluding patron or employee or owner personal vehicles MOTOR VEHICLES.
 - ~~iii.4.~~ All ~~Second Division vehicles~~ MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored indoors in an enclosed BUILDING or parked outdoors subject to the following ~~minimum separations for outdoor parking:~~
 - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
 - b. Outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE; or

- ~~iii. if less than 50 feet from any lot line and/ or less than 100 feet from any off site existing DWELLING conforming as to USE, outdoor parking for more than one MOTOR VEHICLE shall be at least 10 feet from any LOT LINE; and~~
- ~~c. Off street parking spaces shall be provided as follows. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, and all parking shall be subject to the following:~~
- ~~(1) No parking shall occur in the STREET RIGHT OF WAY.~~
- ~~(2) Parking spaces shall be provided subject to the provisions of in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons. The requirements of Section 7.4 notwithstanding, all off- street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:~~
- ~~(a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.~~
- ~~(b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.~~
- ~~(c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.~~
- ~~(43) The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.~~

2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:

- F. Non-farm equipment and supplemental equipment attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of complete pieces of equipment that are motorized or non-motorized and/ or the number of supplemental equipment attachments ~~and used in any way for~~ that may be stored and/ or used outdoors ~~at in any way for the~~ a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:
 - a. ~~Complete pieces of~~ Equipment shall include, ~~but not be limited to,~~ any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; ~~bucket loaders, road graders, bulldozers, trenchers, backhoes, riding lawn mowers,~~ devices mounted on trailers; and any agricultural equipment used for non-agricultural uses.
 - b. Equipment does not include MOTOR VEHICLES or licensed semitrailers or licensed pole trailers; hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
 - c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE.
 - d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a BUILDING but at no time may the number of complete pieces of equipment ~~or the number of supplemental equipment attachments~~ that may be kept in outdoor STORAGE and/ or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.
 - e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.
 2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/ or used outdoors ~~provided however, that~~ subject to the following:
 - a. The number of complete pieces of equipment that may be kept in outdoor STORAGE and/ or used outdoors shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other

complete pieces of equipment must be kept in an enclosed BUILDING. This limit shall apply to each individual piece of equipment provided

b. When a piece of equipment is on a trailer other than a semitrailer or pole trailer, the trailer is not and all equipment on the trailer are all counted as only one a-piece of equipment. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment.

c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.

d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.

3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/ or used outdoors ~~subject to the following:~~

a. ~~The maximum number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors is 15 but that limit shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers and/ or complete pieces of equipment that are also parked or used outdoors.~~

b. ~~Supplemental equipment attachments that are attached to equipment shall not be counted separately from that piece of equipment.~~

c. ~~When supplemental equipment attachments are on a trailer other than a semitrailer or pole trailer, the trailer and all supplemental equipment attachments on the trailer are all counted as only one piece of equipment and when the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.~~

4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors must ~~meet the following minimum separations for outdoor STORAGE of equipment:~~

i. ~~Equipment in outdoor STORAGE shall be no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE; or~~

~~ii. if less than 50 feet from any lot line and/ or less than 100 feet from any off site existing DWELLING conforming as to USE, equipment stored outdoors shall be stored or used at least 10 feet from any LOT LINE and screened by a Type A D SCREEN. as required by paragraph 7.1.2 M. except for equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in which case the required SCREEN shall be as required in paragraph 7.1.2 E.~~

3. Insert new paragraph 7.1.2 **G. M.** (and renumber as required) to read as follows:

G. M. Applicability and nonconformities.

- ~~41.~~ The above requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after May September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.
- ~~52.~~ The above requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:
- a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION for which an application had been received by the Zoning Administrator on or before May September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be used in at that RURAL HOME OCCUPATION provided that the total number of MOTOR VEHICLES in the RURAL HOME OCCUPATION are not more than 10 and further provided that no more than 3 such MOTOR VEHICLES are truck tractors or MOTOR VEHICLES with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq).
- b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2E.105-G.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

4. **Revise paragraph 7.1.2 K. to read as follows:**

- M K.** ~~Outdoor STORAGE for other than equipment used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and screened as provided by Section 7.6. shall be screened as follows:~~
- (1) Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.
 - (2) A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances:
 - (a) Any point within the BUILDING RESTRICTION LINE of any lot located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or
 - (b) Any designated urban arterial street or MAJOR STREET.

5. **Revise paragraph 7.1.2 B. to read as follows:**

- B. ~~Non-resident, non-family~~ employees shall only be ~~permitted~~ authorized subject to the following limitations:
- i. ~~on lots smaller than five two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but~~
 - ii. ~~on lots five that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and provided that~~
 - iii. all employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and further provided that
 - iv. family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

1. Revise existing paragraph 7.1.2E. and merge with a revised existing paragraph 7.1.2 H. (and reletter as required) to read as follows:

- E. Non-farm MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers used and parked at any RURAL HOME OCCUPATION shall be limited as follows:
1. The number of MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers displaying the name of the RURAL HOME OCCUPATION and/ or used at any RURAL HOME OCCUPATION shall be within the limits established in this paragraph.
 2. No more than three MOTOR VEHICLES that are either a truck tractor and/ or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
 3. No more than 10 MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.
 4. All MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored in an enclosed BUILDING or parked outdoors subject to the following:
 - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
 - b. Outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE; and
 - c. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, subject to the following:
 - (1) No parking shall occur in the STREET RIGHT OF WAY.

- (2) The requirements of Section 7.4 notwithstanding, all off-street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:
 - (a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.
 - (b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.
 - (c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.
- (3) The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.

2. Insert new paragraph 7.1.2F. (and renumber as required) to read as follows:

- F. Non-farm equipment and supplemental equipment attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:
 1. The number of complete pieces of equipment that are motorized or non-motorized and/ or the number of supplemental equipment attachments that may be stored and/ or used outdoors at a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:
 - a. Equipment shall include any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; devices mounted on trailers; and any agricultural equipment used for non-agricultural uses.
 - b. Equipment does not include MOTOR VEHICLES or licensed semitrailers or licensed pole trailers; hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.

- c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a **MOTORIZED VEHICLE**.
 - d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a **BUILDING** but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor **STORAGE** and/ or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.
 - e. All equipment and supplemental equipment attachments kept in outdoor **STORAGE** or used outdoors must be operable.
2. No more than 10 complete pieces of equipment may be kept in outdoor **STORAGE** and/ or used outdoors subject to the following:
 - a. The number of complete pieces of equipment that may be kept in outdoor **STORAGE** and/ or used outdoors shall be reduced by the number of **MOTOR VEHICLES** and / or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed **BUILDING**.
 - b. When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment.
 - c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a **MOTOR VEHICLE** the entire unit shall be considered to be only one **MOTOR VEHICLE**.
 - d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a **MOTOR VEHICLE**.
3. Supplemental equipment attachments may also be kept in outdoor **STORAGE** and/ or used outdoors
4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor **STORAGE** and/ or used outdoors must be stored or used at least 10 feet from any **LOT LINE** and screened as required by

paragraph 7.1.2 M. except for equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in which case the required SCREEN shall be as required in paragraph 7.1.2 E.

3. Insert new paragraph 7.1.2M. (and renumber as required) to read as follows:

M. Applicability and nonconformities.

1. The requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.
2. The requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:
 - a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be at that RURAL HOME OCCUPATION.
 - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 G.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

4. Revise paragraph 7.1.2 K. to read as follows:

- K. Outdoor STORAGE used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be screened as follows:
- (1) Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.
 - (2) A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances:
 - (a) Any point within the BUILDING RESTRICTION LINE of any lot located in any R DISTRICT or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum,

or gallery; public fairgrounds; nursing home or hospital;
recreational business use with outdoor facilities; or

(b) Any designated urban arterial street or MAJOR STREET.

5. Revise paragraph 7.1.2 B. to read as follows:

- B. Non-resident employees shall only be authorized subject to the following limitations:
- i. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
 - ii. on lots that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and
 - iii. all employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and
 - iv. family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.

SECTION 7.1.2 RURAL HOME OCCUPATIONS

- 7.1.2 RURAL HOME OCCUPATIONS** as defined in Section 3, are permitted as an **ACCESSORY USE** in any dwelling in the AG-1, Agriculture; AG-2, Agriculture; and CR, Conservation-Recreation Districts subject to the following standards:
- A. **RURAL HOME OCCUPATIONS** shall not be located on lots fronting on streets located wholly within a recorded subdivision or within 500 feet of a residential zoning district.
 - B. Non-resident employees shall only be authorized subject to the following limitations:
 - 1. On lots smaller than two acres in area, no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises; but
 - 2. On lots that are two acres in area or larger, no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises; and
 - 3. All employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and
 - 4. Family members who are resident on the property while the **HOME OCCUPATION** is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the **HOME OCCUPATION** continues.
 - C. Changes to the exterior of the **DWELLING** or **ACCESSORY BUILDING** which would indicate that it is being utilized in whole or in part for any purpose other than that of a residential or farm **BUILDING** are prohibited.
 - D. No more than one **SIGN** not more than six square feet in area shall be permitted.
 - E. Non-farm **MOTOR VEHICLES** and/ or licensed semitrailers and/ or licensed pole trailers used and parked at any **RURAL HOME OCCUPATION** shall be limited as follows:
 - 1. The number of **MOTOR VEHICLES** and/ or licensed semitrailers and/ or licensed pole trailers displaying the name of the **RURAL HOME OCCUPATION** and/ or used at any **RURAL HOME OCCUPATION** shall be within the limits established in this

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paragraph.

2. No more than three MOTOR VEHICLES that are either a truck tractor and/ or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).
3. No more than 10 MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.
4. All MOTOR VEHICLES and licensed semitrailers and licensed pole trailers shall be stored in an enclosed BUILDING or parked outdoors subject to the following:
 - a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and
 - b. Outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE; and
 - c. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, subject to the following:
 - (1) No parking shall occur in the STREET RIGHT OF WAY.
 - (2) The requirements of Section 7.4 notwithstanding, all off- street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:
 - (a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.

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- (b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.
 - (c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.
 - (3) The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.
- F. Non-farm equipment and supplemental equipment attachments that may be stored and/ or used at any RURAL HOME OCCUPATION shall be limited as follows:
 - 1. The number of complete pieces of equipment that are motorized or non-motorized and/ or the number of supplemental equipment attachments that may be stored and/ or used outdoors at a RURAL HOME OCCUPATION shall be within the limits established in this paragraph and subject to the following:
 - a. Equipment shall include any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; devices mounted on trailers; and any agricultural equipment used for non-agricultural uses.
 - b. Equipment does not include MOTOR VEHICLES or licensed semitrailers or licensed pole trailers; hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools.
 - c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE.

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- d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a BUILDING but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.
 - e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.
2. No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/ or used outdoors subject to the following:
 - a. The number of complete pieces of equipment that may be kept in outdoor STORAGE and/ or used outdoors shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed BUILDING.
 - b. When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment.
 - c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.
 - d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.
 3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/ or used outdoors
 4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors must be stored or used at least 10 feet from any LOT LINE and screened as required by paragraph 7.1.2 M. except for equipment and any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in

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which case the required SCREEN shall be as required in paragraph 7.1.2 E.

- G. Processes employed shall not create odor, dust, noise, gas, smoke, or vibration discernible at the property line other than of such a nature, quantity, intensity, duration, or time of occurrence customarily associated with AGRICULTURE.
- H. No storage of volatile liquid, flammable gases, hazardous material or explosives shall be permitted except as such might be kept for customary agricultural purposes in quantities and concentrations customarily found on farms.
- I. Prohibited RURAL HOME OCCUPATION Activities shall include:
 - i. outdoor storage of any number of unlicensed vehicles or more than two licensed vehicles awaiting automobile or truck repair;
 - ii. outdoor automobile or truck repair OPERATIONS;
 - iii. salvage or recycling STORAGE or OPERATIONS;
 - iv. outdoor storage of any vehicle equipment or container used for solid waste hauling;
 - v. retail sale of articles not produced on the site except grain seed sales or as such sales are incidental to the provision of a service.
- J. Outdoor sales DISPLAY shall be limited to items produced on-site, shall occupy an area no larger than 500 square feet, and shall not be permitted in required SETBACKS or the SIDE and REAR YARDS.
- K. Outdoor STORAGE used in any RURAL HOME OCCUPATION shall be limited to SIDE YARDS or the REAR YARD and shall be screened as follows:
 - 1. Outdoor STORAGE shall not be located in any required off-street PARKING SPACES.
 - 2. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any lot located in any R DISTRICT or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; recreational business use with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.

Attachment C: Amended Section 7.1.2 Rural Home Occupations

JUNE 7, 2013

- L. All RURAL HOME OCCUPATIONS shall obtain a Zoning Use Permit in accordance with Section 9.1.2 of the Champaign County Zoning Ordinance prior to operation.
- M. Applicability and nonconformities.
1. The requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.
 2. The requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:
 - a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be at that RURAL HOME OCCUPATION.
 - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 G.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

CASE NO. 747-AM-13

SUPPLEMENTAL MEMORANDUM

June 7, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **Warner Farm Equipment,
Inc.**

Site Area: **3.8 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.

Location: A 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.

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

(217) 384-3708

STATUS

This case is continued from the May 16, 2013, public hearing. A revised finding of fact is attached.

ATTACHMENTS

A Revised Draft Finding of Fact and Final Determination

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747-AM-13

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

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

Date: **June 13, 2013**

Petitioners: **Warner Farm Equipment, Inc.**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an existing Farm Equipment Sales and Service business into compliance.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, and June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Warner Farm Equipment, Inc., with owners Joseph H. Warner and Gerald E. Warner, 1254 CR 2700N, Rantoul, owns the subject property.
2. The subject property is a 3.8 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning, but Rantoul Township does have a plan commission. Townships with planning commissions are notified of such cases and do have protest rights on map amendment 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 has indicated:

“There is no error in the present map. Approval of this petition would now convert what has been a long-standing non-conforming use into a use conforming with the appropriate district.”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following:

“The implement sales and service business located on the subject parcel has been operating for more than 20 years and serves a broad need in the agricultural community.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is used for the operation of an existing farm implement sales and service business and personal agricultural storage.
 - B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - (1) Land on the north is in agricultural production and a small portion is proposed to be used for the agrichemical storage that is the subject of Case 731-S-12.
 - (2) Land on the south is in agricultural production.
 - (3) Land west of the subject property is in residential use and agricultural production.

- (4) Land east of the subject property is in agricultural production.
7. Previous zoning cases in the vicinity are the following:
 - A. There are no previous zoning cases in the vicinity.
8. Regarding the site plan and operations of the Farm Equipment Sales and Service Business:
 - *A. The Plat of Survey prepared by Nicholas P. McCabe received March 21, 2013, and revised on June 5, 2013, indicates the following:
 - (1) The location of the existing ~~765,818~~ 750,000 gallon indicated capacity storage tank that is approximately 48 feet in height. This tank is proposed to be utilized to store 28% nitrogen fertilizer for the petitioner's agricultural operation as well as providing bulk storage space to lease.
 - (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
 - (3) The edge of the existing crushed stone.
 - (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.
 - (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
 - (6) The general area of employee parking.
 - (7) The general area of where farm equipment is displayed on the east side of the property.
 - (8) The location of a tower that is 120 feet in height.
 - (9) The general locations of the septic tank and leach field.
 - (10) The location of a 5' diameter concrete pedestal supporting crane.
 - (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.
 - (12) The location of a propane tank and water well.
 - (13) A 40' × 16' load-out concrete pad.
 - (14) A 41' × 41' sunken tank enclosure.

- (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity.
- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is adjacent.
- (19) The entire 3.8 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 731-S-12

- ~~B. The plat of survey for related Case 731-S-12 prepared by Nicholas P. McCabe received March 27, 2013 indicates the 80' × 175' sheet metal building where the farm equipment sales and service business operates.~~
- B. The petitioners have been operating a farm equipment sales and service business at this location since the 1970s. Currently the business sells Kinze farm equipment and provides repair services.
- C. According to the website www.warnerfarmequip.com the business carries a full line of Kinze planters and grain wagons as well as equipment parts.
- D. The subject property will be used to access the proposed Special Use in Case 731-S-12

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

- 9. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.

- (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 25 types of uses authorized by right in the B-1 District:
- (a) The following 5 uses are authorized by right in the AG-1 District and are not authorized at all in the B- District:
- Single family dwelling;
 - Roadside Stand operated by Farm Operator;
 - Plant Nursery;
 - Off-premises sign within 660 feet of interstate highway; and
 - Off-premises sign along federal highway except interstate highways;
- (b) The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
- Subdivisions of three lots or less;
 - Agriculture;
 - Minor Rural Specialty Business;
 - Township Highway Maintenance Garage (must meet separations or SUP is required);
 - Christmas Tree Sales Lot;
 - Temporary Uses
- (c) The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
- Parking garage or lot;
 - Telegraph Office;
 - Roadside Produce Stand;
 - Farm Equipment Sales and Service;
 - Feed and Grain (sales only);
 - Locker, Cold Storage for Individual Use;
 - Major Automobile Repair;
 - Minor Automobile Repair;
 - Antique Sales and Service;
- (d) The following 9 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
- Major Rural Specialty Business;
 - Municipal or Government Building;

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- Small Scale Metal Fabricating Shop
 - Telephone Exchange;
 - Farm Chemicals and Fertilizer Sales;
 - Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park or recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;

- Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;
 - Gas Turbine Peaker;
 - BIG WIND TURBINE TOWER (1-3 turbines);
 - WIND FARM (County Board SUP)
 - Sawmills Planing Mills, and related activities; and
 - Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- (c) The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
- Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
 - Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons;
 - Liquefied Petroleum Gases Storage;

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Polices as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use*

Regulatory Policies, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

11. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 1.

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

12. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 2.

13. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. The proposed rezoning will ***NOT IMPEDE*** the achievement of Goal 3.

14. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment is will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states, **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”**

The proposed rezoning will ***HELP ACHIEVE*** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. The proposed rezoning will not impede the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states, **“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. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.1 because the B-1 District is intended to provide agriculture related businesses to rural residents and the subject property has not been in agricultural production .

- (4) Policy 4.1.6 states, **“Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.1.6 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (c) The proposed rezoning will remove less than one acre of best prime farmland from production.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, **“Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”**

The proposed rezoning will *HELP ACHIEVE* Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning *ACHIEVES* Policy 4.2.1 for the following reason:

- (a) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**
 - b. **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c. **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- (a) The use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.3 for the following reasons:

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.

- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- (a) The use on the subject property is directly related to agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states, **“Champaign County will require that each discretionary review development is located on a suitable site.”**

The proposed rezoning will *HELP ACHIEVE* Objective 4.3 because of the following:

- (1) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.
- (d) There is one nearby dwelling that is adjacent to the subject property and no complaint has ever been received about the existing business from the owner of the adjacent property.
- (e) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (f) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if

reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 4.2 miles from the Thomasboro Fire Protection District Station. The fire protection district was notified of the case and no comments were received.

- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reason:

- (a) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.

- (4) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.5 for the following reasons:

- (a) The proposed use serves surrounding agriculture and is an existing use.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

15. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 5.

16. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 6.

17. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed rezoning will *NOT IMPEDE* the achievement of Goal 7.

18. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed rezoning will *HELP ACHIEVE* Goal 8 for the following reasons:

- A. Objective 8.2 states, “**Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.**”

The proposed rezoning will *HELP ACHIEVE* Objective 8.2 because of the following:

- (1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.**”

The proposed rezoning will *HELP ACHIEVE* Policy 8.2.1 for the following reasons:

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The proposed use will efficiently use best prime farmland, approximately .17 acre will be converted from agricultural production.

- B. The proposed amendment will not impede all other Objectives and Policies under Goal 8.

19. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

20. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed rezoning will **NOT IMPEDE** the achievement of Goal 9.

GENERALLY REGARDING THE LaSalle Factors

21. 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.**

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Farm Equipment Sales and Service and farm storage	AG-1 Agriculture (proposed B-1)
North	Agriculture ----- Agrichemical storage (Case 731-S-12)	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture

West	Residential ----- Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

- 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 residential properties, it is not clear if the requested map amendment would have any effect.

- 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.**
There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
The proposed amendment will bring the existing business into compliance with the Zoning Ordinance, and will allow the petitioners to continue serving the agricultural community by providing the services they offer.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and has been used for the existing business since the 1970s.

- 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.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are two buildings on the subject property.

- G. **Sinclair factor: The need and demand for the use.**
The petitioners business provides a needed use to the agricultural community by providing farm equipment and repair services.

- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING RELEVANT TESTIMONY DURING THE PUBLIC HEARING

22. Relevant testimony at the public hearing can be summarized as follows:
- A. At the March 28, 2013, public hearing the petitioner's attorney, Paul Cole, testified that the map amendment is being requested because the petitioner intends to cooperate with the County in connection with the Special Use Permit, and that the implement dealership has been in operation for nearly 40 years and if it had been 40 years or more we would not be here, but since it has only been 39 years the County has asked the petitioner to clean up the map.
 - B. At the March 28, 2013, public hearing Kent Follmer, attorney for Kenneth and Victoria Warner, testified that his clients have resided at their property for many years and they have not made any objections because the implement business is much different than what they are concerned about in the other case. Mr. Follmer also said that just because the business has existed for 20 years does not mean that it must remain and just because there has not been objections voiced before does not mean that there can't be any now.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

~~22-23.~~ The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not directly related to this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is directly related to this purpose because the existing business is currently not authorized in its current AG-1 District. The proposed B-1 District allows farm equipment sales and service by right and if rezoned the existing business will be in compliance with the Zoning Ordinance.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not directly related to this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is directly related to this purpose because the existing structures were originally constructed as agricultural structures, but were then converted for business purposes.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

23-24. Regarding proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, and June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed amendment will **HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
 - A. The proposed text amendment will **HELP ACHIEVE** the following LRMP goals:

Goal 4 Agriculture because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will **HELP ACHIEVE** the following:
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).
 - Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.3 requiring discretionary development recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
 - Policy 4.2.4 requiring consideration of whether a buffer between proposed development and agricultural activities is necessary (see Item 14.B.(4)).
 - Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall.
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(4)).

- Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area.

Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will *HELP ACHIEVE* the following:

- Objective 8.2 requiring the County to conserve its soil resources because it will *HELP ACHIEVE* the following:
 - Policy 8.2.1 requiring to County to minimize the conversion of farmland to non-agricultural development.

B. The proposed amendment will *NOT IMPEDE* the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 5 Urban Land Use
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - The amendment will allow the petitioners to continue to provide the needed products and services they offer to the agricultural community.
 - The subject property is suitable for the business and cannot be converted back to agricultural production.
3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because:
 - Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).
 - Establishing the B-1 District at this location will help make the existing buildings, structures, and uses conform to those authorized in the B-1 District (Purpose 2.0 (m) see Item 22.M.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - Approval of the amendment would bring the existing business into compliance with the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Joseph Warner received August 31, 2012, with attachments:
 - A Site Plan
 - B Legal Description
 - C Plat Book Map
 - D Aerial Photo
2. Zoning Use Permit Application No. 244-12-01 received August 31, 2012
3. List of Owners and Officers of Warner Brothers, Inc. received September 5, 2012
4. CST Storage Tank Technical Drawings and Specifications received September 5, 2012
5. Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
6. Legal Description received January 2, 2013
7. Plat of Survey received February 6, 2013
8. Plat of Survey received February 12, 2013
9. Revised Special Use Permit Application signed by Joseph and Gerald Warner received March 1, 2013, with attachments:
 - A Plat of Survey
 - B Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage
 - C Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd.
 - D Map of Existing Drainage Tile
10. Application for Map Amendment received March 1, 2013, signed by Joseph and Gerald Warner with attachments:
 - A Legal Description
 - B Plat of Survey
11. Plat of Survey for Case 731-S-12 received March 21, 2013
12. Plat of Survey for Case 747-AM-13 received March 21, 2013
13. Building Plans for mixing building received March 21, 2013
14. Letter from Therese Wyman received March 21, 2013

15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination

16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Site Visit Photos
 - D LRMP Land Use Goals, Objectives, and Policies & Appendix
 - E Draft Finding of Fact and Final Determination

17. Plat of Survey received March 26, 2013

18. Supplemental Memorandum for Case 747-AM-13 dated March 28, 2013, with attachments:
 - A Plat of Survey received March 26, 2013
 - B Revised Draft Finding of Fact and Final Determination

19. Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk

20. Entry of Appearance for Cases 731-S-12 and 747-AM-13 submitted by Kent Follmer at the March 28, 2013, public hearing

21. Supplemental Memorandum for Case 731-S-12 dated May 8, 2013, with attachments:
 - A Proposed Evidence and Revisions
 - B IDAG Experimental Permit for Agrichemical Containment Facility received May 1, 2013
 - C IDAG Permit Agrichemical Containment Facility received May 1, 2013
 - D Letter from Danny Sage, Rantoul Township Road Commissioner, submitted at the March 28, 2013, public hearing by James Rusk
 - E Draft March 289, 2013, Meeting Minutes

22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
 - A Draft March 28, 2013, Meeting Minutes
23. Plat of Survey with annotations received May 15, 2013
24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
 - A Proposed Evidence
 - B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
 - C Letters from gene Warner received May 16, 2013
 - D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
 - E invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
 - F Drainage Tile Map received May 16, 2013
25. Page of Photos received May 16, 2013
26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
28. Plat of Survey received May 23, 2013
29. Plat of Survey received June 5, 2013
30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
 - A Plat of Survey received June 5, 2013
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 747-AM-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 750-S-13 & 751-V-13

PRELIMINARY MEMORANDUM

June 7, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: Sangamon Valley Public Water District

Request: CASE: 750-S-13

Authorize a water storage tank and water pumping station as a Special Use with waivers of standard conditions and requested variance in related Case 751-V-13 as a "Water Treatment Plant" in the AG-2 Agriculture Zoning District,

CASE: 751-V-13

Authorize the following for the construction of a storage tank and pumping station proposed in related Case 750-S-13:

Part A. Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.

Part B. Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet;

Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet;

Part D. Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.

Location: An approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living World Omega Message Church at 2272 CR 350E, Mahomet.

Site Area: 0.75 acres

Time Schedule for Development: April 2014

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

(217) 384-3708

BACKGROUND

Sangamon Valley Public Water District (SVPWD) requests a Special Use Permit for a water treatment plant to authorize the construction and operation of a 250,000 gallon storage tank and a booster pump station. The purpose of the storage tank and pump station are to increase water flow and pressure in the distribution system and provide water storage.

The subject property is within the one and one-half mile ETJ of the Village of Mahomet, and is also adjacent to the Village corporate boundary. The petitioner has purchased a 0.75 acre portion of a 4.55 acre tract. The new lot will be subject to the subdivision requirements of the Village of Mahomet. A Zoning Use Permit cannot be issued for the construction of the tank or the pump station unless the petitioner has complied with the Village of Mahomet subdivision regulations, or pending Case 743-AT-13 is adopted and the petitioner applies for a Variance from the Section 13 requirement of compliance with municipal subdivision regulations.

The petitioner has requested a variance from Section 4.2.1 H. requirements that a lot have access to a public street because the subject property is proposed to be accessed by easement over the adjacent property. A variance for a front yard of 15 feet for the proposed storage tank and a front yard of 16 for the proposed pump station in lieu of the minimum required 20 feet has also been requested. The petitioner has requested waivers (variance) of standard conditions from minimum lot size requirement, front yard requirements, and from the side and rear yard requirements.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet. The Village has received notice of these cases, but does not have protest rights.

In addition, the Mahomet Township plan commission has received notice of these cases, but does not have protest rights

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-2 Agriculture
North	Agriculture	AG-2 Agriculture
East	Residential	AG-2 Agriculture
West	Agriculture (County) / Church (Mahomet)	AG-2 (County) / R-1 (Village of Mahomet)
South	Agriculture	AG Agricultural (Village of Mahomet)

FRONT YARD REQUIREMENTS

The subject property does not front a public street, and in these instances the minimum required front yard is determined by what the minimum required rear yard is on the abutting property. In this case the minimum required rear yard on the abutting property is 20 feet. If the subject property fronted a public street the minimum required front yard would be 35 feet.

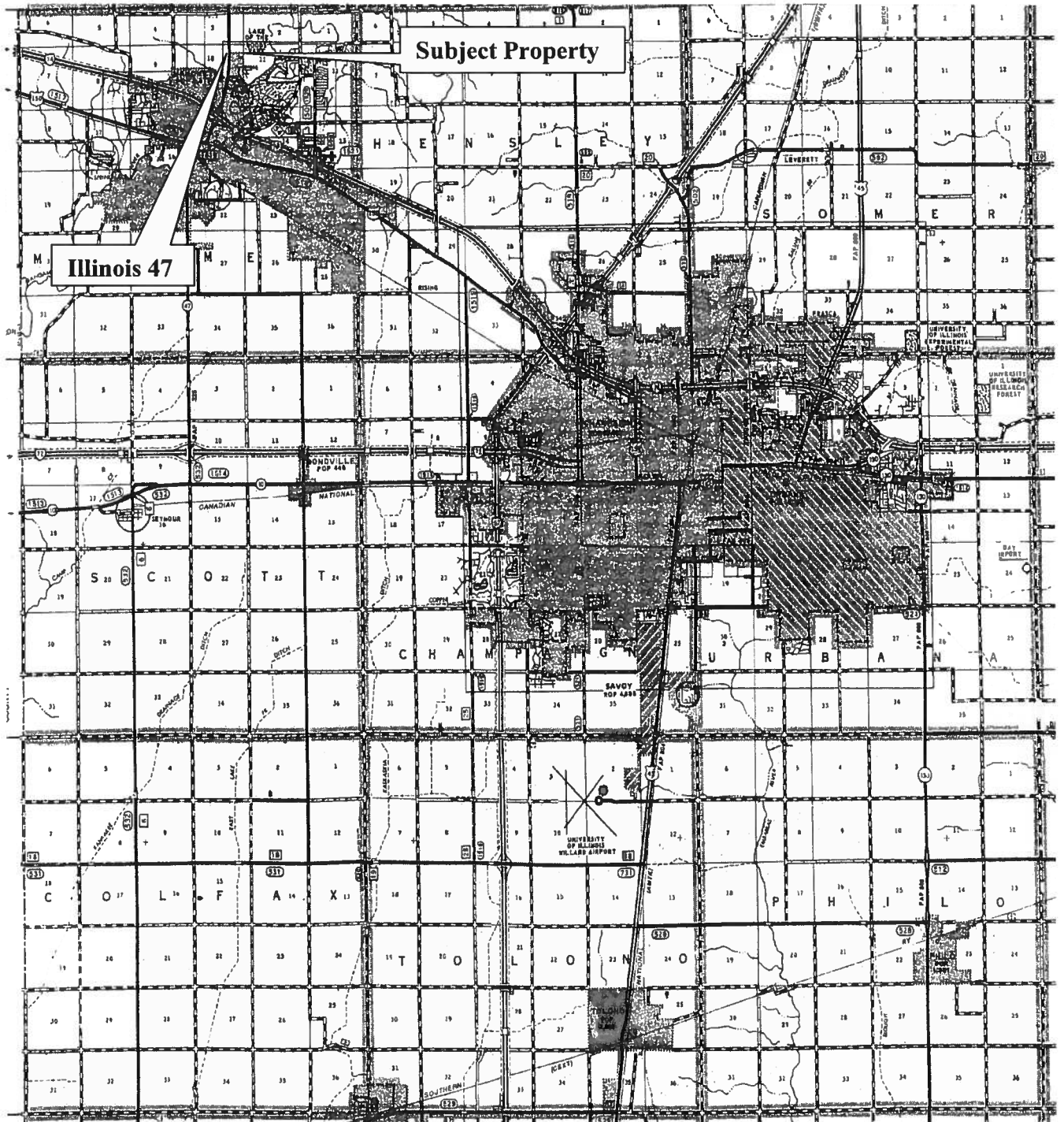
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Cover Letter from Mike Buzicky, Sodemann and Associates, received March 8, 2013
- C Site Plan received May 20, 2013, (included separately)
- D Site Visit Photos (included separately to only Board members and the petitioner, photos will be available on the County website)
- E Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

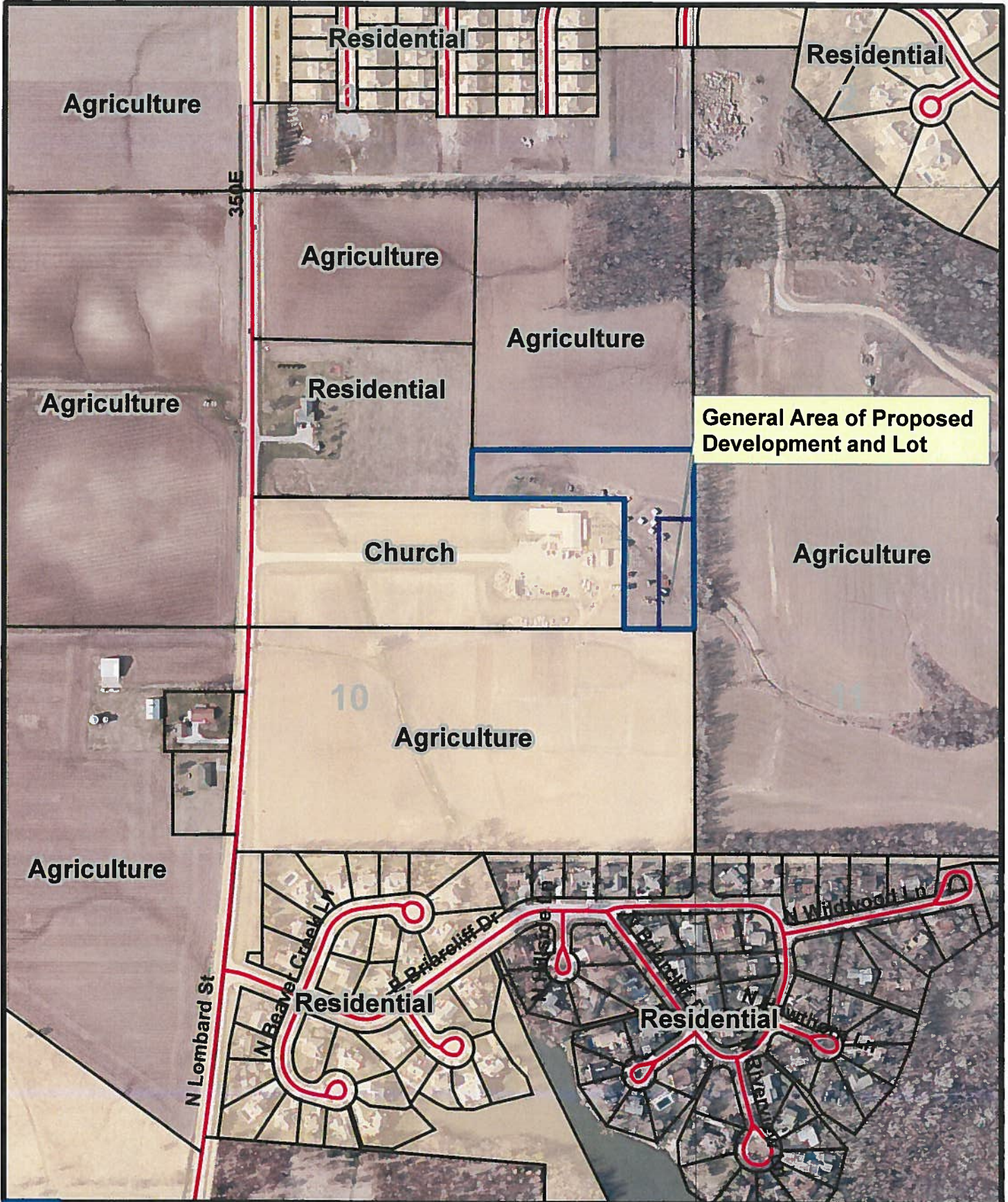
Case 750-S-13 & 751-V-13



June 7, 2013



Champaign County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 750-S-13 & 751-V-131
June 7, 2013



 Subject Property
 Municipal Boundary

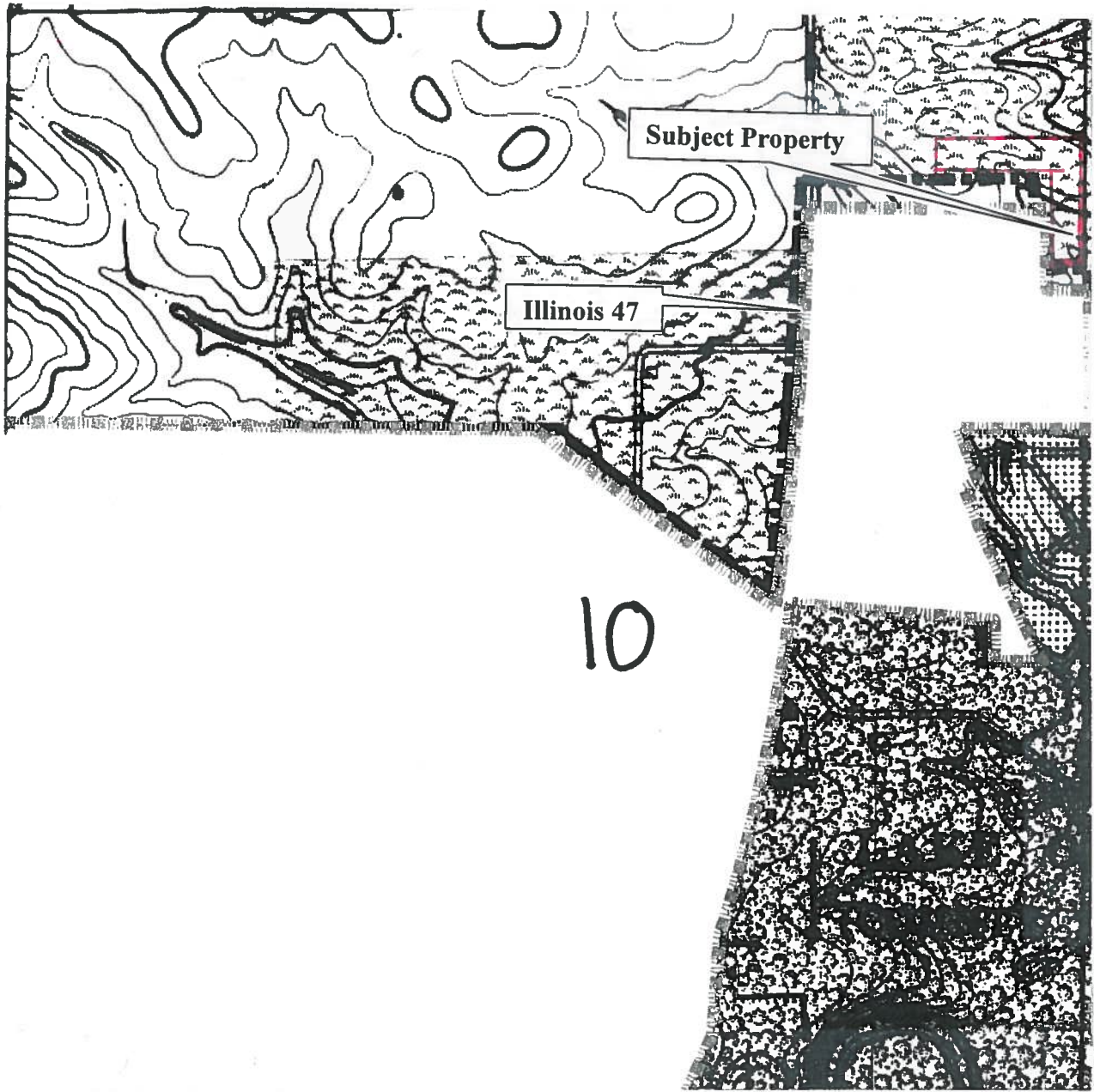
1 inch = 400 feet



ATTACHMENT A. ZONING MAP

Case: 750-S-13 & 751-V-13

June 7, 2013



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

Sodemann and Associates, Inc.



340 NORTH NEIL STREET
POST OFFICE BOX 557
CHAMPAIGN, ILLINOIS 61824-0557
TEL 217 352-7688
FAX 217 352-7922

March 8, 2013

RECEIVED

MAR 08 2013

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County
Department of Planning and Zoning
1776 E. Washington St.
Urbana, IL. 61802

Subject: Sangamon Valley Public Water District
0.75 Ac Tank Site-Variance & Special Use

Mr. Hall-

Please find applications for Variance and Special Use Permit with respect to the Sangamon Valley Public Water District (SVPWD) proposed 0.75 ac Ground Storage Tank site. This proposed site is generally north of Mahomet, and east of Rt. 47 on existing Schneider property.

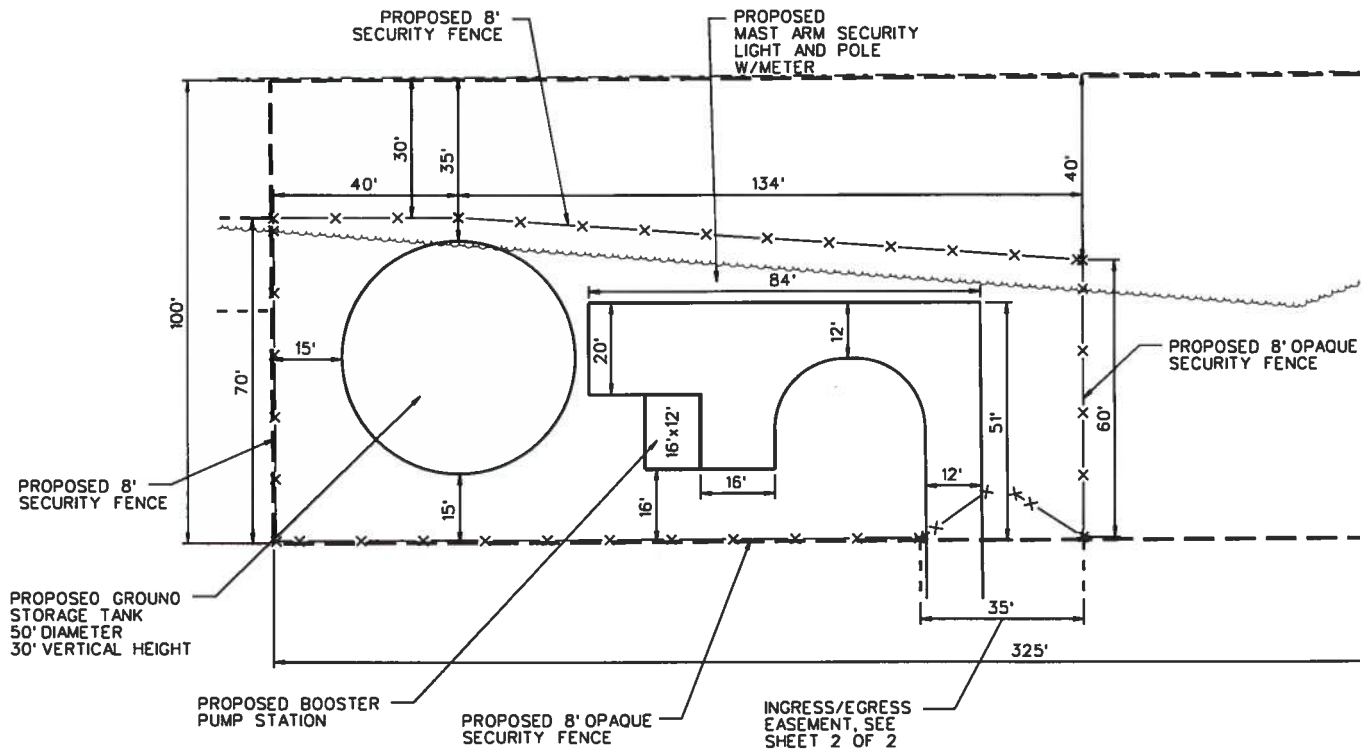
SVPWD is proposing a site to construct a ground storage tank and booster station to increase water flow and pressure in the adjacent water distribution system. These improvements are very much needed and proposed in an IEPA Water Improvements Plan for SVPWD.

Please let me know if you have any questions regarding these applications. I will forward the proposed site plan for attachment as well. Let Kerry Gifford at SVPWD know the application fees for these two documents as well.

Sincerely,

Michael A. Buzicky, P.E.
Sodemann and Associates, inc.
Fehr Graham

SANGAMON VALLEY PUBLIC WATER PROPOSED 250,000 GALLON GROUND STORAGE TANK PRELIMINARY SITE PLAN



RECEIVED

MAY 20 2013

CHAMPAIGN CO. P & Z DEPARTMENT

FEHR GRAHAM

ENGINEERING & ENVIRONMENTAL

ILLINOIS DESIGN FIRM NO. 184-003525

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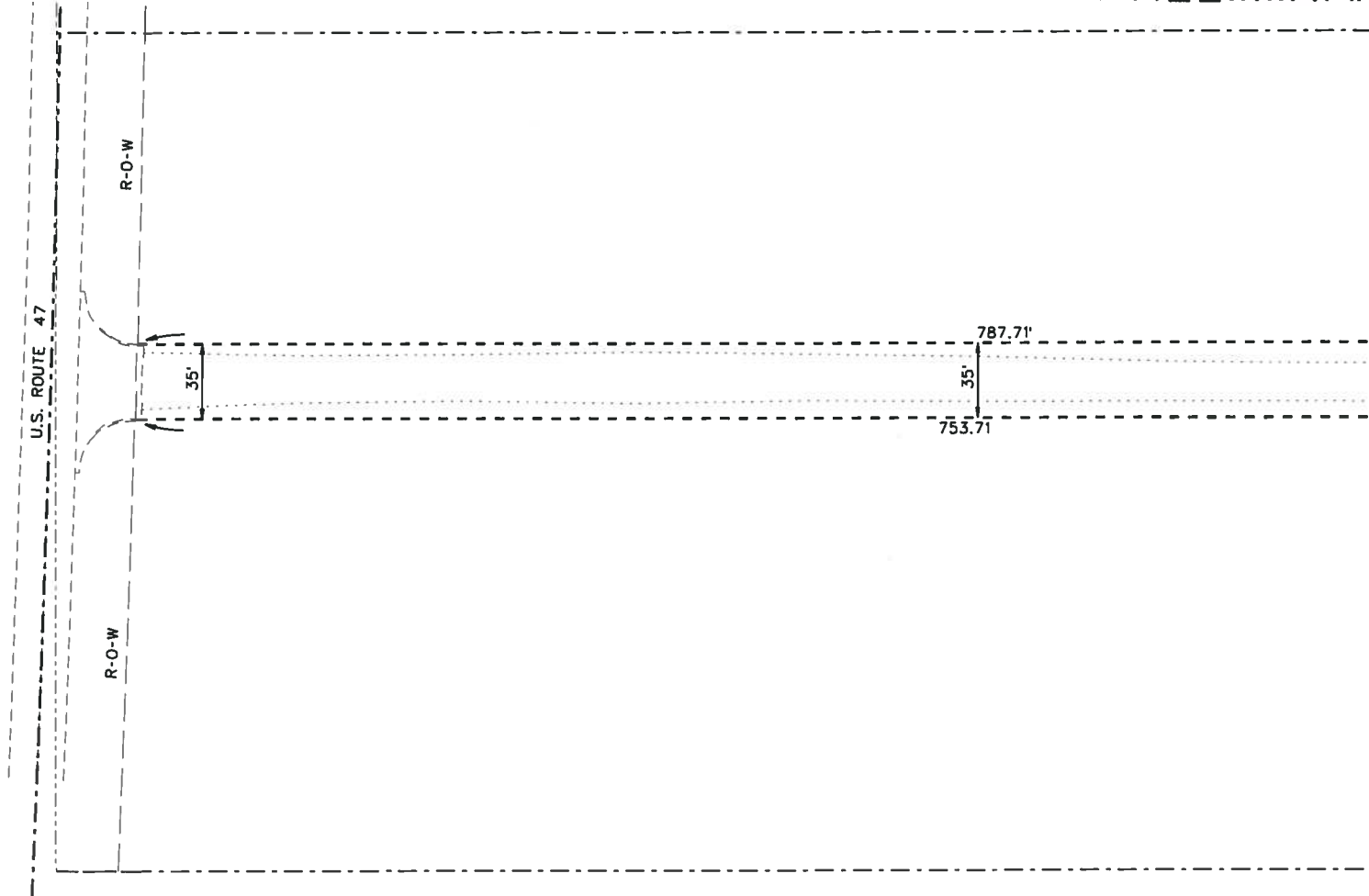
OWNER/DEVELOPER

SANGAMON VALLEY PUBLIC WATER
709 N. PRAIRIE VIEW ROAD
MAHOMET, IL 61853

PROJECT AND LOCATION

250,000 GALLON
GROUND STORAGE TANK
REZONING

SANGAMON VALLEY
PROPOSED 250,000 GALLON C
INGRESS
PRELIMINAF



RECEIVED

MAY 20 2013

CHAMPAIGN CO. P & Z DEPARTMENT

FEHR GRAHAM

ENGINEERING & ENVIRONMENTAL

ILLINOIS DESIGN FIRM NO. 184-003525

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ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER

SANGAMON VALLEY PUBLIC WATER
709 N. PRAIRIE VIEW ROAD
MAHOMET, IL 61853

PROJECT AND LOCATION:

250,000 GALLON
GROUND STORAGE
REZONING



06/04/2013

Living Word Omega Message Church

Sunday 10:00 a.m.
Wednesday 7:30 p.m.

06/04/2013



06/04/2013



06/04/2013

06/04/2013





06/04/2013



06/04/2013



06/04/2013



06/04/2013



06/04/2013



06/04/2013



06/04/2013

DRAFT

750-S-13 & 751-V-13

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: **June 13, 2013**

Petitioners: **Sangamon Valley Public Water District**

Request: **CASE: 750-S-13**

Authorize a water storage tank and water pumping station as a Special Use with waivers of standard conditions and requested variance in related Case 751-V-13 as a "Water Treatment Plant" in the AG-2 Agriculture Zoning District, on the property below.

CASE: 751-V-13

Authorize the following for the construction of a storage tank and pumping station proposed in related Case 750-S-13:

- Part A. Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.
- Part B. Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet;
- Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet;
- Part D. Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet, on the property below.

SUBJECT PROPERTY

An approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living World Omega Message Church at 2272 CR 350E, Mahomet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District owns the subject property.
2. The subject property is an approximate 0.75 acre tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property located immediately east of the Living World Omega Message Church at 2272 CR 350E, Mahomet.
3. The subject property is within the one and one-half mile ETJ of the Village of Mahomet and is located adjacent to the Village. The Village has been notified of these cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned AG-2 Agriculture and is in agricultural use.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land on the north is in agricultural production and is zoned AG-2 Agriculture.
 - (2) Land on the south is in agricultural production and is within the Village Mahomet and is zoned AG Agricultural.
 - (3) Land east of the subject property is in agricultural production and is zoned AG-2 Agriculture.
 - (4) Land west of the subject property is in agricultural production and is zoned AG-2 Agriculture. Additional land to the west is within the Village of Mahomet and is the property that the Living World Omega Message Church occupies. This property is zoned R-1 Residential Single-Family.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the water treatment plant:
 - A. The site plan received May 20, 2013, indicates the following:
 - (1) The 100' × 325' (0.75 acre) lot.
 - (2) The proposed 250,000 gallon storage tank that is 30 feet in height.

- (3) A proposed 16' × 12' prefabricated building that will house the booster pump station.
 - (4) Proposed security light.
 - (5) Proposed 8' security fence.
 - (6) The proposed access easement that is approximately 1,050 feet in length and 35' wide and located on the adjacent Church property.
 - (7) An existing church and various out buildings on the adjacent property.
 - (8) An indication that the lighting system will conform to Champaign County lighting requirements.
 - (9) An indication that 2 visitor parking spaces will be provided and 1 accessible parking space.
- B. The subject property is not considered BEST PRIME FARMLAND and has an overall LE score of 75. It primarily consists of Russell silt loam and a small portion of Birkbeck silt loam.
- C. The petitioner has requested the following variances:
- (1) Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.
 - (2) Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet.
 - (3) Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet.
 - (4) Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a Water Treatment Plant as a Special Use in the AG-2 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes a Water Treatment Plant as a Special Use only in the AG-2, I-1, and I-2 Zoning Districts.

- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes standard conditions for a Water Treatment Plant and they are as follows:
 - (a) Minimum LOT Size of 5 acres
 - (b) Front setback from the street centerline of 100 feet
 - (c) Side yard of 50 feet
 - (d) Rear yard of 50 feet
 - (e) Minimum of a 6 feet high wire mesh fencing
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AREA, LOT" is the total area within the LOT LINES.

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- (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (4) “FRONT YARD” as an a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINE each abut a STREET RIGHT OF WAY both such YARDS shall be classified as front yards (capitalized words are defined in the Ordinance).
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (7) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (8) “REAR YARD” as a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT (capitalized words are defined in the Ordinance).
- (9) “STRUCTURE” as anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS,

walls, fences, billboards, and SIGNS (capitalized words are defined in the Ordinance).

- (10) "SETBACK LINE" as the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY LINE (capitalized words are defined in the Ordinance).
- (11) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (12) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (13) "YARD" as an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein (capitalized words are defined in the Ordinance).
- (14) "YARD, SIDE" is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.

- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
 - (3) Including findings based on all of the criteria that are required for a VARIANCE for any waiver of a standard condition will eliminate any concern related to the adequacy of the required findings for a waiver of a standard condition and will still provide the efficiency of not requiring a public hearing for a VARIANCE, which was the original reason for adding waivers of standard conditions to the Ordinance.

- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- G. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2. The requested variances are as follows:
 - (a) Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.
 - (b) Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet.
 - (c) Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet.

- (c) Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.
- H. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Provide water storage and pumps to improve fire service to the area.”**

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Site will be secured with 8’ cedar fence.”**
 - B. Regarding surface drainage:
 - (1) The subject property is not located in a drainage district.
 - (2) Drainage from the subject property appears to flow across the property to the southeast.
 - C. The subject property is proposed to be accessed by easement from Illinois Route 47 (CR 350E) in the southwest corner of the property. Regarding the general traffic conditions on Illinois Route 47 at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Illinois Department of Transportation (IDOT) 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 Volume on Illinois Route 47 is 7,350 AADT.
 - (2) Visits to the subject property will be infrequent. No significant increase in traffic is anticipated.
 - (3) The Township Highway Commissioner and County Engineer have been notified of these cases and no comments have been received at this time.

- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Cornbelt Fire Protection District. The subject property is approximately 1.6 road miles from the fire station. The Fire Protection District Chief has been notified of this request no comments have been received at this time.
- E. The subject property is not located within a Special Flood Hazard Area.
- F. Regarding outdoor lighting on the subject property:
- (1) The site plan received May 20, 2013, indicates the proposed location of a security pole light.
 - (2) The site plan received May 20, 2013, indicates that the proposed lighting will meet Champaign County lighting requirements.
- G. Regarding wastewater treatment and disposal on the subject property, the proposed use does not require a sanitary sewer system.
- H. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.

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- (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required. There is no information regarding the cost of the pole barn that is used to house the farm dinners in inclement weather, so it is unclear if that will trigger the requirements of the IEBA.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and

- iii. International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
- I. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will not be injurious to the district:
 - (1) There is no evidence to suggest that the requested waivers (variances) of the standard conditions will be injurious to the district for the following reasons:
 - (a) Traffic to and from the subject property should not significantly increase;
 - (b) There are no drainage issues that would result from this;
 - (c) The proposed use is a urban use and allowed by Special Use Permit in the AG-2 Agriculture Zoning District;
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application, **“Yes, exempt per Public Utilities Act of Illinois.”**
 - B. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District, the proposed use is allowed in the AG-2 Agriculture Zoning District.
 - C. Regarding compliance with the *Zoning Ordinance*:
 - (1) Water Treatment Plants are authorized only by Special Use Permit in the AG-2, I-1, or I-2 Zoning District.
 - (2) Regarding parking on the subject property:
 - (a) Section 7.4.1 D.1. requires one parking space to be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE

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used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.

- (b) Section 7.4.1 D.2. requires that all parking spaces be surfaced with an all-weather dustless material.
 - (c) Employees will not report to the subject property on a daily basis. The notes on the site plan received May 20, 2013, indicate that a total of 3 parking spaces will be provided.
 - (d) Required Parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.
 - (e) Paragraph 7.4.1 C.4. requires that SCREENING be provided as follows:
 - i. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a Type B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - ii. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- (3) Regarding loading berths on the subject property:
- (a) The total proposed building area on the property is approximately 2,154.50 square feet. Paragraph 7.4.2 C.5. requires buildings with an area of 1-9,999 square feet to provide one 12'×40' loading berth.
 - (b) Section 7.4.2 D.2. Requires that no such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN (8 feet in height and opaque).

- D. Regarding compliance with the *Stormwater Management Policy*:
 - (1) The proposed Special Use is exempt from the *Stormwater Management Policy* because the amount of proposed impervious area does not exceed the maximum allowed 0.14 acres.

- E. Regarding the Special Flood Hazard Areas Ordinance:
 - (1) The subject property is not located in the Special Flood Hazard Area.

- F. Regarding Subdivision Jurisdiction and Regulations:
 - (1) The subject property is located in the Village of Mahomet subdivision jurisdiction.
 - (2) The proposed 0.75 acre lot will require subdivision approval.

- G. The proposed Special Use must comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings. It is unclear if the proposed special use must comply with the Illinois Accessibility Code. Staff is waiting for a determination from the Illinois Capital Development Board.

- H. The petitioner has requested waivers (variances) of the standard conditions for a Water Treatment Plant regarding the following conditions:
 - (1) Lot area of .75 acres in lieu of the required 5 acres.
 - (2) Front yard of 15 feet in lieu of the minimum required 55 feet.
 - (3) Side yard of 15 feet in lieu of the minimum required 50 feet.
 - (4) Rear yard of 35 feet in lieu of the minimum required 50 feet.

- I. The petitioner has requested the following variance:
 - (1) Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.
 - (2) Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet.
 - (3) Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A Water Treatment Plant may be authorized in the AG-2, I-1, or I-2 Zoning Districts as a Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture 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 miles of existing communities in the COUNTY.
 - (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
 - (3) Paragraph 2 .0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the minimum yard requirements in the Ordinance and the proposed site plan appears to not be in compliance with those requirements. However waivers are required if standard conditions are not met.
 - (4) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
 - (a) In regards to the value of nearby properties, it is unclear what impact the proposed SUP will have on the value of nearby properties.
 - (5) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.
 - (a) Traffic resulting from the proposed use will be minimal.

- (6) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

Because of the size of the property (0.75 acre) and the amount of proposed impervious area does not exceed the maximum allowed 0.14 acres the requested Special Use Permit is exempt from the requirements of the *Champaign County Stormwater Management Policy*. The subject property is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (7) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (8) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to not be in compliance with some, but not all of those limits.

- (9) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the

ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions.

- (10) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed use in this case is not related to this purpose.

- (11) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-2 Agriculture District and is, by definition, an urban use that may be authorized by Special Use.

- (12) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (13) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-2 Agriculture District and is, by definition, an urban use that may be authorized by Special Use.

- (14) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in an area where agriculture still exists.

- (15) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed use in this case is not related to this purpose.

- D. Regarding the *Zoning Ordinance* requirement that the waivers (variances) of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
 - (1) There is no evidence to suggest that the requested waivers (variances) of the standard conditions will not be in harmony with the general purpose and intent of the ordinance for the following reasons:
 - (a) Traffic increase will be minimal, if any.
 - (b) The *Zoning Ordinance* allows this use as a Special Use in the AG-2 Agriculture Zoning District.
 - (c) The nearest dwelling is approximately 700 feet from the side property line.
 - (d) The nearest dwelling is approximately 1,300 feet away from the rear property line.
 - (e) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

- 11. Regarding whether the proposed Special Use Permit is an existing nonconforming use.
 - A. The Petitioner has testified on the application, “N/A - Farmland.”

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES FOR A VARIANCE

- 12. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. Minimum setbacks from the centerline of a street, minimum front yards, minimum side yards, minimum rear yards, and maximum lot size in the AG-2 District are established in Section 5.3 and Subsection 4.3.2 of the *Zoning Ordinance* as follows:
 - (1) The minimum setback from a major street is listed in Section 5.3 and Subsection 4.3.2 as 85 feet.
 - (2) The minimum front yard in regards to a major street is listed in Footnote 3 of Section 5.3 and Subsection 4.3.2 as 35 feet. In instances where a lot does not front a public street the minimum required front yard is determined by what the

minimum required rear yard is on the abutting property. In this case the minimum required rear yard on the abutting property is 20 feet.

- (3) The minimum side yard is listed in Section 5.3 as 10 feet.
 - (4) The minimum rear yard is listed in Section 5.3 as 20 feet.
- B. Subsection 6.1.3 establishes standard conditions for a Water Treatment Plant and they are as follows:
- (1) Minimum LOT Size of 5 acres.
 - (2) Front setback from the street centerline of 100 feet (implies a 55 feet front yard).
 - (3) Side yard of 50 feet.
 - (4) Rear yard of 50 feet.
 - (5) Minimum of 6 feet high wire mesh fencing.

RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

13. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application that, **“The proposed lot will be owned by a Public Water District. The lot is narrow. The proposed tank and infrastructure is exempt per Public Utilities Act of Illinois.”**
 - B. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H (Part A):
 - (1) *Evidence to be added*
 - C. Regarding Parts B and C of the Variance:
 - (1) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.
 - (2) The land adjoining the front property line is used for agricultural purposes.
 - D. Regarding the waiver (variance) of standard conditions for a lot area of 0.75 acres in lieu of the minimum required 5 acres:
 - (1) *Evidence to be added*

- E. Regarding the waivers (variances) of standard conditions for a side yard of 15 feet in lieu of 50 feet and a rear yard of 35 feet in lieu of 50 feet:
 - (1) The proposed 250,000 gallon storage tank will have a side yard of 15 feet in lieu of the required 50 feet and a rear yard of 35 feet in lieu of the required 50 feet.
 - (2) The nearest dwelling is approximately 700 feet from the side property line.
 - (3) The nearest dwelling is approximately 1,300 feet away from the rear property line.

- F. Regarding the waivers (variances) of standard conditions for a front yard of 55 feet:
 - (1) The storage tank and pump station are more than 100 feet from the centerline of Illinois Route 47, but they do not meet the minimum front yard requirement of 55 feet.
 - (2) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.

RELATED TO THE VARIANCE, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application that, **“SVPWD, a public water utility needs to locate this tank strategically within the existing water system to meet hydraulic requirements.”**

 - B. Regarding Parts B and C of the Variance:
 - (1) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.
 - (2) The land adjoining the front property line is used for agricultural purposes.
 - (3) Without the proposed variance the petitioner would have to acquire more land to accommodate all yard requirements and standard conditions.

 - C. Regarding the waiver (variance) of standard conditions for a lot area of 0.75 acres in lieu of the minimum required 5 acres:
 - (1) *Evidence to be added*

 - D. Regarding the waivers (variances) of standard conditions for a side yard of 15 feet in lieu of 50 feet and a rear yard of 35 feet in lieu of 50 feet:
 - (1) The proposed 250,000 gallon storage tank will have a side yard of 15 feet in lieu of the required 50 feet and a rear yard of 35 feet in lieu of the required 50 feet.

- (2) The nearest dwelling is approximately 700 feet from the side property line.
- (3) The nearest dwelling is approximately 1,300 feet away from the rear property line.
- E. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
 - (1) The storage tank and pump station are more than 100 feet from the centerline of Illinois Route 47, but they do not meet the minimum front yard requirement of 55 feet.
 - (2) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.

RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 15. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application that, **“No, SVPWD needs to locate the improvements based on existing and planned development.”**
 - B. Regarding the variance from access requirements of Zoning Ordinance paragraph 4.2.1 H (Part A):
 - (1) *Evidence to be added*
 - C. Regarding Parts B and C of the Variance:
 - (1) *Evidence to be added*
 - D. Regarding the waiver (variance) of standard conditions for a lot area of 0.75 acres in lieu of the minimum required 5 acres:
 - (1) *Evidence to be added*
 - E. Regarding the waivers (variances) of standard conditions for a side yard of 15 feet in lieu of 50 feet and a rear yard of 35 feet in lieu of 50 feet:
 - (1) The proposed 250,000 gallon storage tank will have a side yard of 15 feet in lieu of the required 50 feet and a rear yard of 35 feet in lieu of the required 50 feet.
 - (2) The nearest dwelling is approximately 700 feet from the side property line.
 - (3) The nearest dwelling is approximately 1,300 feet away from the rear property line.
 - F. Regarding the waivers (variances) of standard conditions for a front yard 55 feet:
 - (1) The storage tank and pump station are more than 100 feet from the centerline of Illinois Route 47, but they do not meet the minimum front yard requirement of 55 feet.

- (2) The nearest dwelling is approximately 1,100 feet from the front property line. The church is approximately 230 feet from the front property line.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application that, **“The zoning ordinance appears to exempt Public Utility needs under the Public Utilities Act of Illinois.”**
 - B. Regarding the requested variance:
 - (1) The requested variance from access requirements of Zoning Ordinance paragraph 4.2.1H is a 100% variance.
 - (2) The requested variance for a front yard of 15 feet for a proposed water storage tank is 75% of the minimum required 20 feet for a variance of 25%.
 - (3) The requested variance for a front yard of 16 feet for a proposed pump station is 80% of the minimum required 20 feet for a variance of 20%.
 - C. Regarding the requested waivers (variances) of standard conditions:
 - (1) The requested waiver (variance) for a lot area of 0.75 acres is 15% of the minimum required 5 acres for a variance of 85%.
 - (2) The requested waiver (variance) for a front yard of 15 feet is 27% of the minimum required 55 feet for a variance of 73%.
 - (3) The requested waiver (variance) for a side yard of 15 feet is 30% of the minimum required 50 feet for a variance of 70%.
 - (4) The requested waiver (variance) for a rear yard of 35 feet is 70% of the minimum required 50 feet for a variance of 30%.
 - D. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

17. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application that, **“All tank or vault structures will be covered and/or locked.”**

- C. The Township Road Commissioner and Illinois Department of Transportation have received notice of this variance but no comments have been received.
- D. The Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval:

No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Special Use Permit application signed by Kerry Gifford (General Manager, SVPWD) received on March 8, 2013, with attachments:
 - A Cover Letter from Mike Buzicky, Sodemann and Associates
 - B Legal Description

2. Variance application signed by Mike Buzicky, Sodemann and Associates, (Agent for SVPWD) received on March 8, 2013, with attachments:
 - A Cover Letter from Mike Buzicky, Sodemann and Associates
 - B Legal Description

3. Site Plan received March 14, 2013

4. Revised Site Plan received May 20, 2013

5. Preliminary Memorandum for Cases 750-S-13 & 751-V-13 dated June 7, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Cover Letter from Mike Buzicky, Sodemann and Associates, received March 8, 2013
 - C Site Plan received May 20, 2013
 - D Site Visit Photos
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT: CASE 750-S-13

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 750-S-13 held on **June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN {IS / IS NOT}}*** necessary for the public convenience at this location because:

2. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL NOT / WILL}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has ***{ADEQUATE / INADEQUATE}*** traffic capacity and the entrance location has ***{ADEQUATE / INADEQUATE}*** visibility.
 - b. Emergency services availability is ***{ADEQUATE / INADEQUATE} {because*}***:

 - c. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - d. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses ***{because*}***:

 - e. Surface and subsurface drainage will be ***{ADEQUATE / INADEQUATE} {because*}***:

 - f. Public safety will be ***{ADEQUATE / INADEQUATE} {because*}***:

 - h. The provisions for parking will be ***{ADEQUATE / INADEQUATE} {because*}***:

 - i. The property ***{IS/IS NOT}*** SUITED OVERALL for the proposed improvements ***{because*}***:

- j. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense*{because*}*: _____
- k. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because*}*: _____

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use *IS* an existing nonconforming use and the requested Special Use Permit *WILL* make the existing use more compatible with its surroundings
- 6. Regarding necessary waivers of standard conditions:
 - A. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a lot area of 0.75 acres in lieu of the minimum required 5 acres:

- (1) The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare. *{Because*}*:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district. *{Because*}*:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction. *{Because*}*:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant. *{Because*}*:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure. *{Because*}*:
- B. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for **a front yard of 15 feet in lieu of the minimum required 55 feet:**
- (1) The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare. *{Because*}*:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district. *{Because*}*:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction. *{Because*}*:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant. *{Because*}*:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure. *{Because*}*:

- C. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a **side yard of 15 feet in lieu of the minimum required 50 feet**:
- (1) The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare. *{Because*}*:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district. *{Because*}*:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction. *{Because*}*:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant. *{Because*}*:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure. *{Because*}*:
- D. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a **rear yard of 35 feet in lieu of the minimum required 50 feet**:
- (1) The waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL / WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare. *{Because*}*:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district. *{Because*}*:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction. *{Because*}*:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant. *{Because*}*:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure. *{Because*}*:

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW}***

*The Board may include additional justification if desired, but it is not required.

FINDINGS OF FACT: CASE 751-V-13

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **751-V-13** held on **June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE SPECIAL CONDITION IMPOSED}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE SPECIAL CONDITION IMPOSED}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:

6. The requested variance **{SUBJECT TO THE SPECIAL CONDITION IMPOSED}** **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure

because: _____

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION: CASE 750-S-13

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval of Section 9.1.11B. *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 750-S-13 is hereby *{GRANTED / GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the petitioner Sangamon Valley Public Water District to authorize a water storage tank and water pumping station as a Special Use with waivers of standard conditions and requested variance in related Case 751-V-13 as a “Water Treatment Plant” in the AG-2 Agriculture Zoning District.

{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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST: Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION: CASE 751-V-13

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 751-V-13 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner Sangamon Valley Public Water District to authorize:

Part A. Variance to authorize access by private easement in lieu of the requirement that a lot have access to a public street right of way or abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.

Part B. Variance for a front yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet;

Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum required 20 feet;

Part D. Waiver (variance) of standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.

SUBJECT TO THE FOLLOWING CONDITION(S):

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST: Secretary to the Zoning Board of Appeals

Date

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 756-AT-13

PRELIMINARY MEMORANDUM

June 7, 2013

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**, Zoning Administrator
Andrew Kass, Associate Planner

**Brookens Administrative
Center**

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Request: Amend the Champaign County Zoning Ordinance as follows:

Add a new paragraph to Section 7.1.2. to add a requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations area that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

BACKGROUND

The Board had requested this amendment in conjunction with the review of Case 732-AT-12. This was advertised as a separate case rather than as a part of Case 732-AT-12.

ATTACHMENTS

- A Proposed amendment
- B Draft Finding of Fact and Final Determination
- C LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)

Attachment A. Proposed Amendment
JUNE 7, 2013

1. Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any Outdoor STORAGE and/or OPERATIONS area authorized after {EFFECTIVE DATE OF THE ORDINANCE} for any RURAL HOME OCCUPATION shall be required to minimize glare from exterior lighting onto adjacent properties and roadways by the following means:
1. All exterior lighting used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass onto adjacent properties. Full-cutoff means that the lighting fixture emits no light above the horizontal plane.
 2. No lamp in any exterior lighting fixture that is used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be indicated on the site plan (including floor plans and building elevation).
 4. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all light fixtures.
 5. The requirements of this paragraph 7.1.2 L. shall only apply to any Outdoor STORAGE and/or OPERATIONS area that is part of a RURAL HOME OCCUPATION established after {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE and/or OPERATIONS area that is added after {EFFECTIVE DATE OF THE ORDINANCE} to any existing RURAL HOME OCCUPATION and shall not apply to any existing Outdoor STORAGE and/or OPERATIONS area that existed at any duly authorized RURAL HOME OCCUPATION on {EFFECTIVE DATE OF THE ORDINANCE}.

PRELIMINARY DRAFT

756-AT-13

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

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

Date: June 13, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Add a new paragraph to Section 7.1.2. to add a requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations area that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to add lighting requirements for outdoor operational or storage areas at any new or existing RURAL HOME OCCUPATION.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives no policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 5.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons:

- A. Objective 6.1 states as follows: “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**”

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:

- (1) Policy 6.1.3 states as follows: “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed amendment will *HELP ACHIEVE* Policy 6.1.3 for the following reasons:

- (a) The purpose of the amendment is to prevent nuisances conditions created by the lighting of outdoor storage and/or operation areas at Rural Home Occupations.
- (b) Full-cutoff lighting means that no light will be emitted above the horizontal plane.
- (2) The proposed amendment will not impede Objectives 6.2, 6.3, 6.4, and Policies 6.2.1, 6.2.2, and 6.2.3.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed amendment will *NOT IMPEDE* the achievement of Goal 10.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is consistent with this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is consistent with this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is consistent with this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is consistent with this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is consistent with this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is consistent with this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is consistent with this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is consistent with this purpose.

17. The proposed text amendment will *IMPROVE* the text of the Zoning Ordinance because it will:
 - A. Help prevent light trespass and nuisance conditions resulting from a RURAL HOME OCCUPATION.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **June 13, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment ***HELPS ACHIEVE*** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
 - A. The proposed text amendment ***HELPS ACHIEVE*** the following LRMP goals:

Goal 6 Public Health and Public Safety because while it will not impede other objectives and policies under this goal, it ***HELPS ACHIEVE*** the following:

 - Objective **6.1 ensuring that rural development does not endanger public health or safety** because it ***HELPS ACHIEVE*** the following:
 - Policy **6.1.3 preventing nuisances created by light and glare (see Item 11.A.(1)).**
 - B. The proposed text amendment will ***NOT IMPEDE*** the following LRMP goal(s):
 - **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 4 Agriculture**
 - **Goal 5 Urban Land Use**
 - **Goal 7 Transportation**
 - **Goal 8 Natural Resources**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
2. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the **Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance.
3. The proposed text improvement ***WILL IMPROVE*** the **Zoning Ordinance** as follows:
 - Help prevent light trespass and nuisance conditions resulting from a **RURAL HOME OCCUPATION**.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated June 7, 2013, with attachments:
 - A Proposed Amendment
 - B Draft Finding of Fact and Final Determination
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 756-AT-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any Outdoor STORAGE and/or OPERATIONS area authorized after {EFFECTIVE DATE OF THE ORDINANCE} for any RURAL HOME OCCUPATION shall be required to minimize glare from exterior lighting onto adjacent properties and roadways by the following means:
1. All exterior lighting used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass onto adjacent properties. Full-cutoff means that the lighting fixture emits no light above the horizontal plane.
 2. No lamp in any exterior lighting fixture that is used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the Outdoor STORAGE and/or OPERATIONS area shall be indicated on the site plan (including floor plans and building elevation).
 4. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all light fixtures.
 5. The requirements of this paragraph 7.1.2 L. shall only apply to any Outdoor STORAGE and/or OPERATIONS area that is part of a RURAL HOME OCCUPATION established after {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE and/or OPERATIONS area that is added after {EFFECTIVE DATE OF THE ORDINANCE} to any existing RURAL HOME OCCUPATION and shall not apply to any existing Outdoor STORAGE and/or OPERATIONS area that existed at any duly authorized RURAL HOME OCCUPATION on {EFFECTIVE DATE OF THE ORDINANCE}.



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 1 Planning and Public Involvement

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

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. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

Champaign County will encourage *urban development* that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 5.1.5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2.2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Natural Resources

Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*. *Best prime farmland* is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 Objectives**Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies**Objective 9.1 Reduce Greenhouse Gases**

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

APPENDIX 10

DEFINED TERMS ¹

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

Note 1: These defined terms are additionally provided as an Appendix in Volume 2: Champaign County Land Resource Management Plan

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.