

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **June 28, 2012**
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 (May 17, 2012 and May 31, 2012)

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

5. Continued Public Hearings

Case 710-AT-12 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:**

Part A. Revise the Land Evaluation (LE) part as follows:

1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois 2003* edition.
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

Part B. Revise the Site Assessment (SA) part as follows:

1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.
2. Delete SA Factors A.2.; A.3; B.2.; B.3; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b. 2c; 3; 4; 6; 9; 10; and scoring guidance for each new Factor, as described in the legal advertisement.

Part C. Revise the Rating for Protection as described in the legal advertisement.

Part D. Revise the general text and reformat.

Case 711-AT-12 Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

Part A. In Section 3, revise the definition of “best prime farmland” as follows:

- a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and
- b) add “prime farmland soils 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*”; and
- c) add “soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System”; and
- d) add “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”.

Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

Part C. Revise paragraph 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JUNE 28, 2012

6. New Public Hearings

***Case 715-V-12** Petitioner: John Behrens Estate and Anne and Denny Anderson
Request: Authorize the following in the R-1 Single Family Residence Zoning District.
Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side yard and rear yards of 5 feet;
Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet.
Part C. Variance from Section 4.2.D. requirement that no construction shall take place in a recorded utility easement.
Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.
Location: Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.

Case 717-AM-12 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises
Request: Amend the Zoning Map to change the district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District.
Location: Approximately 2.9 acres of an approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet and subject to the Proposed Special Use Permit in related Case 718-S-12 and with the variance requested in related Case 719-V-12.

***Case 718-S-12** Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises
Request: Authorize the following on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required variance in related Case 719-V-12.
Part A. Authorize expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.
Part B. Authorize the replacement of a non-conforming water treatment tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.
Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

***Case 719-V-12** Petitioner: Sangamon Valley Public Water District and Kerry Gifford, General Manager and landowner Parkhill Enterprises
Request: Authorize the following for expansion of a non-conforming water treatment plant in related Case 718-S-12 on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12:
Part A. The expansion of a non-conforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1H.
Part B. The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lotsize of 3 acres on best prime farmland in the AG-2 District for construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.
Part C. Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 30 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.
Part D. Waiver (variance) for a elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet.
Location: Same as related Case 718-S-12

7. Staff Report

8. Other Business
A. Review of Docket

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

10. Adjournment

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

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street
4 Urbana, IL 61802

5 **DATE:** May 17, 2012

6 **PLACE:** Lyle Shield's Meeting Room
7 1776 East Washington Street
8 Urbana, IL 61802

9 **TIME:** 7:00 p.m.

10 **MEMBERS PRESENT:** Catherine Capel, Thomas Courson, Eric Thorsland, Paul Palmgren, Brad
11 Passalacqua

12 **MEMBERS ABSENT :** Roger Miller

13 **STAFF PRESENT :** Connie Berry, Andrew Kass, John Hall

14 **OTHERS PRESENT :** Timothy Woodard, Daniel Williams, Earl Williams, Jerry Young, Cyndy
15 Woodard, Tony Heckenmueller, Jake Myers

16 **1. Call to Order**

17 The meeting was called to order at 7:01 p.m.

18 **2. Roll Call and Declaration of Quorum**

19 The roll was called and a quorum declared present with one Board member absent and one vacant seat.

20 **3. Correspondence**

21 None

DRAFT

22 **4. Approval of Minutes (April 12, 2012)**

23 Mr. Thorsland stated that the April 12, 2012, minutes were not included in the packet for approval as
24 indicated on the agenda.

25 Mr. Thorsland entertained a motion to re-arrange the agenda and hear Case 707-S-12, Daniel Williams and
26 landowner Fran Williams prior to Case 685-AT-11, Zoning Administrator.

27 **Mr. Palmgren moved, seconded by Mr. Passalacqua to re-arrange the agenda and hear Case 707-S-
28 12, Daniel Williams and landowner Fran Williams prior to Case 685-AT-11, Zoning Administrator.
29 The motion carried by voice vote.**

30 **5. Continued Public Hearing**

31 Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the

1 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**
2 **for any County Board approved special use permit for a Rural Residential Development in the Rural**
3 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**
4 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**
5 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**
6 **more than two proposed lots that are each less than five acres in area or any RRO that does not**
7 **comply with the standard condition for minimum driveway separation; (3) require a minimum**
8 **driveway separation between driveways in the same development; (4) require minimum driveway**
9 **standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
10 **(5) require for any proposed residential lot not served by a public water supply system and that is**
11 **located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other**
12 **than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract**
13 **the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)**
14 **require for any proposed RRO in a high probability area as defined in the Illinois State Historic**
15 **Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy**
16 **of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the**
17 **Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of**
18 **the agency response.**

19
20 Mr. Hall distributed a new Supplemental Memorandum dated May 17, 2012, to the Board for review. He
21 said that the memorandum has the last full version of the amendment dated July, 2011, and this was the last
22 version that the Board reviewed. He said that everything in the amendment is new and that is why it is all
23 underlined and Attachment B includes the revisions that he has been working on but what is really new is
24 double underlined.

25
26 Mr. Hall said that under #1 of Attachment B., regarding the Special Flood Hazard Area, he is proposing a
27 condition indicating that any changes made to the ground elevation of the lot in order to remove the lot from
28 the Special Flood Hazard Area must be specifically approved. He said that this is not actually being more
29 restrictive than the Subdivision Ordinance because if the fill is approved then it is okay and if it is not
30 approved then it is not okay. He said that #2, #3, and #4 of Attachment B, regarding when a street is
31 required and when it is not required and when a special driveway requirement applies, have been completely
32 rewritten and he has had these revisions reviewed by Susan Monte, County Planner for the Regional
33 Planning Commission, and the Department of Planning and Zoning staff and it was determined that the
34 revisions were easier to read and understand. He said that the drawing on the last page of the memorandum
35 indicates a worst case analysis of a two acre best prime farmland RRO lot with the 600 foot separation to the
36 nearest driveway to the right and eventually there will be another driveway to the left. He said that what this
37 drawing indicates is that when there is a clustering of driveways is combines with people's natural tendency
38 to place a house in the center of a lot there will be driveways that are much longer than they are currently and
39 any driveway, if it is not constructed properly, will be inaccessible to a fire truck. He said that one of the
40 revisions is that no matter how far back the house is on the lot a curve has to be accessible by a fire truck and
41 currently in the Ordinance that means a 50 foot minimum centerline radius which means that this will be

1 reviewed during an RRO case. He said that the driveway does not have to be constructed until the house is
2 constructed but where the house is proposed the driveway will have to be accessible for a fire truck. He said
3 that there is also the issue about what distance triggers the 20 foot wide driveway. He said that the diagram
4 indicates a 134 foot driveway and the house only meets the minimum 25 foot front yard but if the driveway
5 is allowed to be 160 feet the driveway will have to be wider because of its length. He said that there is no
6 hard and fast number that should really trigger the wider driveway and the Committee of the Whole accepted
7 140 feet and his explanation to the Committee was that 140 feet is three times the length of a fire truck and if
8 the driveway gets much longer than that then the fire truck should be able to turn around and drive out rather
9 than back out. He said that he has been doing a lot of research regarding driveway standards and he has
10 found other instances of where when the driveway is more than 150 feet long it must be made extra-wide. He
11 said that the Board may feel better at setting that distance at 200 feet but that would be the longest before it
12 is required to be 20 feet wide with a turn around. He said that lots like this are not going to be very common
13 but they will meet all of the County's requirements.

14
15 Mr. Hall stated that the diagram attached to the new Supplemental Memorandum is a layout of a previous
16 RRO that was ultimately withdrawn therefore no final determination was made by the ZBA. He said that if
17 Lot 13 and Lot 8 accessed the new street then Lots 7 and 1 could have the gained driveways off of the public
18 road and Lots 14 and 15 could also have a gained driveway off of the public road and meet these standards
19 and no lot in the RRO would necessarily require a wider driveway.

20
21 Mr. Hall stated that the Schematic Plan of Widholm Subdivision indicates an a typical section of land that is
22 660 feet wide and is so narrow that by the time the wider driveway is placed on the lots that are remote there
23 is not 600 feet of clearance between the inner set of driveways therefore waivers would be required. He said
24 that the 600 foot separation could be reduced to 500 feet and it would not result in more lots but fewer
25 requests for waivers. He said that if there is an RRO and it requires a waiver then approval would be much
26 more difficult to receive therefore 600 feet may not be reasonable. He said that ultimately the decision is up
27 to the Board and he will provide more evidence at the next hearing for this case for the Board to base their
28 decision upon.

29
30 Mr. Hall stated that attached to the Supplemental Memorandum is the Final Plat of Oak Grove Subdivision
31 which was the very first RRO that was approved and it was approved with six lots but the final subdivision
32 only included five lots. He said that the first RRO that was approved had six lots that would front CR 600E
33 with no concern about spacing but he does not believe that an approval would occur for such an RRO today.
34 He said that he has modified the final plat to show that the subdivision could comply with the 600 foot
35 separation if the driveways for Lots 3 and 4 were clustered and the driveways for Lots 1 and 2 were clustered
36 in the same way. He said that this is an unusual situation but this subdivision could meet the standards. He
37 said that the Board may recall that during the review of Case 685-AT-11 the Board reviewed all of the
38 RRO's that have been approved to date and whether or not they would meet these standards and a new copy
39 of that review will be included in the next mailing packet as well as a new table which reviews each of the
40 standards comparing those to what the Subdivision Ordinance requires and what a plain by-right lot would
41 require. He noted that the standards are only standards that apply to the RRO lots and in general it is a

1 higher standard and more restrictive and he wants to make sure that the Board does not make it any more
2 stricter than it has to be because if someone is required to request a waiver for an RRO then that is pretty
3 much a guarantee that there will be a protest. He noted that there are no changes to #5, #6 and the #7
4 regarding the Endangered Species Program has been changed to match the wording that was included in
5 Case 701-AT-11.
6

7 Mr. Hall stated that he is not ready for final action tonight because he wants to present the Board with better
8 evidence therefore the case needs to be continued.
9

10 Mr. Thorsland that the questions for the Board are the following: 1. The new #2, included on Page B1 of
11 Attachment B, includes a minimum driveway separation of at least 550-600 feet; and 2. the trigger for the
12 larger driveway is suggested at 140 to 160 feet but the petitioner indicated that it would be up to 200 feet
13 before the larger driveway was triggered.
14

15 Mr. Hall stated that the Committee of the Whole authorized 140 feet but he believes that 160 feet would be
16 okay and would provide a little more freedom. He said that additional information will be submitted to the
17 Board for review.
18

19 Ms. Capel asked if staff consulted with the fire protection districts.
20

21 Mr. Hall stated that at the Committee of the Whole meeting County Board member John Jay accepted the
22 reasoning for the 140 foot driveway and Mr. Jay is who staff generally goes to for such information.
23

24 Ms. Capel asked staff if they discussed 140 feet versus 200 feet with Mr. Jay.
25

26 Mr. Hall stated that he will discuss this issue with Mr. Jay.
27

28 Mr. Thorsland stated that Mr. Jay is no longer the Cornbelt Fire Protection District Chief so perhaps an
29 additional fire chief should be included in the discussion.
30

31 Mr. Palmgren stated that unless the house is located a far distance from the road and hoses cannot be run
32 from the street then a 140 foot driveway is not necessary. He said that if a fire truck, which is full of water,
33 travels on a paved driveway the driveway will be left in bad shape.
34

35 Mr. Thorsland stated that if the house is burning the shape of the driveway after the fire truck travels upon it
36 is irrelevant. He said that Chief Jay's concern came from a fire which was on a very narrow driveway with a
37 deep ditch on both sides and the house was located on the rear of a long skinny lot with a lot of trees. He
38 said that the driver of the fire truck failed to negotiate the turn in to the driveway therefore causing a lengthy
39 delay in responding to the fire. He said that there was input during the Summerfield Subdivision regarding
40 the turn-in lane requiring that the radius, as it touches the township road, was large enough for emergency
41 services to make that turn.

- 1
2 Mr. Palmgren stated that during an emergency situation a lot of valuable time is wasted if an emergency
3 vehicle has to pull in and back out of a lot.
4
- 5 Mr. Thorsland stated that the revision gangs the driveways effectively bringing the driveways to the corners
6 of the adjacent lots. He said that most rural properties have substantial ditches therefore the emergency
7 services providers are not going to be bringing in hoses or equipment from the road.
8
- 9 Mr. Hall stated that this requirement is only when the lot fronts an existing road but when a new street is
10 being built this will not be required and the drives will go back to the straight shots.
11
- 12 Mr. Thorsland stated that this situation is rare and the revision will deal with a fairly unique amount of lots.
13
- 14 Mr. Hall stated that for other RRO's the Board has required a 30 foot width at the street with a minimum
15 radius.
16
- 17 Mr. Thorsland stated that a lot of the municipalities which have the same jurisdiction are also concerned
18 with the street width and the minimum radius.
19
- 20 Mr. Hall stated that the required street width and minimum radius mattered enough that the Board included it
21 in RRO approvals but it was not included here because we were only trying to deal with the most obvious
22 and simple problems which was too many driveways and their extended length. He said that we have never
23 tried to make this address all of the necessary parts of making a driveway accessible to a fire truck.
24
- 25 Mr. Thorsland stated that perhaps language should be included to address Mr. Palmgren's concern regarding
26 the driveway entrance.
27
- 28 Mr. Palmgren stated that perhaps the thickness of the driveway should be a requirement.
29
- 30 Mr. Hall stated that for the wider driveway there is a minimum six inch thickness but that would not apply to
31 this illustration. He said that the illustration would let the homeowner put in one inch of white rock provided
32 that it is at a 50 foot minimum centerline radius and during the spring and winter in this area a fire truck will
33 not get very far on such a driveway. He said that even if the driveway was six inches thick the driveway
34 would probably only be ten feet wide and if the driver of the truck is not right on that driveway the truck is
35 going to be stuck in the mud. He said that the ZBA may wonder why the driveways are not required to be so
36 big and so wide but staff was not asked to recommend that and his experience is that if the County Board did
37 not ask for it then it is not a good idea to recommend it.
38
- 39 Mr. Thorsland stated that this text amendment has already been discussed before the County Board.
40
- 41 Mr. Hall stated that if the ZBA believes that there are things missing in the text amendment that they would

- 1 like to see then the ZBA may add those items.
2
- 3 Mr. Thorsland stated that when the driveway is very long there is a required thickness. He said that it
4 appears that the Board is not as concerned about shorter driveways.
5
- 6 Mr. Palmgren stated that the shorter driveways are not as much of a concern because the fire fighters are
7 more concerned about getting their job done and not where they are going to put the truck. He said that
8 when a lane is very long then there is cause for concern.
9
- 10 Mr. Thorsland asked Mr. Hall if there should be any mention in the RRO regarding the entrance off of the
11 road.
12
- 13 Mr. Hall stated that this concern was not mentioned at the County Board but every time that he spoke to
14 County Board Member John Jay the concern about the driveway entrance was pointed out. He said that
15 perhaps the Board should mention the driveway entrance and indicate that whatever point you have to go to
16 the 20 foot width, six-inches thick, then it must also be 30 feet wide with an approved radius at the street.
17
- 18 Mr. Thorsland stated that Mr. Palmgren is correct in that when the driveway is less than 20 feet in length
19 the emergency services personnel will do whatever they have to do from the road to the take care of the
20 situation.
21
- 22 Mr. Thorsland stated that the Board should review Attachment C. for comments and input at the next
23 meeting.
24
- 25 Mr. Courson asked Mr. Hall to indicate the logic behind the 600 foot feet separation.
26
- 27 Mr. Hall stated that if a driveway was allowed at every 600 feet it would equate to one lot per 40 acres. He
28 said but what is being proposed is to have driveways ganged at every 600 feet which equates to one lot per
29 20 acres. He said that in terms of how many curb cuts or interruptions to the road network equates to one lot
30 per 40 acres which is relevant because the LRMP calls for by-right being one lot per 40 acres therefore this
31 achieves that but allows a much greater density which would presumably be by the RRO. He said that it
32 minimizes disturbances but allows twice as many lots to be created and that reasoning should be included in
33 the Summary of Evidence for the County Board's review. He said that the ZBA can back off of the 600 feet
34 and go as low as 550 feet and still meet the same standard of how the driveways interfering with the
35 movement of farm equipment would not result any more lots but provide a lot more flexibility for individual
36 landowners if and when they need to do an RRO.
37
- 38 Mr. Courson asked if the frequency of traffic on the different classes of road was taken in to consideration.
39
- 40 Mr. Hall stated no because it is very difficult to analyze.
41

1 Mr. Courson stated that a driveway on the Dewey-Fisher Road versus a driveway on the Ford Harris Road
2 could be analyzed.

3
4 Mr. Hall stated that one new thing that has been added is item 3.d. which reads as follows: The above
5 driveway requirement notwithstanding, all driveway locations shall also be approved by the relevant
6 highway jurisdiction. He said that the County Engineer has to approve any proposed driveway on the
7 Dewey-Fisher Road and the Highway Commissioner has the call on the Ford Harris Road. He said that
8 when people see that such things are mentioned in the Ordinance the County is accused of trying to take over
9 the jurisdiction of the Highway Commissioner and that is not the case. He said that the County is reinforcing
10 the Highway Commissioner's authority by recognizing that the Highway Commissioner has to approve it.

11
12 Mr. Courson stated that there are several figures in the Ordinance which have no explanation as to their
13 origin.

14
15 Mr. Thorsland asked Mr. Hall if Case 685-AT-11 could be continued to the July 12th meeting.

16
17 Mr. Hall stated yes.

18
19 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the July 12th meeting.

20
21 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 685-AT-11 to the July 12th meeting.**
22 **The motion carried by voice vote.**

23
24 **6. New Public Hearings**

25
26 **Case 707-S-12 Petitioner: Daniel Williams and landowner Fran Williams Request to authorize the**
27 **use of an existing Paintball Facility as an "Outdoor Commercial Recreation Enterprise" as a Special**
28 **Use on 5.2 acres that is part of a 35 acre tract in the CR Conservation-Recreation Zoning District.**
29 **Location: A 35 acre tract in the Southeast Quarter of the Northeast Quarter of Section 36 of**
30 **Newcomb Township and commonly known as the home at 2453 CR 600E, Dewey.**

31
32 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
33 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
34 of hands for those who would like to cross examine and each person will be called upon. He requested that
35 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
36 those who desire to cross examine are not required to sign the witness register but are requested to clearly
37 state their name before asking any questions. He noted that no new testimony is to be given during the cross
38 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
39 from cross examination.

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. Daniel Williams stated that he is the owner of Firemark Paintball, which has been in operation for 10
7 year and unfortunately during that time he was not aware of the requirement for a permit. He said that he has
8 applied for the required permit so that he can continue Firemark Paintball which touches all ages. He said
9 that paintball is a wonderful and exciting sport but some people tend to not like it due to the gun aspect but
10 as long as everyone is following the safety rules it is probably much safer than basketball. He said that the
11 University of Illinois Golf team coach brought the team to the facility to play as a temporary distraction from
12 their sport.

13
14 Mr. Williams stated that this year, in affiliation with the YMCA, he is planning a paintball camp for 10 to 14
15 year old kids. He said that he has seen kid's lives change after they play paintball because a young man
16 indicated that he played at the facility last year and loved it so much that he purchased his own equipment
17 and he plans to return again this year. He requested that the Board approve his special use permit request so
18 that he can continue the business.

19
20 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.

21
22 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.

23
24 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.

25
26 Mr. Thorsland called John Hall, Zoning Administrator.

27
28 Mr. John Hall distributed a new Supplemental Memorandum dated May 17, 2012, to the Board for review.
29 He said that the Supplemental Memorandum dated May 11, 2012, did not mention that the Mahomet Citizen
30 has a new deadline for legal advertisements and staff followed the old deadline therefore Case 701-S-12 did
31 not receive the full minimum required 15 days notice prior to the public hearing. He said that it is staff's
32 recommendation that even if the Board is prepared for final action tonight that they do not take final action
33 because someone could make a claim regarding inadequate notice.

34
35 Mr. Hall stated that notice was mailed to the Village of Mahomet because the subject property is located
36 within their one and one-half mile jurisdiction but staff does not expect comments. He said that the
37 Supplemental Memorandum dated May 17, 2012, reviews two issues that should be brought before the
38 Board for consideration. He said that the only other use where we are concerned about what happens to the
39 facilities if the business ceases is a wind farm. He said that even though this does not have the level of
40 investment of a wind farm he is concerned about what will happen if Firemark ceased operation because if
41 someone did not know that it was a paintball facility someone might believe that there is a lot of debris

1 which needs to be cleaned out of the woods. He recommended that the Board consider the following special
2 condition to ensure clean-up of the property if the business ceases operations:
3

4 **In the event the paintball business ceases operations, the Petitioner or any owner thereafter**
5 **shall be responsible for clean-up and maintenance of the subject property in a timely manner**
6 **and all costs associated with clean-up and maintenance.**

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

8 **That the subject property is properly maintained and does not become a nuisance.**
9

10 Mr. Hall stated that the second issues that staff wanted to bring to the Board’s attention is that some of the
11 photographs included pictures of enclosed gaming structures which are very small things and typically
12 involve canvas draped over some framework. He said that as the structures are right now they are pretty
13 benign but in the future and with different management that might want to have bigger and even more
14 challenging enclosed structures the Board should consider if that causes any concerns. He said that staff has
15 proposed the following special condition for the Boards consideration:
16

17 **Enclosed gaming structures intended to be temporarily occupied by players shall not**
18 **be larger than 150 square feet in area.**

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

20 **That existing and future structures are small enough in size where life safety considerations**
21 **are not a concern or necessary.**
22

23 Mr. Hall stated that as far as he knows the petitioner is not proposing to use larger structures although there
24 was some intent at one time to use the manufactured home by stripping and opening it up and make it
25 available for gaming. He said that he does not have many concerns regarding the manufactured home if it is
26 stripped out and sort of diffused of any safety issues but homebuilt structures built with whatever materials
27 the owner has handy for people to get inside were a concern of staff. He said that the Preliminary
28 Memorandum that was mailed out did make it clear that as far as the site plan is right now if the Board took
29 action on the site plan it would be difficult to enforce. He said that it appears that the area of the special use
30 permit area is indicated on the site plan and the playing fields are indicated as well as the parking area and
31 most importantly the 800 foot path between the parking area and playing fields. He said that the entire hay
32 field is not included. He said that as far as he knows none of the wooded area south of the fields that were
33 indicated on the site plan area part of the special use permit. He said that three key things are needed on the
34 site plan: 1. include how people get from the parking area to the playing area; and 2. indicate the other areas
35 that are not proposed for the paintball recreation; and 3. variance application for the rear yard. He said that
36 there is a problem in one of the playing fields and given the size of the playing fields the 25 foot rear yard
37 requirement may be problem because it takes a lot out of the playing area and makes that area off limits. Mr.
38 Hall stated that staff has spoken to the petitioner about the rear yard issue and the petitioner is contemplating
39 requesting a variance.
40

41 Mr. Hall stated that the Summary of Evidence makes clear that the parking area, as indicated, does not have

1 enough parking spaces even though it may serve the needs of the business but under the terms of the Zoning
2 Ordinance it is not large enough. He said that if there is a variance for some of the structures in the rear yard
3 then the petitioner may decide to include a variance for the parking as well or just indicate an overflow
4 parking area.

5
6 Mr. Hall stated that the special event that the petitioner just mentioned appears to be a great event but as the
7 Zoning Administrator he is curious how many times the special event will occur. He said that he would
8 recommend that this information be included in the special use permit so that neighbors know that it is
9 consistent with what the Board approved. He said that it sounds like the event may be so large that it may
10 need a larger parking area, additional restroom facilities, etc. He said that his concern as the Zoning
11 Administrator is that if this is approved the Board has included things like this special event or things like it
12 in the special use permit. He said that another way to hold the special event is to apply for a temporary use
13 permit by which only five one-day events in a 90 day period could occur but he would recommend that such
14 events just be included in the special use permit.

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

17
18 Mr. Thorsland asked Mr. Hall if an "easy-up" is considered a structure.

19
20 Mr. Hall stated that any construction, permanent or temporary, is a structure and any structure which is 150
21 square feet or less does not require a permit but it does need to meet all of the yard requirements of the
22 Zoning Ordinance. He said that he takes a conservative view which is similar to the view of a neighbor who
23 might be opposed therefore anything that looks or smells like a structure is a structure.

24
25 Mr. Thorsland called Daniel Williams back to the witness microphone.

26
27 Mr. Thorsland asked Mr. Williams if he will be submitting a variance request for the parking and the 25 foot
28 rear yard.

29
30 Mr. Williams stated yes. He said that he has downloaded the application although there are a lot of
31 questions on the application which will require assistance from staff. He said that he anticipates submittal of
32 the application by next week.

33
34 Mr. Thorsland asked the Board if there were any questions for Mr. Williams.

35
36 Mr. Courson asked Mr. Williams if the special event is only a one day event.

37
38 Mr. Williams stated that the special event is a one day organized event with a maximum of 30 kids.

39
40 Mr. Courson asked if the kids are bused to the facility.

41

- 1 Mr. Williams stated yes. He said that the kids are brought to the facility by bus and dropped off. He said
2 that last year the day camp was held once per month for three months and he and the YMCA have
3 anticipated doing a five day event this year. He said that the kids will be taught about the sport of paintball
4 and then allowed to play on the fields.
5
- 6 Mr. Courson asked if the kids were served food at the special events.
7
- 8 Mr. Williams stated no, the kids are required to bring their own sack lunch.
9
- 10 Mr. Passalacqua asked Mr. Williams if any camping is allowed at the facility.
11
- 12 Mr. Williams stated no because no electricity is available at the facility.
13
- 14 Mr. Thorsland asked Mr. Williams how often the five day event would occur in conjunction with the
15 YMCA.
16
- 17 Mr. Williams stated once per year. He said that everything needs to be discussed and evaluated. He said the
18 financial aspect must be reviewed and the experience must be evaluated. He said that because of the
19 attention level he would like to have 12 year old kids but the YMCA would like to include 10 year olds. He
20 said that the entire special event is a trial and error event.
21
- 22 Ms. Capel asked Mr. Williams if he carried liability insurance for the facility.
23
- 24 Mr. Williams stated yes.
25
- 26 Mr. Passalacqua asked Mr. Williams how many cars are typically in the parking lot when the business is in
27 operation.
28
- 29 Mr. Williams stated that there might be 20 vehicles in total but in the fall there may be more because they
30 tend to have larger groups during that time. He said that in October the hay field is gone and when larger
31 groups, 100 or more people, from the University of Illinois come to play they park in the overflow parking
32 area. He said that out of the ten years of business he has probably only had three such groups but typically
33 groups total 50 to 100 people per day. He said that tomorrow he has 20 people scheduled to play and
34 Saturday he has 15 to 20 people scheduled to play. He said that normally he does not have large massive
35 groups because his field cannot handle it.
36
- 37 Mr. Palmgren asked Mr. Williams to indicate the total capacity of the facility at any one time.
38
- 39 Mr. Williams stated that 100 people would be the total capacity because the capacity is based on the amount
40 of guns that he has to rent.
41

1 Mr. Palmgren asked Mr. Williams if reservations are required.

2

3 Mr. Williams stated yes.

4

5 Mr. Thorsland asked Mr. Williams if a speaker system is at the facility.

6

7 Mr. Williams stated no but there is a staging area near the mobile home. He said that if any issues such as
8 requiring more paintballs or something else arise then the players are to inform the registration desk at the
9 staging area but there is always a referee with a group thus controlling the group as a whole.

10

11 Mr. Thorsland asked if the facility will operate after dark.

12

13 Mr. Williams stated that they are exploring that with safety being their top issue. He said that they are
14 looking into solar panel light systems to see if they would be feasible. He said that if a paintball hits the
15 target person and it breaks then that person is out but at times a paintball will hit but not break therefore the
16 person is still in the game and at night it would be difficult to call the shot in the dark.

17

18 Mr. Thorsland informed Mr. Williams that he needs to include all of the things that he wants to do at the
19 facility so that he does not have to come back before the Board at a later date.

20

21 Mr. Williams stated that he understood.

22

23 Mr. Passalacqua asked Mr. Williams if the facility was only open on Friday, Saturday and Sunday.

24

25 Mr. Williams stated generally the facility is busier during Saturday and Sunday although they are open on
26 Monday and Wednesday. He said that the hours of daylight determine the hours of operation to
27 accommodate the players therefore instead of 10 a.m. to 2 p.m. it may be 9 a.m. to 1 p.m.

28

29 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.

30

31 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.

32

33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.

34

35 Mr. Thorsland called Mr. Timothy D. Woodard to testify.

36

37 Mr. Timothy D. Woodard, who resides at 2490 CR 550E, Dewey, submitted photographs of his property,
38 which is located northwest of the subject property for the Board's review. He said that the photographs
39 indicate a close-up view of his property and how the current paintball operation affects his property. He said
40 that he and his wife are requesting a denial of the proposed special use permit for two primary reasons: 1.
41 approval of the special use permit would be injurious to the district in which it will be located due to

1 periodic flooding and trespassing; and 2. approval of the special use would be detrimental to the public
2 welfare because of the lack of safety precautions being taken. He said that should the Board decide to
3 approve the special use permit request he would like to share some background and his history with the
4 petitioner's operation so that the Board can create some meaningful rules and regulations in regard to public
5 welfare.
6

7 Mr. Woodard stated that his property is adjacent to the playing fields and he has a tree stand, for deer
8 hunting, which is located at the southeast corner of his property. He said that adjacent to the tree stand is the
9 property boundary between his property and Carl Breedlove's property and the boundary line of the subject
10 property, which abuts his and Mr. Breedlove's property, is marked with the petitioner's strings and flags and
11 a woven fence. He said that the woven fence may be difficult to see in the photographs because the area is
12 very overgrown. He said that the boundary markers should be similar to what staff would have viewed
13 during their visit to the petitioner's property on May 10, 2012. He said that despite that this boundary is
14 clearly marked by the petitioner and obviously some distance from the supposed playing fields, Mr.
15 Woodard has consistently had issues with trespassers from the petitioner's property. He said that it is
16 apparent to him, whether sanctioned or not, the patrons from the petitioner's operation consistently use his
17 and Carl Breedlove's property during the gaming and he has literally found people walking around the south
18 end of his property and he has found people in his tree stand. He said that last fall while his son and a friend
19 were squirrel hunting near the tree stand, with a real gun, they were shot by patrons of the paintball operation
20 with paintball guns. He said that it appears that the petitioner's field boundaries do not mean much nor do
21 the rules indicating that no climbing of trees or structures is allowed.
22

23 Mr. Woodard stated that he is concerned about the floating of the petitioner's debris down the creek during a
24 flood event. He said that the elevations that were submitted for review indicate that the structures are above
25 the base flood elevation and the petitioner states in the application that although the playing fields are near a
26 creek they are well out of the flood area evidenced by the property owner whose family has owned the land
27 for over 100 years. He said that the petitioner also indicated that the subject property drains to the south and
28 west to the stream which runs through the subject property and that may be true as it relates to the paintball
29 fields drawn on the application materials but it is definitely not true in terms of the property in its entirety.
30 He said that the creek shown on the diagram clearly flows north and west through the petitioner's property to
31 Carl Breedlove's property and then on to his property.
32

33 Mr. Woodard stated that despite the petitioner's testimony that obstacles on the paintball fields are secured
34 to the ground or to trees in an effort to prevent them from being swept away by flood waters it is somewhat
35 untrue because historically the operation has had substantial debris in the flood plain that regularly floats
36 down onto his property over the years. He said that a couple of years ago after a particularly large flood he
37 spent an entire weekend using a tractor, truck and trailer picking up utility company spools, pallets, plastic
38 barrels, etc. and returning two trailer loads to the petitioner's entrance off of County Road 600E.
39

40 Mr. Woodard stated that the most critical concern that he and his wife have relative to the petitioner's
41 application is that the business is in operation during the shotgun deer hunting season which is three days in

1 mid-November and four days in early December. He said that there are no precautions taken by patrons of
2 the paintball operation other than a verbal agreement with Carl Breedlove that he will not allow hunting on
3 his property after 10 a.m. He said that the aforementioned regular trespassing that occurs on the adjacent
4 properties and the presence of hunters throughout the area during hunting season is at best leaving safety to
5 chance and at worse gross negligence. He encouraged the Board to search online for precautions regarding
6 any outdoor activity such as bicycling, photograph, hiking, etc. and the Board will consistently find that the
7 wearing of blaze orange during hunting season while in the woods is highly recommended. He said that
8 many paintball operations actually shut down during hunting operations in order to safe guard their patrons.
9 He said that if the Board imposes no other stipulations he requested that the Board do something to protect
10 the patrons of the petitioner's business during hunting season. He said that due to flooding and trespassing,
11 approval of the petitioner's application would provide continued injury to the neighboring properties and due
12 to the lack of safety precautions approval would also be detrimental to the patrons and by extension the
13 public welfare. He encouraged the Board to either deny the petitioner's application or alternatively impose
14 regulations that would address these issues.

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard and there were none.

17
18 Mr. Thorsland asked if staff had any questions for Mr. Woodard.

19
20 Mr. Hall asked Mr. Woodard to explain what kind of property line improvement would prevent trespassing.

21
22 Mr. Woodard stated that an ideal scenario would be some kind of extended fence that would have signage on
23 it to delineate the property boundaries so that not only his property is protected but also Carl Breedlove's
24 property. He said that currently he does not share a border with the subject property but Mr. Breedlove does
25 share a border.

26
27 Mr. Hall asked Mr. Woodard to indicate the suggested height of the fence.

28
29 Mr. Woodard stated that perhaps five or six feet would be appropriate.

30
31 Mr. Hall asked Mr. Woodard to indicate the last date that debris floated on to his property from the subject
32 property.

33
34 Mr. Woodard stated that currently there is debris on his property from the subject property. He said that the
35 debris floated down during the past winter.

36
37 Mr. Thorsland asked the Board if there were any questions for Mr. Woodard.

38
39 Mr. Passalacqua asked Mr. Woodard if there is some way to anchor the structures.

40
41 Mr. Woodard stated that the biggest thing would be to get the debris out of the floodplain and based on his

1 experience such has not occurred.

2

3 Mr. Hall asked Mr. Woodard if when he discusses debris he is referring to the wooden spools.

4

5 Mr. Woodard stated yes, he does consider the wooden spools as debris.

6

7 Mr. Hall stated that the site plan indicates that the playing fields are located in the floodplain and the wooden
8 spools are the structures used for the gaming and to remove those from the floodplain would require
9 removing the structures from the playing fields. He said that the alternative would be to securely anchor the
10 wooden spools but he does not know how difficult that would be.

11

12 Mr. Woodard stated that the debris is not just the wooden spools but includes the plastic barrels, wooden
13 pallets and a number of different other items floating down onto his property.

14

15 Mr. Thorsland asked the Board and staff if there were any further questions for Mr. Woodard and there were
16 none.

17

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

19

20 Mr. Thorsland called Mr. Earl Williams to testify.

21

22 Mr. Earl Williams, who resides at 2453 CR 600 E, Dewey, stated that his family has owned the subject
23 property for over 100 years and it is not always flooded but when there is a hard rain part of it does flood.
24 He said that he too has had debris float downstream onto his property and he has had to pick up old
25 televisions, car parts, fence posts, logs, etc. and he just cleans it up and moves on. He said that he has not
26 allowed hunting on his property for well over 30 years but recently he had his wire cut and found a blood
27 trail indicating that someone trespassed. He said that he has had signs on the property indicating "No
28 Trespassing" or "No Hunting" but the signs are regularly removed or shot. He said that he has had several
29 tree stands placed upon his property although he goes out and removes them but nothing appears to stop the
30 trespassing and he has called the authorities several times to see if anything could be done. He said that he
31 had trespassers come onto the property to hunt and he confronted them but when they cocked their guns he
32 decided that after going through Vietnam he was not ready to through another war. He repeated that he does
33 not allow hunting on his property but there are a lot of things that go on in the woods in the area and he
34 cannot control what happens on other property owner's properties.

35

36 Mr. Williams stated that he has Arabian horses and when they run they tend to flag their tails therefore many
37 times appearing like a deer running and he is concerned that one day he may lose one of his horses due to a
38 hunter. He said that the area where the paintball playing fields are located is generally full of small weeds
39 and trees therefore he could not utilize the area as pasture so it was a perfect place for the fields. He said that
40 in the fall once the last hay cutting is removed the parking lot for the operation is expanded to that area
41 therefore allowing ample area for parking.

1
2 Mr. Thorsland asked the Board if there were any questions for Mr. Williams and there were none.
3
4 Mr. Thorsland asked if staff had any questions for Mr. Williams and there were none.
5
6 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Williams and there was no one.
7
8 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
9 testimony regarding this case and there was no one.
10
11 Mr. Thorsland closed the witness register.
12
13 Mr. Thorsland asked the Board if there were any questions for staff.
14
15 Ms. Capel asked if a fence could be required since the boundary is located in the floodplain. She said that
16 regardless of how the fence was built it could be torn down by debris or the fence could catch the debris
17 therefore making the situation even worse.
18
19 Mr. Hall stated that the Floodplain Regulations require that a fence must have a 6" x 6" opening, at a
20 minimum, when located in the floodplain.
21
22 Mr. Thorsland asked if a better indication could be presented indicating what portion of the subject property
23 is located in the floodplain or is the entire playing area located in the floodplain.
24
25 Mr. Kass stated that the entire playing area is located in the floodplain.
26
27 Mr. Passalacqua stated that he would like to see a copy of the rules that are enforced during the operation.
28 He said that the petitioner indicated that there are referees for each group but it appears that the referees are
29 unable to control the group when they are crossing the line and climbing up tree stands.
30
31 Mr. Thorsland asked Mr. Williams if he could submit a copy of the rules for the Board's review.
32
33 Mr. Williams stated yes.
34
35 Mr. Hall stated that a few years ago there was an organized camp that was approved as a special use and the
36 standard conditions for an organized camp are a 50 foot side and rear yard and a 100 foot setback. He said
37 that as with so many of the other standards in the Ordinance there is no reason given for why 50 feet side and
38 rear yards are imposed on a resort or organized camp but the same yards are not required for an outdoor
39 commercial recreational enterprise. He said that a resort or organized camp and an outdoor commercial
40 recreational enterprise sound like they would have very similar standards but they don't and he wanted to
41 remind the Board that one reason why there may be a greater side and rear yards in an organized camp is to

1 reduce the chance the people will trespass and reduce the incompatibilities on either side of the property
2 lines. He said that it is within the ZBA's power to indicate that the use should not go to within 25 feet of the
3 rear lot line and in regards to trespass the use could be 100 feet away but if the patrons cannot be controlled
4 they will cross the 100 feet and continue going. He said that the only positive way to deal with the trespass
5 is to require some sort of a boundary that literally prevents trespass or at least makes it more difficult than
6 the ropes that are being used currently. He said that he does not know that increasing the rear and side yards
7 would help and it would make it more difficult for the petitioner.

8
9 Mr. Thorsland stated that the Board anticipates a variance request for the 25 feet.

10
11 Mr. Hall stated that the Board may anticipate receiving a variance application but the Board should make it
12 clear whether or not they have any thought regarding the variance.

13
14 Mr. Thorsland stated that testimony has been received from the adjacent neighbor regarding deer hunting
15 season and testimony from the petitioner regarding inverse trespassing. He said that he is aware that during
16 hunting season the hunters, the deer and the people who are opposed to the hunting do have a terrible
17 problem with overlap. He said that Mr. Woodard indicated that he does hunt during the two shot gun
18 seasons, which consists of seven days, therefore a condition may be proposed to cease operation during those
19 seven days although there are other hunting seasons that take place. He said that Mr. Williams may benefit
20 from a better marked boundary in regards to deer hunting season. He said that the debris issue requires more
21 thought from the Board but Mr. Earl Williams testified correctly that if you are upstream you are still
22 downstream from someone else.

23
24 Mr. Hall stated that debris in the floodplain is generally an enforcement issue. He said that in some of the
25 photographs there appear to be extra structures being stored outside of the floodplain, such as the trailer and
26 shed. He said that the Board will have to assume that all of the photographs with all of the barrels, pallets,
27 and wooden spools, are in the floodplain and not all of those items are anchored. He said that he could
28 imagine requiring the play structures to be anchored and he can imagine that the storage areas for structures
29 should not be in the floodplain and if they are it is a violation of the Floodplain Ordinance. He said that
30 perhaps the areas where the floatable structures are being stored is outside of the floodplain but based upon
31 his observation of the testimony those structures are not.

32
33 Ms. Capel asked if the 25 foot rear yard is for the structures or the paintball activity.

34
35 Mr. Hall stated that this is a principal use therefore it requires a special use permit and the principal use is
36 paintball therefore any paintball activity is part of the principal use and has to meet the rear and side yards
37 unless the variance is granted.

38
39 Mr. Thorsland stated that the Board desires a copy of the rules for the operation and a complete variance
40 application.

41

1 Mr. Hall asked the Board to indicate their thoughts regarding the draft condition regarding accessible
2 parking. He said that it is not clear to him why Doug Gamble, Accessibility Specialist for the State of
3 Illinois Capital Development Board, considers this as existing parking but his e-mail is attached to the
4 memorandum. He said that the parking area does not appear to meet the Ordinance requirement and
5 automatically needs to be made larger therefore the Board needs to be clear about whether or not they want
6 the accessible parking to be constructed now or just removed from the condition. He said that a condition
7 should be proposed indicating that the accessible parking needs to be built at a point and time when Doug
8 Gamble's parameters are met. He said that the Board is never going to require that the parking area be paved
9 therefore it would be safe to say that there will never be an accessible parking area constructed. He said that
10 he is sensitive to this issue because he is the person who will be liable if anyone files a lawsuit but he still
11 needs to know the Board's preference.

12
13 Ms. Capel stated that it was discussed that the trail could be paved therefore an accessible parking area could
14 be placed next to the paved trail.

15
16 Mr. Thorsland stated that Mr. Gamble believes that the Board hasn't tripped the trigger yet and when the
17 Board does Mr. Gamble isn't clear what that meant whether it had to be up by the road, require the 800 foot
18 paved trail or is it allowed to be back and there the problem of whether it can be placed in the floodplain.

19
20 Mr. Hall stated that the parking spot would be past the semi-trailer which is outside of the floodplain.

21
22 Mr. Thorsland stated that his issue is that since the Board has not made a recommendation for the case yet,
23 to sort of ask the petitioner to start the process of creating the accessible parking area without knowing
24 whether or not he will be operating or not would be a difficulty. He said that he would like to ask Mr.
25 Gamble for a clarification but he is not sure that one would be obtained in a timely fashion.

26
27 Mr. Hall stated that a paintball facility was permitted in the 90's north of Urbana and in that instance that
28 person asked staff what they needed to do to establish a paintball facility and they were informed that they
29 needed to contact Doug Gamble and that paintball facility had an accessible parking space, accessible route
30 and a limited number of accessible paintball stations from day one.

31
32 Mr. Passalacqua stated that perhaps we are getting ahead of ourselves. He said that he would like to know
33 how many wooden spools are connected to the ground.

34
35 Mr. Thorsland stated that he would like to ask Mr. Gamble if an accessible parking area could be placed
36 beside the semi-trailer and if there are guidelines for an accessible paintball station and are there guidelines
37 as to its placement in relation to the parking area.

38
39 Mr. Thorsland requested a continuance date.

40
41 Ms. Capel asked staff if they had received any information regarding the Jones' cases.

1
2 Mr. Hall stated that the cases have been scheduled for the May 31st meeting but he only anticipates receiving
3 the petitioner's preference as to move forward or withdraw. He said that the petitioner for Case 716-AM-12
4 would really like to receive final action so that it can go to the County Board in June but if the Board is not
5 ready for final action on May 31st then fine. He said that as the docket currently stands the May 31st meeting
6 is going to be a full three hour meeting.

7
8 Mr. Thorsland asked if the paintball operation is allowed to continue at this point therefore the Board has
9 some flexibility regarding a continuance date.

10
11 Mr. Hall stated yes. He said that an important foot note should be added to the July 12th docket date
12 indicating that the Associate Planner is on vacation during that time.

13
14 Mr. Thorsland stated that there is a possibility that he too may be absent from the July 12th meeting.

15
16 Mr. Hall stated that Case 707-S-12 could be continued to July 26th.

17
18 Mr. Thorsland stated that he was mistaken and he will be in attendance on July 12th.

19
20 Mr. Hall stated that the Board should anticipate a meeting on July 12th.

21
22 Mr. Thorsland asked Mr. Hall if he could have this case ready by July 12th without Mr. Kass' help.

23
24 Mr. Hall stated that he can either have this case or the text amendments ready for July 12th but it cannot be
25 both.

26
27 Mr. Thorsland entertained a motion to continue Case 707-S-12 to the July 26th meeting.

28
29 **Ms. Capel moved, seconded by Mr. Courson to continue Case 707-S-12 to July 26, 2012. The motion**
30 **carried by voice vote.**

31
32 Mr. Thorsland stated that the Board will take a five minute recess.

33
34 **The Board recessed at 7:55 p.m.**

35 **The Board resumed at 8:02 p.m.**

36
37 Mr. Thorsland stated that the Board will now hear Case 685-AT-11.

38
39 **7. Staff Report**

40
41 Mr. Hall stated that Mr. Kass distributed a Zoning Case Wrap-up Progress Report for the Board's review.

1 He said that prior to the wind farm cases the Board reviewed such a report and staff plans to continue to
2 submit a monthly report to the Board for review. He said that the goal is to have all of the zoning cases
3 wrapped up under the term of each ZBA Chair so that when the ZBA Chair leaves all of the final
4 determinations that require the Chair's signature will be completed. He said that staff has not done a good
5 job meeting this standard in the past and the only way that it is going to be met is to make it something that
6 is reported to the ZBA on a regular basis.
7

8 **8. Other Business**

9 **A. Review of ZBA Docket**

10
11 Mr. Thorsland stated that Mr. Hall previously discussed the status of Cases 687-AM-11 and 688-S-11 and
12 that Case 716-AM-12 anticipates final action therefore an extensive meeting is anticipated on May 31st. He
13 asked Mr. Hall if Case 708-S-12 will be ready for final action on May 31st.
14

15 Mr. Hall stated that Case 708-S-12 could be ready for final action at the May 31st meeting. He said that
16 anything that is worthy of being a Special Use Permit may be worthy of having two meetings for
17 consideration.
18

19 Mr. Thorsland asked Mr. Hall if the traffic impact analysis has been started for Cases 699-AM-11 and 700-
20 S-11.
21

22 Mr. Hall stated that the traffic impact analysis has been completed and distributed and the cost of the traffic
23 impact analysis has been paid.
24

25 **B. April 2012 Monthly Report**

26
27 Mr. Hall distributed the April 2012 Monthly Report to the Board for review. He said that the ZBA has
28 completed twice as many cases this year as they had completed last year at this time.
29

30 Mr. Thorsland noted that the news has been reporting that the website for the Open Meetings Act Training
31 has been experiencing problems and they have not been resolved to date. He said that the members who
32 have completed the training are very lucky and those who have not completed the training still have time to
33 do so.
34

35 Mr. Palmgren stated that the system would lock up every time he answered item #17.
36

37 Mr. Thorsland stated that the same problem has been reported and he assumes that the appropriate people
38 are attempting to fix the system.
39

40 Ms. Capel stated that there does not appear to be any consequence for not completing the training.
41

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

2
3 None

4
5 **10. Adjournment**

6
7 **Mr. Courson moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by**
8 **voice vote.**

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10 The meeting adjourned at 8:40 p.m.

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14 Respectfully submitted

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19 Secretary of Zoning Board of Appeals

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1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 1776 E. Washington Street

4 Urbana, IL 61802

5 **DATE:** May 31, 2012

6 **PLACE:** Lyle Shield's Meeting Room

7 1776 East Washington Street

8 Urbana, IL 61802

9 **TIME:** 7:00 p.m.

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

12 **MEMBERS ABSENT :** None

13 **STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

14 **OTHERS PRESENT :** Neal Hauser, Dennis Birkey, Mark Fisher, Jean Fisher, Deb Klein, Julia Hall,
15 Bill Klein, Alan Singleton, Joe Guiliani, David Niccum, Dave Heiser, David
16 Birkey

17 **1. Call to Order**

18 The meeting was called to order at 7:03 p.m.

DRAFT

19 **2. Roll Call and Declaration of Quorum**

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

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

24 **3. Correspondence**

25 None

26 **4. Approval of Minutes (April 12, 2012 and April 26, 2012)**

27 Ms. Capel moved, seconded by Mr. Courson to approve the April 12, 2012 and April 26, 2012,
28 minutes as submitted. The motion carried by voice vote.

29 **5. Continued Public Hearing**

30 Case 687-AM-11 Petitioner: Philip W. and Sarabeth F. Jones Request to amend the Zoning Map to
31 change the zoning district designation from CR Conservation Recreation to AG-1 Agriculture.
32 Location: An approximately 12.69 acre tract of land that is located in the North Half of the South Half

1 of the Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois
2 Route 130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and
3 County Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.
4

5 **Case 688-S-11 Petitioner: Philip W. and Sarabeth F. Jones Request to authorize the construction and**
6 **use of a “Helipport-Restricted Landing Area” as a Special Use on land that is proposed to be rezoned to**
7 **the AG-1 Agriculture Zoning District from the current CR Conservation Recreation Zoning District**
8 **in related zoning case 687-AM-11; and with a waiver of a Special Use standard condition required by**
9 **Section 6.1 that requires a runway safety area to be located entirely on the lot. Location: An**
10 **approximately 12.69 acre tract of land that is located in the North Half of the South Half of the**
11 **Northeast Quarter of Section 27 of Crittenden Township and located on the west side of Illinois Route**
12 **130 (CR1600E) and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County**
13 **Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**
14

15
16 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.
17

18 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
19 sign the witness register for that public hearing. He reminded the audience that when they sign the
20 witness register they are signing an oath.
21

22 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such the County
23 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
24 show of hands for those who would like to cross examine and each person will be called upon. He requested
25 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
26 that those who desire to cross examine are not required to sign the witness register but are requested to
27 clearly state their name before asking any questions. He noted that no new testimony is to be given during
28 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
29 exempt from cross examination.
30

31 Mr. Thorsland called Alan Singleton, attorney for the petitioner, to testify.
32

33 Mr. Alan Singleton, attorney for the petitioner, stated that Dr. Jones would like to request a continuance so
34 that they can review the new clarification information from I.D.O.T. and formulate a plan that fits within the
35 perimeters outlined, submit the information to staff and then move forward with the case.
36

37 Mr. Hall asked Mr. Singleton if he had a continuance date in mind.
38

39 Mr. Singleton that he would suggest that the case be continued to the August 16th meeting.
40

41 Mr. Hall stated that a continuance to the August 16th meeting is acceptable to staff.
42

1 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to the August 16, 2012,
2 meeting.

3
4 **Mr. Passalacqua moved, seconded by Mr. Courson to continue Cases 687-AM-11 and 688-S-11 to the**
5 **August 16, 2012, meeting. The motion carried by voice vote.**

6
7 6. New Public Hearings

8
9 **Case 708-S-12 Petitioner: Dewey Evangelical Mennonite Church and Dennis Birkey. Request to**
10 **authorize the construction and use of a multi-purpose facility as a Special Use in the AG-1 Agriculture**
11 **Zoning District. Location: A 2 acre tract in the North One-Half of the Southeast Quarter of the**
12 **Northwest Quarter of Section 34 of East Bend Township and commonly known as the vacant parcel**
13 **behind the Dewey Evangelical Mennonite Church at 16 Third Street, Dewey.**

14
15 Mr. Thorsland informed the audience that this is an Administrative Case and as such the County allows
16 anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a show
17 of hands for those who would like to cross examine and each person will be called upon. He requested that
18 anyone called to cross examine go to the cross examination microphone to ask any questions. He said that
19 those who desire to cross examine are not required to sign the witness register but are requested to clearly
20 state their name before asking any questions. He noted that no new testimony is to be given during the cross
21 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt
22 from cross examination.

23
24 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
25 sign the witness register for that public hearing. He reminded the audience that when they sign the
26 witness register they are signing an oath.

27
28 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.

29
30 Mr. Dave Heiser, who resides at 311 W. Sangamon, Fisher, stated that a few years ago two acres of land was
31 donated to the church and the youth ministry has outgrown the current facility. He said that the youth
32 ministry meets on Wednesday nights. He said that several years ago the church decided to begin the new
33 building project although several things had to be completed before the project could be completed. He said
34 that Wilbur Street, which is located on the west side of the current building, has been closed and the alley
35 which is located to the north has also been closed. H said that the new facility will house a large area in the
36 center for activities such as volleyball or basketball and there will be storage rooms on the side as well as
37 Sunday School classrooms. He said that they do not expect the facility to drastically change their attendance
38 and they anticipate the membership to stay the same although they do hope that there is growth within the
39 church over time.

40
41 Mr. Thorsland called Mr. John Hall.

1 Mr. Hall, Zoning Administrator, stated that a letter from Melvina Heap was submitted by Mr. Heiser at
2 tonight's meeting. He said that the Heap family donated the land to the church and in their letter they
3 explained that there are no drainage issues with the project and they see no need for screening around the
4 parking lot. Mr. Hall stated that if all of the relevant neighboring properties submit letters that they waive
5 the need for screening then administratively the screening is not required. He said that a new landowner
6 could take a different view and at that point the screening would be required but this process is not provided
7 for in the Ordinance which is why Condition E has been included for the screening. He asked Mr. Kass if
8 there was one more neighboring landowner who needs to submit a statement that they waive the need for
9 screening before the screening would not be required.

10
11 Mr. Kass stated that the landowner to the east needs to agree with the screening proposal or the lack of
12 screening.

13
14 Mr. Hall stated that Melvina Heap's letter needs to be added as a new Document of Record.

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

17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Heiser and there were none.

19
20 Mr. Thorsland asked if staff had any questions for Mr. Heiser and there were none.

21
22 Mr. Thorsland called David Niccum to testify.

23
24 Mr. David Niccum, who resides at 108 Third St, Dewey, stated that his home is located three properties to
25 the west of the church. He said that he has spoken with several of the other neighbors and he has not found
26 anyone who is in opposition to the church's proposal for the new facility. He said that the neighbors are in
27 favor of the proposal because the neighborhood is full of kids.

28
29 Mr. Thorsland asked the Board if there were any questions for Mr. Niccum and there were none.

30
31 Mr. Thorsland asked if staff had any questions for Mr. Niccum and there were none.

32
33 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Niccum and there was no one.

34
35 Mr. Thorsland called Neal Hauser to testify.

36
37 Mr. Neal Hauser declined to testify.

38
39 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
40 testimony regarding Case 708-S-12 and there was no one.

41
42 Mr. Thorsland closed the witness register.

1
2 Mr. Thorsland stated that Mr. Hall indicated that staff is awaiting a letter from one final landowner regarding
3 the screening. Mr. Thorsland asked Mr. Hall if there is a mechanism at a later date if the property owner
4 comes forward after the case is determined.
5
6 Mr. Hall stated that the way the condition is written is that if a letter is received from the landowner
7 screening will be required in those areas necessary to screen the landowner's view of the property but if a
8 written statement to waive the screening requirement is received then staff will follow the normal
9 administrative protocol and not require any screening. He said that he included the condition so that the
10 Board would have confidence that the Ordinance requirements will either be met or dealt with through
11 normal administrative protocols which have been followed since the mid-90's when the standard screening
12 requirement was added. He said that this is not the first time that this administrative protocol has been
13 discussed because it has been included in previous cases before this Board.
14
15 Mr. Passalacqua requested that Mr. Heiser return to the witness microphone for questioning.
16
17 Mr. Thorsland called Mr. Dave Heiser.
18
19 Mr. Passalacqua asked Mr. Heiser if the house to the east of the existing building shares the access drive.
20
21 Mr. Heiser stated that the house to the east is the neighbor that Mr. Kass was referring to regarding the
22 remaining letter waiving the screening requirement.
23
24 Mr. Passalacqua asked if the neighbor is a good neighbor because he uses the church's parking lot access.
25
26 Mr. Heiser stated that Mr. Passalacqua is referring to the property to the west and not the east.
27
28 Mr. Passalacqua apologized and indicated that Mr. Heiser is correct.
29
30 Mr. Heiser stated that the house to the west does utilize the church's parking lot access.
31
32 Mr. Hall asked Mr. Heiser if he has reviewed the special conditions. He said that proposed special condition
33 B. includes the State of Illinois commercial code which will apply to this project. He said that before the
34 church can receive an occupancy certificate, written certification must be submitted indicating that the
35 building, as-built, complies with the International Building Code; and the 2008 or later edition of the
36 National Electrical Code NFPA 70; and the Illinois Building Code. He said that staff has been discussing
37 the project with an Illinois registered architect whose office is in Wisconsin regarding the requirements
38 included in special condition B. Mr. Hall asked Mr. Heiser if he has discussed the required certification that
39 is needed upon completion of the project with the architect.
40
41 Mr. Heiser stated that he only became aware of this issue a few days ago and it was his understanding that
42 the County has a plumbing inspector who will review the plumbing.

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Mr. Hall stated that the Champaign County Public Health Department has a plumbing inspector.

Mr. Heiser stated that he was under the assumption that the Champaign County Public Health Department plumbing inspector would certify the plumbing. He said that the architect will be supplying the structural drawing to assure that they abide by the accessibility code. He said that the architect has indicated that he has an Illinois stamp therefore Mr. Heiser assumes that the architect has an engineer on staff that will certify that the codes are being met although he will check again with the architect to clarify his assumption. Mr. Heiser stated that in regards to the electrical they have not contracted with Swiss Valley Associates and they are looking for a local contractor to complete that work.

Mr. Hall stated that whoever provides certification that the codes are being met must complete the certification inspection before the relevant things are concealed by other construction. He said that it is a heightened concern with a licensed professional, like an architect, because they are not going to put their license on the line and certify the work if they were not there doing the onsite observation. He said that the person doing the certification does not have to be an architect and there are three or four other qualified professionals who can complete the inspections and it is his expectation that whoever does it will want to see it before it gets covered up.

Mr. Heiser stated that this is a new requirement.

Mr. Hall stated yes and staff has been distributing handouts with every commercial building permit since this became an issue and not all of these things happen during a public hearing therefore it is important that folks understand that beginning with day one of construction the compliances must be provided for.

Mr. Thorsland read the proposed special conditions as follows:

- A. **Regarding State of Illinois accessibility requirements (reviewed in Item 8.J):**
 - (1) **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use Permit without certification by an Illinois Licensed Architect or Illinois Professional Engineer that the new building will comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
 - (2) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing operation of the proposed Special Use Permit until the Zoning Administrator has verified that the Special Use as constructed does in fact comply with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**
- The special conditions stated above are required to ensure the following:
That the proposed Special Use meets applicable state codes for handicap accessibility.
- B. **Regarding Life Safety considerations (reviewed in Item 8.I):**
The Zoning Administrator shall not authorize a Zoning Compliance Certificate

authorizing occupancy of 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 conditions stated above are required to ensure the following:

That the proposed structure is safe and built to current standards.

C. All onsite foodservice shall be in compliance at all times with the Champaign County Health Ordinance.

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

That foodservice for the proposed Special Use is consistent with County requirements and the testimony in the public hearing and that compliance is enforceable.

D. Regarding the proposed septic system:

- (1) **A true and correct copy (ie. valid at the time of application) of an approved COUNTY Health Department PERMIT for construction of a private sewage disposal (septic) system shall be required before the Zoning Administrator may approve a Zoning Use Permit.**
- (2) **The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal (septic) system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
- (3) **The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property, as recommended by the Champaign County Health Department.**
- (4) **The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the church building.**
- (5) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.**

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

That the septic system meets the requirements of the Champaign County Health Ordinance.

E. The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use unless the proposed parking areas are screened as required by paragraph 7.4.1 C.4 and in accordance with typical Administrative protocols or letters are received from owners of relevant lots with building restriction lines within 100 feet of

1 **the proposed parking areas waiving the required screening.**
 2 The special condition stated above is required to ensure the following:
 3 **The new parking areas are screened as required by the Zoning Ordinance unless**
 4 **neighbors waive those requirements.**

5
6 Mr., Thorsland asked the petitioner if he agreed with the proposed special conditions.

7
8 Mr. Heiser asked if he needs to submit photographs of the area identified, marked off and protected from
9 compaction, as indicated in proposed special condition D.(4).

10
11 Mr. Hall stated that he will complete a drive-by inspection of the subject property.

12
13 Mr. Heiser asked if this inspection needs to be completed before they receive the Zoning Use Permit.

14
15 Mr. Hall stated yes. He said that this practice is to make sure that no heavy equipment is driven
16 across the area for the septic system.

17
18 Mr. Heiser stated that he agrees with the proposed special conditions.

19
20 Mr. Thorsland entertained a motion to approve the special conditions as previously read.

21
22 **Mr. Courson moved, seconded by Ms. Capel to approve the special conditions for Case 708-S-12.**
23 **The motion carried by voice vote.**

24
25 Mr. Thorsland stated that a new item 5 should be added to the Documents of Record as follows: Letter
26 from Melvina Heap received at the May 31, 2012, public hearing.

27
28 **Finding of Fact for Case 708-S-12:**

29
30 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
31 708-S-12 held on May 31, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 32
- 33 **1. The requested Special Use Permit, subject to the special conditions imposed herein,**
- 34 **IS necessary for the public convenience at this location.**
- 35

36 Mr. Miller stated that the requested Special Use Permit, subject to the special conditions imposed herein, IS
37 necessary for the public convenience at this location because the land was donated to the church.

38
39 Mr. Thorsland stated that the additional land helped with the expansion of existing programs and the church
40 is the only church currently located in Dewey.

- 41
- 42 **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 be injurious to the district in which it shall located or otherwise detrimental to the public health, safety, and welfare.

a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

Mr. Thorsland stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE visibility.

b. Emergency services availability is ADEQUATE.

Ms. Capel stated that emergency services availability is ADEQUATE.

c. The Special Use WILL be compatible with adjacent uses.

Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

d. Surface and subsurface drainage will be ADEQUATE.

Mr. Miller stated that surface and subsurface drainage will be adequate.

e. Public safety will be ADEQUATE.

Mr. Miller stated that public safety will be ADEQUATE.

f. The provisions for parking will be ADEQUATE.

Mr. Passalacqua stated that the provisions for parking will be ADEQUATE.

Mr. Thorsland stated that 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 be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and land welfare.

3a. The requested Special Use Permit, subject to the special conditions imposed herein, DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES 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 preserve the essential character of the DISTRICT in which it is located because:

1 a. The Special Use will be designed to CONFORM to all relevant County
2 ordinances and codes.

3
4 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County ordinances and
5 codes.

6 b. The Special Use WILL be compatible with adjacent uses.

7
8 Mr. Courson stated that the Special Use WILL be compatible with adjacent uses.

9
10 c. Public safety will be ADEQUATE.

11
12 Mr. Passalacqua stated that public safety will be ADEQUATE.

13
14 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed
15 herein, DOES preserve the essential character of the DISTRICT in which it is located.

16
17 4. The requested Special Use Permit, subject to the special conditions imposed herein, IS
18 in harmony with the general purpose and intent of the Ordinance.

19
20 a. The Special Use is authorized in the District.

21 b. The requested Special Use Permit IS necessary for the public convenience at this
22 location.

23
24 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this
25 location.

26 c. The requested Special Use Permit, subject to the special conditions imposed
27 herein, is so designed, located, and proposed to be operated so that it WILL
28 NOT be injurious to the district in which it shall be located or otherwise
29 detrimental to the public health, safety and welfare.

30
31 Mr. Passalacqua stated that the requested Special Use Permit, subject to the special conditions imposed
32 herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district
33 in which it shall be located or otherwise detrimental to the public health, safety and welfare.

34
35 d. The requested Special Use Permit, subject to the special conditions imposed
36 herein, DOES preserve the essential character of the DISTRICT in which it is
37 located.

38
39 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,
40 DOES preserve the essential character of the DISTRICT in which it is located.

41
42 Mr. Courson stated that the requested Special Use Permit, subject to the special conditions imposed herein,

1 IS in harmony with the general purpose and intent of the Ordinance.

2
3 **5. The requested Special Use IS NOT an existing nonconforming use and the requested**
4 **Special Use Permit WILL NOT make the existing use more compatible with its**
5 **surroundings.**
6

7 Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use and the
8 requested Special Use Permit WILL NOT make the existing use more compatible with its surroundings.
9

10 **6. The special conditions imposed herein are required to ensure compliance with the**
11 **criteria for Special Use Permits and for the particular purpose described below:**
12

13 **A. Regarding State of Illinois accessibility requirements (reviewed in Item 8.J.):**

14 **(1) The Zoning Administrator shall not approve a Zoning Use Permit for the**
15 **proposed Special Use Permit without certification by an Illinois Licensed**
16 **Architect or Illinois Professional Engineer that the new building will comply**
17 **with the Illinois Accessibility Code and Illinois Environmental Barriers Act.**

18 **(2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
19 **authorizing operation of the proposed Special Use Permit until the Zoning**
20 **Administrator has verified that the Special Use as constructed does in fact**
21 **comply with the Illinois Accessibility Code and Illinois Environmental Barriers**
22 **Act.**

23 The special conditions stated above are required to ensure the following:

24 **That the proposed Special Use meets applicable state codes for handicap**
25 **accessibility.**
26

27 **B. Regarding Life Safety considerations (reviewed in Item 8.I.):**

28 **The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
29 **authorizing occupancy of the proposed Special Use until the Zoning**
30 **Administrator has received a certification of inspection from an Illinois**
31 **Licensed Architect or other qualified inspector certifying that the new building**
32 **complies with the following codes: (A) The 2006 or later edition of the**
33 **International Building Code; (B) The 2008 or later edition of the National**
34 **Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

35 The special conditions stated above are required to ensure the following:

36 **That the proposed structure is safe and built to current standards.**
37

38 **C. All onsite foodservice shall be in compliance at all times with the Champaign County**
39 **Health Ordinance.**

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

41 **That foodservice for the proposed Special Use is consistent with County requirements**
42 **and the testimony in the public hearing and that compliance is enforceable.**

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- D. Regarding the proposed septic system:**
- (1) A true and correct copy (ie. valid at the time of application) of an approved COUNTY Health Department PERMIT for construction of a private sewage disposal (septic) system shall be required before the Zoning Administrator may approve a Zoning Use Permit.**
 - (2) The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal (septic) system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.**
 - (3) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property, as recommended by the Champaign County Health Department.**
 - (4) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the church building.**
 - (5) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.**
 The special condition stated above is required to ensure the following:
That the septic system meets the requirements of the Champaign County Health Ordinance.

E. The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use unless the proposed parking areas are screened as required by paragraph 7.4.1 C.4 and in accordance with typical Administrative protocols or letters are received from owners of relevant lots with building restriction lines within 100 feet of the proposed parking areas waiving the required screening.
 The special condition stated above is required to ensure the following:
The new parking areas are screened as required by the Zoning Ordinance unless neighbors waive those requirements.

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

Mr. Courson moved, seconded by Mr. Palmgren to move to the final determination. The motion carried by voice vote.

Final Determination for Case 708-S-12:

1 Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of Appeals
2 finds that, based upon the application, testimony, and other evidence received in this case, the
3 requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority
4 granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that the Special
5 Use requested in Case 708-S-12 is hereby GRANTED WITH CONDITIONS to the applicant Dewey
6 Evangelical Mennonite Church to authorize the construction and use of a multi-purpose church
7 facility as a Special Use in the AG-1, Agriculture Zoning District, subject to the following special
8 conditions:
9

10 A. Regarding State of Illinois accessibility requirements (reviewed in Item 8.J.):

- 11 (1) The Zoning Administrator shall not approve a Zoning Use Permit for the
- 12 proposed Special Use Permit without certification by an Illinois Licensed
- 13 Architect or Illinois Professional Engineer that the new building will comply
- 14 with the Illinois Accessibility Code and Illinois Environmental Barriers Act.
- 15 (2) The Zoning Administrator shall not authorize a Zoning Compliance Certificate
- 16 authorizing operation of the proposed Special Use Permit until the Zoning
- 17 Administrator has verified that the Special Use as constructed does in fact
- 18 comply with the Illinois Accessibility Code and Illinois Environmental Barriers
- 19 Act.

20 The special conditions stated above are required to ensure the following:

21 That the proposed Special Use meets applicable state codes for handicap
22 accessibility.
23

24 B. Regarding Life Safety considerations (reviewed in Item 8.I.):

25 The Zoning Administrator shall not authorize a Zoning Compliance Certificate
26 authorizing occupancy of the proposed Special Use until the Zoning
27 Administrator has received a certification of inspection from an Illinois
28 Licensed Architect or other qualified inspector certifying that the new building
29 complies with the following codes: (A) The 2006 or later edition of the
30 International Building Code; (B) The 2008 or later edition of the National
31 Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

32 The special conditions stated above are required to ensure the following:

33 That the proposed structure is safe and built to current standards.
34

35 C. All onsite foodservice shall be in compliance at all times with the Champaign County
36 Health Ordinance.

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

38 That foodservice for the proposed Special Use is consistent with County requirements
39 and the testimony in the public hearing and that compliance is enforceable.
40

41 D. Regarding the proposed septic system:

- 42 (1) A true and correct copy (ie. valid at the time of application) of an approved

ZBA

DRAFT SUBJECT TO APPROVAL DRAFT 5/31/12

COUNTY Health Department PERMIT for construction of a private sewage disposal (septic) system shall be required before the Zoning Administrator may approve a Zoning Use Permit.

- (2) The site plan for the Zoning Use Permit Application shall indicate the identical area for the private sewage disposal (septic) system as approved in the COUNTY Health Department PERMIT and only the private sewage disposal system approved by the COUNTY Health Department may occupy that portion of the LOT.
- (3) The area proposed for the septic system shall be identified, marked off, and protected from compaction prior to any construction on the subject property, as recommended by the Champaign County Health Department.
- (4) The Zoning Administrator shall verify that the area proposed for the septic system is identified, marked off, and protected from compaction prior to approval of the Zoning Use Permit for the church building.
- (5) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the approval of the as-built septic system by the Champaign County Health Department.

The special condition stated above is required to ensure the following:
That the septic system meets the requirements of the Champaign County Health Ordinance.

- E. **The Zoning Administrator shall not approve a Zoning Use Permit for the proposed Special Use unless the proposed parking areas are screened as required by paragraph 7.4.1 C.4 and in accordance with typical Administrative protocols or letters are received from owners of relevant lots with building restriction lines within 100 feet of the proposed parking areas waiving the required screening.**

The special condition stated above is required to ensure the following:
The new parking areas are screened as required by the Zoning Ordinance unless neighbors waive those requirements.

The roll was called:

Capel-yes	Courson-yes	Miller-yes
Palmgren-yes	Passalacqua-yes	Thorsland-yes

Mr. Hall informed Mr. Heiser that his request has been approved therefore staff will send out the paperwork as soon as possible.

Case 716-AM-12 Petitioner: William and Deborah Klein Request to amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the I-1 Light Industry Zoning District to allow limited re-use of a former agricultural chemical research facility.

1 **Location: An approximate 4.5 acre tract in the North Half of the Northeast Quarter of the Northeast**
2 **Quarter of Section 35 of Scott Township and commonly known as the former Syngenta research**
3 **facility at 495 CR 1300N, Champaign.**
4

5 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
6 sign the witness register for that public hearing. He reminded the audience that when they sign the
7 witness register they are signing an oath.
8

9 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of their request.
10

11 Ms. Deb Klein, who resides at 1043 CR 300E, Seymour, stated that she and her husband along with their
12 mother, Mary Klein, are the property owners of the farm and building that is being discussed tonight. She
13 said that they are part of a family farm operation that spans six generations. She said that last winter they
14 traded a farm which was located north of Mansfield for the subject property because they always wanted to
15 farm closer to their home which is located two miles away. She said that they were thrilled to have the
16 opportunity to own the farm which also has irrigation for their seed corn fields. She said that the buildings
17 existed on the farm ground and they are too nice to abandon or let deteriorate. She said that the buildings
18 were originally built in 1989 as part of an agricultural research farm for a company called ISI Americas,
19 Northern Research Center, which later became part of Syngenta. She said that many of these agricultural
20 companies have consolidated their businesses and locations so that the needs of this sort of office, lab and
21 shop for another agricultural company is limited. She said that her family has found a tenant who will take
22 care of the site as well as not impact the surrounding agricultural environment and the tenant will provide
23 good jobs for Champaign County. She said that her family lives close to the site and they farm adjacent to
24 the buildings therefore it is important to find a good match. She said that the tenant does not qualify for the
25 current agricultural designation despite that some of their research applies to agricultural applications
26 therefore her family respectfully requests that the ZBA change the zoning classification for the existing
27 buildings to I-1 Light Industry to allow her family to utilize the buildings.
28

29 Mr. Thorsland called Mr. Hall.
30

31 Mr. Hall distributed a new Supplemental Memorandum dated May 31, 2012, to the Board for review. He
32 said that when staff was working on the Preliminary Memorandum dated May 25, 2012, he made the
33 assumption that given the volume of non-hazardous waste, the weak saline waste from the salt fog chamber,
34 should pose no risk to the septic system. He said that he received a call from a neighboring landowner who
35 actually was very satisfied with the conditions but questioned the risk to the septic system. He recalled that
36 staff intended to check with the IDPH staff that did septic permitting in the 1990's to see if they had any
37 records for the subject property. He said that yesterday he sent an e-mail to the Champaign County Health
38 Department and by mid-afternoon he had a copy of the permit that had been granted in the early 90's. He
39 said that the letter indicated that a sand filter system was installed on the property and provided that the
40 volume of saline water is taken into account for the original system if the saline waste is no stronger than the
41 back charge from a water softener then it should pose no risk to the septic system. He said that he does not
42 know how to determine how strong the saline waste is and the manufacturer does not provide much data

1 other than indicating that it is low saline but hopefully more information can be obtained tonight. He said
2 that he was very gratified to discover that there was a sand filter although it is not identified on the site plan.
3 He said that a Change of Use Permit will be required after the case is approved and that permit is good for
4 one year. He said that within the one year any impact to the existing septic system could be identified by the
5 lessee and there is a good chance that no changes will be required. He said that the following special
6 conditions have been proposed to address these issues:
7

8 **E. A Change of Use Permit shall be applied for within 30 days of the County**
9 **approval of Case 716-AM-12.**

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

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

13
14 **F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
15 **unless the following documentation is received within 12 months after approval**
16 **of the Change of Use Permit:**

17 (1) **A letter or email from the Champaign County Health Department**
18 **stating that the wastewater from the salt fog chamber appears to pose**
19 **no significant harm to the septic system; or**

20 (2) **A letter or email from the Champaign County Health Department**
21 **stating that the wastewater from the salt fog chamber is being disposed**
22 **of in a manner consistent with the Champaign County Health**
23 **Ordinance; and**

24 (3) **A copy of any permit required from the County Health Department.**

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

26 **The disposal of the wastewater does not result in nuisance or unsafe conditions.**
27

28 **G. Any non-agricultural use on the subject property that produces hazardous**
29 **waste shall be serviced by a licensed hazardous waste hauler/disposal company.**

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

31 **That hazardous waste is disposed of properly.**
32

33 Mr. Hall stated that a draft of the proposed conditions were sent to the petitioner's attorney this afternoon
34 but the petitioner did not view the conditions until today. He said that the Board may decide that no
35 problems will be posed since it is a permitted system and the lessee does not plan to get up to 20 staff
36 members. He said that the Board may feel comfortable in making a determination at tonight's meeting,
37 which is the hope of the petitioners, but no promises were made to the petitioners. He said that the case has
38 been included on the Environment and Land Use Committee meeting on Tuesday, June 5th so that if action is
39 taken tonight it can be heard next Tuesday and if ELUC is ready for action the case can possibly receive
40 final action at the June County Board meeting.
41

42 Mr. Hall stated that when he spoke to the neighboring landowner the landowner indicated that he chuckled

1 when he read some of the recommendations on the LRMP policies in the Finding of Fact. Mr. Hall stated
2 that he wants the Board comfortable with the recommendations of “ACHIEVES” and “IS
3 CONSISTENT” because of the nature of the request staff reviewed it for both the Goal 4, Agricultural
4 Policies and the Goal 5, Urban Land Use Policies. He said that he can handle it when a neighbor chuckles
5 when they read a recommendation but it makes him feel uneasy when a ZBA member chuckles therefore he
6 wants the Board to feel comfortable with the recommendations regarding the policies. He said that he and
7 Mr. Kass discussed the recommendations at great depth which is why they recommended “ACHIEVES”
8 although they did have one simply based on “CONSISTENCY” because the maximum lot size does not
9 actually apply to land that is being rezoned although it is a policy which requires review. He said that staff
10 can spend as much time as the Board requires to review the policies and if the Board is not ready for final
11 action tonight then his advice would be to continue the case to another meeting.

12
13 Mr. Thorsland asked the Board if there were any questions for Deb Klein and there were none.

14
15 Mr. Thorsland asked the Board if there were any questions Mr. Hall.

16 Mr. Miller asked Mr. Hall if the property was rezoned for the flashlight company.

17
18 Mr. Hall stated that the Board did rezone that property and the nature of the use also required a Special Use
19 Permit which arguably is better than is this instance but in that use they were doing light assembly that
20 required a Special Use in the B-4 District. He said that the use that is proposed for this case is simply
21 allowed by-right in the I-1, Light Industry district and given the condition to not allow any expansion the
22 only use allowed by-right that gave staff any concern was the self-storage warehouse. He said that he
23 understands that the petitioner is not proposing a self-storage warehouse but presumably AMI will move on
24 to a larger facility in the future. He said that during the case for the flashlight manufacturer the Special Use
25 was required for that use that they were performing on the property and there was also a condition to not
26 allow any expansion. He said that the uses in B-4 are more problematic than the uses in I-1.

27
28 Mr. Miller asked if there was a sunset clause included in the previous case for the subject property.

29
30 Mr. Hall stated no. He said that another previous case did include a sunset clause or a condition that
31 required that if the use ever became permissible in the AG-1 by Special Use Permit that they would have to
32 agree to do so. He said that the more that he has thought about such a clause or condition it appears that it
33 creates a lot of complications and a text amendment has not been proposed that would allow those things as
34 a Special Use in AG-1. He said that he does believe that it is a good idea but it is never a pressing issue
35 until staff has someone who wants to move there the next day. He said that he is not sure how practical a
36 sunset clause actually is.

37
38 Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall and there were none.

39
40 Mr. Thorsland asked Ms. Klein if she had any additional information to add to her testimony.

41
42 Ms. Klein stated that she did not.

1

2 Mr. Thorsland called Bill Klein to testify.

3

4 Mr. Bill Klein, who resides at 1043 CR 300 E, Seymour stated that the saline discharge is pumped into a
5 tank and removed by a certified waste hauler. He said that the volume of waste is approximately 750 gallon
6 per year and 5% of the volume goes through the salt fog chamber. He said that the salt fog chamber is
7 located in Building #3 which is the smallest building on the site. He asked Mr. Hall if the special condition
8 can be removed since the system is self-explanatory.

9

10 Mr. Hall stated that the system is self-explanatory provided that we get it into the Summary of Evidence.
11 He said that the following item should be added to the Summary of Evidence: Bill Klein, Petitioner,
12 testified at the May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the
13 waste from the chamber will be collected in the existing Rinsate storage tanks.

14

15 Mr. Klein stated that the saline solution could be spread on the gravel parking lot to evaporate which would
16 be similar to a water softener at a home.

17

18 Mr. Thorsland stated that the Board desires to make it clear that the saline solution isn't going into the septic
19 System and if later Mr. Klein discovers that it can be spread onto the parking lot then that will be a separate
20 issue and it would be advisable to not have that in the Finding of Fact. He said that staff may disagree but it
21 is his opinion that the simpler case that is made the better.

22

23 Mr. Miller stated that Mr. Klein does not need to set himself up for unnecessary opposition.

24

25 Mr. Thorsland asked the Board if there were any further questions for Mr. Klein at this time and there were
26 none.

27

28 Mr. Thorsland called Joe Guiliani to testify.

29

30 Mr. Joe Guiliani, who resides at 4803 Peifer Lane, Champaign, stated that they do not have a lot of
31 discharge and the maximum would be 750 gallons within one year's time. He said that if they have to, at
32 their expense, they will have a waste hauler remove the discharge

33

34 Mr. Thorsland stated that if the Board was permitting an auto service facility they would not dictate what
35 they do with the waste oil although everyone understands that the waste must be hauled off properly. He
36 said that he just wants to make it very clear that the saline solution is not going into the septic system.

37

38 Mr. Hall stated that the new item could be revised to read as follows: Bill Klein, Petitioner, testified at the
39 May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the waste from the
40 chamber will be collected in the existing Rinsate storage tanks until removed and properly disposed of.
41 He said that along with this statement the Board could remove special condition F. regarding the septic
42 system.

1
2 Mr. Miller stated that they will need to receive a permit from the IEPA.
3

4 Mr. Thorsland stated that page 2 of the Supplemental Memorandum dated May 31, 2012, indicated item (f)
5 regarding how the proposed rezoning achieves Policy 6.1.2. He said that item (f) could be deleted as well as
6 proposed special condition F. because the new item of evidence that Mr. Hall wrote addresses the saline
7 discharge.
8

9 Mr. Hall stated that he would like to clarify that the Board desires to remove item (f) under Policy 6.1.2 and
10 special condition F. for this case.
11

12 Mr. Thorsland stated yes. He asked the Board if they had any comments regarding these deletions.
13

14 Mr. Passlacqua stated that he is satisfied because the Board has received testimony indicating that the saline
15 solution is not going in to the septic system.
16

17 Ms. Capel stated that the statement should indicate that the removal will be consistent with IEPA and
18 County Health Department Ordinance requirements.
19

20 Mr. Hall stated that the new item of evidence could be revised as follows: Bill Klein, Petitioner, testified
21 at the May 31, 2012, public hearing that the salt fog chamber will be located in Building #3 and the waste
22 from the chamber will be collected in the existing Rinsate storage tanks until removed and properly disposed
23 of consistent with IEPA and County Health Department Ordinance requirements.
24

25 Mr. Thorsland asked the Board if there were any additional questions for Deb Klein, Bill Klein, Joe Guiliani
26 or staff and there were none.
27

28 Mr. Thorsland closed the witness register.
29

30 Mr. Thorsland stated that the Board will now review the staff recommendations for the LRMP Goals and
31 Policies. He directed the Board to page 10 of 26 of the Finding of Fact dated May 31, 2012. He said that
32 LRMP Goal 1 is entitled "Planning and Public Involvement" and it is staff's recommendation that Goal 1 is
33 NOT RELEVANT to the proposed rezoning. He said that staff recommended that LRMP Goal 2 entitled
34 "Governmental Coordination" is NOT RELEVANT to the proposed rezoning. He said that staff has
35 recommended that the proposed amendment PARTIALLY ACHIEVES Goal 3, Part A which encourages
36 economic growth and is entitled "Prosperity" although Part B of Goal 3 indicates that the proposed rezoning
37 is NOT DIRECTLY RELEVANT to any of the objectives and only PARTIALLY ACHIEVES the Goal.
38

39 Mr. Thorsland stated that it is staff's recommendation that the proposed amendment ACHIEVES Goal 4
40 because the proposed amendment ACHIEVES Objective 4.1; and Policy 4.1.1; and Policy 4.1.3 does not
41 appear relevant, ACHIEVES Policy 4.1.6. and IS CONSISTENT with Policy 4.1.7. He said that the
42 proposed rezoning ACHIEVES Objective 4.2; and Policy 4.2.1; and Policy 4.2.2; and Policy 4.2.3; and

1 Policy 4.2.4; and Objective 4.3; and Policy 4.3.2; and Policy 4.3.3; and Policy 4.3.4; and Policy 4.3.5.

2
3 Mr. Hall stated that Policy 4.3.5. is one of those things that takes a couple reviews to see how they relate.
4 He said that on Policy 4.3.1. it was found that the site is very well suited for the proposed use and the logic
5 is why the proposed use is appropriate in the rural area. He said that the reason why it is appropriate is
6 because the subject property and the buildings fit nicely with the proposed use. He said that it complies with
7 Policy 4.3.5 because it meets the conditions in (b).

8
9 Mr. Thorsland stated that the proposed amendment ACHIEVES LRMP Goal 5 because the proposed
10 amendment ACHIEVES Objective 5.1.

11
12 Mr. Hall stated that "IS CONSISTENT" could also be a valid recommendation for Objective 5.1.

13
14 Mr. Thorsland stated that he believes that the recommendation should remain "ACHIEVES" due to the tie
15 with Policy 4.3.1 because they are suited to the use.

16
17 Mr. Hall agreed with Mr. Thorsland.

18
19 Mr. Thorsland stated that it is staff's recommendation that the proposed amendment ACHIEVES LRMP
20 Goal 5 because the proposed amendment ACHIEVES Policy 5.1.5; and Policy 5.1.6; and Objective 5.2; and
21 Policy 5.2.1; Policy 5.2.2; and Policy 5.2.3; and Policy 5.3; and Policy 5.3.1. He said that it is staff's
22 recommendation that the proposed amendment ACHIEVES Goal 6 because the proposed amendment
23 ACHIEVES Objective 6.1 and Policy 6.1.2. He said that it is staff's recommendation that the proposed
24 amendment ACHIEVES LRMP Goal 7 because the proposed amendment ACHIEVES Objective 7.1 and
25 Policy 7.1.1.

26
27 Mr. Thorsland stated that the petitioner has indicated that they plan to have approximately 12 employees
28 which isn't a tremendous impact to traffic therefore what is the difference between one house and a business
29 with 12 employees. He said that in observing his own personal household he would believe that the
30 business would have less traffic than one house.

31
32 Mr. Hall stated that staff normally presumes 10 trips per day for one household and if a household has one
33 teenager with a vehicle the trips would probably increase.

34
35
36 Mr. Thorsland stated that he agrees with staff's recommendation that the proposed amendment ACHIEVES
37 LRMP Goal 8 because the proposed amendment ACHIEVES Objective 8.1, Objective 8.2 and Policy
38 8.1., Policy 8.1.8, and Policy 8.2.1. and Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9 and Policies 8.1.2, 8.1.3,
39 8.1.4, 8.1.5, 8.1.6, 8.1.7 and 8.1.9 are NOT RELEVANT. Mr. Thorsland stated that he agrees with staff's
40 recommendations that LRMP Goal 9 and Goal 10 IS NOT RELEVANT.

41
42 Mr. Thorsland requested that Mr. Guiliani provide a thorough explanation of what they will actually be

1 doing on the subject property. He said that the explanation will be beneficial for the County Board to
2 understand that the product that is produced is an innovative product.

3
4 Mr. Joe Guiliani, who resides at 4803 Peifer Lane, Champaign, stated that they are only a research,
5 development, sales and marketing firm. He said that they contract with two out of state manufacturers, one
6 in Ohio and the other in Wisconsin, who make all of their products. He said that the company develops a
7 self-healing agent that goes into coatings so that when they are damaged they heal themselves. He said that
8 the agents are micro-capsules that go into a coating at a 5% rate for industrial uses although they will have a
9 few consumer type applications soon. He said that that the agents go into the coating and they live in the
10 coating at a 5% rate and when the coating is damaged the healing agent goes to the site of the damage and
11 prevents corrosion. He said that all of the technology is from the University of Illinois and the company has
12 the exclusive licenses not only for the coating but also for sealants, adhesives and structural composites. He
13 said that Scott White, founder of the company, at the Beckman Institute is a worldwide leader in self-healing
14 of all types of materials. He said that they have professional investors from Champaign and Illinois
15 Ventures. He said that mostly what they do through the company is development and testing with their
16 customers and everything is done on 4 inch by 6 inch panels. He said that they receive small amounts of
17 coatings and install micro-capsules that are created in the lab in beakers and then placed into the customer's
18 samples and placed into a salt fog chamber which is 80 inches by 50 inches in size. He said that they are
19 anticipating the arrival of a new salt fog chamber and the unit, with good care, should last 20 years. He said
20 that the sales and marketing, consisting of six employees, will be located in the office area and he anticipates
21 that sales and marketing will grow by two employees through the year 2015 at this facility. He said that they
22 are attempting to stay within Champaign County because two-thirds of their workforce has come from the
23 U of I and the new hires will also come from the U of I. He said that they are anticipating hiring a PHD
24 which will graduate in August from the U of I. He said that he is making every effort to keep the company
25 in Champaign County because he was raised in the Rantoul area and moved to the east coast but then moved
26 back approximately seven years ago when he took this position.

27
28 Mr. Hall asked Mr. Guiliani to verify that the percentage of the salinity of the waste from the salt fog
29 chamber is 5%.

30
31 Mr. Guiliani stated yes.

32
33 Mr. Hall recommended that the Board add this evidence under item 8.3(a) as follows: Under normal
34 operation a salt fog chamber will drain 10 – 20 gallons of low salinity salt water per week. Joe Guiliani
35 testified at the May 31, 2012, public hearing that the salinity of the waste is 5%.

36
37 Mr. Thorsland read the proposed special conditions as follows:

- 38
39 **A. The owners of the subject property hereby recognize and provide for the right of**
40 **agricultural activities to continue on adjacent land consistent with the Right to Farm**
41 **Resolution 3425.**

42 The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

B. Any non-agricultural use of the subject property shall be limited to reuse of the existing buildings and existing outdoor parking area and no expansion of either building area or expansion of outdoor uses shall be authorized.

The above special condition is necessary to ensure the following:

That the use of the subject property does not become intensively utilized by non-agricultural uses.

C. No self-storage warehouse (either with or without heat and utilities to individual units) shall be authorized on the subject property.

The above special condition is necessary to ensure the following:

Public safety.

D. A Special Use Permit shall be required to authorize the establishment of a second principal use on the subject property that does not meet the Zoning Ordinance definition of "agriculture".

The above special condition is necessary to ensure the following:

That the use of the subject property remains in conformance with the Zoning Ordinance.

E. A Change of Use Permit shall be applied for within 30 days of the County Board approval of Case 716-AM-12.

The above special condition is necessary to ensure the following:

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

F. Any non-agricultural use on the subject property that produces hazardous waste shall be serviced by a licensed hazardous waste hauler/disposal company.

The above special condition is required to ensure the following;

That hazardous waste is disposed of properly.

Mr. Thorsland asked the petitioner if they agreed to the special conditions as read.

Mr. Klein indicated that he agreed to the special conditions.

Mr. Passalacqua moved, seconded by Mr. Courson to adopt the special conditions as read. The motion carried by voice vote.

Mr. Thorsland stated that a new item #4 should be added to the Documents of Record as follows:
Supplemental Memorandum dated May 31, 2012, with attachments.

Finding of Fact for Case 716-AM-12:

From the documents of record and the testimony and exhibits received at the public hearing conducted on May 31, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the Land Resource Management plan because:

A. The proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the following LRMP goals:

- 3, 4, 5, 6, 7 and 8

Mr. Courson stated that the proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the following LRMP goals 3, 4, 5, 6, 7 and 8.

B. The proposed Zoning Ordinance map amendment WILL NOT IMPEDE the achievement of the other LRMP goals:

- 1, 2, 9 and 10

Mr. Courson stated that the proposed Zoning Ordinance map amendment WILL NOT impede the achievement of the other LRMP goals 1, 2, 9 and 10.

2. The proposed Zoning Ordinance map amendment IS consistent with the *LaSalle* and *Sinclair* factors.

Ms. Capel stated that the proposed Zoning Ordinance map amendment IS consistent with the *LaSalle* and *Sinclair* factors.

Mr. Thorsland stated that the proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the Land Resource Management Plan.

Mr. Palmgren moved, seconded by Ms. Capel to approve the Finding of Fact as amended. The motion carried by voice vote.

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

Mr. Courson moved, seconded by Mr. Passalacqua to move to the Final Determination for Case 716-AM-12. The motion carried by voice vote.

Final Determination:

Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section

1 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
2 **determines that the Zoning Ordinance Map Amendment requested in Case 716-AM-12 should BE**
3 **ENACTED by the County Board in the form attached thereto.**

4
5 The roll was called:

6
7 **Courson-yes Miller-yes Palmgren-yes**
8 **Passalacqua-yes Capel-yes Thorsland-yes**

9
10 Mr. Hall informed the petitioner that they have received a unanimous recommendation for approval
11 therefore this case will be forwarded to the Environment and Land Use Committee on Tuesday, June 5,
12 2012.

13
14 7. Staff Report

15
16 None

17
18 8. Other Business
19 A. Review of Docket

20
21 Mr. Thorsland requested notification of any known absences for the June 14, 2012, public hearing but
22 encouraged the presence of the full Board.

23
24 Mr. Hall stated that all of the required information required for several of the cases docketed for the June 28,
25 2012, public hearing therefore the next docket will probably have different cases scheduled for that meeting.
26 He noted that Mr. Palmgren will be absent from the July 26, 2012, meeting.

27
28 Mr. Kass noted that he has not received the required information from Dan Williams for the July 28th public
29 hearing. Mr. Kass stated that he did talk to Mr. Williams on May 25th and he indicated that he would have
30 the information submitted to staff this week but staff has not received anything to date.

31
32 9. Audience Participation with respect to matters other than cases pending before the Board

33
34 None

35
36 10. Adjournment

37
38 **Ms. Capel moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by voice**
39 **vote.**

40
41 The meeting adjourned at 8:25 p.m.

ZBA

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SUBJECT TO APPROVAL

DRAFT

5/31/12

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Respectfully submitted

Secretary of Zoning Board of Appeals

CASE NO. 715-V-12

PRELIMINARY MEMORANDUM

JUNE 22, 2012

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Petitioner: John Behrens Estate & Anne and Denny Anderson

Request: Authorize the following in the R-1 Single Family Residence Zoning District:

- Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;
- Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;
- Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;
- Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet, on the following property:

Location: Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.

Site Area: 11,500 square feet

Time Schedule for Development: Existing Structures

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

BACKGROUND

This case is a result of zoning enforcement case ZN-12-07/20. Complaints regarding the subject property were filed with the Department of Planning and Zoning about a shed (the subject of Parts A and C of this case) being built around a utility pole in the backyard of the subject property. A First Notice of Violation was mailed on February 17, 2012, to the petitioner's regarding the construction of the shed on the property without a permit. On February 21, 2012, the petitioner spoke with zoning staff regarding the shed and at that time staff learned that the shed did not meet minimum side and rear yard requirements and that it was built in a recorded utility easement. Staff also learned at that time that the petitioner had constructed a parking area too close to the rear property line.

On May 8, 2012, staff conducted a site visit to the subject property. During this visit staff found that an additional small shed (the subject of Part B of this case) located on the property along the fence in the backyard and is 1 foot from the rear property line. The petitioner was notified that the shed would require a variance which is represented by Part B of this case.

The petitioner subsequently indicated that he would like additional time to deconstruct the shed and that he would work towards deconstructing it so that a variance for the shed would not be necessary. The legal advertisement included the variance for this shed (Part B) because at the time of the deadline for submittal of the advertisement the petitioner had not indicated to staff that the shed had been deconstructed. As of June 22, 2012, there has been no indication from the petitioner that the shed has been deconstructed. Also on the site visit staff found additional structure that will require Zoning Use Permits.

On June 8, 2012, the petitioner notified staff that he would not be able to make it to the June 28, 2012, public hearing because of a previous engagement and requested another postponement. Staff notified the petitioner that the case would be advertised for the June 28, 2012, hearing, but a letter submitted by the petitioner to the ZBA explaining the reason for absence should be adequate to secure a continuance. As of June 22, 2012, the petitioner has not submitted a letter and there has been no indication from the Petitioner of whether or not he will be in attendance at the June 28, 2012, hearing.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign. Municipalities do not have protest rights in variance cases and are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	R-1 Single Family Residence
North	Commercial	City of Champaign
East	Residential	R-1 Single Family Residence
West	Residential	R-1 Single Family Residence
South	Residential	R-1 Single Family Residence

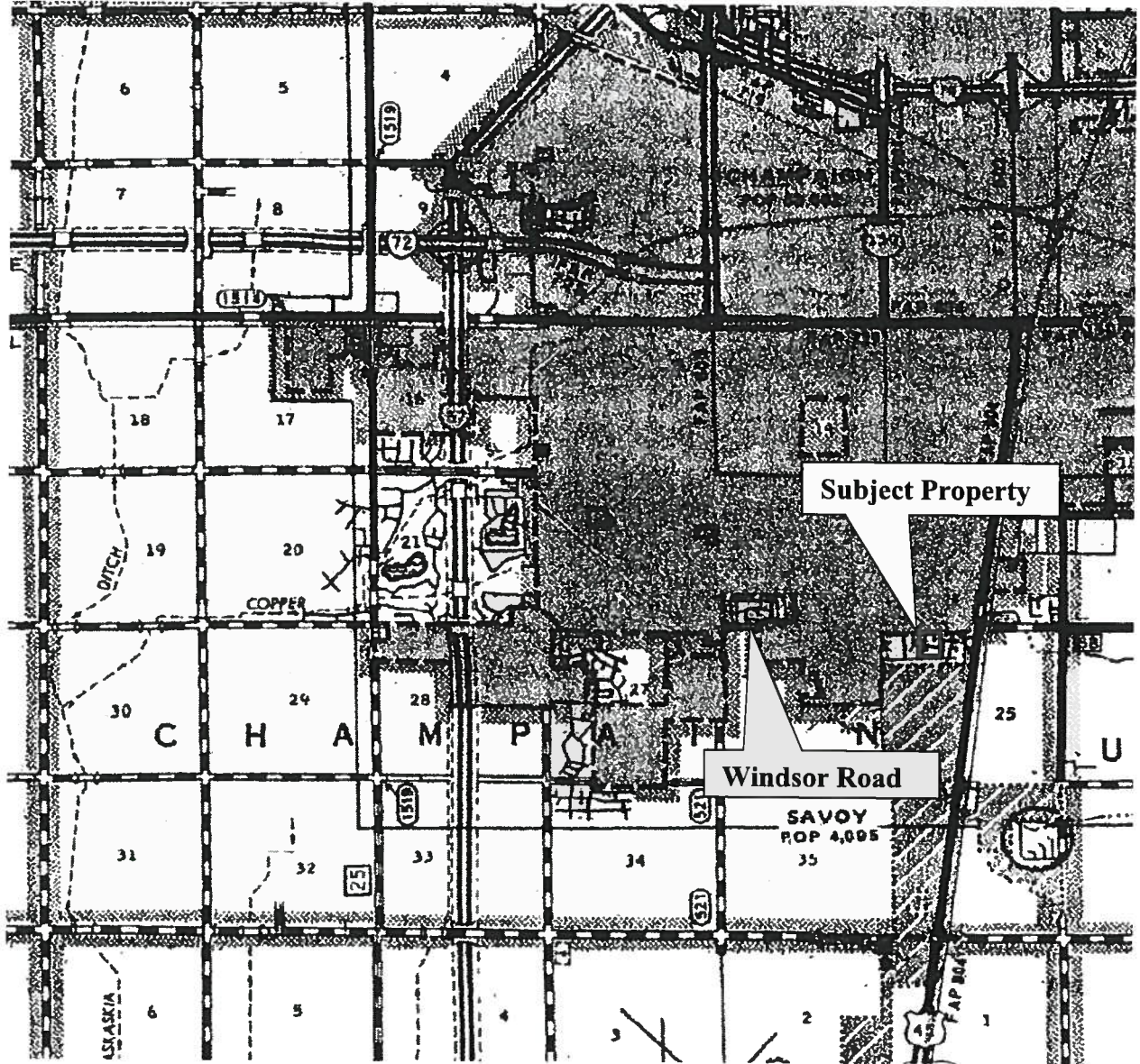
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received March 15, 2012 and amended June 8, 2012
- C Annotated Site Plan
- D Photos of Subject Property (available on the County website to view)
- E News-Gazette Article regarding Denny Anderson's activities with the Boy Scouts, dated October 23, 2011 (included separately)
- F First Notice of Violation for Enforcement Case ZN-12-07/20
- G Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case 715-V-12

June 22, 2012



City of
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Case: 715-V-12
June 22, 2012



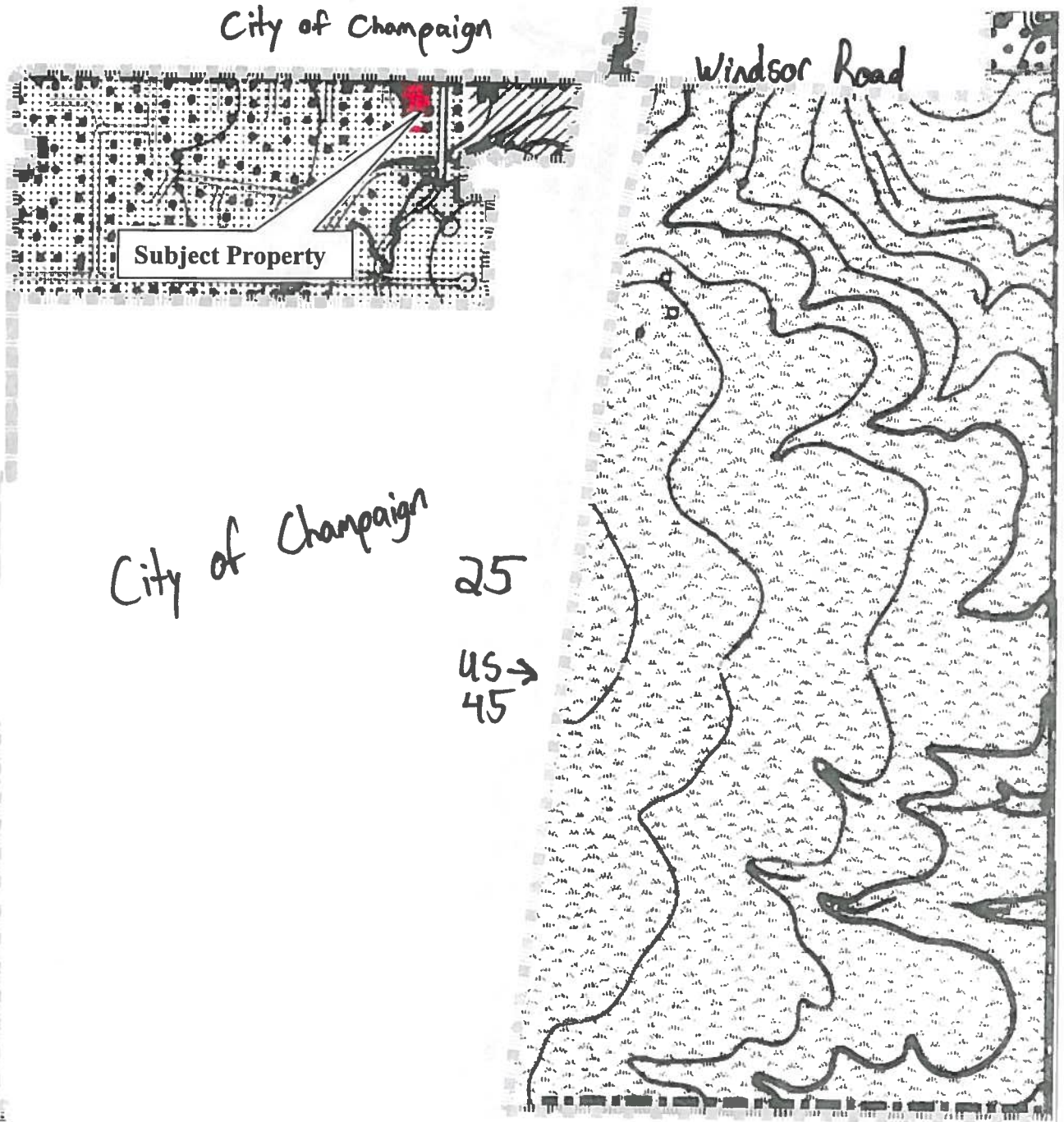
 Subject Property

1 inch = 200 feet

ATTACHMENT A. ZONING MAP

Case 715-V-12

June 22, 2012



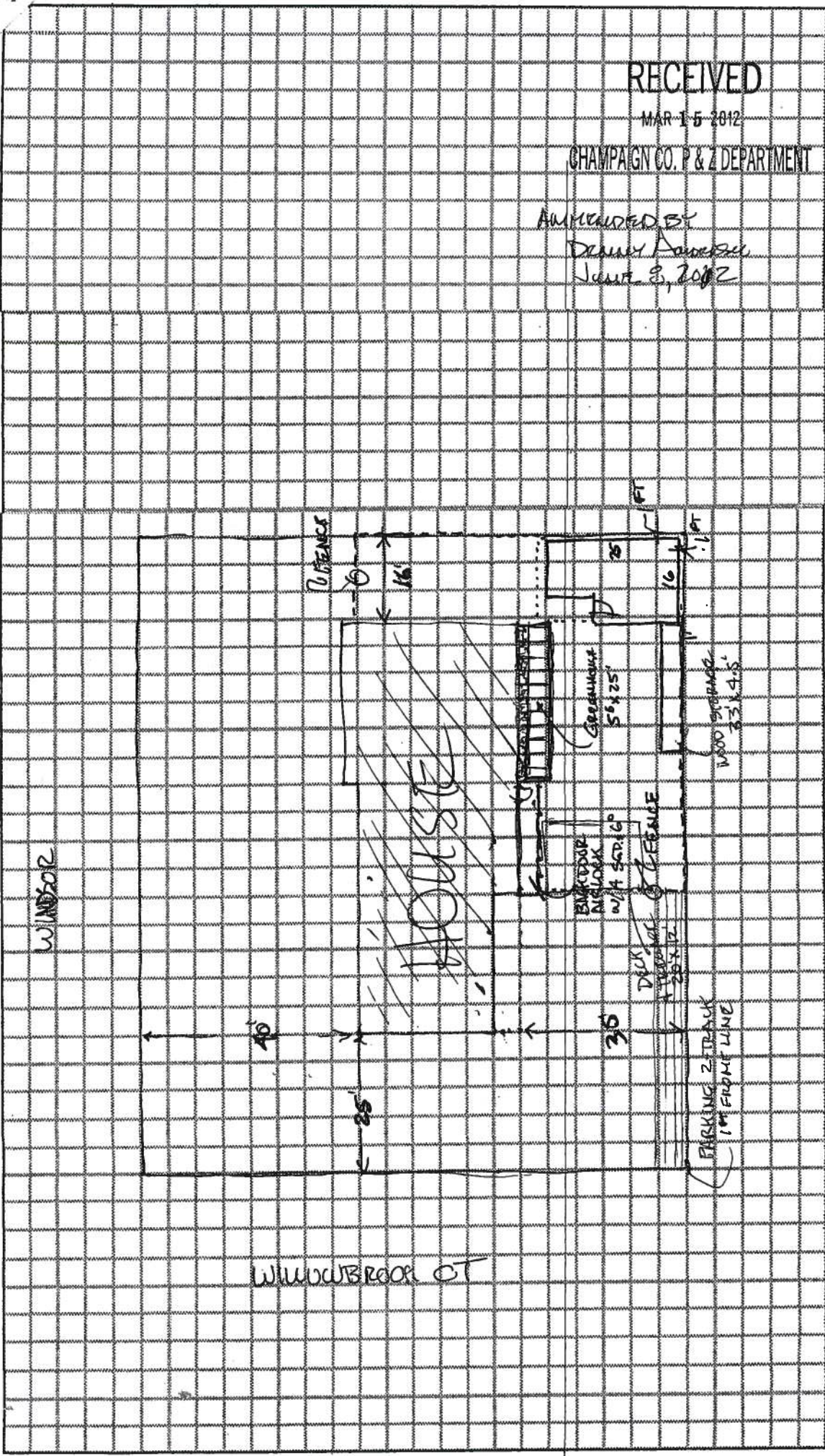
AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation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

RECEIVED

MAR 15 2012

CHAMPAIGN CO. P & Z DEPARTMENT

APPROVED BY
DANNY ADAMS
JAN 8, 2012



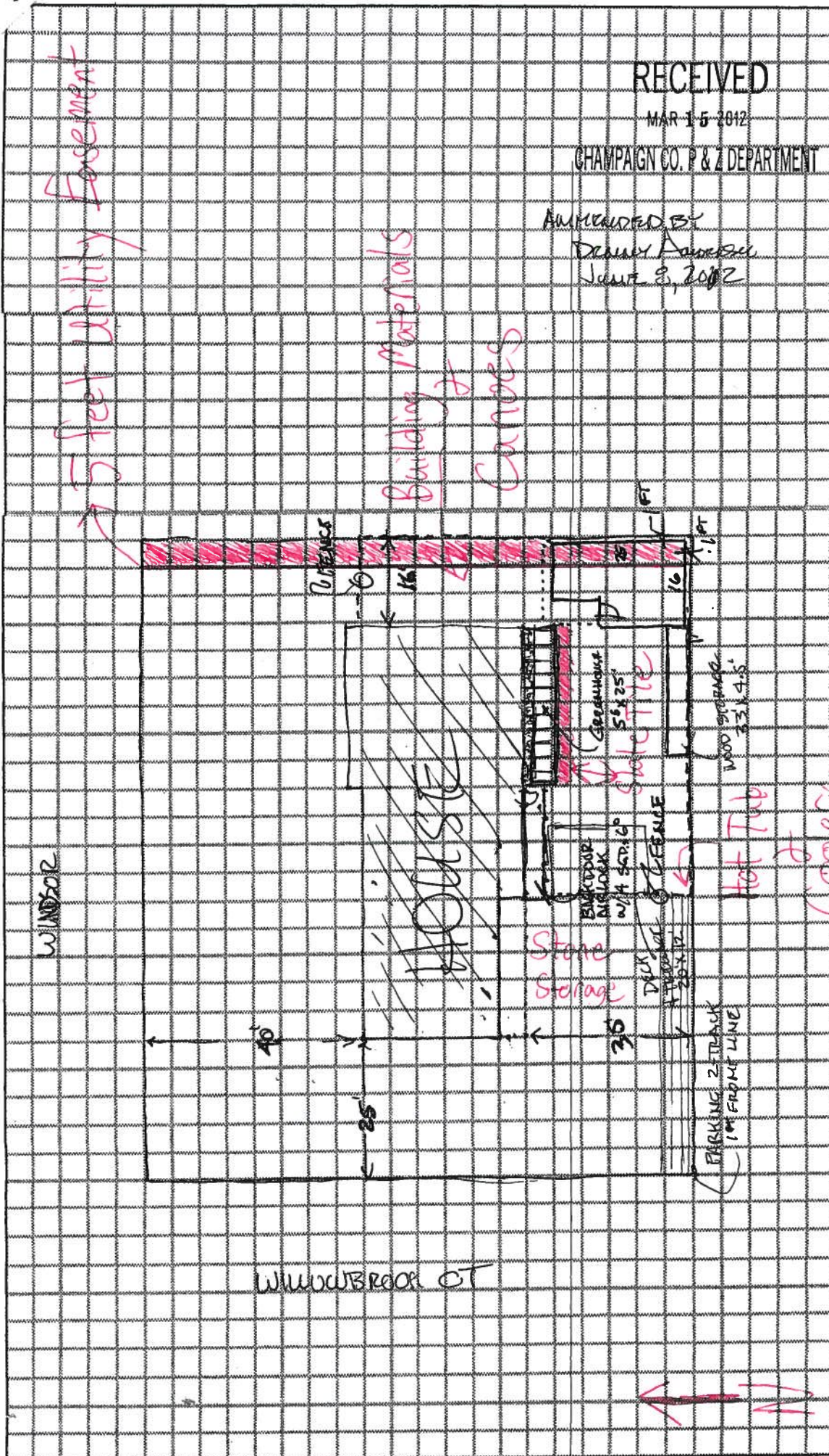
RECEIVED

MAR 15 2012

CHAMPAIGN CO. P & Z DEPARTMENT

AMENDED BY
DANNY ADAMS
JANU 8, 2012

Annotated
Site Plan
6-22-12
by AK



FILE COPY

FIRST NOTICE

Champaign County
Department of

**PLANNING &
ZONING**

John H. Behrens
401 Burwash Avenue
Savoy, Illinois 61874

Case: ZN-12-07/20

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

(217) 384-3708

RE: Violations of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on Lot 1 of Windsor Park Subdivision in the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 25, Champaign Township with an Address of #1 Willowbrook Court, Champaign, Permanent Index No. 03-20-25-126-037.

Dear Mr. Behrens:

Notice is hereby given of the following violations of the *Champaign County Zoning Ordinance* and *Champaign County Public Nuisance Ordinance* on Lot 1 of Windsor Park Subdivision in the East Half (E ½) of the Northwest Quarter (NW ¼) of Section 25, Champaign Township with an Address of #1 Willowbrook Court, Champaign, Permanent Index No. 03-20-25-126-037. Said violations are as follows:

1. **Zoning Ordinance, Section 9.1.2A.2., Zoning Use Permit** which requires that a Zoning Use Permit must be obtained from the Zoning Administrator by the owner, or owner and contract buyer, when the property is being sold on contract, agents of either, or the architect, engineer or builder employed in connection with the proposed work, before starting to construct or erect a new structure or accessory structure; and
2. **Zoning Ordinance, Section 7.4.1A3.b., Off-Street Parking Spaces** which requires parking spaces to be no closer than 5 feet to any side or rear lot line; and
3. **Nuisance Ordinance, Section 3.2B.1.,** which prohibits the storage outside of a fully enclosed building of building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site) packaging materials and similar items; and
4. **Nuisance Ordinance, Section 3.2B.2.,** which prohibits the storage outside of a fully enclosed building of inoperable vehicles, and equipment or parts.

You must correct the violation within 15 days of this notice and contact me on or before March 5, 2012, regarding this matter. I will be happy to answer any questions you may have regarding this matter and Champaign County regulations and ordinances. (See Action Required to Correct Violations below).

This matter will be referred to the Champaign County State's Attorney's Office for further legal action if you do not contact me regarding this notice or if you do not correct the violation within the required time. A complaint will be filed in the Champaign County Circuit Court naming you as defendant and fines from \$100 to \$500 per day may be imposed for each day that a violation continues to exist.

BASIS OF NOTICE

You have been given this First Notice of Violation based on the following:

1. On January 12, January 30, and February 13, 2012, the Planning and Zoning Department received complaints about the subject property. The complaints allege that new construction is currently occurring in the backyard of this property. The complaints also allege that over the past few years that several structures with open roofs have been constructed in the backyard of the property that is surrounded by a 6 foot solid fence. The complaints also allege that miscellaneous items are being stored in the backyard under the structures and that miscellaneous items are spilling out of the backyard into the west side yard and driveway and that vehicles including but not limited to a school bus, a van, and trailers are sometimes parked on or too close to the lot lines.
2. On January 31, 2012, I performed a drive-by inspection of the property and noted that there was a van attached to a black enclosed trailer sitting in the driveway that is near the south property line and there was a van and a pick-up truck parked in the street on Willowbrook Court. There was also a car and a small recreational vehicle sitting in the driveway directly west of the house.

I also noted what appeared to be a structure inside the 6 foot solid fence on the west end of the property behind the house that appeared to have a camouflage cover over it. There was also a black tarp draped over the west side of the 6 foot fence in this same area, and there were miscellaneous items sitting on the ground on the west side of the fence between the two driveways. On the east end of the property I noted the construction of detached structure with a roof structure attached.

3. After returning to the office and reviewing our files I am unable to find where a Zoning Use Permit has been issued to construct any detached structures in the back yard of this property.

ACTION REQUIRED TO CORRECT VIOLATIONS

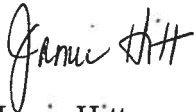
Champaign County looks forward to your cooperation in correcting the violation. To correct the violation you must do the following on or before **March 5, 2012**:

1. Complete the attached Zoning Use Permit Application and submit it to the Planning and Zoning Department with the required fee (see attached fee list) for any new construction that has occurred without first obtaining a Zoning Use Permit. A complete Zoning Use Permit Application includes a site plan showing the shape and dimensions of the property and the location and dimensions of all existing buildings and structures and any proposed buildings or structures (that may have already been constructed without a Zoning Use Permit). You must also indicate the dimensions from all existing and proposed buildings or structures to all lot lines and to the centerline of Windsor Road and Willowbrook Court. An aerial photo is also attached to use as a reference in drawing a site plan; **and**
2. When parking vehicles and/or trailers on this property they may be parked no closer than 5 feet to the side or rear lot line; **and**
3. Remove and properly store inside a fully enclosed building all building materials, recyclable materials, equipment, fire wood (except in reasonable quantities for domestic use on-site), packaging materials and similar items; **and**

4. Remove and properly store inside a fully enclosed building all vehicle equipment and/or vehicle parts including any tires stored outdoors; **and**
5. After you have completed everything that is listed above you must contact me to inspect the property for compliance within the required time.

If you have any questions regarding this matter, please contact me at 384-3708. I will be happy to assist you in resolving this matter. Our office is closed on Monday, February 20, 2012. Thank you for your cooperation in resolving this matter.

Sincerely,



Jamie Hitt
Zoning Officer

xc: Occupant, #1 Willowbrook Court, Champaign, IL 61820

Attachments: Champaign County Zoning Use Permit Application
Champaign County Planning and Zoning Department Fee List
Copy of Aerial Photograph of #1 Willowbrook Court, Champaign
R-1, Single Family Residence Zoning District Summary Handout

PRELIMINARY DRAFT

715-V-12

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: **June 28, 2012**

Petitioners: **The Estate of John Behrens and Anne and Denny Anderson**

Request: Authorize the following in the R-1 Single Family Residence Zoning District:

Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;

Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;

Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;

Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

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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 28, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioner, Denny Anderson is married to Anne Anderson, a daughter of former owner John Behrens who is deceased. Anne Anderson expects to eventually acquire the property from the John Behrens estate. Anne and Denny Anderson currently reside on the property.
2. The subject property is Lot 1 of Windsor Park Subdivision in the Northwest Quarter of Section 25 of Champaign Township and commonly known as the home at 1 Willowbrook Court, Champaign.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned R-1 Single Family Residence, and is in residential use.
 - B. Land to the north is in the City of Champaign and is in commercial use.
 - C. Land to the south of the subject property is zoned R-1 Single Family Residence, and is in residential use.
 - D. Land to the east and west of the subject property is zoned R-1 Single Family Residence, and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is a 11,500 square feet (.26 acre) lot.
 - B. The Site Plan received March 15, 2012, and amended June 8, 2012, includes the following:
 - (1) Location of the existing 1,850 square feet home.
 - (2) Location of an existing 20'×12' deck that is currently being used to store building materials under a tarp.
 - (3) Location of an existing 25' × 16' shed that is the subject of Parts A and C of the variance.
 - (4) Location of an existing 33' × 4½' wood storage shed that is the subject of Part B of the variance.

- (5) Parking area in the southeast corner of the property that is the subject of Part D of the variance.
 - (6) Location of a 5' × 25' greenhouse.
- C. The requested variance is as follows:
- (1) Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;
 - (2) Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;
 - (3) Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;
 - (4) Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 feet.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE, either detached from or attached to the MAIN OR PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
 - (4) “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.
 - (5) “LOT LINES” are the lines bounding a LOT.

PRELIMINARY DRAFT

- (6) "RIGHT-OF-WAY" is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (7) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
 - (8) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
 - (9) "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.
 - (10) "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.
- C. Minimum side and rear yards for DETACHED ACCESSORY BUILDINGS and STRUCTURES in the R-1 District are established in Section 7.2.2 of the *Zoning Ordinance* as follows:
- (1) The minimum side yard in the R-1 Zoning District is listed in Section 7.2.2B. as 5 feet.
 - (2) The minimum rear yard in the R-1 Zoning District is listed in Section 7.2.2C. as 5 feet.
- D. Minimum separation distances for parking spaces from a side rear property line are established in Section 7.4.1A. of the *Zoning Ordinance* as follows:
- (1) No such space shall be located less than five feet from any side or REAR LOT LINE.

- E. Section 4.2.2D. establishes the requirement that no USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.
- F. 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.
- G. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. 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, **“Corner lot setbacks seriously limit backyard space. East side yard is narrow and sloped down to the North and East 30 degrees down making it inaccessible and unbuildable.”**

PRELIMINARY DRAFT

- B. The subject property is a corner lot and the visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting streets free from sight obstruction. The subject property is 11,500 square feet in area.
- C. The sheds are used to store building materials. At least some of the building materials are used by Denny Anderson to construct structures at Camp Drake for the Boy Scouts (see Attachment D to the Preliminary Memorandum). Building materials are also stored on the deck under tarpaulins and uncovered in the side and rear yard. Other items are also stored outdoors on the property such as canoes and coolers.
- D. Staff conducted a site visit on May 8, 2012, and at that time the petitioner indicated that the utility company does not use the 5 feet wide recorded utility easement along the east property line, but rather accesses the utility pole at the southeast corner of the property from a neighboring property. The petitioner also indicated that the utility company has installed a new utility pole and has vacated the original utility pole which the large shed has been built around. No evidence has been received that affirms the vacation of the utility pole.
- E. The south parking area is used to park a Boy Scout trailer and a work trailer.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 8. 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, **“Proposed structure will not fit any other area reasonably. Reduced size will make it unusable for intended storage. Existing power line would touch proposed shed roof if moved any further West. Line cannot be further tensioned. All adjacent land is fenced and storage building occupied.”**
 - B. Without the proposed variance, the large shed (Part A and C of the variance) on the subject property could be no larger than approximately 12' × 21'. This is the size of a shed that would not require variance from side and rear yard requirements or from construction within a recorded utility easement although the shed would be approximately 1 foot away from the greenhouse attached to home on the subject property.
 - C. The smaller shed (Part B of the variance) would not have to be reduced in size, but moved 4 feet to the north in order for the variance to not be required.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. 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, “No.”
 - B. The subject property is a corner lot and the visibility triangle requirements require that 1,250 square feet of a corner lot not be encroached upon by development to keep the corner of two intersecting streets free from sight obstruction. The subject property is 11,500 square feet in area.
 - C. On May 8, 2012, staff conducted a site visit to the subject property and at that time the Petitioner indicated that the parking area along the rear property line was constructed because a narrow strip of pavement existed and then he added the strip of pavement closest to rear property line to allow for additional parking. Staff researched the petitioner’s claim and found that aerial photos from 1973 do not indicate a paved parking area along the rear property line.
 - D. A Notice of Violation was sent to the petitioner after complaints were received from neighbors and an off-site inspection by the Zoning Officer (see Attachment E to the Preliminary Memorandum). The violations cited were as follows:
 - (1) Construction without a permit.
 - (2) Parking too close to the lot line.
 - (3) Outdoor storage (a *Nuisance Ordinance* violation).

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. 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, “**Granting variance will: a.) provide buffer for neighbors; and b.) allow backyard room to park Boy Scout trailer four dogs and work trailer; and c.) allow enclosed storage space for construction materials; and d.) allow sunlight to greenhouse; and e.) allow runoff water to North and East.**”
 - B. The requested variance is as follows:
 - (1) A side and rear yard of 1 foot for an existing shed is 20% of the minimum required 5 feet for a variance of 80% (Part A).

PRELIMINARY DRAFT

- (2) A rear yard of 1 foot for an existing shed is 20% of the minimum required 5 feet for a variance of 80% (Part B).
 - (4) The requested variance from Section 4.2.2D. requirements is a 100% variance (Part C).
 - (5) The requested variance from minimum separation distance of a parking space from a rear property line of 1 foot is 20% of the minimum required 5 feet for a variance of 80% (Part D).
- C. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the side yard is presumably intended to ensure the following:
- (1) Adequate light and air: The subject property is in residential use. The properties to the south, east, and west are in residential use.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Savoy Fire Protection District and the station is approximately 2 miles from the subject property. The nearest structure to the largest shed is on the property to the east is approximately 11 feet from the shed. The nearest structure to the smaller shed is on the property to the south and is approximately 14 feet from the smaller shed.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- D. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In addition to all of the considerations listed for a side yard, a rear yard is presumably also intended to ensure the following:
- (1) A minimum amount of onsite recreational area.
 - (2) Area for a septic system, when necessary. The subject property is in an area with sewers and this consideration does not apply.
- E. The subject property looks very similar to a building contractor facility and should be registered as a home occupation but as a home occupation the outdoor storage is not authorized unless approved as a variance. The current variance does not include any request for outdoor storage.
- F. 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

11. 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, **“Fences and hedge buffer the area, Power Company replaced corner pole in 2007 thru unsloped east backyard, runoff will be unaffected, no traffic or visibility negatives, only positive effects.”**
 - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
 - C. The Fire Protection District has been notified of this variance but no comments have been received.
 - D. As reviewed in Item 9.D. the petitioner received a Notice Violation based on complaints from neighbors.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received on March 15, 2012, with attachment:
 - A Site Plan
 - B Newspaper Article
2. Site Plan amended June 8, 2012
3. Preliminary Memorandum dated June 22, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 15, 2012 and amended June 8, 2012
 - C Annotated Site Plan
 - D Photos of Subject Property
 - E News-Gazette Article regarding Denny Anderson's activities with the Boy Scouts, dated October 23, 2011
 - F First Notice of Violation for Enforcement Case ZN-12-07/20
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **715-V-12** held on **June 28, 2012**, 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 PROPOSED CONDITION}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

PRELIMINARY DRAFT

6. The requested variance ***{SUBJECT TO THE PROPOSED 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;}***

FINAL DETERMINATION

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 715-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **John Behrens Estate & Anne and Denney Anderson** to authorize the following in the R-1 Zoning District:

- Part A. Variance for a side yard and rear yard of an existing shed of 1 foot in lieu of the minimum required side and rear yards of 5 feet;**
- Part B. Variance for a rear yard of an existing shed of 1 foot in lieu of the minimum required rear yard of 5 feet;**
- Part C. Variance from Section 4.2.2D. requirement that no construction shall take place in a recorded utility easement;**
- Part D. Variance from a minimum separation from a rear property line for parking spaces of 1 foot in lieu of the minimum required 5 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

Case 715-V-12
Page 14 of 14

PRELIMINARY DRAFT

Date



05/08/2012



02/16/2012



02/16/2012



05/08/2012

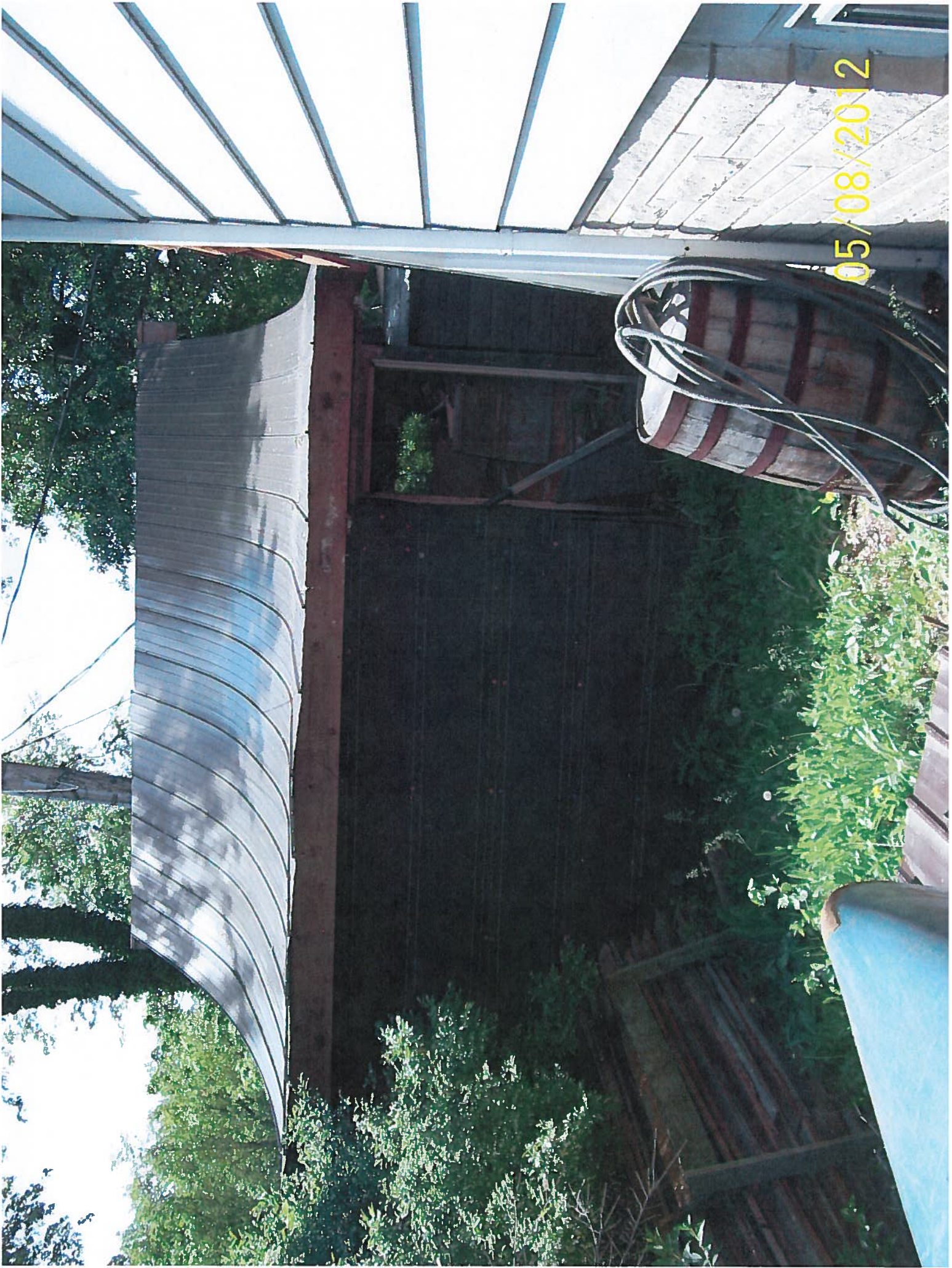


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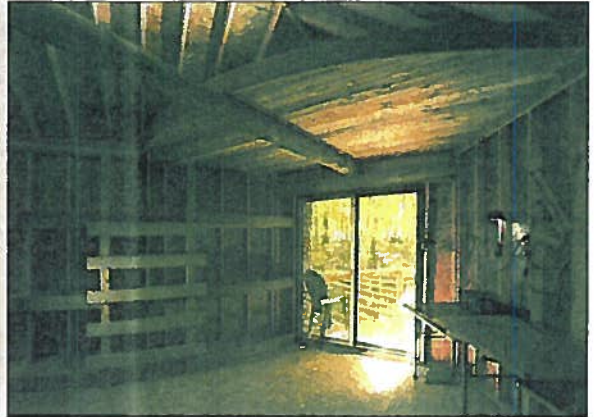
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Left: Boy Scout Justin Chaney, 11, looks into a mirror attached to the corner of the Green 17 solar treehouse that balances the visual appeal of the structure.



Far left: Troop members Justin Chaney, 11, and Madison Clayton, 11, and Drake near the treehouse. Near left: A loft — an additional compartment for the Scouts.

John Dix photos/The New Gazette

SOLAR TREEHOUSE

Green 17 • Off-the-grid treehouse new Scout learning lab

By MEG DICKINSON

mdickinson@news-gazette.com

OAKWOOD — A treehouse is usually a lighthearted space.

And indeed the new Green 17 treehouse at Camp Drake near Oakwood "is fun on purpose," said Scoutmaster Denny Anderson, who designed it and built it with volunteers.

But each aspect of its design was carefully thought out to make it efficient in every way.

The treehouse is off the grid and was built using materials that were donated or that would have otherwise been thrown away, said Anderson, who leads Scouts between ages 11 and 17 in Troop 17, which meets at Good Shepherd Lutheran Church in Champaign.

It's built on power poles, in a triangular shape over a ravine at Prairielands Council's Camp Drake south of Oakwood.

It uses both solar panels and passive solar energy and is designed to teach Boy Scouts about electricity, solar power, emerging construction technologies and conservation and earn badges related to those areas.

The treehouse also was designed to use space well: Its triangular shape blends into the woods because you see only one side at a time.

Inside, the bunks are stacked three high and there's room for 12 Scouts. They're trimmed with a composite material, which curves to allow them to be narrow at the ends and wide in the middle. They're intended for boys but are large enough for adults, and some are more than 7 feet long.

The treehouse also has a large loft that extends over its balcony, which allows for plenty of storage



Above: Scout leader Denny Anderson talks about the Green 17, which he designed at Camp Drake near Oakwood as a self-contained lab with a solar electrical system, super insulation and other amenities. Below: The wires and batteries of the 12-volt electrical system

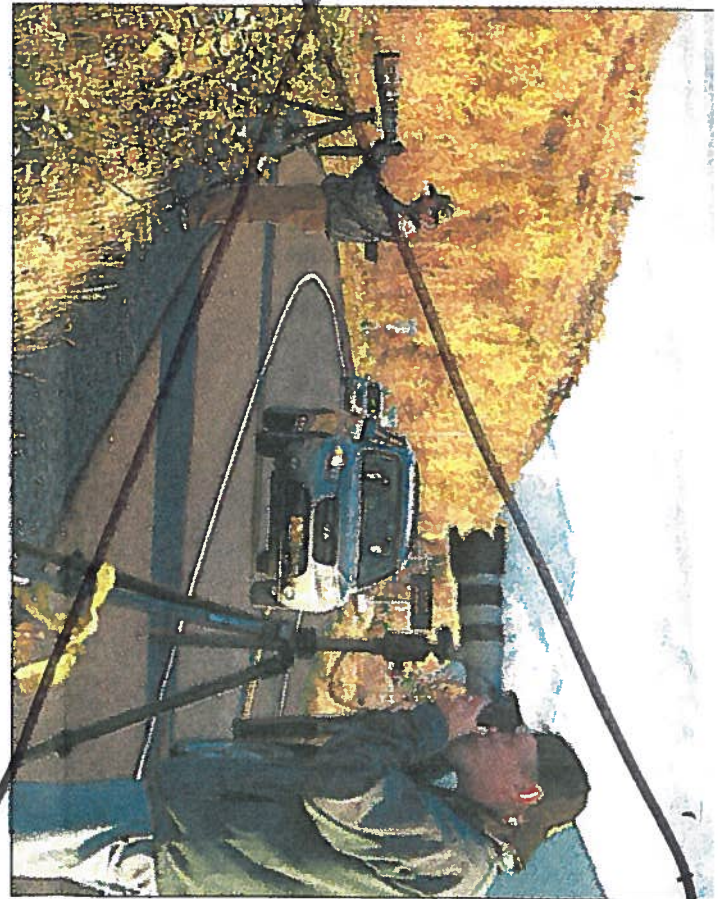
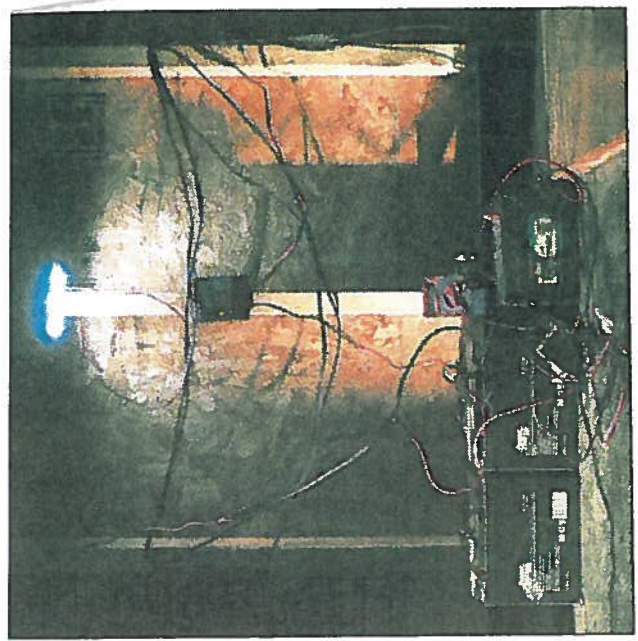
↓ see p. 2

It is absolutely spacious," Anderson said. That loft is a favorite spot for 11-year-old Justin Chaney, his brother, 14-year-old Madison, and 11-year-old Sean Talley. They even appreciate the view when lying on their backs and looking upside down at the rest of the inside. "You can hide really far back in the loft," Justin Chaney said. The treehouse, built over a ravine, is on telephone poles, using land that would be otherwise "almost impossible" to build on, Anderson said. One corner meets the ravine's edge at ground level. The door is located there, so it's wheelchair-accessible. The point of the treehouse is to give Boy Scouts a place to learn about electricity, solar power and self-sufficiency. They earn merit badges related to those subject

areas and others, like robotics, inventing and electronics. "It's an opportunity to work on merit badges you might otherwise not be able to," Anderson said. He thinks of the treehouse as a self-contained, live-in laboratory, where Scouts will encounter and learn about kinds of insulation and use of power they never would otherwise. Power comes from four amorphous solar panels, which work even in diffused light, as the treehouse is located in a wooded area. Power is stored in four deep-cycle gel batteries used for wheelchair chairs, because they're meant to be recharged and don't produce hydrogen. "They're much safer batteries to be using," Anderson said. The Scouts who use the cabin are supposed to conserve it care-

fully, using only energy-efficient LED lights and low-voltage fans on low. That doesn't always happen, though. "They learn about the electrical system, and if they use too much, they won't have enough," Anderson said. "It's a hands-on learning experience." However, one Eagle Scout used a bike (salvaged from a cornfield and refurbished by Durst Cycle using found parts) and a donated alternator to create a Boy Scout-powered generator. If campers run out of power, one can pedal to generate more. The house features passive solar energy, which means sunlight shines in the insulated, south-facing sliding doors to its balcony. It is so well-insulated, it traps the

Please see TREEHOUSE, F-6

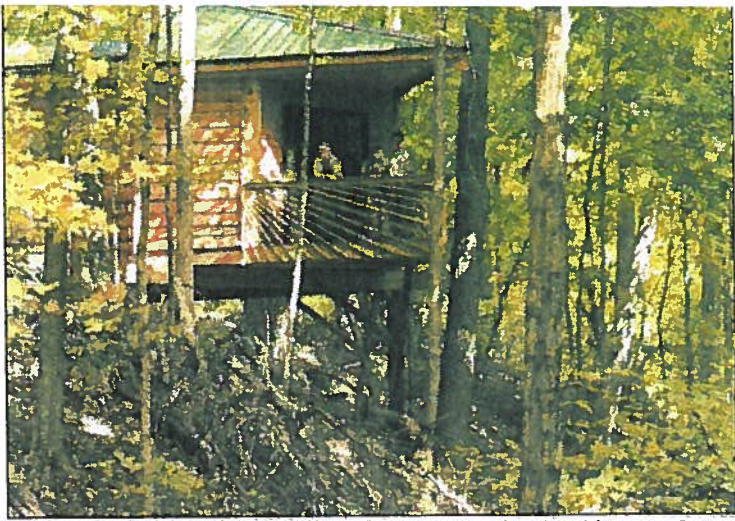


Swans hate for the sun and never far from their partners in the marsh. They need a long stretch of water to land and a running start to take off. They often tip off their intention, Pringle said. "Their head will start bobbing up and down and they start to get nervous and they'll start talking, communicating a little bit," Pringle said. "You can just hear the honk." The swans draw people all day, but veteran photographers wait for late afternoon and evening, when the sun sinks low over Cook Inlet. "You get this warm evening light on 'em," said Cathy Diehl. "It's just beautiful." Diehl looks forward to the arrival of the swans because it gives her a chance to see friends. "With all the photographers, you don't see them all summer, because they're off doing their thing," she said. "We all come together, it seems like, during birding season, just to watch the birds and swans."

Swans hate for the sun and never far from their partners in the marsh. They need a long stretch of water to land and a running start to take off. They often tip off their intention, Pringle said. "Their head will start bobbing up and down and they start to get nervous and they'll start talking, communicating a little bit," Pringle said. "You can just hear the honk." The swans draw people all day, but veteran photographers wait for late afternoon and evening, when the sun sinks low over Cook Inlet. "You get this warm evening light on 'em," said Cathy Diehl. "It's just beautiful." Diehl looks forward to the arrival of the swans because it gives her a chance to see friends. "With all the photographers, you don't see them all summer, because they're off doing their thing," she said. "We all come together, it seems like, during birding season, just to watch the birds and swans."



2



John Dixon/The News-Gazette

The Green 17 solar treehouse is cantilevered over a ravine at Camp Drake near Oakwood.

TREEHOUSE

Continued from F-1

heat from the sun.

Another way to heat the treehouse, Anderson said, is to stick 12 Boy Scouts in it. Then, it requires no additional heating.

During the summer, you open the treehouse up at night and seal windows and doors during the day to keep things cool. Its double-skin roof is designed to capture hot air in the summer and vent it out.

"The easiest way to cool a building is to not let it get hot," Anderson said.

The treehouse has about three times the normal insulation in the floor, walls and ceiling as the average home.

Anderson, who studied architecture for seven years at the University of Illinois, designs and builds energy-efficient buildings for a living.

He said one thing that surprised him about construction, which started last December and lasted four months, was the generosity of local businesses that donated because of tough economic times.

Whenever they needed something, whether it was that aforementioned high-quality insulation or insulated doors and windows or bolts to secure the structure to power poles, "it was somehow available every time," Anderson said. "There was hardly a business in Champaign-Urbana that

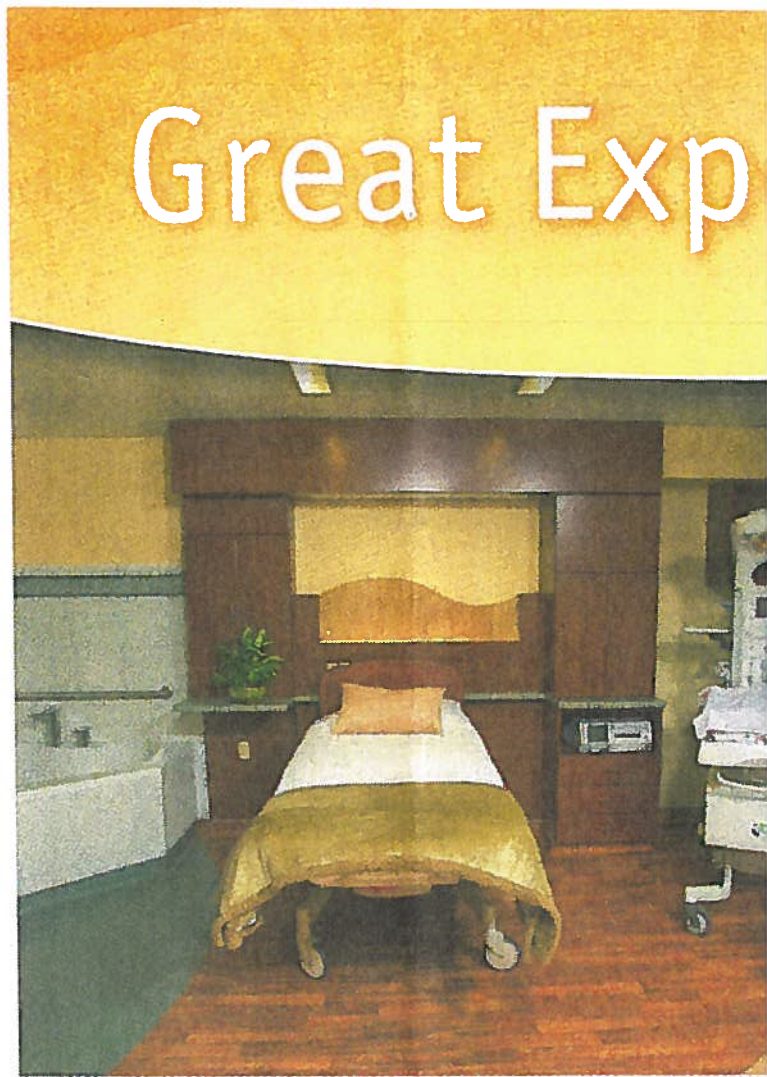
didn't donate."

The treehouse isn't quite finished yet: It's waiting for insulation, drywall and perhaps wood siding on the interior.

Anderson also wants to suspend a solar-heated, rainwater shower underneath the treehouse.

But at the same time, Anderson intended it to feel rustic.

"It has rough edges," Anderson said. "It's supposed to. It's a treehouse."



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3

CASE NO. 717-AM-12

PRELIMINARY MEMORANDUM

JUNE 22, 2012

Petitioners: Sangamon Valley Public Water District and Parkhill Enterprises, LLC

Site Area: 2.9 acres

Time Schedule for Development: March 2013 – March 2014

Prepared by: Andy Kass
Associate Planner

John Hall
Zoning Administrator

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District on approximately 2.9 acres of the subject property described below and subject to the proposed Special Use Permit in related Case 718-S-12 and with the variance requested in related Case 719-V-12.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

BACKGROUND

The subject property proposed for rezoning is currently zoned R-4 Multiple Family Residence. The subject property was originally zoned AG-2 in 1973, but was rezoned to the R-4 District in 1983 in Case 463-AM-82 on February 15, 1983. The Petitioners request to rezone the property to the AG-2 Agriculture District to in order to expand the existing operations of the Sangamon Valley Public Water District (SVPWD) drinking water treatment plant.

The SVPWD will purchase the property from landowner Parkhill Enterprises, LLC. The expansion of the treatment facility is subject to the approval of related Cases 718-S-12 and 719-V-12 as well as this case. The existing treatment facility existed prior to zoning and is a non-conforming use, and the land on which the existing facility is sited upon has proper zoning. A portion of the subject property that is proposed to be rezoned has a building that was built without a permit. The proposed rezoning would bring this building into conformance with ordinance requirements with a special condition.

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, but is also adjacent to the Village corporate boundary. The Village of Mahomet has subdivision jurisdiction and a lot was previously created for the building with no permit that did not receive subdivision approval from the Village of Mahomet and at this time it is presumed that the proposed land division will also be subject to subdivision approval by the Village.

The Petitioners contend that they are exempt from the Illinois Plat Act and municipal subdivision jurisdiction. This group of related zoning cases was advertised at the Petitioner's request while the legal issues related to the municipal subdivision jurisdiction continue to receive legal review. Any approvals are expected to include a special condition requiring compliance with the Village subdivision regulations as required by Section 13 of the Zoning Ordinance (see attached).

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 this case and related cases and has protest rights on the proposed map amendment. In addition, the Mahomet Township plan commission has received notice of these cases and has protest rights on the proposed map amendment.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	R-4 Multiple Family Residence
	----- Water Treatment Facility	
North	Agriculture	R-4 Multiple Family Residence
East	Residential	R-4 Multiple Family Residence
West	Residential	Village of Mahomet
South	Agriculture	AG-2 Agriculture

RE-ADVERTISEMENT OF LEGAL NOTICE

Because of the complex nature of the current Ordinance and the need to place the legal advertisement before a complete site plan was received, the legal advertisement needs to be re-advertised and the earliest date that this case and the related Special Use and Variance cases can be continued to is August 30, 2012.

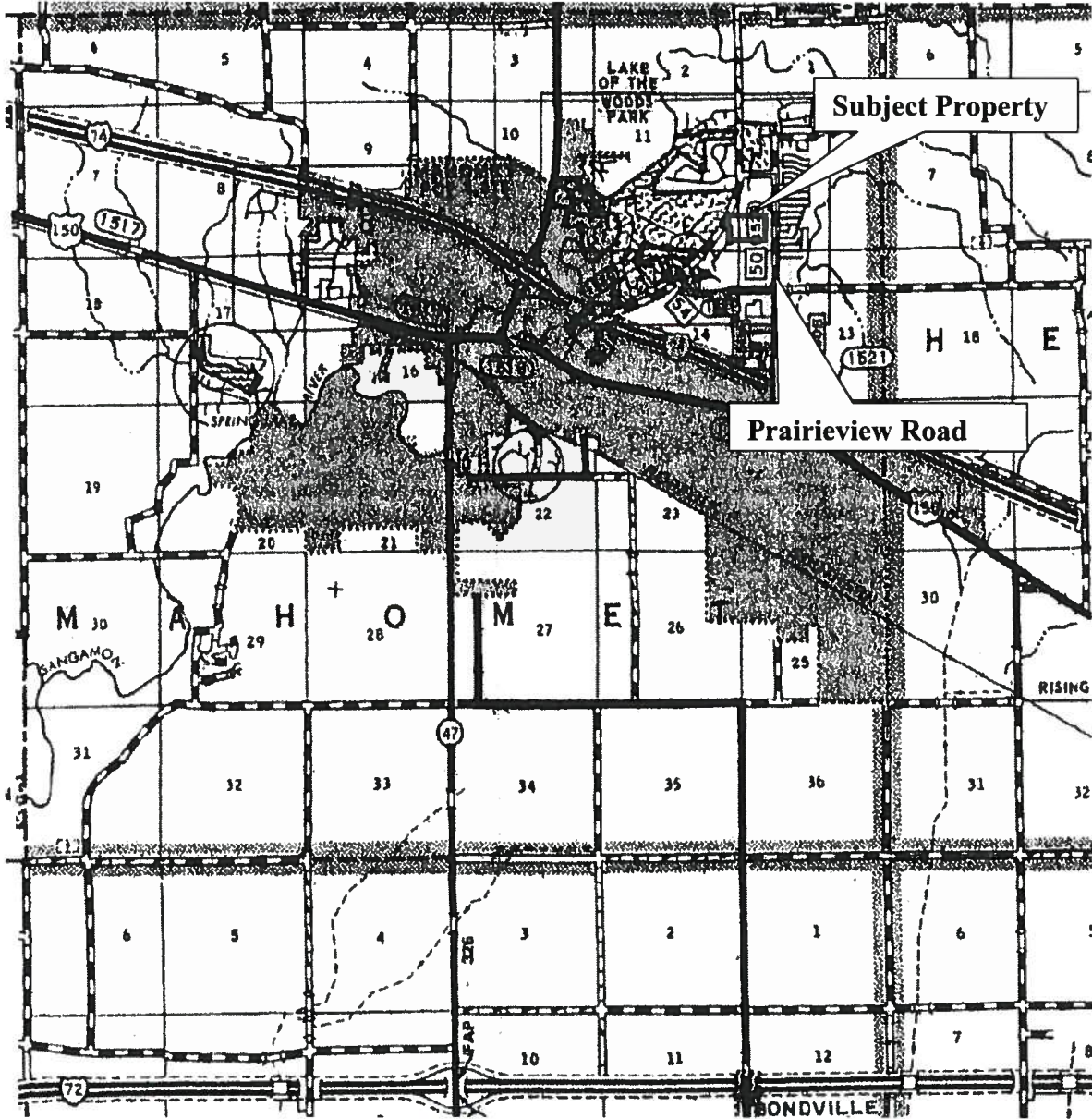
GOALS AND POLICIES WITHOUT A RECOMMENDATION

In the Draft Finding of Fact and Final Determination staff has not made a recommendation for the following LRMP Goals, Objectives, and Policies: Goal 2, Goal 5, Objective 5.1, and Policy 5.1.1.

ATTACHMENTS

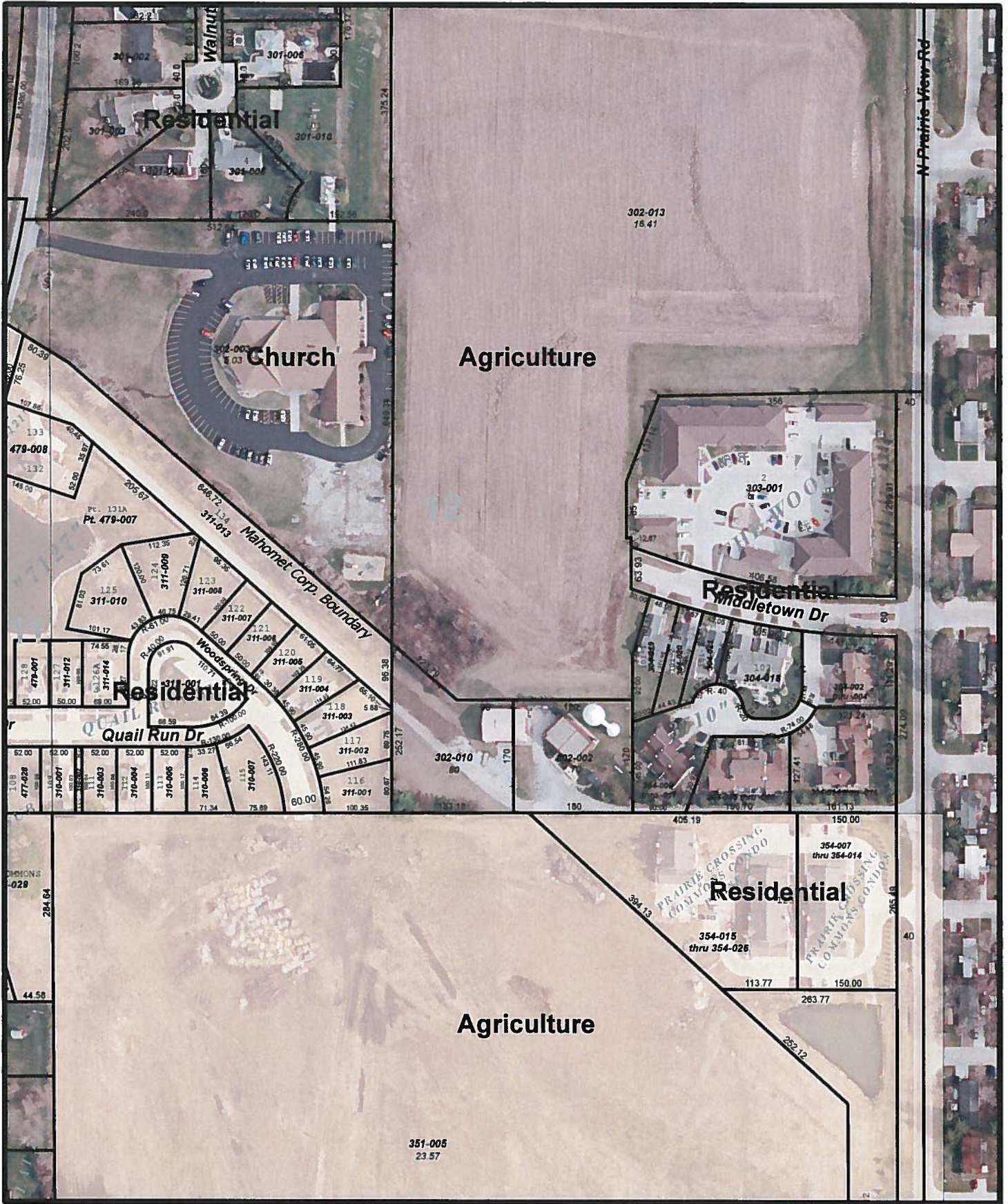
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received June 12, 2012 (included separately)
- C Site Plan received June 19, 2012 (included separately)
- D Site Plan from Case 463-AM-82
- E LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- F Section 13 of the Champaign County Zoning Ordinance
- G Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP
Cases 717-AM-12, 718-S-12, & 719-V-12
June 22, 2012



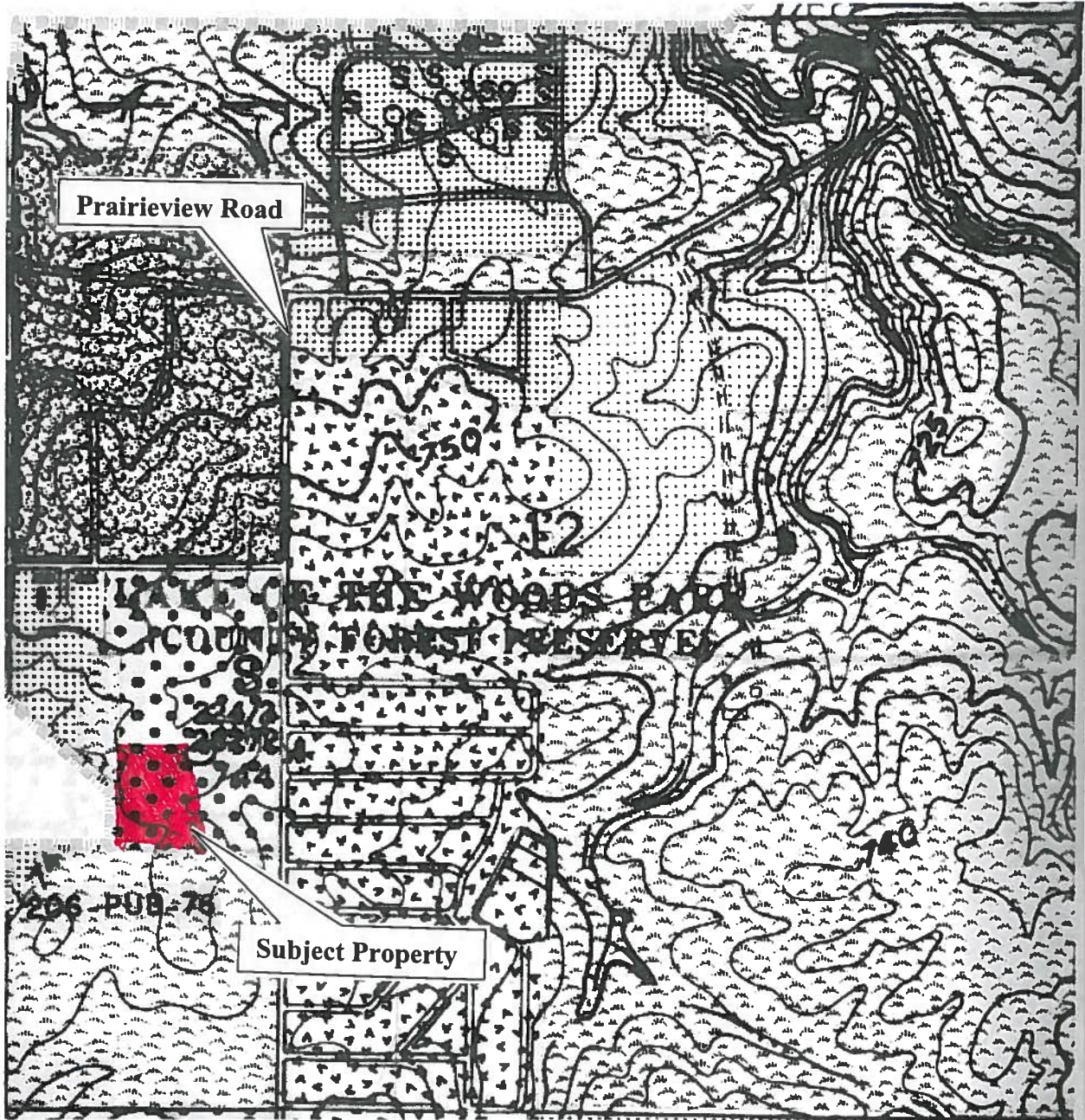
Champaign
County
Department of
PLANNING &
ZONING

Attachment A: Land Use Map
Cases: 717-AM-12, 718-S-12, & 719-V-12
June 22, 2012



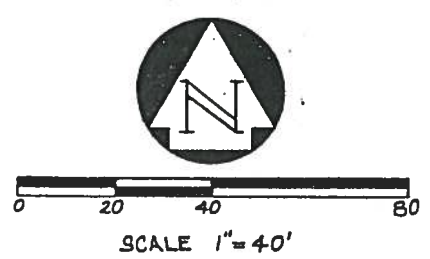
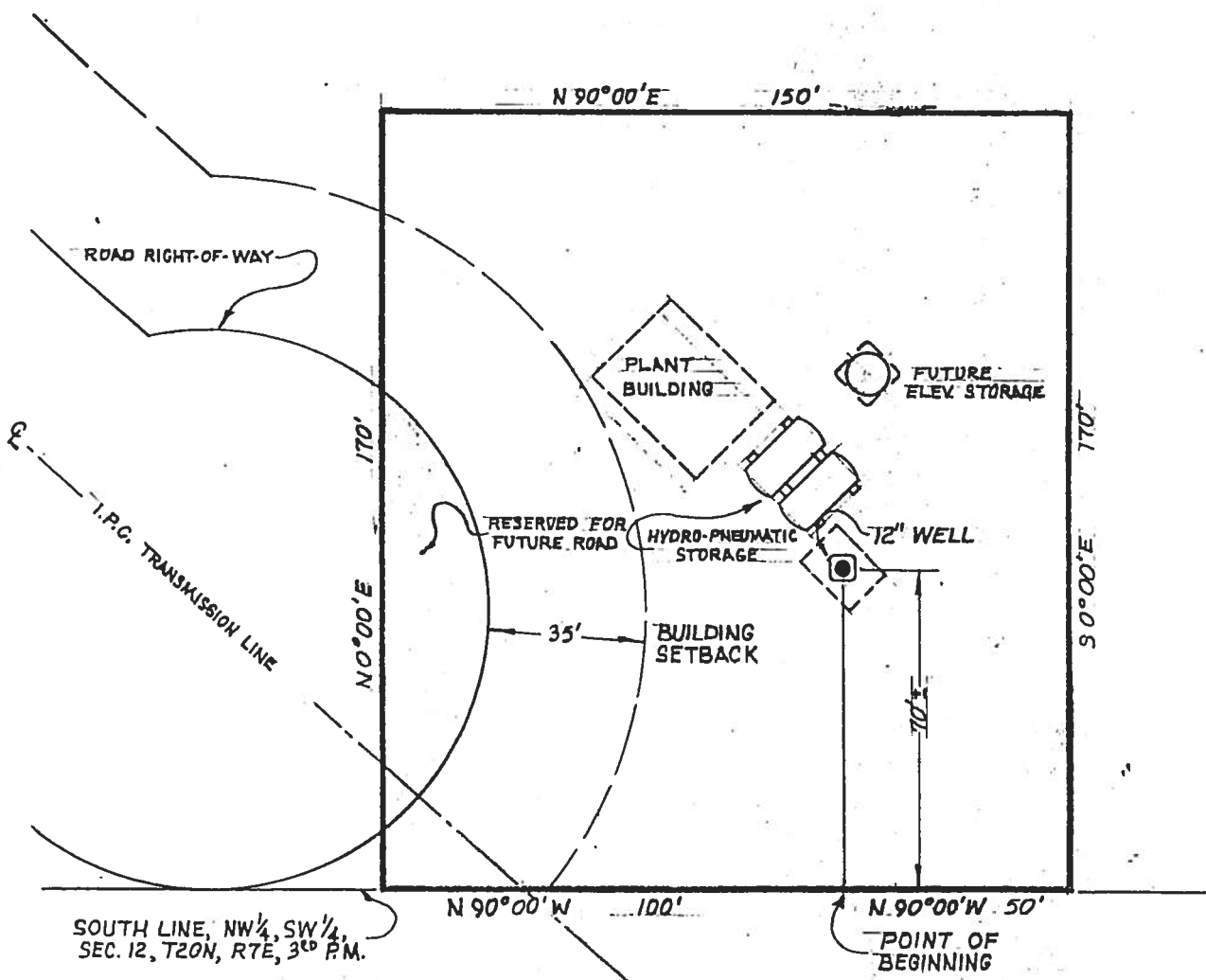
1 inch = 200 feet

ATTACHMENT A. ZONING MAP
 Cases 717-AM-12, 718-S-12, & 719-V-12
 June 22, 2012



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	

Site Plan From Case 463-AM-82 ATTACHMENT "A"



SANGAMON VALLEY WATER DISTRICT WATER SUPPLY SYSTEM PLANT SITE BOUNDARY		
Chandler S. Parsons CONSULTING ENGINEER • LAND SURVEYOR		MAHOMET, ILLINOIS
DESIGNED <u>CSP</u>	SCALE	FILE NO. <u>253</u>
DRAWN <u>JHW</u>		DATE <u>12-4-67</u>
CHECKED <u>CSP</u>		SHT <u>1</u> OF <u>1</u>

**SECTION 13 NON-INTERFERENCE WITH GREATER RESTRICTIONS
OTHERWISE IMPOSED**

- 13.1** It is not intended by this ordinance to interfere with, or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby. Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided shall remain in full force and effect except that where this ordinance imposes a greater restriction upon the USE of land or STRUCTURES, or upon the HEIGHT of STRUCTURES, or BUFFER STRIPS, COURTS, LOT AREA, LOT AREA per DWELLING UNIT or LODGING UNIT, BUILDING AREA, LOT COVERAGE, PARKING SPACES, SETBACK LINE, LOT width, or LOT depth, or any similar restrictions, than are required by or imposed by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.
- 13.2.1** The BOARD shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when:
- A. The CONSTRUCTION or USE would violate:
1. the *Champaign County Special Flood Hazard Area Development Ordinance* (Ord. No 209, as amended);
 2. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
 3. the *Champaign County Subdivision Regulations* (Ord. No. 44, as amended);
 4. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations;
 5. the *Champaign County Health Ordinance* (Ord. No. 573);
 6. the *Champaign County Public Nuisance Ordinance* (Ord. No. 468, as amended):
or
 7. any license ordinance of Champaign County.
- B. The CONSTRUCTION or USE is located on a LOT or LOTS created in violation of said *Illinois Plat Act*, *Champaign County Subdivision Regulations* or municipal SUBDIVISION regulations.

Champaign County, Illinois
Zoning Ordinance

**SECTION 13 NON-INTERFERENCE WITH GREATER RESTRICTIONS OTHERWISE IMPOSED -
CONTINUED**

- C. An outstanding violation of the *Zoning Ordinance* or any regulation listed in Section 13.2.1A exists on the LOT except when:
1. the Zoning Use Permit or Zoning Compliance Certificate is the sole impediment to correcting the violation;
 2. the BOARD finds that granting a VARIANCE or SPECIAL USE Permit will facilitate correction of any non-*Zoning Ordinance* violations;
 3. the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Compliance Certificate is required to effect any stipulation, agreement or court order resolving the violation; or
 4. a municipality or the Champaign County Health Department has the legal authority to waive compliance with a regulation and stipulates in writing that it has no objection to issuing the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate.

13.2.2 The above provisions notwithstanding, no VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate shall be denied for USE or CONSTRUCTION on LOTS created prior to May 21, 1991 solely because such LOTS were created in violation of the *Illinois Plat Act* or *Champaign County Subdivision Regulations* provided that such LOTS conform to all other applicable regulations and standards of this ordinance and the creation of such LOTS did not violate any applicable municipal SUBDIVISION ordinance in effect at the time such LOTS were created.

DRAFT

717-AM-12

**FINDING OF FACT
AND FINAL DETERMINATION
of**

Champaign County Zoning Board of Appeals

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

Date: **June 28, 2012**

Petitioners: **Sangamon Valley Public Water District & Parkhill Enterprises, LLC**

Request: **Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 28, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District, 709 North Prairieview Road, Mahomet, will purchase the property from co-petitioner Parkhill Enterprises, LLC, P.O. Box 1485, Champaign.
2. The subject property is an approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.
3. 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 this case and related cases and has protest rights on the proposed map amendment. In addition, the Mahomet Township plan commission has received notice of these cases and has protest rights on the proposed map amendment.
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:

“Zoning amendment to modify existing zoning on proposed 0.5 acres of purchase, for a new industrial (Water Treatment Plant) need. Proposed AG-2 zoning.”

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

“Illinois Plat Act – Adjacent property owners selling/purchasing a parcel of land.”

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 R-4 Multiple Family Residence and is in agricultural use and a small portion is used for operations of Sangamon Valley Public Water District.
 - B. Land on the north, south, east, and west of the subject property is in use and zoned as follows:
 - (1) Land on the north is in agriculture production and is zoned R-4 Multiple Family Residence.
 - (2) Land on the south is in agricultural production and is zoned AG-2 Agriculture.
 - (3) Land east of the subject property is in residential use and is zoned R-4 Multiple Family Residence.

(4) Land west of the subject property is in residential use and is located within the Village of Mahomet Village limits.

7. Previous zoning cases in the vicinity are the following:

A. The subject property was subject to a map amendment in Case 463-AM-82 in which the property was rezoned from the AG-2 District to the R-4 District.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. 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 R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.

(2) 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.

B. Regarding the general locations of the existing and proposed zoning districts:

(1) The R-4 District is generally located throughout the county in areas that are suitable for high density housing.

(2) The AG-2 is generally located in areas close to urban areas. The subject property is located adjacent to the corporate boundary of the Village of Mahomet.

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 22 types of uses authorized by right in the R-4 District and there are 13 types of uses authorized by right in the AG-2 District:

(a) The following 22 uses are authorized by right in the R-4 District:

- Boarding House;
- Single family dwelling;
- Two family dwelling;
- Multi-family dwelling;
- Fraternity, Sorority, or Student Cooperative;
- Dormitory;
- Home for the aged;
- Nursing home;
- Subdivisions of three lots or less;

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- Subdivisions totaling more than three lots or with new streets or private accessways;
 - Agriculture;
 - Elementary School, Junior High School, or High School;
 - Institution of and Educational, Philanthropic or Eleemosynary Nature;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Police or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Country Club or golf course;
 - Country Club clubhouse; and
 - Lodge or private club
- (b) The following uses are authorized by right in the AG-2 District:
- Single family dwelling;
 - Subdivisions of three lots or less;
 - Agriculture;
 - Roadside Stand Operated by Farm Operator;
 - Minor Rural Specialty Business;
 - Plant Nursery;
 - Township Highway Maintenance Garage;
 - Country Club or golf course;
 - Commercial Breeding Facility;
 - Christmas Tree Sales Lot;
 - OFF-PREMESIS SIGN within 660' of the edge of the RIGHT-OF-WAY of an interstate;
 - OFF-PREMESIS SIGN along federal highways except interstate highways; and
 - TEMPORARY USES
- (2) There are 10 types of uses authorized by Special Use Permit (SUP) in the R-4 District and 76 types of uses authorized by SUP in the AG-2 District:
- (a) The following 42 uses may be authorized by SUP in the AG-1 District:
- Residential PLANNED UNIT DEVELOPMENT;
 - Artificial lake of 1 or more acres;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - Telephone Exchange;

- HOSPITAL;
 - Mortuary or Funeral Home;
 - Private Kindergarten or Day Care Facility; and
 - Private Indoor Recreational Development
- (b) The following 76 uses may be authorized by SUP in the AG-2 District:
- DWELLING, TWO-FAMILY;
 - Home for the aged;
 - NURSING HOME;
 - Hotel with no more than 15 lodging units;
 - TRAVEL TRAILER Camp;
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Commercial greenhouse;
 - Greenhouse (not exceeding 1,000 square feet)
 - Garden Shop;
 - 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;
 - Municipal or Government Building;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Water Treatment Plant;
 - Radio or Television Station;
 - Electrical Substation;
 - Telephone Exchange;
 - Public Fairgrounds;
 - MOTOR BUS station
 - Truck Terminal;
 - Railroad Yards and Freight Terminals;

DRAFT

- AIRPORT;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Mortuary or Funeral Home;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Roadside Produce Sales Stand;
- Feed and Grain (sales only);
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Artist Studio;
- *RESIDENTIAL RECOVERY CENTER*;
- Antique Sales and Service;
- Amusement Park;
- Resort or Organized Camp;
- Bait Sales;
- Country Club Clubhouse;
- Lodge or private club;
- Outdoor commercial recreational enterprise (except amusement park);
- Private Indoor Recreational Development;
- Public Camp or picnic area;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Stadium or coliseum;
- THEATER, OUTDOOR;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital; and
- Self-Storage Warehouses, not providing heat and utilities to individual units;
- Off-premises sign farther than 660 feet from an interstate highway;
- LANDSCAPE WASTE PROCESSING FACILITIES;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;

- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- Wood Fabricating Shop and Related Activities;
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. 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 & POLICIES

10. 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 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but is otherwise ***NOT RELEVANT*** to the proposed rezoning.

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

11. 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 *{DOES ACHIEVE / DOES NOT ACHIEVE}* Goal 2 for the following reasons:

Evidence to be added.

12. 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 amendment is *NOT RELEVANT* to Goal 3.

13. 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 Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.89 do not apply. The proposed amendment is *ACHIEVES* 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 *ACHIEVES* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) 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 *ACHIEVES* Policy 4.1.6 for the following reasons:

- (a) The soils on the subject property are considered best prime farmland and consists of Catlin silt loam and Drummer silty clay and would have an average LE of approximately 87.
- (b) The existing water treatment plant existed prior to zoning in Champaign County. Presumably the property where the existing treatment plant is sited was in agricultural production prior to the plant being built. The area proposed to be rezoned has been or currently is in agricultural 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 *ACHIEVES* Objective 4.2 because of the following:

- (1) Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed rezoning.
- (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 *ACHIEVES* Policy 4.2.2 for the following reasons:

- (a) The proposed use has been in operation since the 1970s and will not negatively affect agricultural activities because the use is not intense.

- (b) All activities of the proposed use take place indoors and will not be affected by agricultural operations.
 - (c) The traffic generated by the proposed use or any future use will not be related to agriculture but the volume of traffic will be similar to the current use.
- (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 *ACHIEVES* Policy 4.2.3 for the following reasons:

- (a) A special condition has been proposed to ensure that the Petitioner and any subsequent owner recognize the rights of agricultural activities.
- (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 *ACHIEVES* Policy 4.2.4 for the following reason:

- (a) The operations of the proposed use will be all indoors and even though agricultural activities will take place both north and south of the proposed use it will not warrant a buffer between the existing and proposed buildings and adjacent agricultural activities.

- 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 *ACHIEVES* Objective 4.3 because of the following:

- (1) Objective 4.3 includes five subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **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 *ACHIEVES* Policy 4.3.2 for the following reasons:

- (a) The land is best prime farmland and consists of primarily of Catlin silt loam that has a Land Evaluation Score of 87 and Drummer silty clay soil that has a Land Evaluation score of 98 and the average Land Evaluation score is approximately 87.

- (b) The subject property has access to Lake of the Woods Road and Prairieview Road.
 - (c) Although the proposed use will be taking a small amount of land out of production, the site is well-suited overall because the existing operations of Sangamon Valley Public Water District already occur on a portion of the site.
- (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 *ACHIEVES* Policy 4.3.3 for the following reason:

- (a) The subject property is located approximately 2.8 miles from the Cornbelt 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 *ACHIEVES* Policy 4.3.4 for the following reason:

- (a) The subject property has access to Prairieview Road.
 - (b) Traffic should not significantly increase because of the expansion. The expansion is merely to expand operations because the demand for water has increased.
- (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 *ACHIEVES* Policy 4.3.5 for the following reasons:

- (a) The proposed use serves an important public use by providing clean and safe drinking water to some residents of the Village of Mahomet and some residents of the unincorporated area of Champaign County.
- (b) The subject property is well suited based on the discussion of Policy 4.3.2.

14. 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 *{DOES ACHIEVE / DOES NOT ACHIEVE}* Goal 5 for the following reasons:

A. Objective 5.1 is entitled “Population Growth and Economic Development” and states “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.”

The proposed rezoning *{DOES ACHIEVE / DOES NOT ACHIEVE}* Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.4, 5.1.7, and 5.1.8 do not appear to be relevant to the proposed rezoning.
- (2) Policy 5.1.1 states, “**The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**”

The proposed rezoning *{DOES ACHIEVE / DOES NOT ACHIEVE}* Policy 5.1.1 for the following reasons:

- (a) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
 - (b) Although the proposed rezoning will not result in expansion of a sewage treatment facility or expansion of sanitary sewer systems it will provide “urban land use” with clean and safe drinking water. In addition to providing drinking water services the Sangamon Valley Public Water District provides sanitary sewer services.
 - (c) The proposed rezoning would result in the expansion of a service that is generally provided in an urban area or in areas close to municipal boundaries.
- (2) Policy 5.1.3 states, “**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.**”

The proposed rezoning *ACHIEVES* Policy 5.1.3 for the following reasons:

Evidence to be added.

- (3) Policy 5.1.5 states, **“The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning *ACHIEVES* Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

- (4) Policy 5.1.6 states, **“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.”**

The proposed rezoning *ACHIEVES* Policy 5.1.6 based on the discussion of Policy 4.2.4.

- (5) Policy 5.1.9 states, **“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.”**

The proposed rezoning *ACHIEVES* Policy 5.1.9 for the following reasons:

Evidence to be added.

- B. Objective 5.2 is entitled, “Natural Resources Stewardship” and states, “When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”

The proposed amendment *ACHIEVES* Objective 5.2 for the following reason:

- (1) Objective 5.2 includes three subsidiary policies. Policy 5.2.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 5.2.2 states, **“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**

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- 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.”**

The proposed rezoning *ACHIEVES* Policy 5.2.2 for the following reasons:

- (a) The subject property consists of best prime farmland, but is currently zoned R-4 Multiple Family Residence. The proposed rezoning would be a “downgrade” in zoning classification.
- (b) The proposed expansion of the water treatment facility would encompass approximately 1.3 acres of the 2.9 acres proposed to be rezoned. Presumably the remaining land not used for the water treatment plant expansion would continue to be in agricultural production.

(3) Policy 5.2.3 states, “**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.”**

The proposed rezoning *ACHIEVES* Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property.

- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”

The proposed amendment *ACHIEVES* Objective 5.3 because of the following:

- (1) Objective 5.3 includes three subsidiary policies. Policy 5.3.3 does not appear to be relevant to the proposed rezoning.
- (1) Policy 5.3.1 states, “**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.”**

The proposed rezoning *ACHIEVES* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 2.8 miles from the Cornbelt Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (2) Policy 5.3.2 states, “**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.”**

The proposed rezoning *ACHIEVES* Policy 5.3.2 because the only public infrastructure serving the subject property is Prairieview Road, the expansion will not create a greater need for use of the surrounding road network.

15. 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 Objectives 6.2 and 6.4 do not apply. The proposed amendment *ACHIEVES* Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning *ACHIEVES* Objective 6.1 because of the following:

- (1) Objective 6.1 includes four subsidiary policies. Policies 6.1.1, 6.1.2, and 6.1.4 do not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.3 states, “**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 rezoning *ACHIEVES* Policy 6.1.3 because no exterior lighting has been indicated on the site plan for the proposed use.

- B. Objective 6.3 has no subsidiary policies and is entitled “Development Standards” and states, “Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.”

The proposed rezoning *ACHIEVES* Objective 6.3 because Public Act 96-704 requires that all new construction other than residential buildings in a jurisdiction without an adopted building code after July 1, 2011, to be constructed to specific building code standards.

16. 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 is *NOT RELEVANT* to Goal 7.

17. 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. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 are *NOT RELEVANT* to the propose amendment. The proposed amendment *ACHIEVES* Goal 8 because of the following:

- A. Objective 8.1 states, “Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.”

The proposed rezoning *ACHIEVES* Objective 8.1 because of the following:

- (1) Objective 8.1 has nice subsidiary policies, but only 8.1.3 is relevant to the proposed rezoning.
- (2) Policy 8.1.3 states, “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.”

The proposed rezoning *ACHIEVES* Policy 8.1.3 for the following reasons:

- (a) There is no evidence that suggests the proposed water treatment plant or the existing water treatment plant exceed that long-term sustainable yield of the Mahomet Aquifer.
- B. 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 *ACHIEVES* Objective 8.2 because of the following:

- (1) Objective 8.2 has only one subsidiary policy.
- (2) 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 *ACHIEVES* Policy 8.2.1 for the following reasons:

- (a) The subject property is best prime farmland, but the subject property is well suited for the proposed use because the proposed use will be an expansion of the existing operations of the water treatment plant.
- (b) The subject property is smaller than the minimum standard condition lot size of 5 acres for a water treatment plant.
- (c) The proposed rezoning would return the property to its original zoning district of AG-2 Agriculture.

18. 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.

The proposed amendment is *NOT RELEVANT* to Goal 9 because the proposed amendment does not address energy efficiency or the use of renewable energy sources.

19. 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 is *NOT RELEVANT* to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

20. 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	Agriculture ----- Water Treatment Plant	R-4 Multiple Family Residence
North	Agriculture	R-4 Multiple Family Residence
East	Residential ----- Water Treatment Plant	R-4 Multiple Family Residence ----- AG-2 Agriculture
West	Residential	Village of Mahomet
South	Agriculture	AG-2 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.
- (3) In regards to the value of the subject property the requested map amendment will allow the Petitioner's to expand their existing operations on adjacent land.

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 gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to expand their operations to provide safe drinking water to their customers.

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 is located adjacent to the existing Sangamon Valley Public Water District treatment facility which will allow the Petitioner to keep its operations in a centralized location.

- 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 R-4 District was planned in 1973 and thus was intended to provide areas of the County with medium density housing. The subject property was rezoned from the AG-2 District to the R-4 District in 1983 (Case 463-AM-82).
- G. ***Sinclair* factor: The need and demand for the use.**
The Petitioners required adequate space to continue their operations of water treatment.
- 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 SPECIAL CONDITIONS OF APPROVAL

21. Proposed Special Conditions of Approval:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

Other Special Conditions to be added.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Kerry Gifford (General Manager, SVPWD) received on June 1, 2012, with attachments:
 - A Legal Descriptions
 - B Site Plan
2. Special Use Permit Application signed by Kerry Gifford (General Manager, SVPWD) received June 1, 2012
3. Letter from Michael L. Antoline (Attorney for SVPWD) to Bud Parkhill received June 4, 2012 with attachments:
 - A 765 ILCS 205/1
 - B 220 ILCS 5/3-105
 - C Notes of Decisions
 - D Citing References
 - E 1996 Illinois Attorney General Opinion 024
4. Revised Site Plan received June 12, 2012
5. Letter from Michael L. Antoline (Attorney for SVPWD) to David DeThorne (Champaign County Assistant State's Attorney) received June 18, 2012
6. Variance Application signed by Kerry Gifford (General Manager, SVPWD) with attachments:
 - A Letter from Sodemann and Associates, Inc dated June 15, 2012
 - B Legal Description
 - C Site Plan
7. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
8. Champaign County Land Resource Management Plan (LRMP) Appendix
9. Site Plan from Case 463-AM-82
10. Preliminary Memorandum for Case 717-AM-12 dated June 22, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 12, 2012
 - C Site Plan received June 19, 2012
 - D Site Plan from Case 463-AM-82
 - E LRMP Land Use Goals, Objectives, and Policies & Appendix
 - F Section 13 of the Champaign County Zoning Ordinance
 - G Draft Finding of Fact and Final Determination
11. Preliminary Memorandum for Cases 718-S-12 and 719-V-12 dated June 22, 2012

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 28, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 -
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
 -
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

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 717-AM-12** 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.

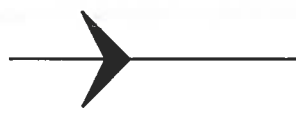
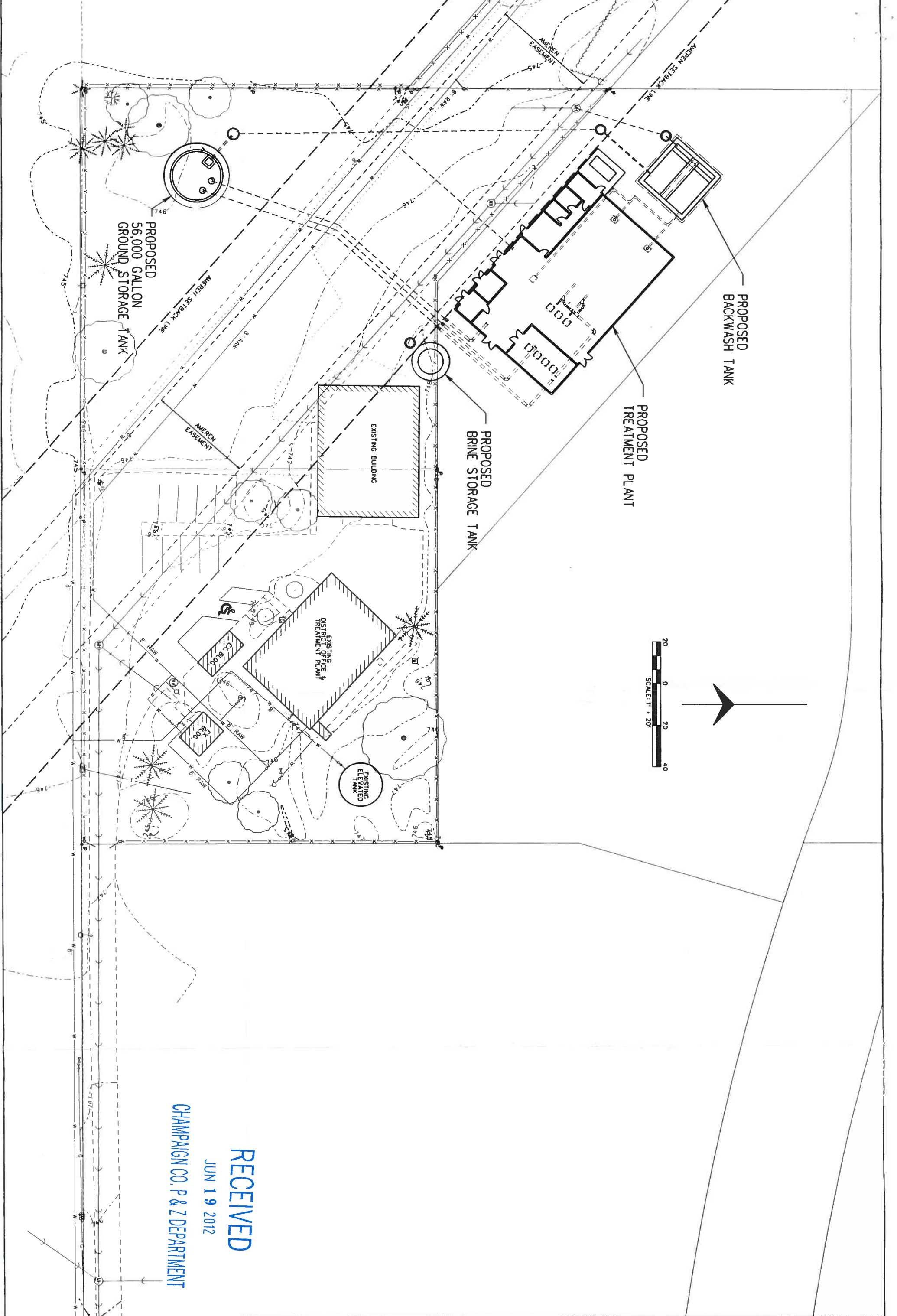
SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



RECEIVED

JUN 19 2012

CHAMPAIGN CO. P & Z DEPARTMENT

DES.	MAB
DRN.	JAB
CHK.	AJK
APP.	AJK
DATE	AUGUST 2012
PROJECT NO.	12066
SHEET	

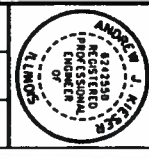
Sodemann and Associates, Inc.
 340 NORTH NEL STREET
 POST OFFICE BOX 557
 CHAMPAIGN, ILLINOIS 61824-0557
 TEL 217 352-7688 FAX 217 352-7922
 ENGINEERING / ANALYSIS / MANAGEMENT



PROJECT TITLE
SANGAMON VALLEY PUBLIC WATER DISTRICT

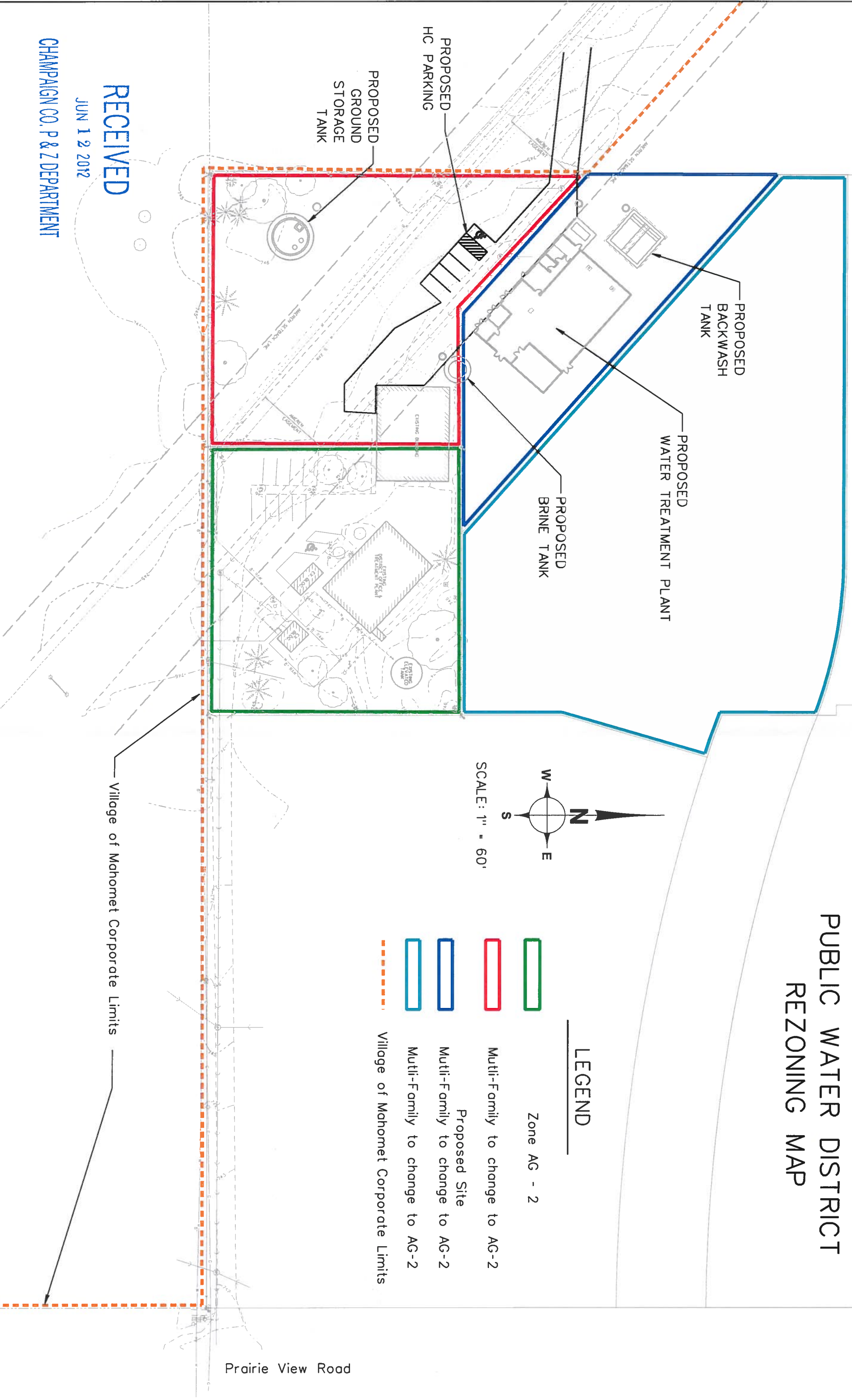
WATER TREATMENT PLANT IMPROVEMENTS

SHEET TITLE



REVISION	DATE	DESCRIPTION

SANGAMON VALLEY PUBLIC WATER DISTRICT REZONING MAP



RECEIVED

JUN 12 2012

CHAMPAIGN CO. P & Z DEPARTMENT

- LEGEND**
- Zone AG - 2
 - Multi-Family to change to AG-2
 - Proposed Site
 - Multi-Family to change to AG-2
 - Multi-Family to change to AG-2
 - Village of Mahomet Corporate Limits

Prairie View Road

Village of Mahomet Corporate Limits

CASE NO. 718-S-12 & 719-V-12

PRELIMINARY MEMORANDUM

JUNE 22, 2012

Champaign
County
Department of

PLANNING &
ZONING

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

Petitioners: Sangamon Valley Public Water District and Parkhill Enterprises, LLC

Request: CASE: 718-S-12

Authorize the following on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12 subject to the required variance in related Case 719-V-12 on the subject property described below:

Part A. Authorize the expansion and use of a non-conforming water treatment plant as a Special Use with waivers (variance) of standard conditions.

Part. B Authorize the replacement of a non-conforming water tower that is 131 feet in height as a Special Use with waivers (variance) of standard conditions.

CASE: 719-V-12

Authorize the following for expansion of a non-conforming water treatment plant in related Case 718-S-12 on land that is proposed to be rezoned to the AG-2 Zoning District in related Case 717-AM-12:

Part A. The expansion of a nonconforming lot of record that does not abut and have access to a public street right of way and does not abut a private accessway as required by Zoning Ordinance paragraph 4.2.1 H.

Part B. The use of a 3.6 acre lot on best prime farmland in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-2 District for the construction and use of a water treatment plant in related Special Use Permit Case 718-S-12.

Part C. Waiver (variance) of standard conditions for a lot area of 3.6 acres in lieu of the required 5 acres; a front yard of 18 feet in lieu of the required 30 feet; a side yard of 40 feet in lieu of the required 50 feet; and a rear yard of 22 feet in lieu of the required 50 feet.

Part D. Waiver (variance) for an elevated water storage tank that is 131 feet in height in lieu of the maximum allowed 50 feet on the subject property described below.

Location: An approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.

Site Area: 3.6 acres

Time Schedule for Development: March 2013-March 2014

Prepared by: Andy Kass
Associate Planner

John Hall
Zoning Administrator

BACKGROUND*

Sangamon Valley Public Water District (SVPWD) requests a Special Use Permit for a water treatment plant to allow construction and operation of a water treatment plant on adjacent property to the existing treatment plant. The existing treatment plant was established prior to zoning in Champaign County. The proposed water treatment plant is to be approximately 5,760 square feet as measured from the site plan. Various storage tanks are proposed to be constructed on the site including a backwash tank, a 56,000 gallon storage tank, and a brine storage tank. A portion of the property to be utilized for the expansion is owned by SVPWD, but the new treatment plant is proposed to be constructed on property that will be purchased from Parkhill Enterprises, LLC.

The land that the proposed water treatment plant is to be constructed upon is considered best prime farmland in Champaign County and the Petitioner's have requested a variance from the maximum lot size requirement of 3 acres on best prime farmland. The Petitioners have also requested a variance from Section 4.2.1 H. retirements that a lot have access to a public street. The Petitioner's have requested waivers (variance) of standard conditions from minimum lot size requirements, front yard requirements, and from the side and rear yard requirements. The Petitioner's have also requested a waiver (variance) of standard conditions for water towers over 100 feet in height for the existing water tower.

The subject property is within the one and one-half mile ETJ of the Village of Mahomet, but is also adjacent to the Village corporate boundary. The Village of Mahomet has subdivision jurisdiction and a lot was previously created that did not receive subdivision approval from the Village of Mahomet.

The Petitioners contend that they are exempt from the Illinois Plat Act and municipal subdivision jurisdiction. This group of related zoning cases was advertised at the Petitioner's request while the legal issues related to the municipal subdivision jurisdiction continue to receive legal review. Any approvals are expected to include a special condition requiring compliance with the Village subdivision regulations as required by Section 13 of the Zoning Ordinance (See Attachment E to Case 717-AM-12).

*See Case 717-AM-12 for additional information.

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 this case and related cases and has protest rights on the proposed map amendment (Case 717-AM-12), but not on the proposed special use or variance. In addition, the Mahomet Township plan commission has received notice of these cases and has protest rights on the proposed map amendment (Case 717-AM-12), but not on the proposed special use and variance.

Cases 718-S-12 & 719-V-12

Sangamon Valley Public Water District and Parkhill Enterprises, LLC
JUNE 22, 2012

RE-ADVERTISEMENT OF LEGAL NOTICE

Because of the complex nature of the current Ordinance and the need to place the legal advertisement before a complete site plan was received, the legal advertisement needs to be re-advertised and the earliest date that this case and the related Special Use and Variance cases can be continued to is August 30, 2012.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	R-4 Multiple Family Residence
	----- Water Treatment Facility	
North	Agriculture	R-4 Multiple Family Residence
East	Residential	R-4 Multiple Family Residence
West	Residential	Village of Mahomet
South	Agriculture	AG-2 Agriculture

SUMMARY OF EVIDENCE, FINDING OF FACT, & FINAL DETERMINATION

A Summary of Evidence, Finding of Fact, and Final Determination will be distributed at the June 28, 2012, public hearing for Cases 718-S-12 and 719-V-12.

ATTACHMENTS

*See Attachments to Case 717-AM-12



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 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.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

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

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.

CASE NO. 710-AT-12

SUPPLEMENTAL MEMORANDUM

June 21, 2012

Petitioner: **Zoning Administrator**

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

Champaign
County
Department of

**PLANNING &
ZONING**

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows* :

Part A. Revise the Land Evaluation (LE) part as follows:

1. Revise all soil information to match the corresponding information in the *Soil Survey of Champaign County, Illinois 2003* edition.
2. Revise all existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils* updated January 15, 2011, by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.
3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.

Part B. Revise the Site Assessment (SA) part as follows:

1. Add definitions for "agriculture"; "agricultural production"; "animal units"; "best prime farmland"; "farm dwelling"; "livestock management facility"; "non-farm dwelling"; "principal use"; and "subject site".
2. Delete SA Factors A.2.; A.3.; B.2.; B.3.; C.2; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.
3. Revise SA Factor A.1. to be new Factor 8. ; Factor B.1. to be new Factor 7.; Factor C.1. to be new Factor 5.; Factor D.1. to be new Factor 1.; and revise scoring guidance for each revised Factor, as described in the legal advertisement.
4. Add new SA Factors 2a; 2b; 2c; 3; 4; 6; 9; 10; and add scoring guidance for each new Factor, as described in the legal advertisement.

Part C. Revise the Ratings for Protection, as described in the legal advertisement.

Part D. Revise the general text and reformat.

*** NOTE: the description of the Request has been simplified from the actual legal advertisement. See the attached legal advertisement**

STATUS

Norman Stenzel has submitted a written critique of the recommended Draft LESA. See attached.

Comparison scoresheets comparing the Existing LESA and the recommended Draft LESA for the 15 LESA Update Field Sites are attached as is a comparison table.

Attachments E- N were handed out at the meeting on 6/14/12.

Attachment O summarizes the Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.) and is relevant to Draft LESA Site Assessment Factors 9 and 10.

CHANGES IN SITE ASSESSMENT FACTORS

The changes in the Site Assessment Factors are quite extensive and before the end of the public hearing each change will be reviewed and supporting justification will be provided. That documentation is not included with this memorandum but may be available at the meeting.

UPDATING THE DRAFT LESA SCORES BASED ON FINAL RECOMMENDATIONS

Site assessment factor ratings (scores) for the final 15 Draft LESA Test Sites are summarized Attachment A to the 2/14/12 LESA Update Committee memorandum that was included with the Preliminary Memorandum of Case 711-AT-12. However, that memorandum did not actually have the correct scores because of the following:

- By the 2/22/12 meeting the Draft LESA Site Assessment Factors included the “CUGA cutoff” after SA Factor 4 but the final recommendation placed the CUGA cutoff after SA Factor 3. Thus, the scores for SA Factors 3 and 4 in Attachment A to the 2/14/12 LESA Update Committee memorandum should be reversed with 4 renumbered to 3 and 3a and 3b renumbered to 4a and 4b, as shown on the attached score sheets.
- The LESA Update Committee also had not decided upon a recommendation for best prime farmland by the 2/22/12 meeting. Attachment A to the 2/14/12 LESA Update Committee memorandum considered a number of alternatives for best prime farmland but it did not include the final recommendation. The re-scoring results at the bottom of page 1 of that Attachment A indicate that test sites 2, 8, 11, B, and C each have more than 10% of their area in AVGs 1, 2, 3 or 4 but the scores for SA Factors 2a and 2b in the table at the top of that page do not reflect best prime farmland. The scores for these test sites need revised as shown on the score sheets.
- Additionally, the following inaccuracies were noted and corrected:
 - For TS11, the score for SA Factor 10 in Attachment A to the 2/14/12 LESA Update Committee memorandum does not reflect the horse stable that is ½ mile east of TS11. In the past this stable has held at least 25 horses and thus the score on SA Factor 10 should be 2 points. The attached scoresheet inaccurately indicates 4 points. The revised total LESA score for TS11 should be 220.
 - For TS16, the score for SA Factor 9 in Attachment A to the 2/14/12 LESA Update Committee memorandum indicates that the nearest 10 non-farm dwellings are .76 to 1 mile distant. In the aerial photo map for TS16 the two subdivisions northeast of TS16 contain 26 homes and therefore 10 homes comprise a little less than one-half the area of those two subdivisions. Analysis reveals that the closest 10 non-farm dwellings would include the southern eight homes in these subdivisions and those homes are approximately .66 mile from TS16. The revised score on SA Factor 9 should be 16 points and the revised total LESA score for TS16 should be 276.

COMPARING EXISTING LESA SCORES TO DRAFT LESA SCORES

The following comparisons are the most obvious and easiest comparisons:

1. For non-CUGA test sites, the Draft LESA scores are always higher than the Existing LESA scores and for non-CUGA sites overall average 17% higher than the Existing LESA scores. Higher LESA scores are generally considered more protective of prime farmland.
2. For CUGA test sites the Draft LESA scores are always lower than the Existing LESA scores and never more than 150 points and therefore never receive more than a "LOW" rating for protection and that is consistent with the purpose of the CUGA. Test sites 4 and D rated a "MODERATE" rating for protection in the Existing LESA.
3. Test Site A was the only test site that was only "prime farmland" and not "best prime farmland". TSA received a "MODERATE" rating for protection under both Existing and Draft LESAs. If TSA was best prime farmland the Draft LESA score would be 30 points higher and it would have received a "HIGH" rating for protection. The existing LESA does not distinguish between "prime farmland" and "best prime farmland" or even less productive soils.
4. TSA can be compared to TS1 and TS16 which are both 40 acres and best prime farmland. The differences in LESA rating between TSA versus TS1 and TS16 are much larger in the Draft LESA (differences of 60 points and 65 points, respectively) than the existing LESA (differences of 31 points and 37 points, respectively). At least half of the difference between Draft LESA and existing LESA scores for TS1 and TS16 are due to the 30 points for best prime farmland in the Draft LESA. The total LESA score for each TS1 and TS16 is very high and is within 10% of the highest possible rating of 300.
5. TS8 and TS17 are both less than 20 acres in area with BPF and have very similar scores using the existing LESA (224 and 226, respectively) but have greater difference in scores under the Draft LESA (244 with a "HIGH" rating and 258 with a "VERY HIGH" rating, respectively). In the Draft LESA the points for these two sites differ by a few points on many SA Factors but the major difference is on SA Factor 6 (highest percent of site in production in last 5 years) where TS17 is rated at 15 and TS8 is rated at 0. Under the existing LESA both sites are rated a 10 on existing SA Factor 3 (amount of site suitable for production).

Case 710-AT-12
Supplemental Memorandum
June 21, 2012

ATTACHMENTS

(Note: all attachments are on the County website but those marked with an asterisk (*) are not included with copies of the memorandum except for ZBA members)

- A Description of Case from Legal Advertisement
- *B *On the SA Portion of LESA: Validity and Reliability* submitted by Norman Stenzel on June 15, 2012 (included separately)
- C Comparison Scoresheets for LESA Update Field Test Sites (included separately)
- D Comparing Existing LESA Scores to Recommended Draft LESA Score
- E Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.) General Requirements Related to Size of Facility. February 15, 2007
- *F Documents from the from the LESA Update Committee:
 - *(1) LESA Update Field Test Sites Handout November 2, 2011 (a handout at the November 2, 2011, LESA Update Committee meeting)
 - *(2) Location Map of 18 Initial Test Parcels
 - *(3) Various maps for LESA Update Field Test Sites
 - *(4) Chapter 5. Selecting and scaling Site Assessment Factors excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
 - *(5) Chapter 6. Combining and weighting factor ratings for a LESA System excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
 - *(6) Illinois LESA System. Revised August 2001. Illinois Department of Agriculture
 - *(7) Land Evaluation and Site Assessment System for Kendall County, Illinois
 - *(8) Ogle County, Illinois Land Evaluation and Site Assessment System
 - *(9) Article 11- Land Evaluation and Site Assessment (LESA) System excerpted from the McLean County, Illinois Zoning Ordinance
 - *(10) DeKalb County, Illinois Land Evaluation and Site Assessment System

Attachment A. Case Description from Legal Advertisement

Case 710-AT-12

JUNE 8, 2012

Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:

Part A. Revise the Land Evaluation (LE) part as follows:

- 1. Revise the existing soil map symbols; soil series names; slope; acreage and proportionate extent; land capability classification; and farmland classification to match the corresponding information in the *Soil Survey of Champaign County, Illinois 2003* edition.**
- 2. Delete the existing Productivity Index Local and add Adjusted Soil Productivity Index based on the Crop productivity index for optimum management that is published in *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils* updated January 15, 2011, by the University of Illinois College of Agricultural, Consumer and Environmental Sciences Office of Research.**
- 3. Delete the 9 existing Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture Value Groups with Relative LE ranging from 100 to 0.**

Part B. Revise the Site Assessment (SA) part as follows:

- 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal use”; and “subject site”.**
- 2. Delete SA Factors A.3.; B.2.; B.3.; D.2.; D.3.; E.1.; E.2.; E.3.; E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.**
- 3. Revise SA Factor A.1. by renumbering to SA Factor 8; and changing 1.5 miles to 1.0 mile; and changing “in agricultural uses” to “with a principal use of agriculture”; and for a subject site that is Best Prime Farmland or at least 51% Prime Farmland limit the consideration to parcels and land use that existed on April 12, 2011; and increase the total points from 18 to 20; and change the assignment of points to 2 points for each 10% change from 0 to 100%; and add scoring guidance.**
- 4. Delete SA Factor A.2. “Land Use Adjacent to Site” and replace with SA Factor 4. “Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture”; and for a subject site that is Best Prime Farmland or at least 51% Prime Farmland limit the consideration to parcels and land use that existed on April 12, 2011; and increase the total points from 18 to 20; ; and change the assignment of points to 2 points for each 10% change from 0 to 100%; and add scoring guidance.**
- 5. Revise SA Factor B.1. by renumbering to SA Factor 7; and by changing 1.5 miles to 1.0 mile; and change the assignment of points to 1 point for each 10% change from 0 to 100%; and add scoring guidance.**
- 6. Revise SA Factor C.1. by renumbering to SA Factor 5; and increase the total points from 10 to 15; and by changing the assignment of points; and add scoring guidance.**

Attachment A. Case Description from Legal Advertisement
Case 710-AT-12
JUNE 8, 2012

7. **Revise SA Factor D.1. by renumbering to SA Factor 1; and increase the total points from 8 to 10; and reduce the largest site from 100 acres to 25 acres; and change the assignment of points; and add scoring guidance.**
8. **Add SA Factor 2a “Is the subject site Best Prime Farmland?” and assign 30 points if “yes ; and add scoring guidance.**
9. **Add SA Factor 2b to assess for a subject site that is Best Prime Farmland, if the subject site is more than 15% of a larger parcel that existed on January 1, 2004, or if the subject site is 25 acres or more in area; and assign 10 points if “yes” ; and add scoring guidance.**
10. **Add SA Factor 2c to assess if the subject site is not Best Prime Farmland but is at least 51% Prime Farmland; and if the subject site is larger than 25 acres or if the subject site is part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use, of more than 25 acres; and assign 10 points if “yes” ; and add scoring guidance.**
11. **Add SA Factor 3 to assess if the subject site is located within the Contiguous Urban Growth Area identified in the Champaign County Land Resource Management Plan; and assign 40 points if “no” ; and if “yes” skip the remaining SA Factors and indicate a total SA score for only SA Factors 1,2, and 3; and add scoring guidance.**
- *12. **Add new SA Factor 6 to assess the highest percentage of the subject site in agricultural production in any of the last 5 years; and assign 15 points for 80% or more and fewer points for a lesser amount; and add scoring guidance.**
- *13. **Add new SA Factor 9 to assess the distance from the subject site to the nearest 10 non-farm dwellings and assign 20 points if more than a mile and fewer points if less than a mile; and add scoring guidance.**
- *14. **Add new SA Factor 10 to assess the distance from the subject site to the nearest known livestock management facility of 400 or more animal units and assign 10 points if adjacent and fewer points if there is more distance; or, if more than a mile, assess the distance to the nearest known facility with 200 to 399 animal units and assign 7 points if adjacent and fewer points if there is more distance; or, if more than a mile, assess the distance to the nearest known facility of 50 to 199 animal units, and assign 4 points if adjacent and fewer points if there is more distance and 0 points if more than a mile distant; and add scoring guidance.**
- *15. **Delete existing SA Factor C.2.**

Part C Revise the Ratings for Protection as follows:

1. **Change the scoring range for a low rating for protection from “179 or below” to “150 or below”.**
2. **Change the scoring range for a moderate rating for protection from “180 to 199” to “151 to 225”.**
3. **Change the scoring range for a high rating for protection from “200 to 219” to “226 to 250”.**

Attachment A. Case Description from Legal Advertisement

Case 710-AT-12

JUNE 8, 2012

4. **Change the scoring range for a very high rating for protection from “220 to 300” to “251 to 300”.**

***Part D. Revise the general text and reformat.**

***These parts were added in a second legal advertisement**

Attachment D. Comparing Existing LESA Scores to Recommended Draft LESA Score Case 710-AT-12 Draft June 21, 2012

Test Site Number	Test Site Area	Distance to Nearest Municipality	Exis. LESA Score (Draft LE)	Existing LESA Protection Rating	Draft LESA Score	Draft LESA Protection Rating	Is Test Site in the CUGA?	Are soils Best Prime Farmland or Prime Farmland	Distance to Nearest 10 NF Dwellings	Distance to Known Livestock Management Facility (Number of Animal Units)
1	40.4 acres	1.25 miles	226	VERY HIGH	271	VERY HIGH	NO	BPF	.51 to .75 mile	More than 1.00 mile
2	14.3 acres	Adjacent	131	LOW	121	LOW	YES	BPF	NA	NA
4	81.5 acres	Adjacent	182	MODERATE	150	LOW	YES	BPF	NA	NA
7	82.0 acres	4.23 miles	233	VERY HIGH	279	VERY HIGH	NO	BPF	.51 to .75 mile	More than 1.00 mile
8	15.6 acres	1.75 miles	224	VERY HIGH	244	HIGH	NO	BPF	.51 to .75 mile	.25 miles (50-199)
10	161.0 acres	4.17 miles	235	VERY HIGH	281	VERY HIGH	NO	BPF	More than 1 mile	More than 1.00 mile
11	22.7 acres	1.00 mile	188	MODERATE	220	MODERATE	NO	BPF	.26 to .50 mile	.50 to .75 mile (50-199)
13	76.0 acres	2.34 miles	239	VERY HIGH	283	VERY HIGH	NO	BPF	More than 1 mile	More than 1.00 mile
14	20.3 acres	3.03 miles	231	VERY HIGH	268	VERY HIGH	NO	BPF	.76 to 1 mile	More than 1.00 mile
16	40.2 acres	1.19 miles	232	VERY HIGH	276	VERY HIGH	NO	BPF	.51 to .75 mile	More than 1.00 mile
17	16.4 acres	2.29 miles	226	VERY HIGH	258	VERY HIGH	NO	BPF	.26 to .50 mile	More than 1.00 mile
A	40.0 acres	.67 mile	195	MODERATE	211	MODERATE	NO	PF	.01 to .25 mile	.25 miles (50-199)
B	21.8 acres	1.22 miles	205	MODERATE	239	HIGH	NO	BPF	.01 to .25 mile	.50 to .75 mile (50-199)
C	51.2 acres	1.30 miles	209	MODERATE	263	VERY HIGH	NO	BPF	.01 to .25 mile	.50 to .75 mile (50-199)
D	20.2 acres	.25 mile	198	MODERATE	134	LOW	YES	BPF	NA	NA

Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.)
General Requirements Related to Size of Facility

FEBRUARY 15, 2007

Number of Animal Units ¹	Setbacks for New Facilities ⁴	Waste Management Plan	Livestock Manager Certification ³
Less than 50 animal units	Not Required	Not Required	Not Required
50 to 1,000 animal units	1/4 Mile from Non-farm Residence 1/2 Mile from Populated Area²	Not Required	Not Required
1,000 - 7,000 (between 500 to 3,500 horses; or 1,000 and 7,000 cows; or between 2,500 -17,500 hogs over 55 lbs.)	1/4 Mile + 220' for each additional 1,000 AU's from Non-farm Residence 1/2 Mile + 440' for each additional 1,000 AU's from Populated Area²	General Plan Required (1,000 - 5,000 animal units) Detailed Plan Required (More than 5,000 animal units)	Training Required
More than 7,000 animal units (more than 3,500 horses; or more than 7,000 cows; or more than 17,500 hogs)	1/2 Mile from Any Residence 1 Mile from a Populated Area²	Detailed Plan Required	Training Required

NOTES:

1. An Animal Unit is roughly equivalent to 1,000 lbs. of animal body weight. The Act specifies a conversion for different types of animals.
 - a. One animal unit is equal to 2.0 horses; or 1.0 feeder cattle; or 1.4 dairy cattle; or .4 swine over 55 lbs.; or .03 swine under 55 lbs.; or .1 goat or sheep.
 - b. Based on the conversion, 50 AU's is equivalent to 25 horses; or 50 feeder cattle; or 35 dairy cattle; or 125 hogs over 55 lbs.; or 1,666 hogs under 55 lbs; or 500 goats or sheep.
 - c. Base on the conversion, 1,000 AU's is equivalent to 500 horses; or 1,000 feeder cattle; or 714 dairy cattle; or 2,500 hogs over 55 lbs.; or 33,300 hogs under 55 lbs; or 500 goats or sheep.
2. A Populated Area is an area containing a public assembly use like a church or 10 or more non-farm dwellings.
3. Certain Livestock Management Facilities are required to be supervised by a certified livestock manager.
4. Expanding a facility that existed on May 21, 1996, where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility shall not be deemed a new facility as used in this Act.

**ON THE SA PORTION OF LESA:
RELIABILITY AND VALIDITY**

Submitted by Norman Stenzel

I have attended all but one of the LESA committee meetings and have reviewed materials and instrument drafts as they have been supplied to the public. Those observations have lead me to construct this objection to the development process, and to the product of that process. I believe that the proposed LESA and the proposed changes to County statute should not be approved at this time.

Validity and reliability are important for instruments in service of public purposes. Validity is an assurance that the instrument accomplishes the purpose for which it is intended. Reliability is considered to be accomplished if consistency is demonstrated. Both validity and reliability include several types some appropriate at different times. There is face validity--does an instrument have the appearance of meeting its purpose? Content validity--is the breadth of a topic sufficiently covered? Consequential validity--are the results of using an instrument what should be expected? For reliability there is intra-rater reliability when an instrument used by a single person from time to time can be shown to be consistent; and then there is inter-rater reliability that demonstrates that an instrument provides comparable results when applied by different raters to the same task. I will apply some of the varieties possible in the comments that follow.

As far as anyone attending the LESA Committee meetings and reading documentation, validity and reliability have not been adequately assured in the development of the SA portion of the LESA you are being asked to accept. My concern is that if they are not adequately addressed application of the new instrument will not fairly accomplish the purpose for which it is intended. While there is some assurance by Mr. Hall, there was only one attempt at a correlation matrix as evidence to characterize results of one early application of the instrument. That attempt showed that a number of items were likely to overlap.

I say do not approve this instrument or changes in other County rules until an adequate trial has taken place.

In support of this contention I will provide a critique of the new SA item by item and then suggest a trial tactic that will help make sound decisions possible.

Validity

It is necessary to identify the purposes of Site Assessment. The federal legislation indicates that the application of such an instrument should assure the protection of prime soils as a scarce national resource and support the viability of agriculture at a particular location, for neighboring land, and for supporting services and businesses. The legislation gives the continuing national need for a secure supply of food and agricultural product as justification for a LESA system nationwide. a valid instrument, therefore will serve those purposes.

Unfortunately some complexity arises from what seems to be straight forward. A number of issues can serve as illustration.

A federal instrument used as a model by many states, including Illinois, is constructed to serve such federal purposes as where to locate a new highway or a new federal building. Such purposes have been established as justifiable through hearings and debate. At this county level, very few applications of the LESA have such vetting. It is more likely that a request for conversion of prime ground is a "want" rather than a "need". The existing and the proposed LESA fail to deal with justification though a comparison of a proposed purpose for prime land and the value of potential future production of food.

A second issue is that the possible justification of conversion by appeal to acceptable practice in a particular zone may still need further justification based on the suggested national need identified in the federal legislation. The existing and new SA create allowed conditions in an Agricultural Zone that result in a lowered SA allocation of points. A valid system should not allow zoning practice and exceptions in an agricultural zone to allow conversion of additional prime soils. Zoning practices should not set precedent to subvert the purpose of a zone, but the new LESA does just that.

A third issue is that nature often does not spread the same soil types across a particular site. The new SA instrument attempts to compensate for this characteristic by using a percentage designation to support “best” prime soils. Many times in the past, the “best” soils have been jeopardized by the presence of soils in lower classifications. But, many times those lesser soils have been prime soils to be protected in the federal perspective and a percentage tactic would not be necessary if the attempt to utilize a “best of the best” category were to be abandoned. Prime soils combined with other prime soil are still prime soils worthy of protection for the future of the nation. In short, the use of the “best prime” strategy actually is an impediment to the validity of the SA instrument.

A fourth issue relates to definitions of agriculture used in the new SA. The authors of the SA have provided some definitions related to “agriculture” that might give some indication of what endeavor is to be preserved:

AGRICULTURE: 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....

If the majority of this definition is used to review the new SA to determine the “content validity” of the SA, it immediately becomes apparent that the new SA fails to consider the breadth of agricultural practice listed. The SA fails content validity in this respect.

The definition continues ...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. Now if the federal purpose of including supportive enterprises in the considerations of the SA are considered, grain evelvaor and the additional items should not be excluded as they are in the new County LESA. These exclusions also present problems with particular items that I will identify shortly.

With these general issues in mind, I will undertake a review of the new SA item by item.

Item number 1. Size of the site under consideration. The rationale for selecting 25 acres for a full amount of points is the preponderance of row crop agriculture. This is a bias that taints the whole questionnaire and is a misconception of even row crop production. First, many row crop farmers rent land for their efforts, and often enough this includes parcels less than 25 acres. Taking 25 acres from the corn and bean production of the county diminishes the income of that type of farming. And second, non-row crop approaches to farming, fruit and truck or vegetable crops, floriculture, horticulture., mushroom growing, orchards, as well as timberlands often can be conducted on parcels of less than 25 acres. It should then be noted that such enterprises are often more profitable per acre than row crop farming and that often community based agriculture propagates economic benefits widely through multiplication throughout the community. It is a threat to validity to include such an acreage scale as judgment against preservation.

Item number 2 a. Best prime soils. The Federal legislation considers the preservation of prime soils to be a national imperative. The LESA of the past (failing to result in consequential validity) has not protected the “best prime” soils targeted by speculators for conversions or annexations by communities. In Champaign County it now is apparent that “sprawl” and “rural residential intrusions are not desirable as both impair agriculture as a significant economic contribution to the county.

And I do not expect that even this new SA can accomplish much in limiting the arguments for “needed” expansion. There are few who recognize the fact that Champaign County food production is becoming more and more critical for the national balance of trade today and even more tomorrow for world food supply (in some estimates a time span of the next 25 years will be critical). In brief, this also is a critical time for the practitioners of sprawl to compare their short term “wants” to the long term needs of the remainder of this century that can be met through agriculture.

An additional note about Item 2 b and c. The way in which parts of the item are phrased allows assignment of points with a contradictory outcome. Under 2b(1), 15% of a 170 acre parcel gives zero points for 25+ acres of “best prime” soils in contradiction to Item 1. The addition of 15% (Item 2b (1)) when in reference to “larger parcels” allows a quite variable size for no points in protection of even “best prime” soils. With 15% of a 300 acre parent tract, zero points are allowed for 45 acres and so on. The addition of 2c makes it possible that some “prime” soils could obtain preservation points under similar conditions to the zero point examples for “best prime” above. That negates the supposed purpose of a “best” classification. This whole item is quite a muddle.

Item 3. Contiguous Urban Growth Area. Since the Federal legislation has the intent of preserving prime soils, and since much of the land that is included in a CUGA designation in Champaign County is “best” prime farmland, and further since changes that take place within a CUGA could have implications for the viability of agriculture in that area as well as beyond the CUGA, I suggest that the County should not simply ignore the implication of conversions in those locations. In fact, the Federal use of LESA for federal purposes included selecting alternative sites for activities. Proposing alternatives could be a County function in review of CUGA conversions. For the County to avoid voicing concerns and support for preservation of prime soils even within the mile and half etj and diminishes the consequential validity of the new LESA.

Item 4. Perimeter in Agriculture. While this item might seem to be reasonable in protection of agriculture--more points are assigned to a subject site that is surrounded by parcels with the principal use of agriculture--would not added protection be a manner of preserving good soils when they are under threat of encroachment? This item actually surrenders protection to sprawl. Further, some of what will be considered encroachment will in some cases actually be supports for agriculture--exclude therefrom industrial operations such as a grain elevator, cannng or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. These two phrases are counter to preserving good soils and supporting the viability of agriculture.

Item 5. Distance to city or village limits. This item is based on a misconception of general conditions in the county. There are as many as twelve “villages” in Champaign County that are without “CUGA” areas and have farmland right up to their borders. Many of those “villages” provide services for their agricultural neighbors such as elevators, equipment and supplies. For the neighboring farmer those are perks.

Beyond the row crop perspective, proximity to a “village” could be an ideal locations for community-based fruit and vegetable agricultural enterprise. Such endeavors are included in the definitional components of the proposed LESA.

Item 6. Percentage of site in production. This item includes the assumption that only land in production is worth protection. At times lands not in production have important agricultural purposes.

Woodlands require a “plan” of some sort--land being used productively, such as woodlands for which there is a plan for managing the timber. This ignores the utility of wooded areas for other purposes than direct production of a wood product. In addition there is a federal suggestion that a site is located within a context and that impact of conversion on neighboring properties is important. Conversion of some “inactive” sites could jeopardize the viability of nearby lands.

Added through definition is assumption that farm dwellings include 35 acres of land. It is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise. Documentation of the veracity of the 35 acre assumption has not been included in any materials presented to the LESA Committee. The burden of contradiction to this assumption is placed upon property owners who may not be informed of such a necessity. It certainly is not a fair assumption even if there is a public hearing involved.

Item 7. AG1, AG2 and CR land. Giving points for zone types within a mile of a site is complicated by the nature of county zoning boundaries. Zones are established to allow compatible activity and disallow uses that are not compatible. It is almost inevitable that some locations in a zone can be closer than a mile to an incompatible

zone or a municipality/village/town/unincorporated settlement. This jeopardy should have no standing in conversion decisions. Boundary locations should not detract from the purposes allowed in a zone.

Item 8. Agricultural use within one mile. The critique of this item could include comments that I have made for previous items--

However, in addition, there are a variety of nonagricultural conditions within one mile that do not impair agriculture and do not provide necessary and sufficient reason to deduct points from support of agricultural endeavor. For example, there are conditions allowed even in AG1 areas. Schools, churches, and hospitals and rural residential overlays can be present in AG1 areas, all resulting in diminishing points. If conversions have been allowed under zoning procedure in a rural zone, there should be no consequence for the remaining farmland.

9. Ten non-farm dwellings. A number of non-farm dwellings may have been allowed through an appropriate zoning process. A number of non-farm dwellings may have been created under by-right conditions. A number of non-farm dwellings may be established in a different zone. A number of non-farm dwellings may have been created under rural residential overlay procedures. A number of non-farm dwellings may be associated with an unincorporated settlement. A number of non-farm dwellings without 35 acres that may actually belong to farmers who are not aware that they need to notify zoning officials of that status. A number of non-farm dwellings may have existed for years. If dwellings have been allowed under zoning procedures those dwellings should not be counted against the preservation of prime farmland.

There is no provision in the instructions for Item 9 that allow such contrary characterizations to be discovered to disallow a count of 10.

10. Livestock Management Facilities. This item is not written from an agricultural point of view. In order to obtain maximum "protective" points, prime soils need to be located in proximity to one of the few locations (the LESA Committee were told that there were 4 facilities of 400 or more) in the county. In other words, the chances of

receiving the maximum number of points are small. That scoring condition, then, is actually a penalty for lands farther away than a mile.

Facilities with fewer animals and fewer points were added late in the development process as b) and c) with no discussion of their frequency. In some cases, the presence of 50 animals might only be a transient activity and not a long term endeavor. So even the few points allowed might infrequently be applied in protection of prime soils.

In sum

The ten items are flawed in these ways. They have little little or nothing to do with preserving prime farmland or assuring the viability of agriculture. In technical terms, while they appear to be related to agriculture they do not have content or consequential validity. They do not do the job they purport to do.

Reliability

Reliability has a number of aspects. Internal to the SA, the contradictions and inconsistencies that I have included in the discussion of validity are also threats to reliability. For example, the same parcel of land can be scored in a number of different ways based on different possible answers in Items 1 and 2. Or, the muddle in determining ten neighboring houses could lead to different counts at different times or by different persons acting with different diligence.

There are intra-rater and inter-rater reliabilities. There is the reliability of a single rater over time. There is the reliability of different raters either at the same time for the same site, or at different times for different sites with similar aspects. Each variety is important for consistency.

While there is some assurance by Mr. Hall, there is no evidence provided that establishes reliability for the proposed LESA.

A reference to a public comment by Mr. Hall is pertinent here. In one of the LESA committee meetings, Mr. Hall told of using different soil

types to “game” the system so that “development” could take place. Now if Mr. Hall provides the same game to every application for conversion there could be appearance of intra-rater reliability. But if a new Zoning Administrator is not aware of “gaming” and does not play the same game, longitudinal and inter-rater reliability would not be possible. Mr. Hall’s “game” possibly negates the validity of the SA as it diminishes preservation of prime soils. And with the flaws I have identified in Item 2, validity and reliability will continue to be tenuous. In the light of “gaming” I doubt that validity and reliability can, even through technical studies, be assured at all.

Field Testing

These concerns are significant and not trivial. I suggest that they are sufficiently significant as to warrant a completely new LESA effort. Yet, if my concerns are set aside and ignored, I have a final suggestion. A well constructed field test should be conducted prior to approval and adoption of the new LESA. Approval prior to a fair “concurrent” validity check could institutionalize a faulty instrument.

It would be a standard tactic to compare the new LESA to an accepted existing instrument. As the present LESA has not been constructed with due diligence, and the new LESA has items that are virtually identical to items in the old LESA, it would not be advisable to use side-by-side results of the two as justification. Nevertheless, a comparison might provide interesting observations while more might be added: Another independent instrument designed to identify desirable plots of prime farmland and conditions that are important to the viability of agriculture would provide the most important comparison of results. (Attached is a possible instrument currently under construction.)

Three instruments then can be applied to a set of real world sites to be considered for conversion. A portion of those sites could be locations already brought to the ZBA with decisions made based on the existing LESA. An independent “team” would apply the new LESA and another independent “team” would apply the alternate instrument. The resulting three sets of information could be compared by yet another “team” charged with making a judgment for each case related to preservation and viability. An additional number of sites could be added by continuing the study in

application to new conversion requests during the next year. A final decision to adopt or reject could better be made at that time.

Comparative Score Sheet for Test Site # 1

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors	Score	Proposed LESA Site Assessment Factors	Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	17	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #1

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	8	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # 1

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site #1

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	0
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # 1

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors		
	Score		Score	
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15	
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	16	
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0	
	Total SA	131	Total SA	176
	Total LE	95	Total LE	95
	Total LESA	226	Total LESA	271
Assessing a Site for Agricultural Viability		Rating for Protection		
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection	
200-219	High Rating for Protection	226-250	High Rating for Protection	
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection	
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection	

Comparative Score Sheet for Test Site # 2

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	0	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	NA
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	8	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	NA
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	0	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	NA
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #2

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	0	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	NA
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	0	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	2	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	4
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	2	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # 2

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors	Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)	
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)	
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)	
F. Environmental Impact of Proposed Use and Zoning Change				
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable	
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	

Comparative Score Sheet for Test Site #2

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	∅

Comparative Score Sheet for Test Site # 2

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	NA
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	NA
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	NA
	Total SA	44	Total SA
	Total LE	87	Total LE
	Total LESA	131	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

Comparative Score Sheet for Test Site # 4

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	12	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	NA
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	16	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	NA
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	8	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	NA
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #4

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	∅	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	NA
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	∅	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # 4

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	4	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		

Comparative Score Sheet for Test Site #4

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	0

Comparative Score Sheet for Test Site # 4

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	NA
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	NA
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	NA
	Total SA	82	Total SA
	Total LE	100	Total LE
	Total LESA	182	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site # 7

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	18	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #7

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	15
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # 7

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors	Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
F. Environmental Impact of Proposed Use and Zoning Change				
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	4	Nothing Comparable	
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	

Comparative Score Sheet for Test Site #7

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # 7

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	16
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0
	Total SA 140		Total SA 186
	Total LE 93		Total LE 93
	Total LESA 233		Total LESA 279
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site # 8

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	18	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #8

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	10
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	2	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	6
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # 8

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	4	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site #8

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # 8

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	0
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	16
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	4
	Total SA	136	Total SA 156
	Total LE	88	Total LE 88
	Total LESA	224	Total LESA 244
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

Comparative Score Sheet for Test Site #10

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	18	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #10

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	<i>Nothing Comparable</i> (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	15
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	<i>Nothing Comparable</i>	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	8	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	<i>Nothing Comparable</i>	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	<i>Nothing Comparable</i>	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	<i>Nothing Comparable</i> (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #10

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	4	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site #10

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #10

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	20
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0
	Total SA 144		Total SA 190
	Total LE 91		Total LE 91
	Total LESA 235		Total LESA 281
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site #11

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors	Score	Proposed LESA Site Assessment Factors	Score
<p>A. Agricultural Land Uses</p> <p>1. Percentage of Area in Agricultural Uses within one and one-half miles of Site.</p> <p>90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points</p>	16	<p>8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)</p>	18
<p>2. Land Use Adjacent to Site.</p> <p>All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points</p>	16	<p>4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)</p>	6
<p>3. Percentage of Site in or Suitable for Agricultural Uses.</p> <p>75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points</p>	10	<p><i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)</p>	
<p>B. Zoning and Prior Governmental Actions</p>			
<p>1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site.</p> <p>90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points</p>	10	<p>7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)</p>	10
<p>2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation.</p> <p>90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points</p>	10	<p><i>Nothing Comparable</i></p>	

Comparative Score Sheet for Test Site #11

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	6	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	4	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	8
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #11

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
<u>F. Environmental Impact of Proposed Use and Zoning Change</u>					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	∅	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		

Comparative Score Sheet for Test Site #11

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June 8, 2012

Existing LESA System Site Assessment Factors	Score	Proposed LESA Site Assessment Factors	Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	0
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	0
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #11

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	11
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	4
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	4
	Total SA 112		Total SA 146
	Total LE 76		Total LE 76
	Total LESA 188		Total LESA 222
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site #13

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	17	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	18
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #13

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	10
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #13

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June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	4	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site #13

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June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #13

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June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors		
	Score		Score	
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15	
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	20	
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0	
	Total SA	139	Total SA	183
	Total LE	100	Total LE	100
	Total LESA	239	Total LESA	283
Assessing a Site for Agricultural Viability		Rating for Protection		
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection	
200-219	High Rating for Protection	226-250	High Rating for Protection	
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection	
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection	

Comparative Score Sheet for Test Site #14

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	18	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #14

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	10
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	4	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	8
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #14

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June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors	Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
F. Environmental Impact of Proposed Use and Zoning Change				
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable	
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable	

Comparative Score Sheet for Test Site #14

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #14

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June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors		
	Score		Score	
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15	
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	18	
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0	
	Total SA	134	Total SA	171
	Total LE	97	Total LE	97
	Total LESA	231	Total LESA	268
Assessing a Site for Agricultural Viability		Rating for Protection		
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection	
200-219	High Rating for Protection	226-250	High Rating for Protection	
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection	
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection	

Comparative Score Sheet for Test Site #16

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	18	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #16

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	8	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	6	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #16

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
<u>F. Environmental Impact of Proposed Use and Zoning Change</u>					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site #16

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #16

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	16
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0
	Total SA	132	Total SA
	Total LE	100	Total LE
	Total LESA	232	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

Comparative Score Sheet for Test Site #17

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	16	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	18
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	17	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	18
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site #17

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	10	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	10
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	2	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	6
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site #17

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
		Score	Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	10	Nothing Comparable (but see Factor 3 regarding the CUGA)
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)
F. Environmental Impact of Proposed Use and Zoning Change			
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable

Comparative Score Sheet for Test Site #17

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	0
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site #17

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	14
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	0
	Total SA 129		Total SA 141
	Total LE 97		Total LE 97
	Total LESA 226		Total LESA 250
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site # A

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	12	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	14
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	12	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	10
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site # A

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	<i>Nothing Comparable</i> (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	6	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	<i>Nothing Comparable</i>	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	<i>Nothing Comparable</i>	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	<i>Nothing Comparable</i>	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	<i>Nothing Comparable</i> (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # A

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	4	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site # A

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors	Score	Proposed LESA Site Assessment Factors	Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	0
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	0
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # A

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	12
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	4
	Total SA	114	Total SA
	Total LE	81	Total LE
	Total LESA	195	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300 Very High Rating for Protection		251-300 Very High Rating for Protection	
200-219 High Rating for Protection		226-250 High Rating for Protection	
180-199 Moderate Rating for Protection		151-225 Moderate Rating for Protection	
179 or below Low Rating for Protection		150 or below Low Rating for Protection	

Comparative Score Sheet for Test Site # B

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	12	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	14
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	16	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	14
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site # B

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	8	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	4	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	8
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	6	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # B

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
F. Environmental Impact of Proposed Use and Zoning Change					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	0	Nothing Comparable		

Comparative Score Sheet for Test Site # B

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # B

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	12
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	2
	Total SA	116	Total SA
	Total LE	89	Total LE
	Total LESA	205	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

Comparative Score Sheet for Test Site # C

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	18	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	20
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	16	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	20
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	10	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	10
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site # C

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	8	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	5
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	6	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	10
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	6	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # C

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	8	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	0	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
<u>F. Environmental Impact of Proposed Use and Zoning Change</u>					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		

Comparative Score Sheet for Test Site # C

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	0	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	10
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	40

Comparative Score Sheet for Test Site # C

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	15
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	12
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	2
	Total SA		Total SA
	120		174
	Total LE		Total LE
	89		89
	Total LESA		Total LESA
	209		263
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

Comparative Score Sheet for Test Site # D

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
A. Agricultural Land Uses			
1. Percentage of Area in Agricultural Uses within one and one-half miles of Site. 90% or more 18 points 75% to 89% 16 points 50% to 74% 12 points 25% to 49% 8 points Less than 25% 0 points	16	8. Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of area up to a maximum of 20 points; 0 for none)	NA
2. Land Use Adjacent to Site. All sides in Agricultural use 18 points 1 side in NON-Agricultural use 16 points 2 sides in NON-Agricultural use 12 points 3 sides in NON-Agricultural use 8 points All sides in NON-Agricultural use 0 points	16	4. Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture (if subject site is 51% Best Prime or 51% Prime Farmland only consider parcels with principal use of agriculture that existed on April 12, 2011) (Scoring: assign 2 points per each 10 percent of perimeter up to a maximum of 20 points; 0 for none)	NA
3. Percentage of Site in or Suitable for Agricultural Uses. 75% to 100% 10 points 50% to 74% 8 points 25% to 49% 6 points 10% to 24% 4 points 0 to 9% 0 points	10	<i>Nothing Exactly Comparable</i> (but see Factor 6 regarding agricultural production in any of the last 5 years)	
B. Zoning and Prior Governmental Actions			
1. Percentage of land zoned AG-1, Agriculture, AG-2, Agriculture and /or CR, Conservation Recreation within 1.5 miles of Site. 90% or more 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points Less than 25% 0 points	8	7. Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation Recreation within 1 mile of subject site. (Scoring: assign 1 point per each 10 percent of perimeter up to a maximum of 10 points; 0 for none)	NA
2. Percentage of Site zoned AG-1, Agriculture, AG-2, Agriculture or CR, Conservation-Recreation. 90% to 100% 10 points 75% to 89% 8 points 50% to 74% 6 points 25% to 49% 4 points 24% or less 0 points	10	<i>Nothing Comparable</i>	

Comparative Score Sheet for Test Site # D

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
3. Have prior governmental actions committed site to development? No 10 points Partially 6 points Yes 0 points	6	Nothing Comparable (but see Factor 3 regarding the CUGA)	
C. Compatibility/Impact of Uses.			
1. Distance from City or Village Corporate Limits. More than 1.5 miles 10 points 1 to 1.49 miles 8 points .5 to .99 miles 6 points .25 to .49 miles 4 points 0 to .24 miles 2 points Adjacent 0 points	4	5. Distance from the subject site to the nearest city or village limits. More than 3.00 miles 15 points 1.51 to 3.00 miles 10 points Within 1.50 miles 5 points Adjacent 0 points	NA
2. Compatibility of proposed use and zoning change with surrounding Agricultural Uses. Incompatible 10 points Somewhat incompatible 6 points Compatible 0 points	6	Nothing Comparable	
D. Land Use Feasibility			
1. Size of Site Feasible for Farming. 100 Acres or more 8 points 40 to 99 acres 6 points 20 to 39 acres 4 points 5 to 19 acres 2 points Under 5 acres 0 points	4	1. What size is the subject site? More than 25 acres 10 points 20.1 to 25.0 acres 8 points 15.1 to 20.0 acres 6 points 10.1 to 15.0 acres 4 points 5.01 to 10.0 acres 2 points 5 acres or less 0 points	8
2. Soil Limitations for Proposed Use and Proposed Zoning Change. Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	8	Nothing Comparable	
3. Alternative Sites proposed on less productive land; or Need for additional land. (8 points)	0	Nothing Comparable	
E. Existence of Infrastructure			
1. Availability of Central Sewage System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)	

Comparative Score Sheet for Test Site # D

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Score	Proposed LESA Site Assessment Factors		Score
2.	Availability of Central Water System. More than 1.5 miles 10 points .75 to 1.49 miles 8 points .5 to .74 miles 6 points .25 to .49 miles 4 points 200 feet to .24 miles 2 points 200 feet or less (or onsite) 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
3.	Transportation. •(major) Inadequate; more than 1.5 miles from corporate limits 10 points •(minor) Inadequate; more than 1.5 miles from corporate limits 8 points •Adequate; more than 1.5 miles from corporate limits 6 points •(major) Inadequate; within 1.5 miles from corporate limits 4 points •(minor) Inadequate; within 1.5 miles from corporate limits 2 points •Adequate; within 1.5 miles from corporate limits 0 points	∅	Nothing Comparable (but see Factor 3 regarding the CUGA)		
4.	Distance of site from fire protection service. Not in FPD 10 points In FPD, > 5.0 miles from station 8 points 2.5 to 5.0 miles- volunteer 6 points 0 to 2.49 miles- volunteer 4 points 2.5 to 5.0 miles- paid 2 points 0 to 2.49 miles- paid 0 points	4	Nothing Comparable (but see Factor 3 regarding the CUGA)		
<u>F. Environmental Impact of Proposed Use and Zoning Change</u>					
1.	Impact on Flooding/Drainage Negative Impact 6 points Some Impact 4 points Little or none with protective measures 2 points None 0 points	2	Nothing Comparable		
2.	Impact on historic, cultural, unique or important vegetation areas, or other areas of ecological importance. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		
3.	Impact on recreation and open spaces. Negative Impact 6 points Some Impact 4 points No Impact 0 points	∅	Nothing Comparable		

Comparative Score Sheet for Test Site # D

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June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
4. Impact on Water Quality Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
5. Impact on Water Supply Severe 10 points Moderate to Severe 8 points Moderate 6 points Slight to Moderate 4 points Slight 0 points	∅	Nothing Comparable	
Nothing Comparable		2a. Is the subject site Best Prime Farmland? Yes 30 points No 0 points Note: for purpose of comparison use the proposed definition of best prime farmland	30
Nothing Comparable		2b. If the subject site is Best Prime Farmland, is the subject site more than 15% of a larger parcel that existed on January 1, 2004; or is the subject site larger than 25 acres? Yes 10 points (No 0 points)	∅
Nothing Comparable		2c. If the subject site is not Best Prime Farmland but is at least 51% Prime Farmland is the subject site larger than 25 acres; or is the subject site part of a larger parcel that existed on April 11, 2011, with a total area for the subject site and all other portions of the larger parcel converted to non-agricultural use since April 12, 2011, more than 25 acres? Yes 10 points (No 0 points)	NA
Nothing Comparable (but see Factors B.3. and E.1., E.2., E.3., E.4.)		3. Is the subject site located within the Contiguous Urban Growth Area? Yes* 0 points No 40 points *if Yes skip SA Factors 4- 10	∅

Comparative Score Sheet for Test Site # D

DRAFT

June 8, 2012

Existing LESA System Site Assessment Factors		Proposed LESA Site Assessment Factors	
	Score		Score
Nothing Comparable		6. The highest percentage of the subject site in agricultural production in any of the last 5 years. 80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points Less than 20% 0 points	NA
Nothing Comparable		9. What is the distance from the subject site to the nearest 10 non-farm dwellings? More than 1.00 mile 20 points 0.76 to 1.00 mile 18 points 0.51 to 0.75 mile 16 points 0.26 to 0.50 mile 14 points 0.01 to 0.25 mile 12 points Adjacent 0 points	NA
Nothing Comparable		10. How close is the subject site to a known livestock management facility of: a) 400 or more animal units? Adjacent to 0.25 mile 10 points 0.26 to 0.50 mile 9 points 0.51 to 0.75 mile 8 points 0.76 to 1.00 mile 7 More than 1.00 mile NA ; OR b) 200 – 399 animal units?; or Adjacent to 0.25 mile 7 points 0.26 to 0.50 mile 6 points 0.51 to 0.75 mile 5 points 0.76 to 1.00 mile 4 points More than 1.00 mile NA;OR c) 50 -199 animal units? Adjacent to 0.25 mile 4 points 0.26 to 0.50 mile 3 points 0.51 to 0.75 mile 2 points 0.76 to 1.00 mile 1 point More than 1.00 mile 0 point	NA
	Total SA	102	Total SA
	Total LE	96	Total LE
	Total LESA	198	Total LESA
Assessing a Site for Agricultural Viability		Rating for Protection	
220-300	Very High Rating for Protection	251-300	Very High Rating for Protection
200-219	High Rating for Protection	226-250	High Rating for Protection
180-199	Moderate Rating for Protection	151-225	Moderate Rating for Protection
179 or below	Low Rating for Protection	150 or below	Low Rating for Protection

