

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **March 28, 2013**
Time: **6:30 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
5. Continued Public Hearings
6. New Public Hearings

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

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

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

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

*** Case 739-V-12** Petitioner: **David and Kathy Reineke**

Request: **Authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.11 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.**

Location: **Lot 5 of Hedgerows of Bloomfield (Phase 1) Subdivision and an adjacent 2.11 acre parcel in the Northwest Quarter of the Northeast Quarter of Section 8 of Mahomet Township and commonly known as the home at 155 CR 2300N, Mahomet.**

Case 743-AT-12 Petitioner: **Champaign County Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:
Part A. Revise Section 9.1.9 as follows:**

1. **Authorize County Board approved variances as authorized in Section 13**
2. **Require Findings for County Board approved variances.**
3. **Authorize conditions for County Board approved variances**
4. **Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
MARCH 28, 2013**

Case 743-AT-12 cont:

Part B. Revise Section 13 as follows:

- 1. Add “or the Governing Body” after each use of “Board”**
- 2. Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.**

Part C.

Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

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

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

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

7. Staff Report
8. Other Business
 - A. Review of Docket
 - B. April 11, 2013, Special Meeting at 7:00 p.m. in John Dimit Meeting Room
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

CASE NO. 739-V-12

PRELIMINARY MEMORANDUM

March 22, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioner: **David and Kathy Reineke**

Site Area: **4.11 acres (total)**

Time Schedule for Development: **Existing**

Request: **Authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.11 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.**

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

(217) 384-3708

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Location: **Lot 5 of Hedgerows of Bloomville (Phase 1) Subdivision and an adjacent 2.11 acre parcel in the Northwest Quarter of the Northeast Quarter of Section 8 of Mahomet Township and commonly known as the home at 155 CR 2300N, Mahomet.**

BACKGROUND

The petitioners own one lot that was lawfully created and is within a recorded subdivision (Lot 5 of Hedgerows of Bloomfield Phase 1), and an adjacent tract of land that was not lawfully created prior to the petitioner's purchase, and that tract is in violation of the Village of Mahomet subdivision regulations.

The variance is necessary because the petitioner seeks to combine the lot and the tract into one tax parcel. When the lot and the adjacent tract are combined the subject property will be approximately 4.11 acres in area which will exceed the maximum lot size of three acres on best prime farmland.

Lot 5 of the Hedgerows of Bloomville (Phase One) Subdivision consists primarily of Flanagan silt loam soils (relative value 100) and a small amount of Varna silt loam (relative value 77) and is considered best prime farmland with a Land Evaluation Score of 97. A home was authorized on this property by ZUPA No. 261-92-01 prior to being platted in 1998. No part of this lot is in agricultural production.

The unauthorized 2.11 acre tract consists of Varna silt loam (relative value 77) and a very small amount of (less than .21 acre, or 10% of the tract) Flanagan silt loam (relative value 100) and is not considered best prime farmland with a Land Evaluation Score of 77. It appears that this tract is not in agricultural production.

If the variance is approved the petitioner will have to file a minor subdivision plat with the Village of Mahomet to correct the violation and the issuance of the variance from the County will enable the petitioner to combine the two into a single lawful lot. In a phone conversation with Bob Mahrt, Village Planner, Village of Mahomet, Mr. Mahrt indicated to staff that the Village is supportive of the requested variance.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet. 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	AG-1 Agriculture
North	Residential	AG-1 Agriculture
	----- Agriculture	
East	Residential	AG-1 Agriculture
West	Residential	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS

- A. The petitioner shall file an application for subdivision approval with the Village of Mahomet within 30 days after final action of Case 739-V-12.**

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

That the petitioner files an application for subdivision approval in a timely manner.

- B. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.**

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

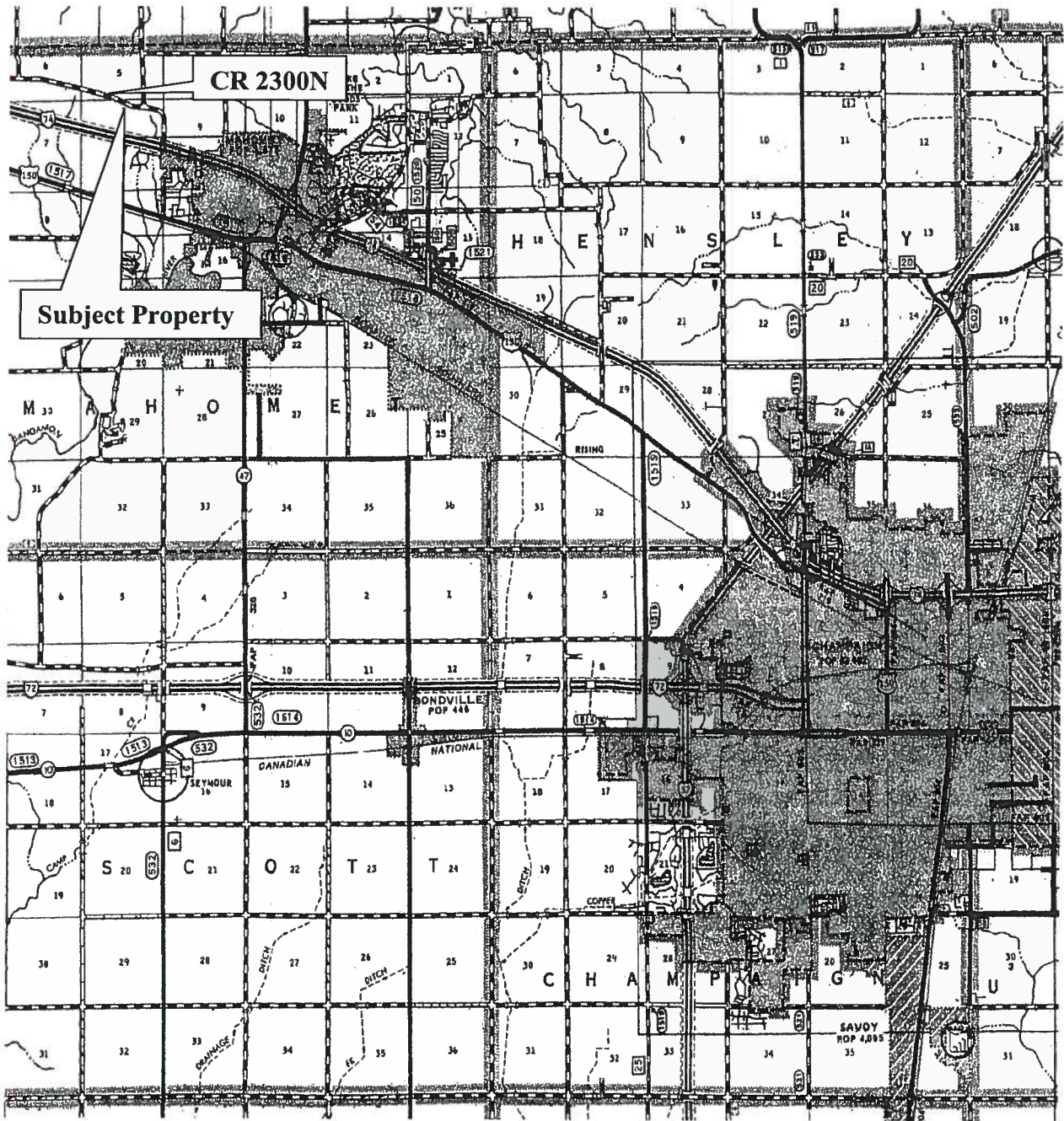
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received December 11, 2012
- C Annotated ZUPA No. 261-92-01 Site Plan
- D Petition of Support received March 14, 2013
- E Draft Summary of Evidence, Finding of Fact, and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP

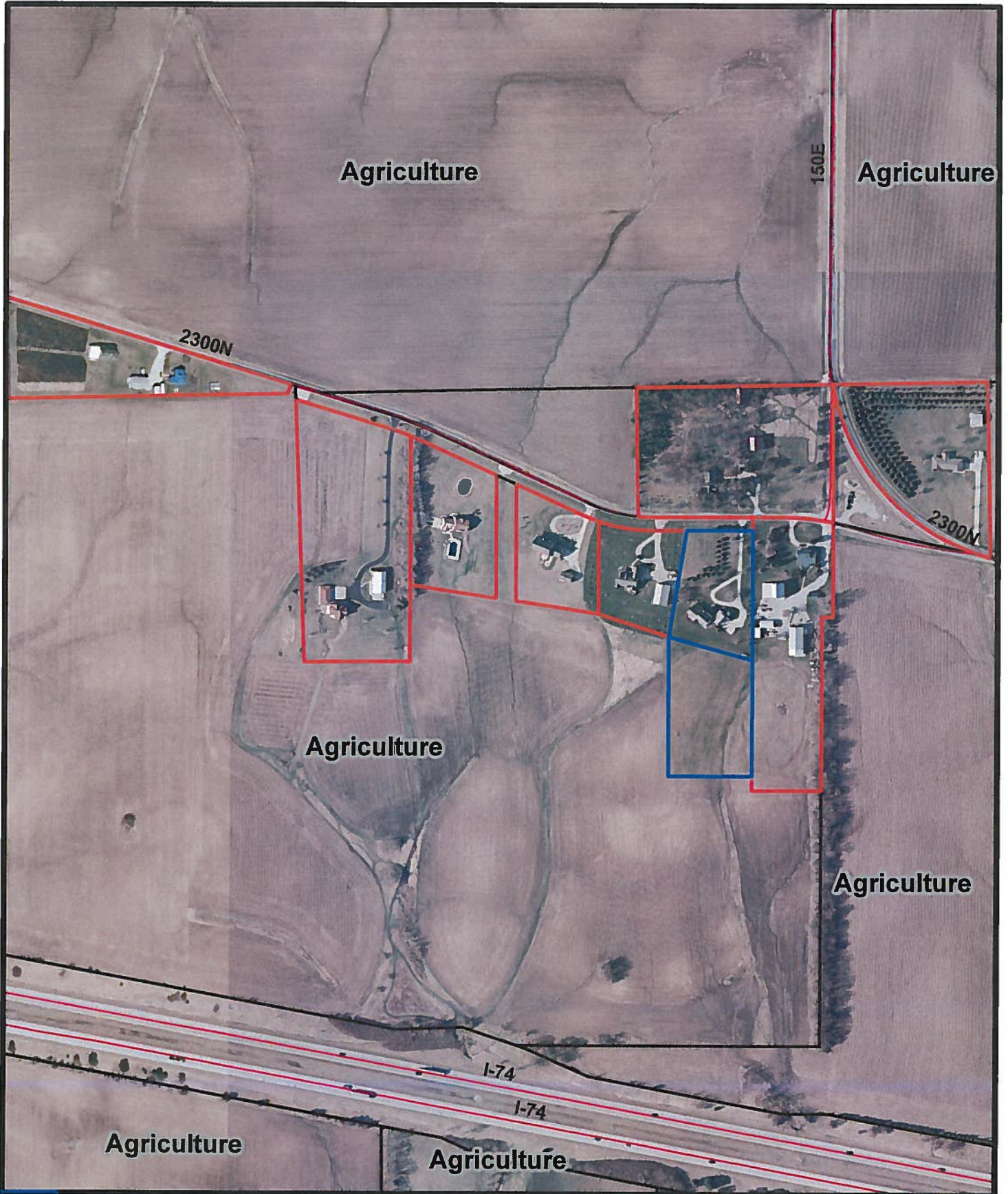
Case 739-V-12


March 22, 2013



Champaign
County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 739-V-12
March 22, 2013



-  Subject Property
-  Single Family Dwelling

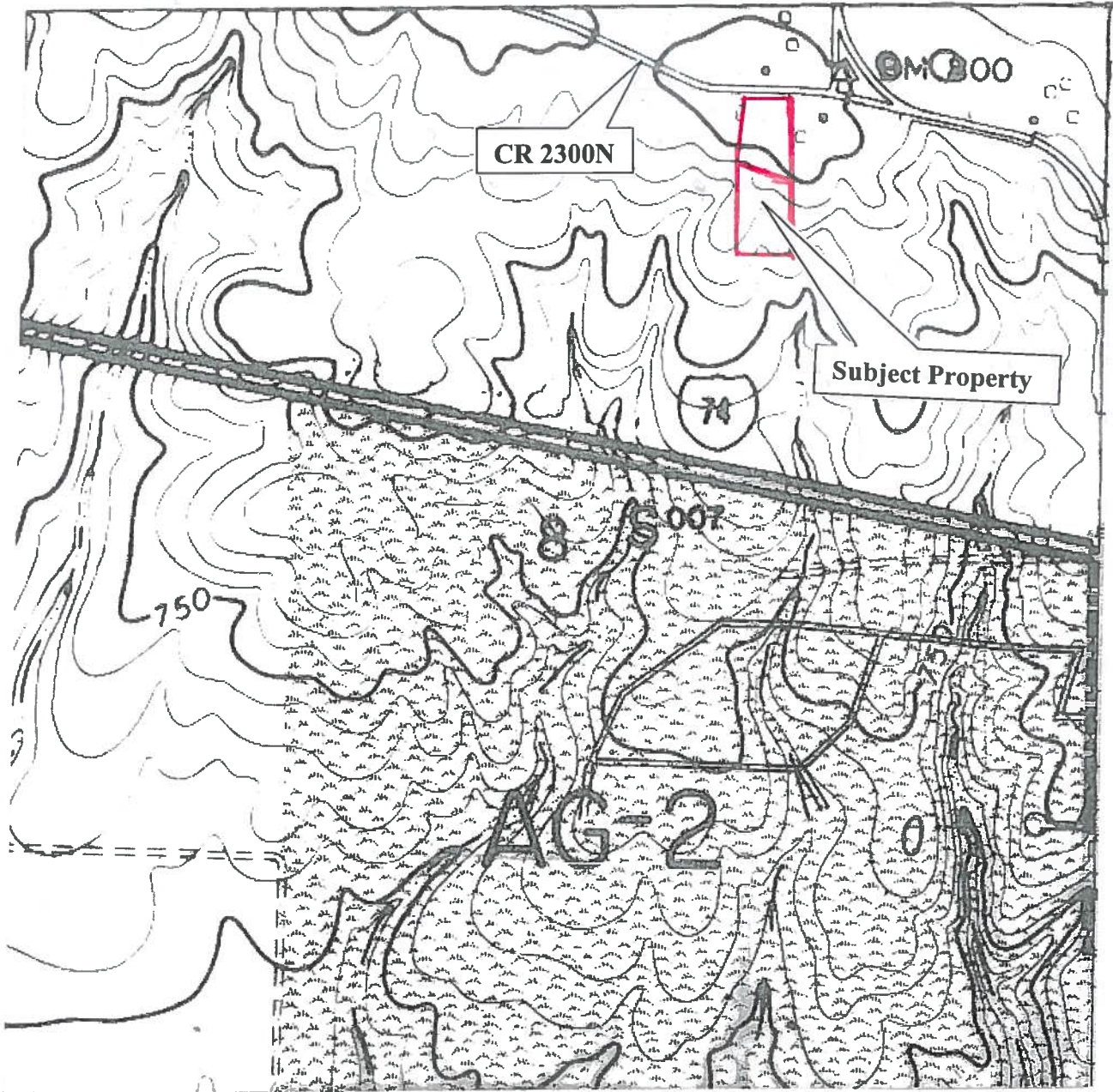
1 inch = 400 feet



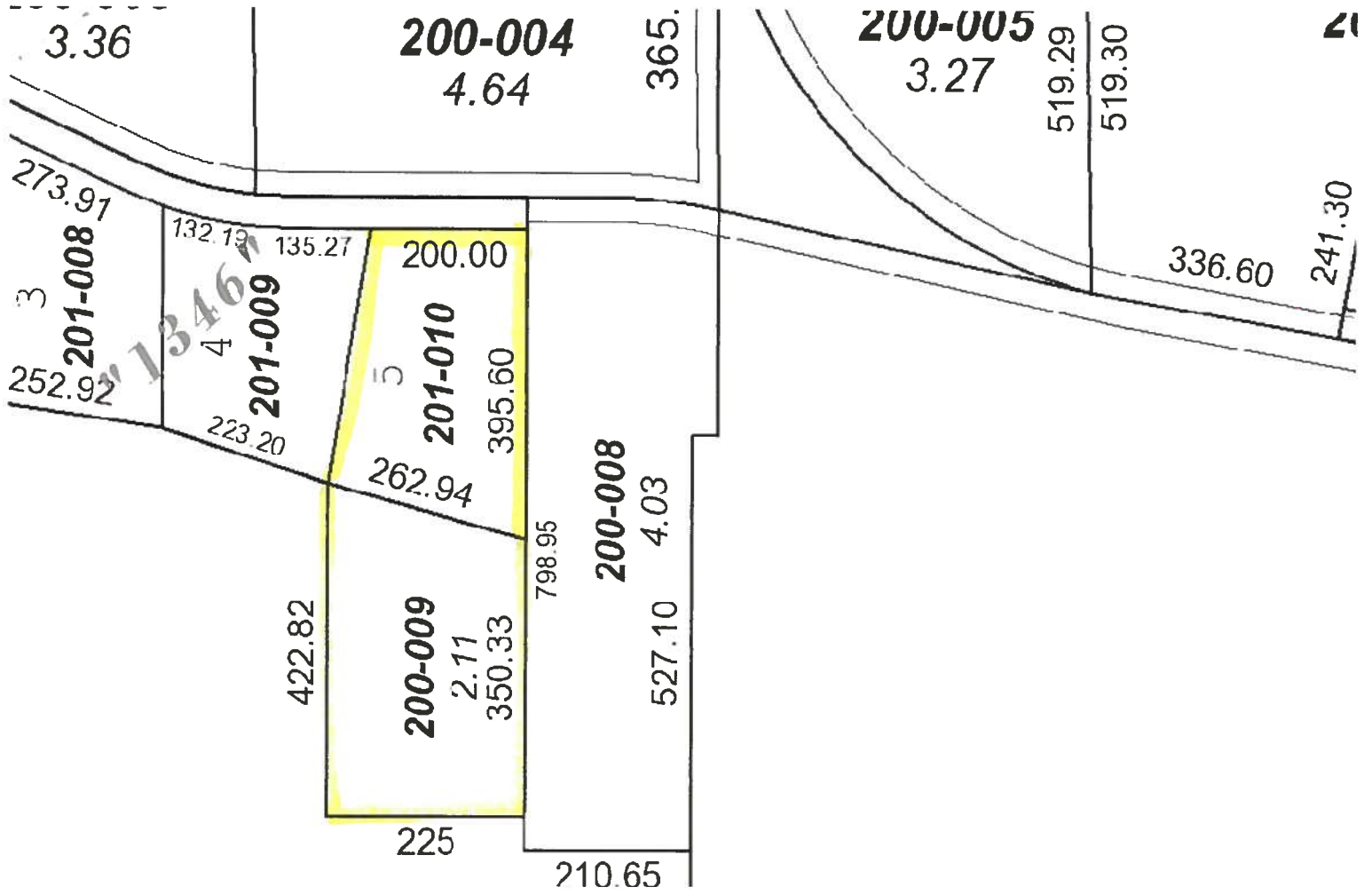
ATTACHMENT A. ZONING MAP

Case: 739-V-12

March 22, 2013



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



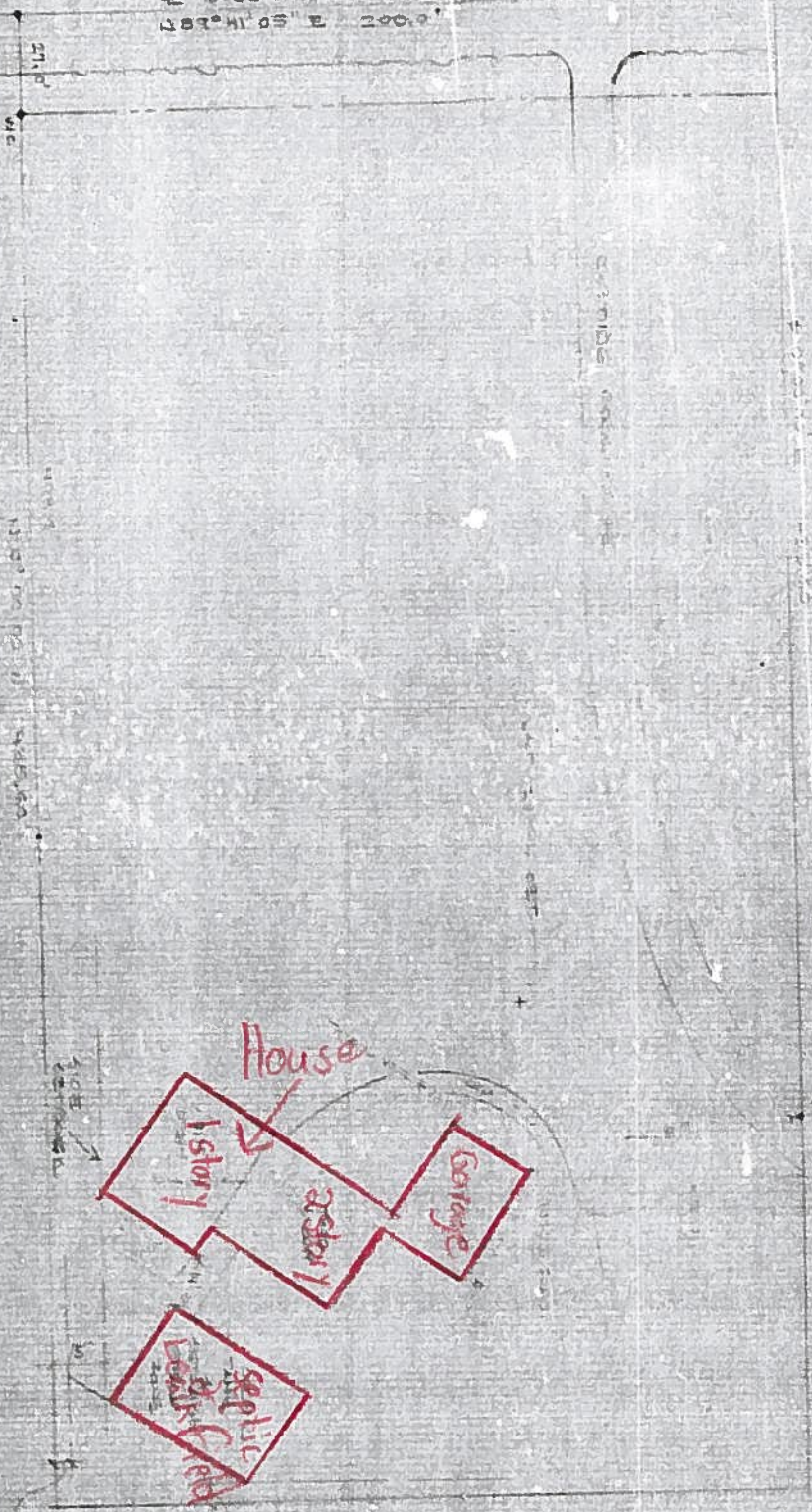
RECEIVED

DEC 11 2012

CHAMPAIGN CO. P & Z DEPARTMENT

E ROOMINGTON ROAD
N89°41'05" E 200.0'

North



W. J. BERTER CONSTRUCTION
1000 E. ROOMINGTON LANE
MADISON, ILLINOIS 61704



ZUPA No. 261-92-01
Site Plan (Annotated)

TITLE	SEPTIC TANK
DATE	10/1/92
BY	W. J. BERTER
CHECKED BY	
APPROVED BY	
SCALE	
PROJECT NO.	
CLIENT	
ADDRESS	
CITY	
STATE	
COUNTY	
ZONING	
PERMIT NO.	
ISSUE DATE	
EXPIRES	
REVISIONS	

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

Dave and Kathy Reineke Parcel Variance Request

Dave and Kathy Reineke are seeking to combine their two adjoining parcels together to correct a situation that occurred at the purchase of the property ten years ago. As an adjoining neighbor I support their desire to correct this and see no negative effects to the neighborhood.

	<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1)	Michael Rowns		157 CR 2300N	3/13/13
2)	Mary Severinghaus Cathy Dallas		169 CR 200N	3/13/13
3)	Doug + Cathy Dallas		149 CR 2300N	3/13/13
4)	Grandma Carla Brown THOMAS BROWN CARLA BROWN		141 Co. Rd. 2300 N	3/13/13

RECEIVED
 MAR 14 2013
 CHAMPAIGN CO. P & Z DEPARTMENT

PRELIMINARY DRAFT

739-V-12

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

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

Date: **March 28, 2013**

Petitioners: **David & Kathy Reineke**

Request: Authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.11 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.

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SUMMARY OF EVIDENCE

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

1. The petitioners David and Kathy Reineke own the subject property.
2. The subject property consists of Lot 5 of Hedgerows of Bloomville (Phase 1) Subdivision and an adjacent 2.11 acre parcel in the Northwest Quarter of the Northeast Quarter of Section 8 of Mahomet Township and commonly known as the home at 155 CR 2300N, Mahomet.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights regarding variances, and are not notified of such cases. In a phone conversation with Bob Mahrt, Village Planner, Village of Mahomet, Mr. Mahrt indicated to staff that the Village is supportive of the requested variance.

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 AG-1 Agriculture, and is in residential use.
 - B. Land to the north is zoned AG-1 Agriculture, and is in residential and agricultural use.
 - C. Land to the east is zoned AG-1 Agriculture, and is in residential use.
 - D. Land to the west is zoned AG-1 Agriculture, and is in residential use.
 - E. Land to the south is zoned AG-1 Agriculture, and is in agricultural use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The subject property is approximately 4.11 acres in total, with Lot 2 being approximately 2 acres and the adjacent parcel being 2.11 acres.
 - B. The Site Plan received December 11, 2012, indicates the dimensions of Lot 5 and the dimensions of the adjacent 2.11 acre parcel.
 - C. The existing home on Lot 5 was authorized by ZUPA No. 261-92-01 and the approved site plan for the permit indicates a 3,054 square feet home with an attached garage and the location of the septic tank and leach field.

- D. The requested variance is to authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres that is not best prime farmland to create a 4.11 acre lot that will remain best prime farmland, in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.

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) "AREA, LOT" is the total area within the LOT LINES.
 - (2) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
 - (3) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (4) "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.
 - (5) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (6) "DWELLING UNIT" is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.

PRELIMINARY DRAFT

- (7) “DWELLING, SINGLE FAMILY” is a DWELLING containing one DWELLING UNIT.
- (8) “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.
- (9) “LOT DEPTH” is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
- (10) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (11) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE. In the case of a triangular or gore shaped lot or where the lot comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at a maximum distance from the FRONT LOT LINE or said tangent.
- (12) “LOT LINES” are the lines bounding a LOT.
- (13) “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.
- (14) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (15) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (16) “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.

- H. 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.
- I. Section 5.3 of the *Zoning Ordinance* establishes the minimum LOT AREA in the CR Zoning District as 1 acre and the minimum AVERAGE LOT WIDTH of 200 feet.
- J. Paragraph 8.1.2 of the *Zoning Ordinance* establishes that once two or more contiguous LOTS or combination of LOTS and portions of LOTS which individually do not meet any dimensional, geometric, LOT ACCESS or other standards are brought into common ownership the LOTS involved shall be considered to be a single LOT for the purpose of this ordinance. No portion of said LOT shall be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.
- K. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

PRELIMINARY DRAFT

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, **“The lot is within the 1.5 mile jurisdiction of Mahomet. They have reviewed and approved the request for a variance. The land slopes between 4 and 6 percent, has 2 waterways that transect it and is difficult to farm.”**
 - B. Regarding the soils on the proposed subject property and the conversion of best prime farmland:
 - (1) Existing Lot 5 has an LE score of 97 and is considered best prime farmland. The adjacent 2.11 acre parcel, if considered individually, is not best prime farmland because it has an LE score of 77 and does not consists of at least 10% AG Value Groups 1, 2, 3, or 4 soils. The addition of the 2.11 acre parcel would not be consuming any additional best prime farmland.
 - (2) The proposed subject property will have a Land Evaluation (LE) score of 87, but would be considered best prime farmland overall because approximately 44% of the subject property would consist of Flanagan silt loam (relative value 100). The remaining portion of the subject property consists of Varna silt loam (relative value 76).

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, **“Land is currently not in conformance with zoning ordinance. Presently the land is completely unusable to me but by joining it to my residential lot it will permit me to use the land for a garage in the future if needed. The land is being taxed as a separate lot but no building rights exist for it.**
 - B. Without the proposed variance the petitioner could not pursue approval for a minor subdivision with the Village of Mahomet. The minor subdivision will correct a long-standing violation regarding the unauthorized creation of the adjacent 2.11 acre parcel.
 - C. The petitioner is proposing to add 2.11 acres that are not best prime farmland, but the petitioner is not proposing to actually use any additional best prime farmland. There is no limit on the amount of non-best prime farmland that can be use for a lot.

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, the acreage was purchased with the residence in 2002. The original sale and title were reviewed by my attorney prior to the purchase and no issues arose. I recently became aware that the additional acreage was an illegal lot and not in conformance with what I thought I had purchased.”**
 - B. The petitioners, David and Kathy Reineke, are not proposing to use any more best prime farmland than was used to create the original Lot 5 of the Hedgerows of Bloomfield Subdivision.

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, **“A variance is required to make property compliant and to correct what I thought I legally purchased in 2002. Currently the land is not saleable. The lot adjacent to my acreage is of similar size.”**
 - B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773.
 - C. The proposed lot area of 4.11 acres is 137% of the required 3 acre maximum for a variance of 37%. However, the actual amount of best prime farmland that is proposed to be used will not increase. The adjacent 2.11 acre parcel if considered individually would not be best prime farmland because it has an LE score of 77 and does not consists of at least 10% AG Value Groups 1, 2, 3, or 4 soils. The addition of the 2.11 acre parcel would not be consuming any additional best prime farmland.
 - D. The requested variance is not prohibited by the *Zoning Ordinance*

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

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:

PRELIMINARY DRAFT

- A. The Petitioner has testified on the application: **“I have discussed the variance request with all adjacent landowners and each of them supports this request. The ground is not currently in production. Granting the variance will have no impact on road use, need for utilities, or require and use of additional emergency services.”**
- 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. On March 14, 2013, the petitioner submitted a petition of support for the requested variance signed by adjoining neighbors as follows:
 - (1) Michael Rounds, 157 CR 2300N, Mahomet
 - (2) Mary Severinghaus, 1469 CR 2300N, Mahomet
 - (3) Doug and Cathy Dallas, 149 CR 2300N, Mahomet
 - (4) Thomas and Carla Brown, 141 CR 2300N, Mahomet
- E. The subject property is within the 1½ mile extra-territorial jurisdiction of the Village of Mahomet. A minor subdivision with the Village will be required to combine the two parcels into one lot. In a phone conversation with Bob Mahrt, Village Planner, Village of Mahomet, on March 21, 2013, Mr. Mahrt indicated to staff that the Village is in support of the requested variance.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. **The petitioner shall file an application for subdivision approval with the Village of Mahomet within 30 days after final action of Case 739-V-12.**

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

That the petitioner files an application for subdivision approval in a timely manner.

- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the petitioner has received subdivision approval from the Village of Mahomet.**

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

That the proposed lot expansion is in compliance with the Village of Mahomet subdivision regulations.

DOCUMENTS OF RECORD

1. Variance Application received on December 11, 2012, with attachments:
 - A Answer Sheet
 - B Site Plan
 - B Warranty Deed and Legal Description
 - B Warranty Deed and Legal Description

2. Petition of Support received March 14, 2013

3. Preliminary Memorandum dated March 22, 2013 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received December 11, 2012
 - C ZUPA No. 261-92-01 Site Plan
 - D Petition of Support received March 14, 2013
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 739-V-12 held on **March 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE 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: _____

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 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 739-V-12 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioners **David & Kathy Reineke** to authorize the expansion of an existing 2 acre lot that consists of best prime farmland by an addition of 2.11 acres to create a 4.11 acre lot in lieu of the maximum lot size of 3 acres on best prime farmland in the AG-1 District.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

CASE NO. 743-AT-13

PRELIMINARY MEMORANDUM

March 22, 2013

Petitioner: **Zoning Administrator**

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

Champaign
County
Department of

**PLANNING &
ZONING**

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise Section 9.1.9 as follows:

1. Authorize County Board approved variances as authorized in Section 13
2. Require Findings for County Board approved variances
3. Authorize conditions for County Board approved variances
4. Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

Part B. Revise Section 13 as follows:

1. Add "or the Governing Body" after each use of "Board"
2. Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a **VARIANCE** from the requirement for compliance with the municipal **SUBDIVISION** regulations may be considered by the **GOVERNING BODY**.

Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

BACKGROUND

For background information please see Attachment A.

ATTACHMENTS

- A Memo to the Environmental and Land Use Committee dated February 26, 2013, with attachments:
 - A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance
 - B Proposed Amendment to Section 13 of the Zoning Ordinance
 - C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance
- B LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- C Draft Finding of Fact and Final Determination (included separately)

Champaign County
Department of

**PLANNING &
ZONING**

To: **Environment and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**

Date: **February 26, 2013**

Request: **Request approval to proceed with a public hearing for a Zoning Ordinance Text Amendment to Allow Variances from Municipal Subdivision Regulations for Rural Water District Water Treatment Plant and Related Facilities**

Brookens Administrative
Center

1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

The Board recently approved map amendment Case 717-AM-12 authorizing an expansion of the AG-2 Agriculture Zoning District to allow for the expansion of the Sangamon Valley Public Water District treatment plant located at 709 North Prairieview Road, Mahomet. The Board approved that map amendment even though the Village of Mahomet had made a formal protest.

Based on testimony and other evidence in Case 717-AM-12 and the related Cases 718-S-12 and 717-V-12, the Village required annexation as part of the plat approval for the property and the Water District was opposed to annexation because it feared that annexation could eventually result in the Water District being dissolved and its facilities taken into the Village water services. The Water District was very clear that it was not opposed in principal to plat approval.

During the consideration of Case 717-AM-12 and the related zoning cases it was made clear that Section 13 of the Zoning Ordinance required compliance with municipal subdivision regulations and paragraph 9.1.9 B. of the Ordinance prohibited any variance from that requirement.

Today the Water District and the Village appear no closer to a compromise regarding annexation and the deadline nears for the Water District expansion.

This amendment proposes to authorize the County Board to approve a variance from the requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality in exactly similar instances but only if the municipality will not consider plat approval without the requirement for annexation.

If the amendment is adopted and if the Water District would apply for and be granted such a variance, the amendment would allow a Zoning Use Permit to be approved for construction of the new plant. The Water District could then construct the plant expansion in full conformance with the County Zoning Ordinance and the Village would have the right to pursue enforcement of its subdivision regulations.

The effect of the amendment is to relieve the County of municipal subdivision regulation enforcement responsibilities but only in very limited cases:

Zoning Administrator
FEBRUARY 26, 2013

- (1) only in cases involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district; and
- (2) only when the requirement for annexation is a requirement for plat approval by a municipality that has its own water treatment plant and related facilities; and
- (3) only when no plat approval shall be considered without the requirement for annexation.

OVERVIEW OF PROPOSED AMENDMENT

The amendment directly affects Section 9.1.9 and Section 13 of the Zoning Ordinance as follows:

1. Section 9.1.9 is proposed to be amended to allow for County Board (the Ordinance already defines “Governing Body” as the Champaign County Board) approval of this specific kind of variance as follows (see Attachment A):
 - a. “GOVERNING BODY” is added to paragraphs 9.1.9 A., C., D, and E.
 - b. A new paragraph 9.1.9 F. is added that provides for protest of a County Board approved variance by any township with a planning commission, as authorized by state law.
2. Section 13 of the Zoning Ordinance is proposed to be amended by adding this specific exception to subparagraph 13.2.1A.4.a. (see Attachment B).

The proposed amendment also includes a long overdue amendment to Section 9.2.2 explaining the effect of township protest rights on map amendments for townships with planning commissions (see Attachment C). This part of the amendment is long overdue.

MUNICIPAL PROTESTS LIKELY

This proposed amendment is likely to be protested by all County municipalities but a protest from even one municipality will trigger the supermajority requirement for approval.

NO STATE’S ATTORNEY REVIEW YET

Because of the deadline faced by Sangamon Valley Public Water District related to the Water Treatment Plant expansion and other zoning related issues that the State’s Attorney has been working on, this proposed amendment has been forwarded to ELUC without the benefit of prior State’s Attorney review. If the proposed amendment is authorized to proceed to a public hearing there will be State’s Attorney review in as timely a manner as possible.

ATTACHMENTS

- A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**
- B Proposed Amendment to Section 13 of the Zoning Ordinance**
- C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance**

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

9.1.9 VARIANCES

A. Table of VARIANCE Classifications and Presiding Authority

VARIANCE Classification	Presiding Authority
<p>ADMINISTRATIVE VARIANCE:</p> <p>Deviation of 10 percent or less from regulation or standard of this ordinance related to the location of STRUCTURES or to bulk requirements</p>	<p>May be authorized by the Zoning Administrator in accordance with Section 9.1.10</p>
<p>Minor VARIANCE:</p> <p>Contested ADMINISTRATIVE VARIANCE</p> <p>Deviation of 10 percent or less from numerical regulations or standard of this ordinance not related to the location of STRUCTURES or to bulk requirements</p> <p>Deviation of more than 10 percent but not exceeding 25 percent from numerical regulation or standard of this ordinance</p>	<p>May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5B and the requirements of this Section.</p>
<p>Major VARIANCE:</p> <p>Deviation exceeding 25 percent from numerical regulation or standard of this ordinance.</p> <p>Waiver from nonnumerical regulation or standard of this ordinance.</p> <p>Deviation from numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i>.</p> <p>Waiver from nonnumerical regulations or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i>.</p>	<p>May be granted by the BOARD in accordance with the requirements of this Section.</p>
<p><u>County Board VARIANCE:</u></p> <p><u>Any VARIANCE authorized by Section 13.</u></p>	<p><u>May be granted by the GOVERNING BODY in accordance with the requirements of this Section.</u></p>

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

B. Prohibited VARIANCES

At no time shall the BOARD, ~~or~~ the Hearing Office or the GOVERNING BODY grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance except as authorized in Section 13.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section ~~14.2.1-13.2.1.~~
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY 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 zoning 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;

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

- 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 this 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. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.
- D. Findings
1. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
 2. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.
- E. Conditions
1. In granting any VARIANCE, the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.
- F. Action of the GOVERNING BODY
1. In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

Attachment B Proposed Amendment to Section 13 of the Zoning Ordinance

**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 or the GOVERNING BODY 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 except for the following:
 - a. The requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities or a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when the municipality has it's own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

Attachment B Proposed Amendment to Section 13 of the Zoning Ordinance

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 except as provided for in 13.2.1A.4.a.
- 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.

Attachment B Proposed Amendment to Section 9.2.2 of the Zoning Ordinance

9.2.2 Action of the GOVERNING BODY

- A. In case of a written protest against any such action:
1. signed by the OWNER or OWNERS of at least 20% of the land to be rezoned; or
 2. signed by the OWNER or OWNERS of land immediately touching, or immediately across the street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned; and filed with the County Clerk, such action shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- B. In the case of a written protest against any such action concerning the alteration of the Zoning classifications of land which lies within one and one-half miles of the limits of a ZONED MUNICIPALITY such written protest signed and acknowledged by the city/village council or president and board of trustees of a ZONED MUNICIPALITY nearest adjacent, and filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- C. In the case of a written protest against any such text amendment or map amendment affecting an unincorporated area of a township with a plan commission, the township board of trustees shall submit its written objections to the GOVERNING BODY within 30 days after the public hearing at the Zoning Board of Appeals, and such amendment shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

PRELIMINARY DRAFT

743-AT-13

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: March 28, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise Section 9.1.9 as follows:

1. Authorize County Board approved variances as authorized in Section 13
2. Require Findings for County Board approved variances
3. Authorize conditions for County Board approved variances
4. Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

Part B. Revise Section 13 as follows:

1. Add "or the Governing Body" after each use of "Board"
2. Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

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FINDING OF FACT

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

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to relieve the County of municipal subdivision regulation enforcement in instances only related to the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominantly rural water district when the requirement for annexation is a requirement for plat approval by a municipality that has its own water treatment plant and related facilities and when no plat approval shall be considered without the requirement for annexation. The amendment will also provide the effect of a township protest for those with planning commissions for map amendments and County Board authorized variances.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

- B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

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

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

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

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

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

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

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

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

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

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

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

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

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

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

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

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

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

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

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

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

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

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

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

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

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

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

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

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

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

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

PRELIMINARY DRAFT

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

PRELIMINARY DRAFT

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is directly related to this purpose because the amendment will allow the County to authorize construction of water treatment plants and related facilities for rural water districts if the proposed construction is in full compliance with County zoning, while also relieving the County from enforcement of municipal subdivision regulations in those instances where annexation is a requirement and the proposed construction is compliant with all other aspects of municipal subdivision requirements.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- 17. The proposed text amendment will **IMPROVE** the text of the Zoning Ordinance because it will provide:
 - A. The County Board with the ability to authorize a variance from the Section 13 requirement of compliance with municipal subdivision regulations.
 - B. The Zoning Administrator the ability to authorize a Zoning Use Permit for the expansion and/or construction of a water treatment plant or related facility that is predominantly owned and operated by a rural water district if the proposed use is in compliance with County zoning regulations.
 - C. Relief from County enforcement of municipal subdivision regulations, but will still allow a municipality to enforce their regulations.
 - D. Clarify the effect of a township protest for a township with a planning commission for map amendments and for County Board authorized variances.

SUMMARY FINDING OF FACT

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

1. The proposed text amendment will ***NOT IMPEDE*** the Land Resource Management Plan because of the following:
 - A. The proposed text amendment will ***NOT IMPEDE*** the following LRMP goal(s):
 - **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 4 Agriculture**
 - **Goal 5 Urban Land Use**
 - **Goal 6 Public Health and Public Safety**
 - **Goal 7 Transportation**
 - **Goal 8 Natural Resources**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
2. The proposed amendment ***HELPS ACHIEVE*** the purpose of the **Zoning Ordinance** as follows:
 - Fixes regulations and standards to which buildings, structures, or uses therein shall conform. (Purpose 2.0 (k) see Item 16.K.)
3. The proposed text improvement will ***IMPROVE*** the **Zoning Ordinance** as follows:
 - Allows the County Board to authorize a variance from the Section 13 requirement of compliance with municipal subdivision regulations.
 - Allows the Zoning Administrator to authorize a Zoning Use Permit for the expansion and/or construction of a water treatment plant or related facility that is predominantly owned and operated by a rural water district if the proposed use is in compliance with County zoning regulations.
 - Provides relief from County enforcement of municipal subdivision regulations, but will still allow a municipality to enforce their regulations.
 - Clarify the effect of a township protest by a township with a planning commission for map amendments and for County Board authorized variances.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated March 22, 2013, with attachments:
 - A Memo to the Environmental and Land Use Committee dated February 26, 2013, with attachments:
 - A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance
 - B Proposed Amendment to Section 13 of the Zoning Ordinance
 - C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance
 - B LRMP Land Use Goals, Objectives, and Policies & Appendix
 - C Draft Finding of Fact and Final Determination

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in Case 743-AT-13 should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

9.1.9 VARIANCES

A. Table of VARIANCE Classifications and Presiding Authority

VARIANCE Classification	Presiding Authority
<p>ADMINISTRATIVE VARIANCE:</p> <p>Deviation of 10 percent or less from regulation or standard of this ordinance related to the location of STRUCTURES or to bulk requirements</p>	<p>May be authorized by the Zoning Administrator in accordance with Section 9.1.10</p>
<p>Minor VARIANCE:</p> <p>Contested ADMINISTRATIVE VARIANCE</p> <p>Deviation of 10 percent or less from numerical regulations or standard of this ordinance not related to the location of STRUCTURES or to bulk requirements</p> <p>Deviation of more than 10 percent but not exceeding 25 percent from numerical regulation or standard of this ordinance</p>	<p>May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5B and the requirements of this Section.</p>
<p>Major VARIANCE:</p> <p>Deviation exceeding 25 percent from numerical regulation or standard of this ordinance.</p> <p>Waiver from nonnumerical regulation or standard of this ordinance.</p> <p>Deviation from numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i>.</p> <p>Waiver from nonnumerical regulations or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i>.</p>	<p>May be granted by the BOARD in accordance with the requirements of this Section.</p>
<p><u>County Board VARIANCE:</u></p> <p><u>Any VARIANCE authorized by Section 13.</u></p>	<p><u>May be granted by the GOVERNING BODY in accordance with the requirements of this Section.</u></p>

B. Prohibited VARIANCES

At no time shall the BOARD, ~~or~~ the Hearing Office or the GOVERNING BODY grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance except as authorized in Section 13.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section ~~14.2.1~~ 13.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY 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 zoning 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 this 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. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.

D. Findings

1. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
2. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.

E. Conditions

1. In granting any VARIANCE, the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

F. Action of the GOVERNING BODY

1. In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

**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 or the GOVERNING BODY 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 except for the following:
 - a. The requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities or a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

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 except as provided for in 13.2.1A.4.a.
- 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.

9.2.2 Action of the GOVERNING BODY

- A. In case of a written protest against any such action:
1. signed by the OWNER or OWNERS of at least 20% of the land to be rezoned; or
 2. signed by the OWNER or OWNERS of land immediately touching, or immediately across the street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned; and filed with the County Clerk, such action shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- B. In the case of a written protest against any such action concerning the alteration of the Zoning classifications of land which lies within one and one-half miles of the limits of a ZONED MUNICIPALITY such written protest signed and acknowledged by the city/village council or president and board of trustees of a ZONED MUNICIPALITY nearest adjacent, and filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- C. In the case of a written protest against any such text amendment or map amendment affecting an unincorporated area of a township with a plan commission, the township board of trustees shall submit its written objections to the GOVERNING BODY within 30 days after the public hearing at the Zoning Board of Appeals, and such amendment shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.



GOALS, OBJECTIVES AND POLICIES

The Goals, Objectives and Policies section details the County's land use and resource management aspirations and outlines how they can be achieved. Goals, objectives and policies are created based on input from the Existing Conditions and Trends section, public comments, examples from other communities, and best planning practices. For purposes of this document, the following definitions were used:

- Goal: an ideal future condition to which the community aspires
- Objective: a tangible, measurable outcome leading to the achievement of a goal
- Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

Background

Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies. The process of finalizing this superseding document occurred over 15 months, and included:

- Research - A sampling of other communities' land use and resource management goals, objectives and policies were collected and analyzed for their relevance to Champaign County's needs.
- Evaluation – Existing Champaign County land use goals and policies were evaluated for their relevance and for what might need to be revised to make them timely.
- Comment – Input from public workshops held in April 2008, a survey of key township and municipal officials, and interviews regarding local adopted municipal comprehensive plans and recent land use development trends provided guidance and perspectives for developing the goals, objectives and policies.
- Development - A draft set of statements for review by the LRMP Steering Committee was created.
- Discussion – In a series of 25 meetings, the LRMP Steering Committee finalized the Goals, Objectives and Policies. Discussion then moved to the Champaign County Board's Environment and Land Use Committee for further revision and approval. All meetings had public involvement opportunities to further guide the final set of statements.

The result of this inclusive and public process is a set of ten goals, 42 objectives, and 100 policies which are intended to guide the Champaign County Board as it manages issues and resources related to land resource management in Champaign County. The Goals, Objectives and Policies are guiding principles rather than regulatory requirements, and are subject to review and amendment by the Champaign County Board as it enacts any legislative decisions or action relating to land resource management in the future.

The specific intent, language, and terminology of the objectives and policies are used to provide clarity and guidance for any related future regulatory changes considered by the County Board. The level of specificity documented is not intended to be binding, but is intended to provide examples of how the LRMP Goals could be addressed and implemented by future county boards.

In May of each year, the County Board adopts the Annual Budget Process Resolution establishing the parameters for the ensuing fiscal year budget. Based on the budgetary guidelines established by the Annual Budget Process Resolution, the Regional Planning Commission planning staff shall present, in June of each year, to the Environment and Land Use Committee (ELUC), options for a work plan for the ensuing fiscal year. The options presented shall be based upon the LRMP and the annual budgetary guidelines as stated above, and shall be submitted for the review and ultimate recommendation for approval by ELUC. ELUC shall establish the priorities to be accomplished in the annual work plan, and recommend approval of that work plan to the County Board no later than the September Meeting of the County Board each year.

The following Purpose Statement introduces the proposed LRMP Goals, Objectives and Policies:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

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

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

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

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

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

Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

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

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a

reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

The County may authorize *discretionary review* development in a *rural* area if the proposed development:

- a. is a type that does not negatively affect agricultural activities; or
- b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and
- c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

Policy 4.2.3

The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 4.2.4

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

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

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

Policy 4.3.5

On *best prime farmland*, the County will authorize a business or other non-residential use only if:

- a. it also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a *rural* area and the site is very well suited to it.

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1.3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

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

Policy 5.1 5

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed *urban development*.

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and

- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers.

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

Policy 8.6.5

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

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

Policy 9.2.1

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

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

APPENDIX 10

DEFINED TERMS ¹

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

- land designated for urban land use on the future land use map of an adopted municipal comprehensive land use plan, intergovernmental plan or special area plan, and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so).
- land to be annexed by a municipality and located within the service area of a public sanitary sewer system with existing sewer service or sewer service planned to be available in the near- to mid-term (over a period of the next five years or so); or
- land surrounded by incorporated land or other urban land within the County.

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

Note 1: These defined terms are additionally provided as an Appendix in Volume 2: Champaign County Land Resource Management Plan

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.

CASE NO. 731-S-12

PRELIMINARY MEMORANDUM

March 22, 2013

Petitioners: **Warner Brothers, Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

Time Schedule for Development: **Under Construction**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

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

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

(217) 384-3708

BACKGROUND

The petitioners request a Special Use Permit to authorize the leasing of storage space for 28% nitrogen fertilizer in the 765,818 gallon storage tank that has been constructed on the subject property. The petitioner's primary intent is to use this tank for their own farm operation, which would not require a Special Use Permit if that was their only intent, but they would like the flexibility to lease out excess storage space to the agricultural community. A 54' x 72' metal building has also been constructed on the subject property that will be utilized for the loading and unloading of the fertilizer as well as the mixing of the fertilizer. The proposed use will be accessed from the adjacent property that is the subject of Case 747-AM-13.

The petitioners have been working with the Illinois Department of Agriculture (IDAG) to ensure that the tank and mixing building meet all IDAG requirements regarding permitting and containment.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning, but Rantoul Township does have a plan commission. Plan commissions do not have protest rights on Special Use Permits, but are notified of such petitions and are welcome to comment.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Commercial	AG-1 Agriculture (proposed B-1 in Case 747-AM-13)

PROPOSED SPECIAL CONDITIONS

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 731-S-12 by the Zoning Board of Appeals .**

The above special condition is required to ensure the following:

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

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner provides documentation of compliance with Illinois Department of Agriculture regulations for fertilizer storage tanks.**

The above special condition is required to ensure the following:

That the proposed use is in compliance with the Illinois Department of Agriculture regulations.

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

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

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

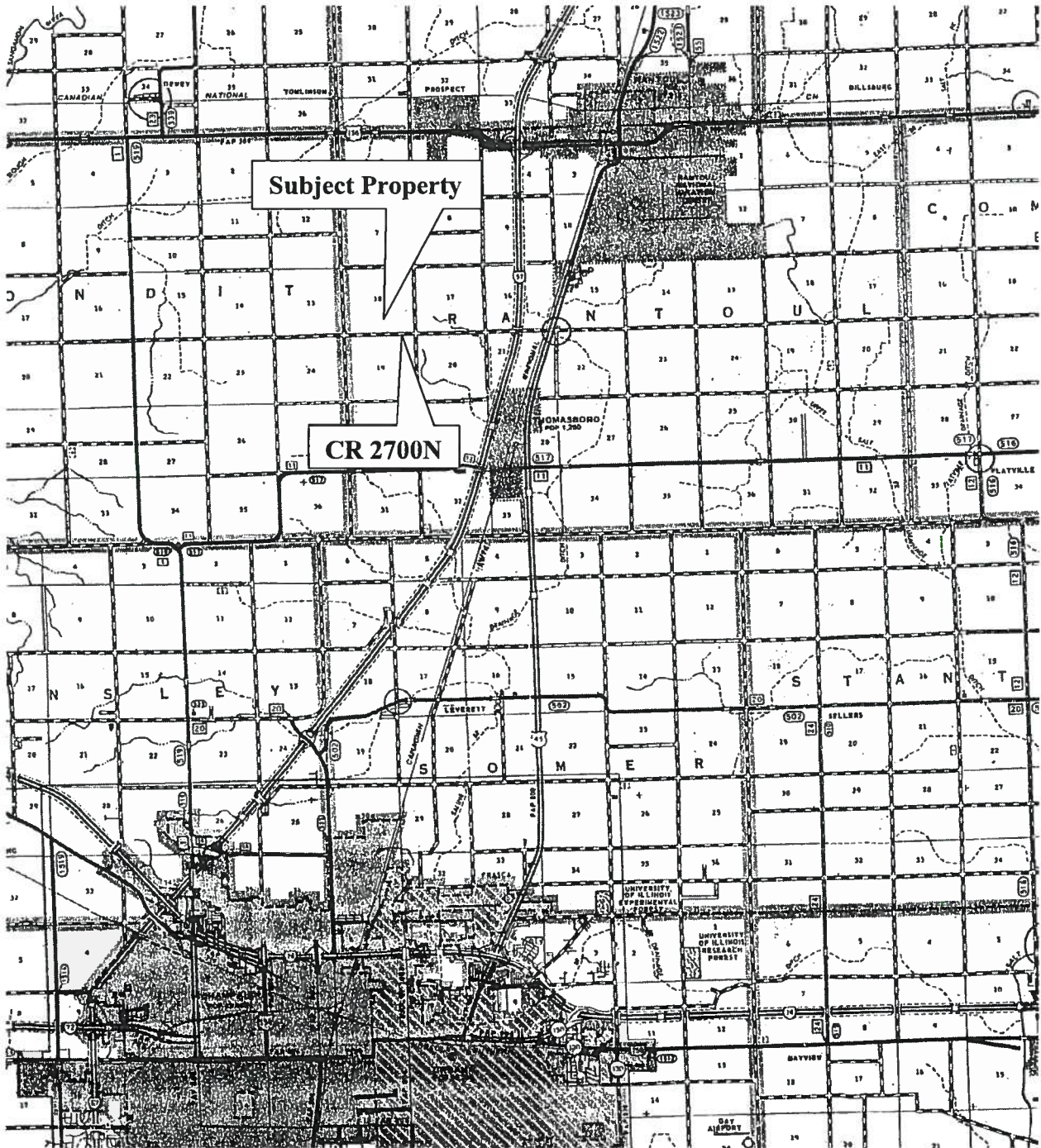
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Plat of Survey received March 21, 2013
- C Building Plans received March 21, 2013
- D Excerpt of Map of Existing Drainage Tile received March 1, 2013
- E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
- F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
- G Letter from Therese Wyman received March 21, 2013
- H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
- I CST Storage Tank Technical Drawings and Specifications received September 5, 2012 (included separately)
- J Site Visit Photos (included separately to only the petitioner and Board members photos will be available on the County website)
- K Draft Summary of Evidence, Finding of Fact, and Final Determination (included separately)

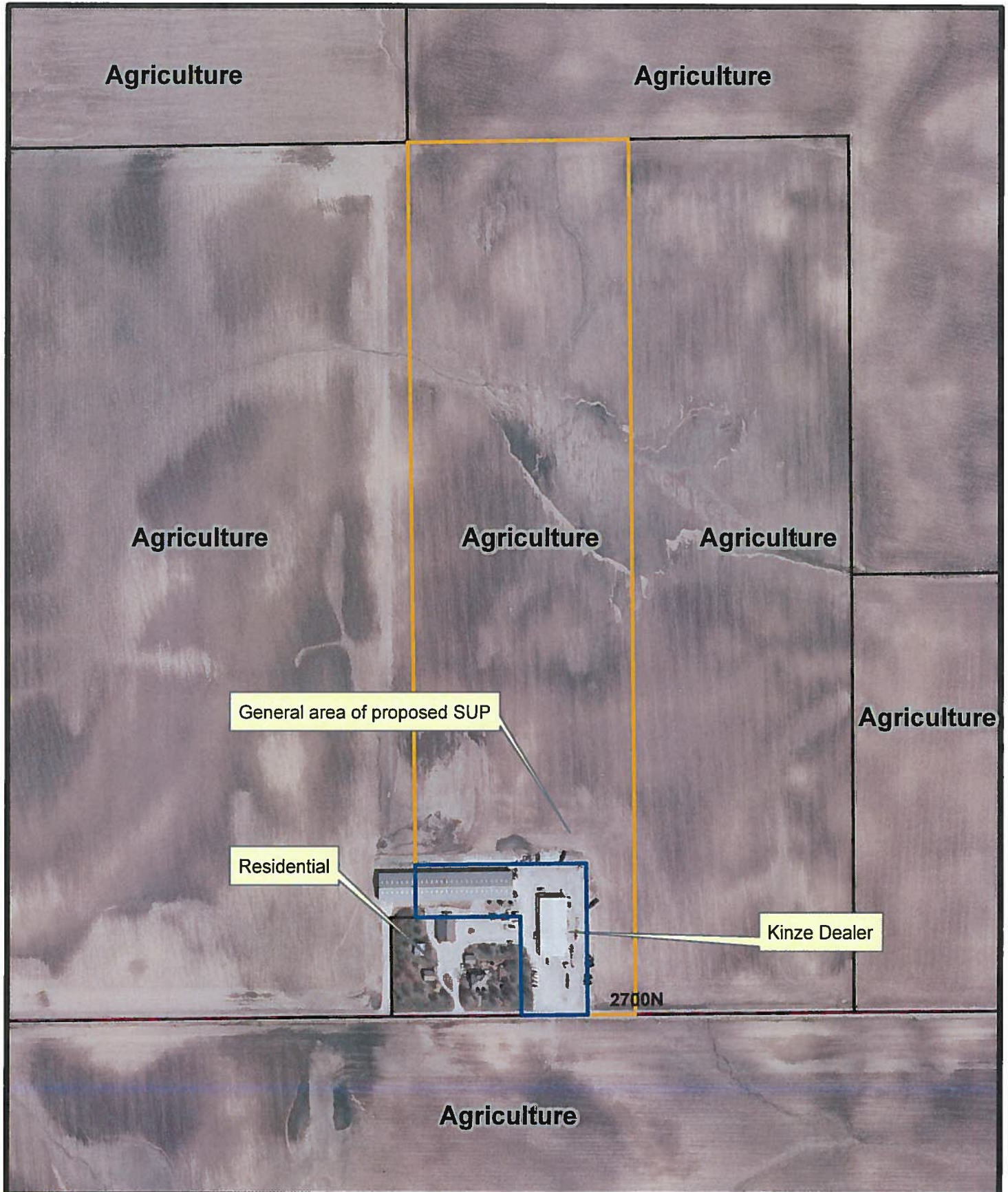
ATTACHMENT A. LOCATION MAP

Case 731-S-12

March 22, 2013



Attachment A: Land Use Map
Case 731-S-12
March 22, 2013





General area of proposed SUP

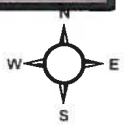
Residential

Kinze Dealer

2700N

-  Case 731-S-12 Subject Property
-  Case 747-AM-13 Subject Property

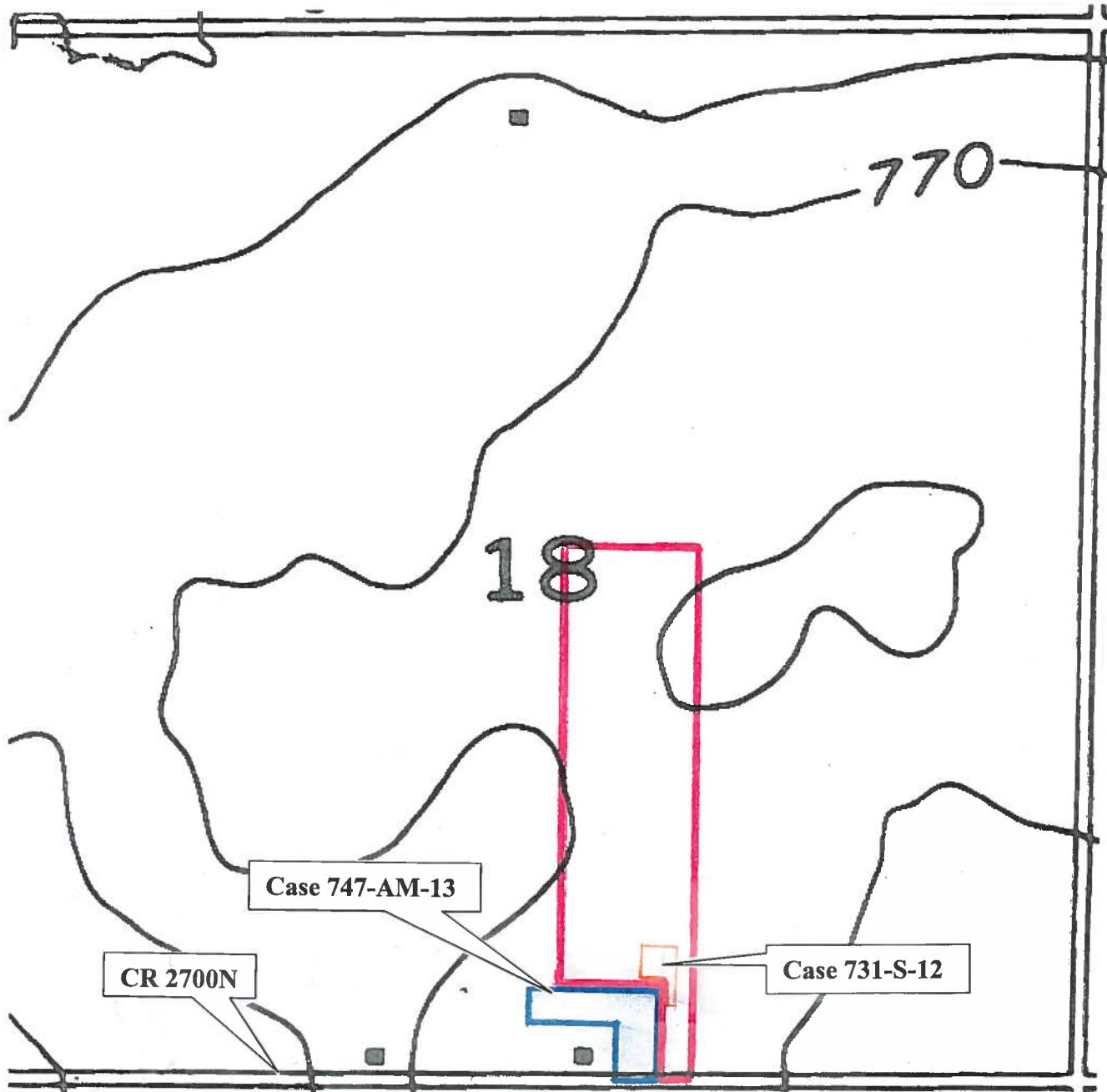
1 inch = 400 feet



ATTACHMENT A. ZONING MAP

Case: 731-S-12

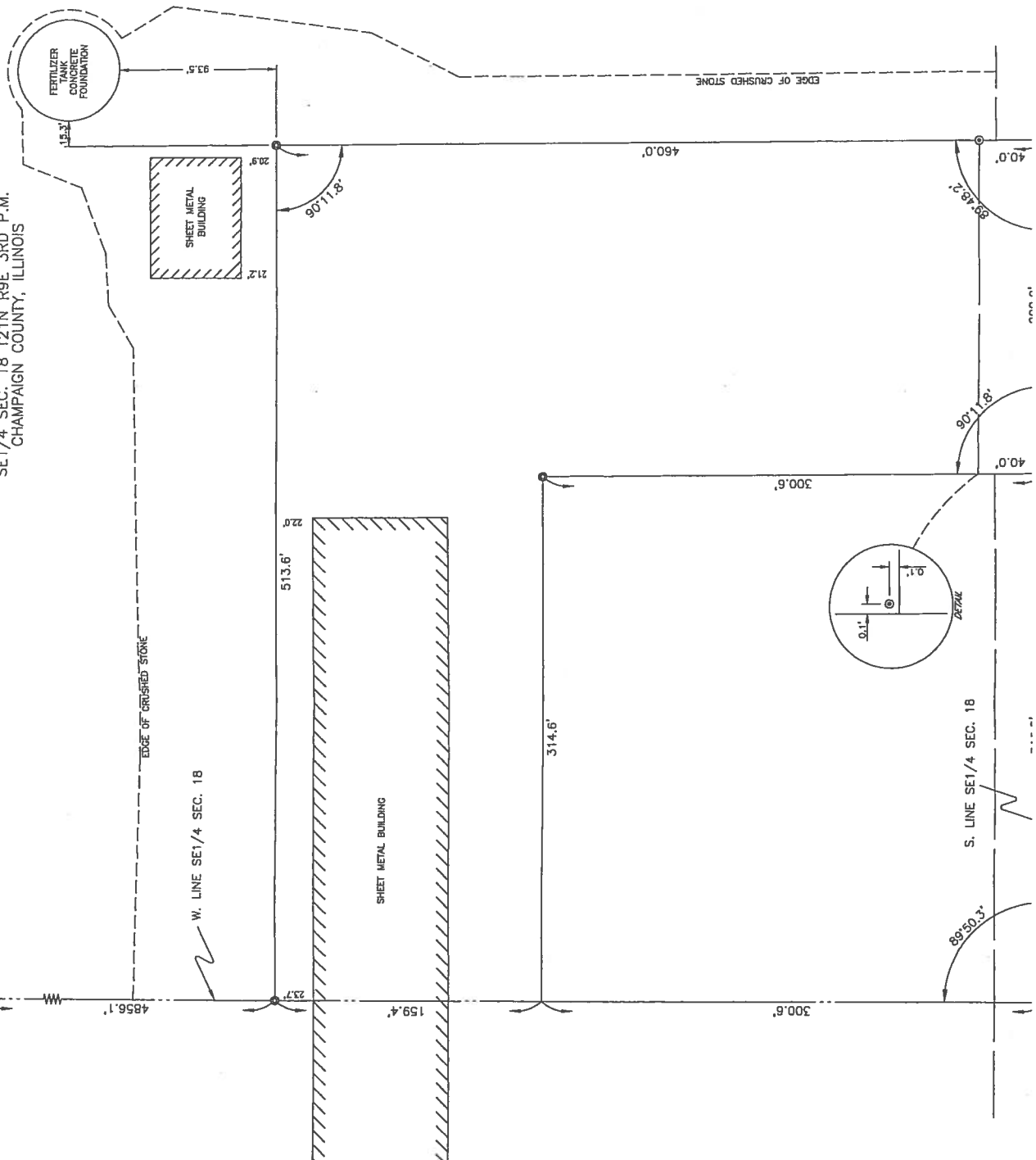
March 22, 2013



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

PLAT OF SURVEY
OF PART OF
SE1/4 SEC. 18 T21N R9E 3RD P.M.
CHAMPAIGN COUNTY, ILLINOIS

STONE FOUND @ N1/4 COR. SEC. 18



- ⊙ 1/2" STEEL ROD FOUND W/ALUMINUM CAP STAMPED "IL LAND SURVEYOR 2616"
- STEEL ROD FOUND W/ALUMINUM CAP STAMPED "PLS 3368"
- ⊙ 1/2" STEEL ROD FOUND W/ORANGE PLASTIC CAP STAMPED "ILS 2616"
- MM— FORESHORTENED LINE

NOTE: NOT ALL IMPROVEMENTS SHOWN HEREON

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Nicholas P. McCabe 3/6/13
 Nicholas P. McCabe
 Illinois Land Surveyor No. 8879
 License due for renewal 11/30/2014
 Date

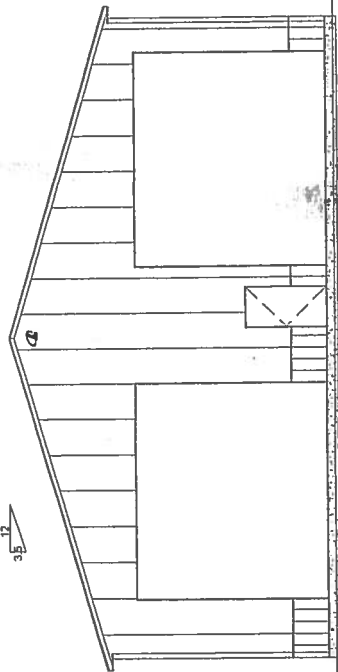
SE COR.

RECEIVED

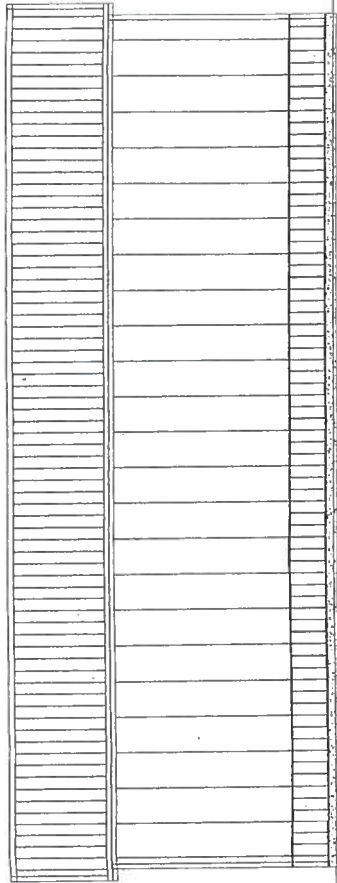
MAR 21 2013

CHAMPAIGN CO. P & Z DEPARTMENT

3/5 12

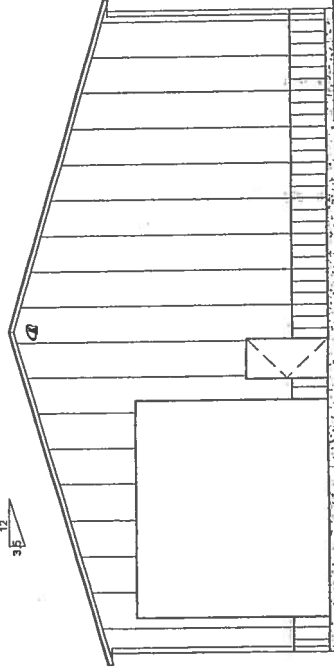


ENDWALL 1

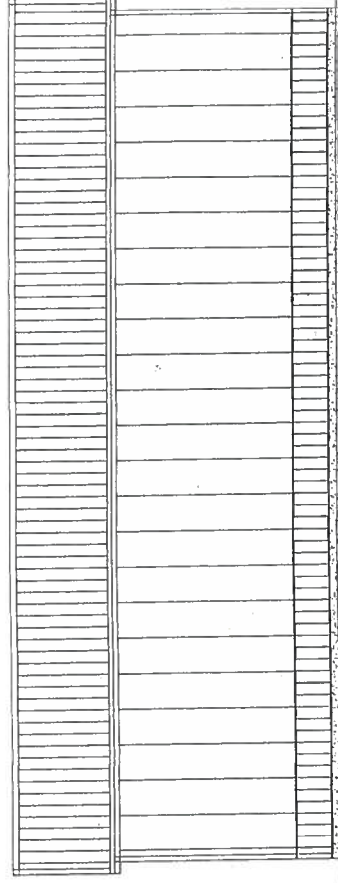


SIDEWALL 1

3/5 12



ENDWALL 2



SIDEWALL 2

DEALER INFO.

Iverson Construction Inc.
692 S. Market Street
Paxton, IL 60957

CUSTOMER INFO.

Warner Brothers
1254 County Rd 2700 N
Rantoul, IL 61866

BUILDING DESCRIPTION

54'-0"x72'-1"x18'-0"
U2A
QP092012

Customer Approval

REVISED

DATE: 11/10/2012

PROJ: Q34A-15038-01-01

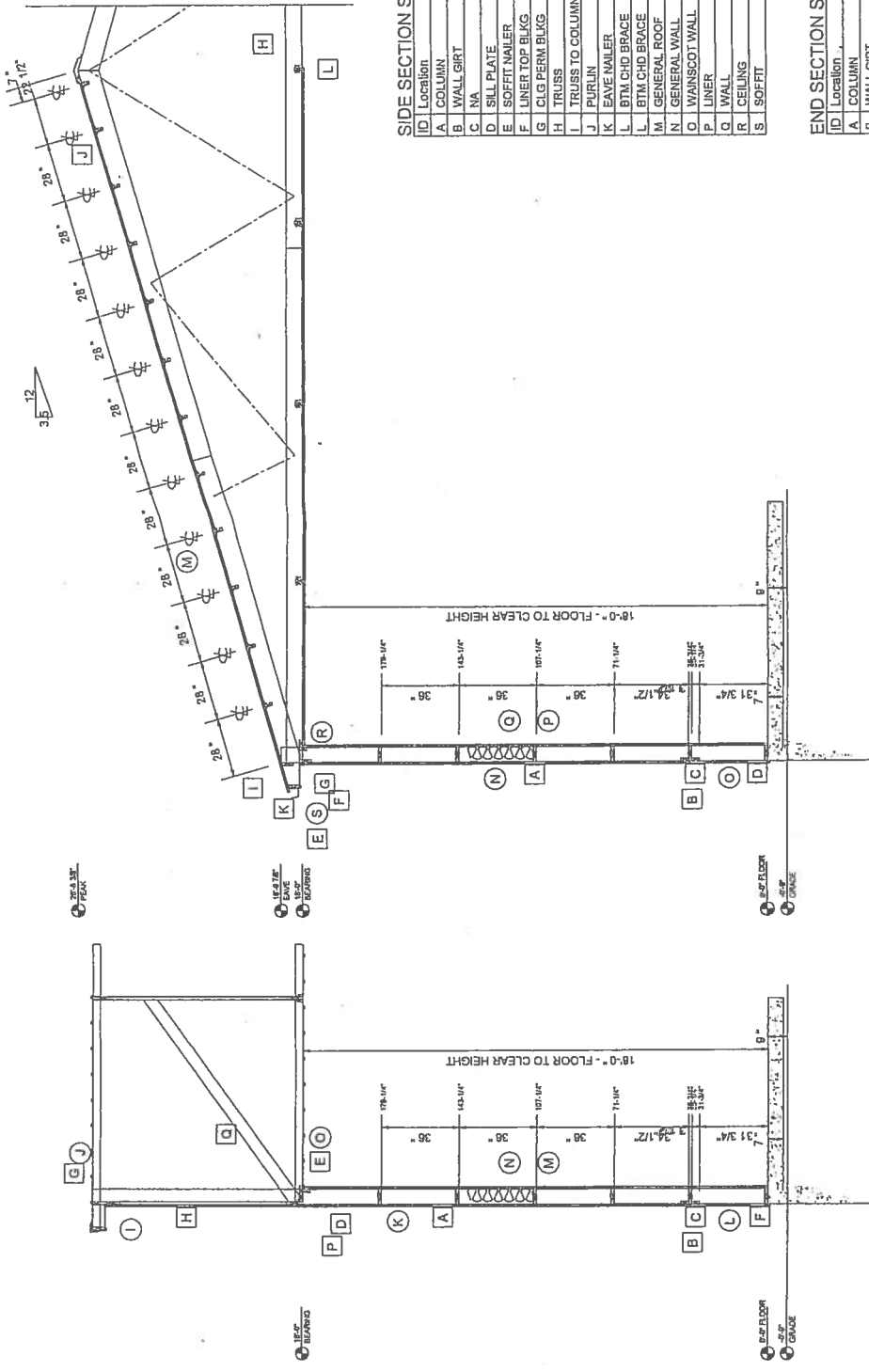
PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
* Not To Scale *



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CHAMPAIGN CO. P & Z DEPARTMENT



SIDE SECTION SCHEDULE

ID	Location	Description
A	COLUMN	FS888
B	WALL GIRT	2x4 LESTER NO.2
C	NA	2x4 LESTER NO.3
D	SILL PLATE	2x4 SYP .17 B203 (.25 DOT) BORATE
E	SOFFIT NAILER	2x4 LESTER NO.2
F	LINER TOP BLKG	2x4 LESTER NO.3
G	CLG PERM BLKG	2x4 LESTER NO.3
H	TRUSS	1-PLY 54-00-00 2x10 TC / 2x8 BC
I	TRUSS TO COLUMN	(4) 1/4"x4.5" TRUSS-LOK Z, STD, UNI
J	PURLIN	2x4 84-03 LESTER NO.1
K	EAWE NAILER	2x4 BEV DFL NO.2
L	BTM CHD BRACE	2x4 84-07 SPF NO.2
M	GENERAL ROOF	Shingles = 3 @ 84.2 @ 72.3 @ 84
N	GENERAL WALL	UNI-RIB 266A - G60 PVDF
O	WAINSCOT WALL	UNI-RIB 266A - G60 PVDF
P	LINER	UNI-RIB 266A - G60 PVDF
Q	WALL	UNI-RIB LINER 306A-G40 POLY 215.75"
R	CEILING	6" FG INSUL UNFACED (R-19)
S	SOFFIT	UNI-RIB LINER 306A-G40 POLY 11.75" VENTED SOFFIT

END SECTION SCHEDULE

ID	Location	Description
A	COLUMN	FS888
B	WALL GIRT	2x4 LESTER NO.2
C	NA	2x4 LESTER NO.3
D	LINER TOP BLKG	2x4 LESTER NO.2
E	CLG PERM BLKG	2x4 LESTER NO.2
F	SILL PLATE	2x4 SYP .17 B203 (.25 DOT) BORATE
G	PURLIN	2x4 106-05 LESTER NO.1
H	GABLE TRUSS	1-PLY 54-0" TRUSS 2x10 TC OVER 2x8 BC
I	SOFFIT	11.75" VENTED SOFFIT
J	GENERAL ROOF	UNI-RIB 266A - G60 PVDF
K	GENERAL WALL	UNI-RIB 266A - G60 PVDF
L	WAINSCOT WALL	UNI-RIB 266A - G60 PVDF
M	LINER	UNI-RIB LINER 306A-G40 POLY 215.75"
N	WALL	6" FG INSUL UNFACED (R-19)
O	CEILING	UNI-RIB LINER 306A-G40 POLY
P	BTM CHD BRACE	2x4 84-07 SPF NO.2

Side Section

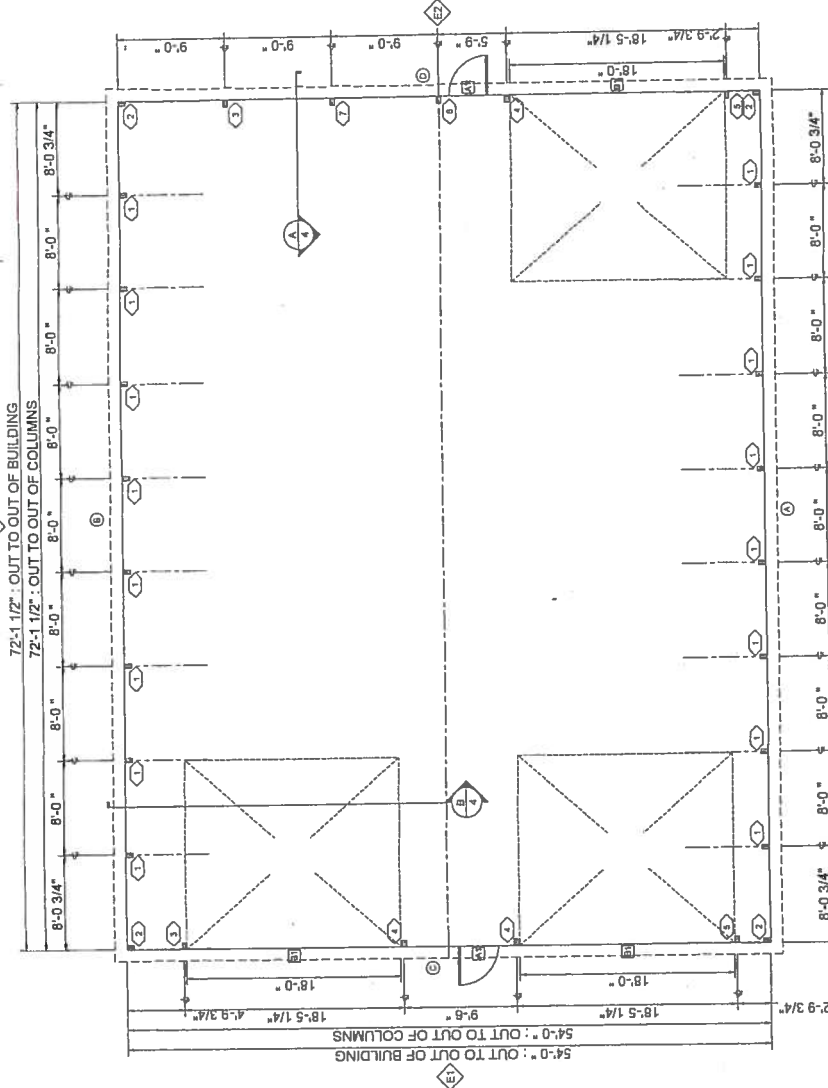
End Section

DEALER INFO.	CUSTOMER INFO.	BUILDING DESCRIPTION	Customer #
Iverson Construction Inc. 632 S. Market Street Paxton, IL 60957	Warner Brothers 1254 County Rd 2700 N Rantoul, IL 61866	54'-0"x72'-1"x18'-0" U2A QP092012	LESTER BUILDINGS 9334A-15038-01-01
		DATE: 11/10/2012	PROPOSAL DRAWINGS ONLY Not Intended for Construction Purposes

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OPENING SCHEDULE

ID	MODEL	COLOR	NOMINAL	ROUGH	FRAME	FINISH
1	600	210X192	3600	40X31	NA	LK624
2	600	210X192	3600	40X31	NA	LK624

COLUMN SCHEDULE

ID	PART	SHAPE	LENGTH	BASE	FOOTING	TYPE	YARDS/BAGS	NOTES
1	CO03	FS808	20'-0"					FF223
2	CO05	FE808	20'-0"					FF223
3	CO06	FE808	20'-0"					FF223
4	CO07	FE808	20'-0"					FF223
5	CO08	FE808	20'-0"					FF223
6	CO09	FE808	20'-0"					FF223
7	CO10	FE808	20'-0"					FF223

Floor Plan

DEALER INFO.

Iverson Construction Inc.
632 S. Market Street
Paxton, IL 60957

CUSTOMER INFO.

Warner Brothers
1254 County Rd 2700 N
Rantoul, IL 61866

BUILDING DESCRIPTION

54'-0"x72'-1"x18'-0"
U2A
QP092012

Customer Approval

DATE: 11/10/2012

PROJ: Q34A-15038-01-01

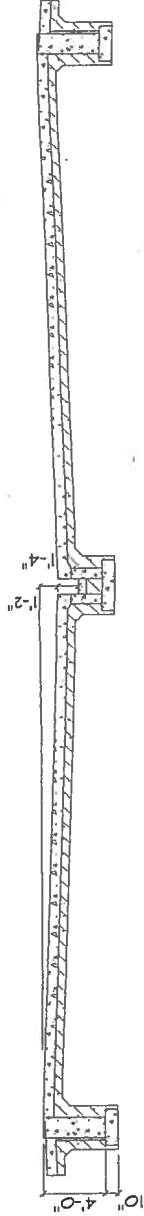
PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
* Not To Scale *



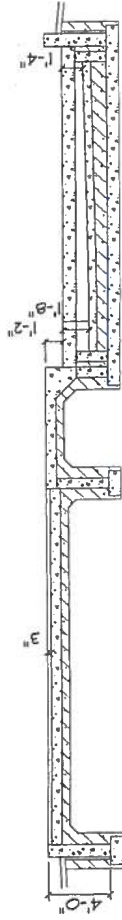
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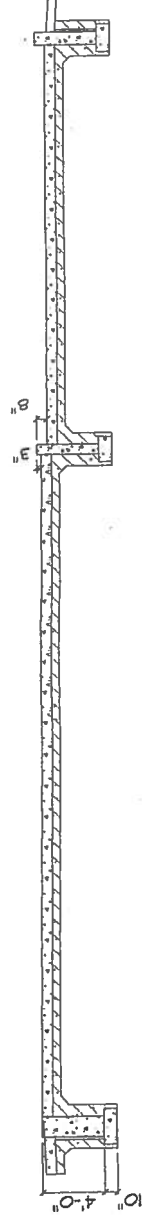
CHAMPAGN CO. P & Z DEPARTMENT



section a
11/10/12



section b
11/10/12

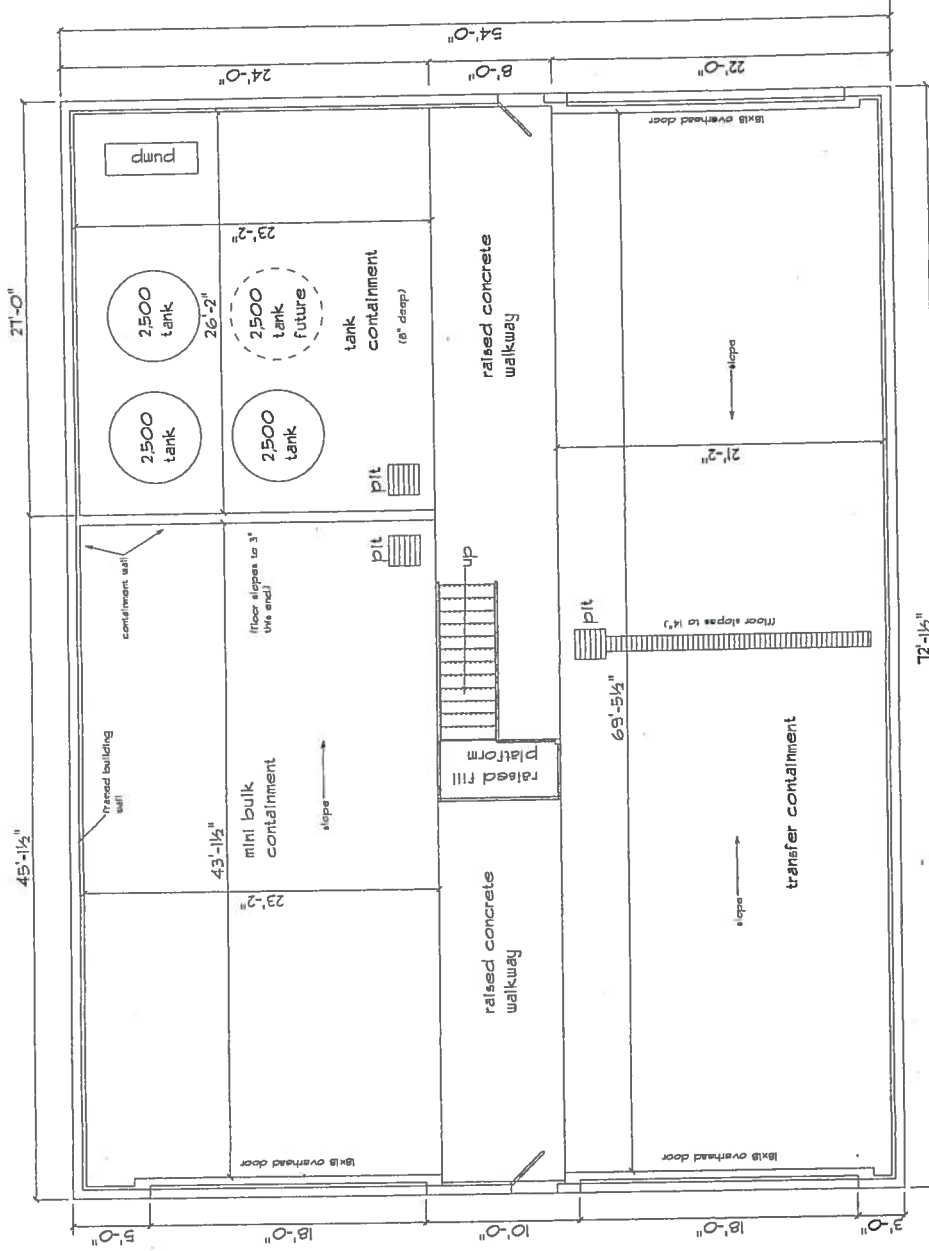


section c
11/10/12

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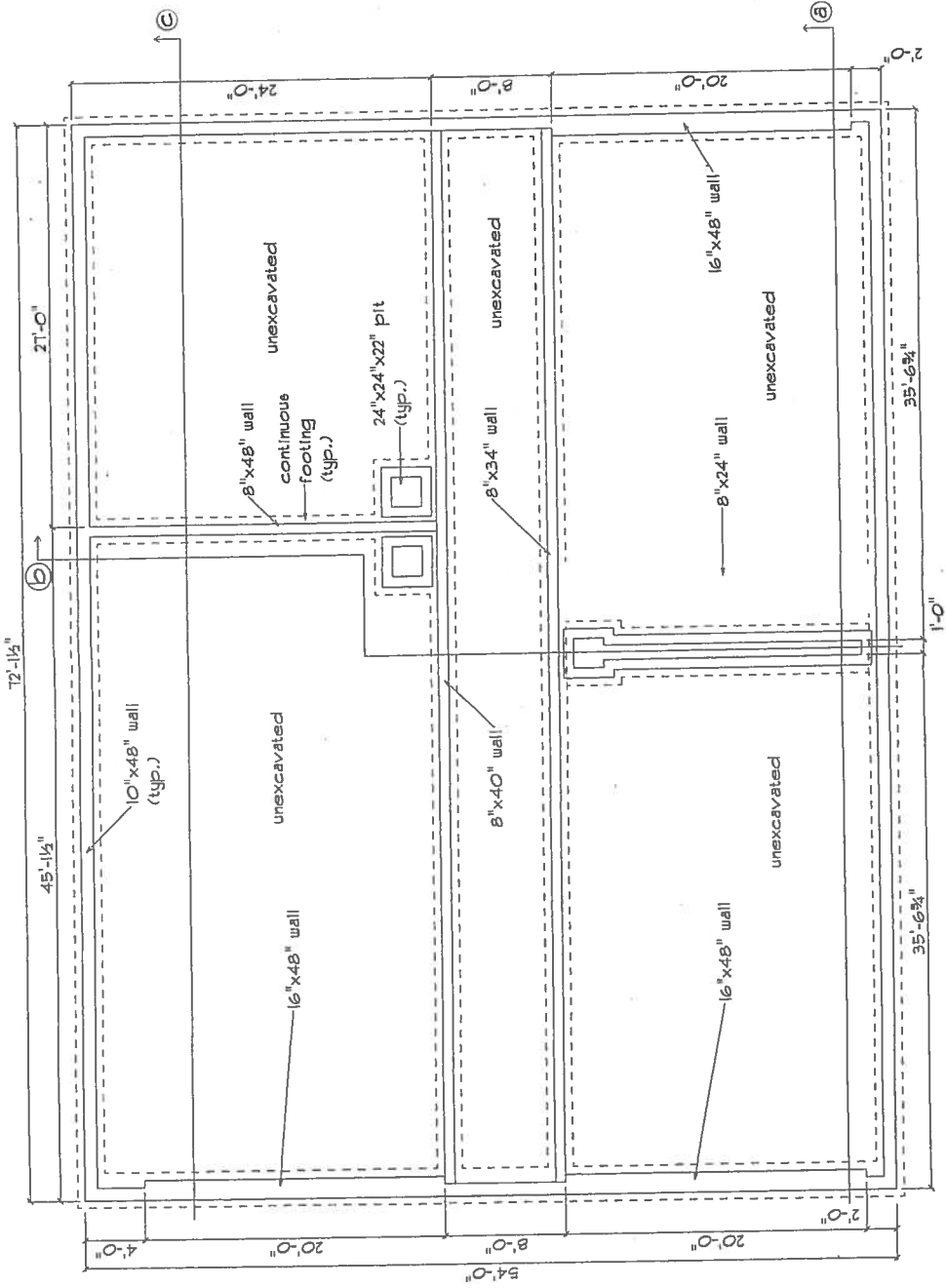


building plan
containment building for warner brothers
11/10/12

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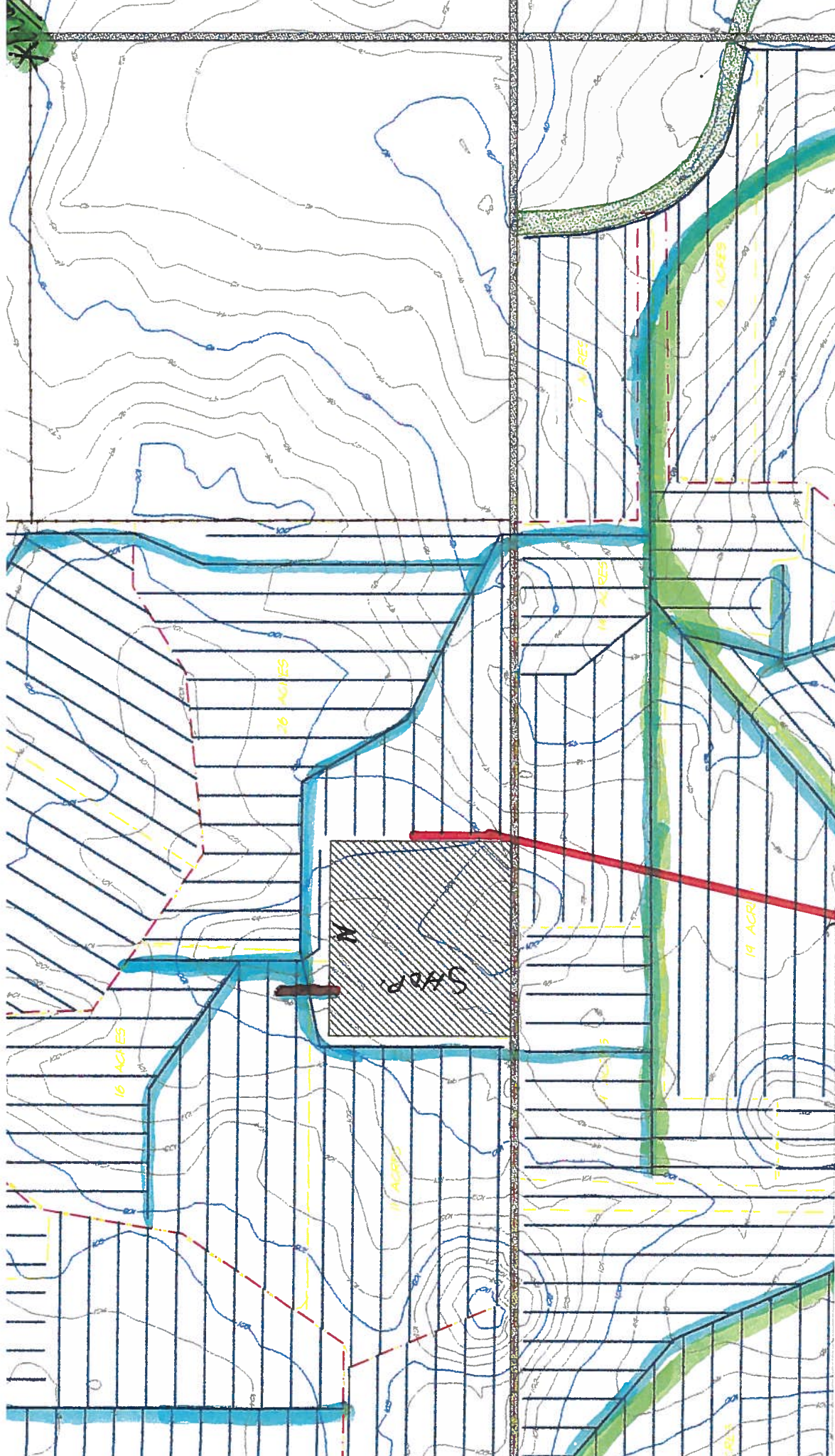
MAR 21 2013

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note: swellstop to be used between pours in containment areas

foundation plan
containment building for warner brothers
1/10/12



LEGEND

- NEW TILE
- FARMSTEAD
- RISER
- CATCH BASIN
- EXISTING TILE
- FENCELINE
- EXIST. WATERWAY

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CHAMPAIGN CO. P & Z DEPARTMENT

CERTIFICATION OF INSPECTION

For

1254 CR 2700 North, Rantoul, Illinois 61866
AG-1 Zoning District

For a

New Farm Storage Tank & Accessory Building
Warner Bros. Farm

CERTIFICATION TO BE FILED WITH:

CHAMPAIGN COUNTY, ILLINOIS

c/o Champaign County Clerk / 217-384-3720
1776 East Washington St.
Urbana, Illinois 61802

copy to: ZONING BOARD OF APPEALS

This Certification is made pursuant to State Statue 20 ILCS 3105/10.09-1 related to the Capital Development Board Act effective after July 1, 2011. It is determined that the governing codes are as follows per Section 10.09-1 (2) (A).... That the applicable International Building Code - IBC would be the 2009 addition as amended and the 2008 National Electrical Code - NEC; both codes being adopted by the City of Champaign, Illinois and enforced by the Champaign Fire Dept. & Building Safety.

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CHAMPAIGN CO. P & Z DEPARTMENT

This is to certify that Municipal Consulting & Development Ltd. By its managing partner James B. Clarage has been retained by the property owner to make a review of construction related documents & exhibits, observe site/construction conditions, and make a professional evaluation of the new construction.

Per the provisions of the Statue, we herein certify that the improvements meet the above Capital Development Board Act.

Municipal Consulting & Development Ltd.



By James B. Clarage, ALA
Illinois Registered Architect
Lic. # 001.005821

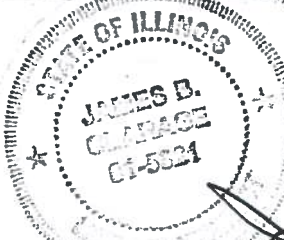
Date 2/20/13

Inspection report attached for reference...

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CHAMPAIGN CO. P & Z DEPARTMENT



Crop Production Services



March 4, 2013

To The Members of the Champaign County Board and Zoning Board:

We at Crop Production Services Paxton have a need for Warner Brothers, Inc. storage facility.

I don't have the space here at my plant to cover all of my farmers needs for a growing season. By issuing Warner's a commercial permit it would allow us to buy at a better price, receive the product in a timely manner, and product would be readily available to the farmer when spring comes.

With the ever changing transportation problems we have had this would be very helpful to have them as additional storage. A few examples being barges not being able to come up the river, to the railroad being late on deliveries, to not being able to find enough semi trucks available to haul in season to keep up when we need the product hauled. Having the supply for my growers in season is my most important concern. Being able to take product early would ensure the supply would be here and I don't customers waiting to get their fields sprayed. Warner's location would be a short haul in season for us. It would eliminate a lot of waiting and calling people to get the product here. I hope you take this into consideration and issue Warner's commercial permit.

We appreciate your time and attention to this matter and hope you can give us favorable results to this storage issue in the near future as our growing season will be here shortly. Feel free to call if you have any questions of me 217-379-2308.

Thank you,

Therese Wyman, Manager
Crop Production Services
415 N. Market
Paxton, IL 60957

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MAR 21 2013

CHAMPAIGN CO. P & Z DEPARTMENT



8 ILLINOIS ADMINISTRATIVE CODE 255.180
ON-FARM STORAGE FACILITY
 APPLICATION FOR PERMIT AND CONSTRUCTION APPROVAL

Facility I.D.
 (office use only)

F	C								
---	---	--	--	--	--	--	--	--	--

Operator Name Joseph + Gerald Warner

Facility Name (if applicable) Warner Brothers Inc.

Mailing Address 1254 CE 2750 N.

City, State, Zip Rantoul, IL 61866 Phone No 217-643-7950

Location (911 Street Address) 1254 CE 2750 N.

City, State, Zip Rantoul, IL 61866 County Champaign

Please provide the legal description of the land area on which the on-farm storage facilities are located:

Quarter and Quarter-Quarter Section	Section	Township	Range	Principal Meridian
<i>Example: NE 1/4 of the NW 1/4</i>	19	12-North	3-West	3rd
<u>E 1/2 of the W 1/2 of the SE 1/4</u>	18	21-North	9-East	3rd

Land Owner Name Joseph + Gerald Warner

Owner Address 1254 CE 2750 N.

City, State, Zip Rantoul, IL 61866

This Application for Permit and Construction Approval is to verify that the proposed plans submitted conform to the requirements mandated by 8 Illinois Administrative Code, Part 255.180. Please check all the appropriate items that fully describe the nature of project submitted.

- New Facility
- Existing Facility
- New Application
- Renewal Application for Permit No. _____
- Modification of Permit No. _____

IMPORTANT NOTICE: This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under the Illinois Pesticide Act (415 ILCS 60/1 et seq.). Failure to provide this information shall prevent this form from being processed. This form has been approved by the State Forms Management Center.

RECEIVED

SEP 14 2012

Page: 1

CHAMPAIGN CO. P & Z DEPARTMENT

**APPLICATION FOR PERMIT AND CONSTRUCTION APPROVAL
ON-FARM STORAGE FACILITY**

APPROVALS OF APPLICATION FOR PERMIT

1. Certification of Application for On-farm Storage Facility Permit (all applications):

Certificate by Applicant or Employee of Applicant

I/We, the undersigned, hereby certify that I/we am/are familiar with the contents of this application, the attached schedules, and am/are authorized to sign this application in accordance with 8 Illinois Administrative Code 255.180 (c). Furthermore, I/we agree to the conditions of permit approval and to construct and operate the said containment system(s) as submitted in this application. Finally, I/we agree to meet all requirements of 8 Illinois Administrative Code 255.180.

Authorized Applicant:

Name (print) Joseph H. Warner Title President
Signature Joseph H. Warner Date 9.6.12
Company Name (if applicable) Warner Brothers Inc.

2. Certificate by Design Engineer (if applicable):

I hereby certify that I am familiar with the contents of this application, that the design of the containment systems conforms to the requirements of 8 Illinois Administrative Code 255.180, and that the engineering plans and specifications contained herein were prepared by me or under my direction.

Engineer Name _____ Registration No. _____
Company Name _____
Address _____
Telephone _____ FAX _____
Signature _____ Date _____

affix stamp or seal

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Page: 2

SEP 14 2012

CHAMPAIGN CO. P & Z DEPARTMENT

SCHEDULE OFC: ON-FARM STORAGE FACILITY PERMIT

Facility Name Warner Brothers, Inc.

Project Location 1254 CWC 2700 N. Pantol, IL 61816 Champaign
Street Address City County

This information is required for all On-farm Storage Facility Permit Applications. Please provide all of the information requested on page 4. Please attach any drawings, maps, diagrams, etc. necessary to adequately describe the project.

Location Area Map – Provide a location area map of the area surrounding the facility. Identify the relative locations of the following items on the map: a) Surface water flow path to nearest surface water (e.g., lake, stream, pond, ditch, etc.); b) Residences, institutions (e.g., schools, churches, etc.), commercial businesses, hospitals and nearest city boundary. If a requested item is not located within the scale of the Location Area Map, please indicate by notation the approximate distance and direction to that item on the Location Area Map. Preferably, this location map should be done on a copy of the county plat book map or a U.S. Geologic Survey Quadrangle Map.

Plot Plan – Provide a plot plan that clearly identifies and illustrates the relative location of all on-farm agrichemical storage structures, agrichemical storage tanks, existing and/or proposed containment structures, on-site water supply wells, and connections to public water supply systems within the property boundaries. Please depict the topography of the property using contour lines, elevations, or arrows to indicate the direction of surface water flow across and from the facility property. The plot plan should be drawn to a reasonable scale or adequately dimensioned.

Construction Plans and Specifications – Provide drawings with complete dimensions, elevations, and construction details for all secondary containment structures, bulk dry fertilizer storage structures and bulk dry pesticide storage structures.

- Bulk Liquid Pesticides and Fertilizers:** Provide plan view drawings with complete dimensions and elevations referenced to a single benchmark. Provide cross-section drawings to indicate construction details, tank anchoring methods, joint sealing methods, and dimensions of the containment structure walls, floor and sump. The said drawings should provide sufficient detail to allow the Department to verify that the structure(s) will meet the capacity requirements of 8 Illinois Administrative Code 255.180(e). Please identify all materials of construction. For synthetic materials or liners to be used with secondary containment structures, provide written confirmation of compatibility and estimated life expectancy from the manufacturer. Please complete a separate Schedule OFC for each secondary containment structure.
- Bulk Dry Fertilizer and Pesticides:** Provide plan view drawings of the structures used to store dry fertilizer and/or dry pesticides. Provide complete length and width dimensions of the storage structures, buildings, or vessels and indicate the estimated total storage capacity (in tons) of each storage structure and each storage bin within the storage structure, if applicable. Please, indicate the materials of construction of the roof or top covering, sidewalls, and the floor or base of each storage structure and provide construction detail sufficient for the Department to verify that the dry fertilizer storage structure(s) and dry pesticide storage structure(s) are adequately designed to prevent contact with precipitation and surface waters.

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SEP 14 2012

Schedule OFC: On-farm Storage Facility Permit

Location Area Map: Please indicate the approximate distance from the On-farm Storage Facility to each of the following:

Nearest residence 500 feet Nearest City Boundary 2 feet/miles
 Nearest hospital 10 feet/miles Nearest Institution 10 feet/miles

Nearest down gradient surface water – Name of lake, stream, etc. and approximate distance:

Big Slough - 10 mi west

Plot Plan: Is a plot plan of the on-farm storage facility provided? Yes No

Construction Plans and Specifications: Please provide all applicable information requested below to supplement the information provided on the construction drawings. If additional space is needed, photocopies of this form or additional sheets may be attached.

Storage Tank Schedule for: Bulk liquid pesticides Bulk liquid fertilizers

Tank No.	Product Stored	Tank Capacity	Tank Dimensions	Material of Construction	Tank Type (flat or cone bottom, etc.)
1	liq. Fert 28%	715,765	59 x 38	Steel w/glass lined	flat

Secondary Containment Structure:

Material of construction: PVC Dimensions: 38.27' Length Width 58.75' Depth

If the secondary containment structure is exposed to precipitation, please verify by checking the box that the facility will handle precipitation accumulated within the secondary containment structure in accordance with the requirements of 8 Illinois Administrative Code 255.180 (i).

Bulk Dry Fertilizer and Bulk Dry Pesticide Storage: Please provide the information requested below for each bulk dry fertilizer and bulk dry pesticide storage structure. If additional space is need, please attach a separate sheet.

Structure #	Product Stored	Storage Capacity	Structure Dimensions (feet)		# of Bins	Materials of Construction		
			Width	Length		Building	Floor	Roof

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SEP 14 2012

CHAMPAIGN CO. P & Z DEPARTMENT

Schedule T: Trust Disclosure Schedule

Facility Name Warner Brothers Inc.

Project Location 1354 CR 2700N Rantoul 12/16/86 Champaign
Street Address City County

The Illinois Department of Agriculture is authorized to require this information pursuant to 765 Illinois Compiled Statutes 405/2: "Whenever any trustee of a land trust, or any beneficiary or beneficiaries a land trust, make application to the State of Illinois or to any of its agencies or political subdivisions for any benefit, authorization, license, or permit relating to the land which is the subject of such trust, any interest therein, improvements thereto, or use thereof, such application shall identify each beneficiary of such land trust by name and address and define his interest therein...."

- 1. Trust Number _____
- 2. Trustee: Name _____
Address _____

3. Please complete the following information for each beneficiary of the trust:

<u>NAME & ADDRESS</u>	<u>DEFINED INTEREST</u>
A. _____ _____	_____
B. _____ _____	_____
C. _____ _____	_____
D. _____ _____	_____
E. _____ _____	_____
F. _____ _____	_____

~~NOT TRUST~~

4. I/We hereby certify that the above is a true and accurate disclosure of the names, addresses, and defined interests of each and every beneficiary of the above-indicated trust as required pursuant to Ill. Rev. Stat., Chap. 148, para. 72.

Signature _____ Title _____
(must be signed by a beneficiary, trustee, or trust officer)

Date _____

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Page: 6

SEP 14 2002

CHAMPAIGN CO. P & Z DEPARTMENT

DRAFT

731-S-12

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

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

Date: March 28, 2013

Petitioners: Warner Brothers, Inc.

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

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SUMMARY OF EVIDENCE

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

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

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

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding site plan and operations of the proposed Special Use:
- A. The Plat of Survey prepared by Nicholas P. McCabe received March 21, 2013, indicates the following:
- (1) The location of the existing 765,818 gallon storage tank that is approximately 48 feet in height. This tank is proposed to be utilized to store 28% nitrogen fertilizer for the petitioner's agricultural operation as well as providing bulk storage space to lease.
 - (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
 - (3) The edge of the existing crushed stone.
 - (4) A large sheet metal building on an adjacent property that is subject of related Case 747-AM-13.
- B. The floor plan of the 54' × 72' sheet metal building received March 21, 2013, indicates the following:
- (1) A tank containment area (8 feet deep) with four 2,500 gallon tanks with pit.
 - (2) A 69½' × 22' transfer containment area with pit (loading and unloading area) with a 14 inch slope.
 - (3) A mini bulk containment area with a 3 inch slope and a pit.
 - (4) Three 18' × 18' overhead doors.
 - (5) An 8 feet wide raised concrete walkway and raised fill platform.
 - (6) A pump.
- C. The petitioner intends to utilize the storage tank and mixing building for the storage and mixing of 28% nitrogen fertilizer for their farm operations. In addition, the petitioner intends to lease excess storage space in the tank to farmers and agricultural business. The subject property will be accessed from the property that is the subject of Case 747-AM-13.
- D. The subject property is considered BEST PRIME FARMLAND with a Land Evaluation (LE) rating of 97. The subject property consists of Drummer (152A), Raub (481A), Clare (663B), and Dana (56B) soils. The proposed Special Use will take a minimal amount of land out of production (less than 1 acre).

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and

horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (4) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.

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- (8) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (10) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) "SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (14) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (15) "WELL SUITED OVERALL" is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.

- (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (18) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (19) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.

D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:

- (1) That the Special Use is necessary for the public convenience at that location;
- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.

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- (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Additional storage capacity will be a benefit to the public during times of unusual need, and will provide a redundancy of facilities to anticipate casualty loss to other storage facilities.”**
 - B. A letter from Therese Wyman, Manager, Crop Production Services (CPS), received March 21, 2013, is summarized as follows:
 - (1) Issuing the permit to the Warner’s would allow CPS to buy at a better price, receive the product in a timely manner, and have the product readily available to farmers in the spring time.
 - (2) Having the extra storage would allow CPS to purchase additional product early and would help prevent problems with transportation because the product would already be there.
 - (3) The location of the tank would be a short distance to haul product from and would eliminate a lot of waiting and telephone calls.
 - C. The subject property is approximately 2.5 miles from U.S. 45.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“The Illinois Department of Agriculture has inspected and approved the facilities for the planned use. Such approval has included review by the Illinois EPA.”**
 - B. Regarding surface drainage; the subject property appears to drain to the east.
 - C. The subject property is accessed from CR 2700N on the south side of the property that is the subject of Case 747-AM-13. Regarding the general traffic conditions on CR 2700N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Annual Average Daily Traffic (AADT) for CR 2700N in front of the subject property is 75 AADT.
 - (2) CR 2700N is a MINOR STREET as indicated in the Champaign County Zoning Ordinance.

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- (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts, a significant traffic increase is not expected to the subject property.
- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 4.2 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. No part of the subject property is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan or proposed.
- G. Regarding wastewater treatment and disposal on the subject property, there appears to be no proposed wastewater treatment facilities and no bathroom proposed.
- H. Regarding life safety considerations related to the proposed Special Use:
- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - (c) The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.

- (d) Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - (e) Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - (f) The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - (g) The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (h) The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - (i) When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.
 - (j) Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
- (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;

- (6) Regarding loading berths on the subject property:
 - (a) Paragraph 7.4.2 C.5. requires one 12' × 40' loading berth for establishments establishing 1 – 9,999 square feet of floor area.
 - (b) A total of one loading berth is required. No loading berth has been indicated on the site plan, but there is adequate area available.
- C. Regarding compliance with the *Stormwater Management Policy*, the proposed special use is exempt from the *Stormwater Management Policy* because this development will not be 1 acre or more in impervious area.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and no subdivision is proposed or required.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
- G. The proposed Special Use may have to comply with the Illinois Accessibility Code which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings, if necessary.

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

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

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the

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pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
 - (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) There is no evidence indicating that the requested Special Use Permit will have any negative effect on nearby properties.
 - (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - (a) No significant increase in traffic is anticipated as a result of the requested Special Use Permit.
 - (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
 - (a) Stormwater runoff from the property onto adjacent properties should not be an issue and the proposed Special Use complies with the *Stormwater Management Policy*.
 - (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
 - (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

(b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

(6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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

(7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

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

The proposed use is not related to this purpose.

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

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

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

The subject property does not contain any natural features.

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

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

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

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

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

The proposed use is not related to this purpose.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

- A. The Petitioner has testified on the application: **The petitioner did not provide a response to this question presumably because the proposed use is not a nonconforming use.**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 731-S-12 by the Zoning Board of Appeals .**

The above special condition is required to ensure the following:

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

- B. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner provides documentation of compliance with Illinois Department of Agriculture regulations for fertilizer storage tanks.**

The above special condition is required to ensure the following:

That the proposed use is in compliance with the Illinois Department of Agriculture regulations.

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

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

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

DOCUMENTS OF RECORD

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

14. Letter from Therese Wyman received March 21, 2013
15. Preliminary Memorandum for Case 731-S-12 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Plat of Survey received March 21, 2013
 - C Building Plans received March 21, 2013
 - D Excerpt of Map of Existing Drainage Tile received March 1, 2013
 - E Certificate of Inspection of Farm Storage Tank and Accessory Building, signed by James B. Clarage received March 1, 2013
 - F Documentation of Compliance with applicable building codes prepared by Municipal Consulting and Development Ltd. received March 1, 2013
 - G Letter from Therese Wyman received March 21, 2013
 - H Copy of IDAG Application for Permit and Construction Approval for an On-Farm Storage Facility received September 14, 2012
 - I CST Storage Tank Technical Drawings and Specifications received September 5, 2012
 - J Site Visit Photos
 - K Draft Summary of Evidence, Finding of Fact, and Final Determination
16. Preliminary Memorandum for Case 747-AM-13 dated March 22, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - A Plat of Survey received March 21, 2013
 - B Site Visit Photos
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix
 - D Draft Finding of Fact and Final Determination

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

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

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

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

FINAL DETERMINATION

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

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

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



11/06/2012



11/06/2012



11/06/2012



11/06/2012



11/06/2012



11/06/2012



01/23/2013

Tank Project Drawing Index

Document Number	Document Title
5122279-001	Tank Drawing
5122279-010	Tank Calculations & Design Formulas
5122279-011	Tank General Notes
5122279-012	Tank Fastener Schedule
5122279-013	Tank Schematic
5122279-014	Tank Parts List

Foundation Project Index

5122279-002	SF Foundation Drawing
5122279-020	Foundation Calculations
5122279-021	Foundation General Notes
5122279-022	Foundation Materials Schedule
5122279-023	Foundation Parts List
5122279-024	Foundation Fastener Schedule
5122279-025	Manufacturers Warranty

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TANK DESIGN FREEBOARD
 8 in
 152 mm
 MAX. ROOF LOAD PER ATTACHMENT POINT 5700 lb
 2585 kg
 (FIXED TYPE CONNECTION)

REL. DESCRIPTION
 1 REL PER MIP 5122279
 07/03/12

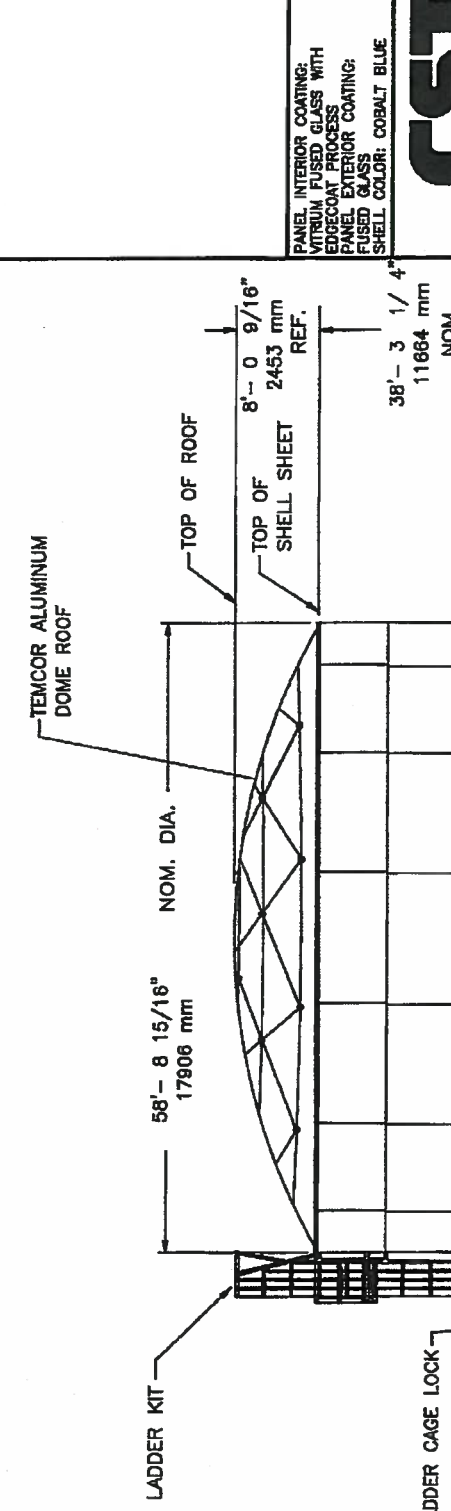
PANEL INTERIOR COATING:
 VITRUM FUSED GLASS WITH
 EDGE COAT PROCESS
 PANEL EXTERIOR COATING:
 FUSED GLASS
 SHELL COLOR: COBALT BLUE

DETAILS BLANCIS 00118
CONFIDENTIAL
 THIS DRAWING IS THE PROPERTY OF
 CST STORAGE AND SHALL NOT BE
 USED OR REPRODUCED WITHOUT THE
 EXPRESS WRITTEN CONSENT OF THE COMPANY.
 CST STORAGE COMPANY 0-2012
 ALL RIGHTS RESERVED

FILE: 5122279A
 DRAWN BY DCS
 DATE 07/03/12

5938 SFTT
 SZ 0
 WARNER BROS
 LARGE
 RANTOUL, ILLINOIS

DRWG NO. 5122279-001



NOTES:
 1. THIS DRAWING IS NOT TO SCALE.
 2. REFER TO TANK SCHEMATIC DOCUMENT
 -013 FOR NUMBER OF RINGS IN TANK
 AND RESPECTIVE SHEET THICKNESSES.
 3. THIS TANK AND FLOOR ARE NOT DESIGNED
 FOR ANY EXTERNAL HYDROSTATIC LOADING.

LADDER KIT
 LADDER CAGE LOCK
 BOTTOM OF SAFETY CAGE TO FLOOR
 8'-9"
 2667 mm
 NOM.
 GRADE LEVEL
 ACCESS DOOR & SHEET
 NOMINAL OPENING
 30" (762 mm) DIAMETER
 (1) REQUIRED

8'-0 9/16"
 2453 mm
 REF.

38'-3 1/4"
 11684 mm
 NOM.

ELEVATION

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CHAMPAIGN CO. P & Z DEPARTMENT

REL.: 1

DATE: June 29, 2012

BY: BB

SUMMARY OF TANK DESIGN INPUT DATA

STRUCTURE MODEL	59 38	
FOUNDATION TYPE	Steel Floor	
SPECIFIC GRAVITY	1.350	
H/V PRESSURE RATIO	1.000	
FREEBOARD	6.000 in	152.400 mm
ROOF TYPE	Temcor Aluminium Dome	
ROOF WEIGHT	2.300 psf	11.229 kg/m ²
SC ROOF HEIGHT	0.000 in	0.000 mm
DC ROOF PROJ AREA	328.000 sq ft	30.472 sq m
DC ROOF CENTROID	39.000 in	990.600 mm
TOTAL ROOF HEIGHT	96.588 in	2453.335 mm
ROOF SNOW LOAD	20.000 psf	0.958 kPa
WIND DESIGN	ASCE 7-05/ESPCI*(8.03 psf)*	
EXPOSURE FACTOR	B	
IMPORTANCE FACTOR	1.150	
WIND SPEED	90.000 mph	40.500 m/s
WIND STIFFENER ANALYSIS	ASCE 7-05/ESPCI*(8.03 psf)*	
SEISMIC DESIGN	None	
SEISMIC ZONE	NA	
ALLOWABLES USED	AISC	
FLOOR O.D	58.875 ft	17945.100 mm

SUMMARY OF INTERNALLY ASSIGNED PARAMETERS

BOLT DIAMETER	0.500 in	12.700 mm
HOLE DIAMETER	0.562 in	14.288 mm
TOP COURSE EDGE DIST	1.000 in	25.400 mm
STEEL FLOOR IN FNDN	0.094 in	2.388 mm
DIST T/FTG TO B/FLR	0.000 in	0.000 mm
TOTAL FNDN THICKNESS	0.094 in	2.388 mm
SHEET DENSITY	590.000 pcf	9451 kg/m ³
STEEL ELASTIC MODULUS	30000000 psi	206843 MPa
STEEL FLOOR DENSITY	590 pcf	9451 kg/m ³
NET SHEET WIDTH	105.462 in	2679.000 mm
NET STANDARD SHEET HT.	54.990 in	1397.000 mm
STARTER PANEL HEIGHT	18.308 in	465.000 mm
INVENTORY USED	wssf(1311)	

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59 38 AQUASTORE STRUCTURE DESIGN SUMMARY (21 FULL LENGTH SHEETS PER RING/COURSE)

COURSE NUMBER	THICK In.	THICK mm	GEOM CODE	MAT CODE	LIMITING FACTOR(S)
1	0.132	3.4	1201	2	[]
2	0.132	3.4	1201	2	[]
3	0.132	3.4	1201	2	[15]
4	0.197	5.0	1201	2	[15]
5	0.228	5.8	1301	2	[15]
6	0.282	6.7	1301	2	[15]
7	0.293	7.4	1301	2	[15]
8	0.354	9.0	1401	2	[15]
FND	0.375	9.5	6421	2	[]

WIND STIFFENERS REQUIRED:

NONE

ANCHORS REQUIRED:

NONE

STRUCTURE DIAMETER	=	58.75 ft	17906.02 mm
HEIGHT OF STRUCTURE TO EAVE	=	38.27 ft	11664.39 mm
VOLUME OF STRUCTURE TO EAVE	=	103730 cu ft	2937 m3
VOLUME OF CONTENTS	=	102375 cu ft	2899 m3
VOLUME OF CONTENTS	=	765818 gal	2898936 L
VOLUME OF STEEL FLOOR FND.	=	21 cu ft	1 m3
WEIGHT OF EMPTY CYLINDER ABOVE FLOOR	=	77129 lb	34985 kg
WEIGHT OF ROOF	=	6234 lb	2828 kg
SNOW (LIVE) LOAD	=	54211 lb	24590 kg
WEIGHT OF CONTENTS	=	8624066 lb	3911807 kg
STEEL FLOOR WEIGHT	=	12582 lb	5707 kg
TOTAL WEIGHT ON FOOTING	=	8774222 lb	3979917 kg
WIND SHEAR AT TOP OF FOOTING	=	20772 lb	92399 N
WIND MOMENT AT TOP OF FOOTING	=	456825 ft-lb	619 kN-m
SEISMIC SHEAR AT TOP OF FOOTING	=	0 lb	0 N
SEISMIC MOMENT AT TOP OF FOOTING	=	0 ft-lb	0 kN-m

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HOOP STRESS ANALYSIS

— STRESS-PSI —

Course Number	Depth (ft)	Press (PSI)	Net Tensile	Allowable Tensile	Hole Bearing	Allowable Bearing	Bolt Shear	Allowable Shear
1	4.2	2.4	8885	28721	13764	67500	4626	30000
2	8.7	5.1	18618	28721	28904	67500	9716	30000
3	13.3	7.8	28370	28721	44044	67500	14805	30000
4	17.9	10.5	25543	28721	39656	67500	19894	30000
5	22.5	13.2	24936	28191	36089	67500	20953	30000
6	27.1	15.8	26121	28191	37804	67500	25222	30000
7	31.7	18.5	27310	28191	39525	67500	29490	37500
8	36.2	21.2	24938	29045	28315	67500	25525	37500
FND	37.8	22.1	24532	29045	27855	67500	26599	37500

AXIAL STRESS ANALYSIS

— STRESS-PSI —

Course Number	Axial Compressive	Allowable Compressive	Hole Bearing	Allowable Bearing	Bolt Shear	Allowable Shear
1	226	740	2265	67500	761	30000
2	244	740	2454	67500	825	30000
3	263	740	2642	67500	888	30000
4	195	1097	1959	67500	983	30000
5	187	1266	1881	67500	1092	30000
6	182	1450	1826	67500	1218	30000
7	181	1616	1821	67500	1359	37500
8	169	1941	1696	67500	1529	37500
FND	166	2052	832	67500	794	37500

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TANK DESIGN SPECIFICATIONS

This tank is designed in accordance with **ANSI/AISC 360-05**, Specification for Structural Steel Buildings - Allowable Stress Design. See page 1 of Document 5122279-010 for Summary of Tank Design Input Data.

COATINGS SPECIFICATIONS

Coatings used on components of this tank are in compliance with the appropriate sections of AWWA Standard D103.

STRUCTURE BOLT SPECIFICATIONS

Structure bolts are carbon steel, zinc mechanically deposited per the latest revision of ASTM B695, class 50, type 1, with 1/2"-13 UNC-2A thread, and conform to AWWA D103, Section 2.2.1, as noted below.

A. 1 inch long and 1-1/4 inch long bolts conform to the mechanical properties of SAEJ429, Grade 5 - equivalent to the mechanical properties of ASTM A325.

B. 1-1/2 inch long and longer bolts conform to the mechanical properties of SAEJ429, Grade 8 - equivalent to the mechanical properties of ASTM A490.

Unless noted, all tank structure connections are bearing type connections, snug-tight condition, per ANSI/AISC 360-05. Tank manufacturer does not require special inspection per IBC, Section 1704.

APPURTENANCE AND PIPING ORIENTATION

Orientation of all appurtenances and piping connections shall be established in the field.

THROUGH-THE-SHEET PENETRATIONS

All openings through the tank side wall greater than 4 inches (102mm) in diameter shall be reinforced in accordance with AWWA D103, Section 3.11. All openings through sheets having less than 24 inches (610 mm) between horizontal bolt lines, or having less than 24 inches (610 mm) of available sheet space from the floor surface up to the first horizontal bolt line shall not exceed a diameter of 4 inches (102 mm). These openings of 4 inches (102 mm) and less shall be reinforced in accordance with AWWA D103, Section 3.11.

LADDER SPECIFICATIONS

The ladder system is manufactured in compliance with AWWA Standard D103 Section 5.4 and meets minimum OSHA requirements. In addition, the tank ladder side rails are fabricated from 6061-T6 aluminum while the ladder rungs are fabricated from 6061-T4 aluminum.

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Structure bolt quantities at (H)orizontal and (V)ertical seams

BOLT LENGTHS:	Thru the sheet fasteners							Truss Fasteners			
	1"	1 1/4"	1 1/2"	1 3/4"	2"	2 1/4"	2 1/2"	1 1/4"	2 1/4"	3"	3 1/2"
	25.40	31.75	38.10	44.45	50.80	57.15	63.50	31.75	57.17	76.20	88.90
								C.S.	C.S.	C.S.	C.S.
SEAM Wide H 1	0	310	68	252	0	0	0	0	0	0	0
SEAM V 1	1029	0	0	0	0	0	0	0	0	0	0
SEAM Wide H 2	416	46	0	0	0	0	0	0	0	0	0
SEAM V 2	1071	0	0	0	0	0	0	0	0	0	0
SEAM Wide H 3	420	42	0	0	0	0	0	0	0	0	0
SEAM V 3	1071	0	0	0	0	0	0	0	0	0	0
SEAM Wide H 4	0	416	46	0	0	0	0	0	0	0	0
SEAM V 4	0	1071	0	0	0	0	0	0	0	0	0
SEAM Wide H 5	0	418	44	0	0	0	0	0	0	0	0
SEAM V 5	0	1239	0	0	0	0	0	0	0	0	0
SEAM Wide H 6	0	418	44	0	0	0	0	0	0	0	0
SEAM V 6	0	1239	0	0	0	0	0	0	0	0	0
SEAM Wide H 7	0	420	0	42	0	0	0	0	0	0	0
SEAM V 7	0	0	1239	0	0	0	0	0	0	0	0
SEAM Wide H 8	0	0	397	65	0	0	0	0	0	0	0
SEAM V 8	0	0	0	1659	0	0	0	0	0	0	0
SEAM Fnd. H 9	0	0	0	819	63	0	0	0	0	0	0
ACCESS DOOR	0	0	0	0	0	36	0	0	0	0	0
REINF. PLT.	0	0	0	110	0	0	0	0	0	0	0
Total:	4007	5619	1838	2947	63	36	0	0	0	0	0

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Note: All brackets located at top of specified ring.

Ring are identified from top of tank to foundation

Ring #	Sheet Thick.	Bracket Type	Bracket Quantity	Vertical Bolt Line	Shell Sheet Part No.
Use tapered spacer at top horizontal seam					
RING # : 1	0.132" (3.4mm)	BRKT	4	2V	276957-1200
RING # : 2	0.132" (3.4mm)	BRKT	4	2V	256050-1200
RING # : 3	0.132" (3.4mm)	NONE	0	2V	256050-1200
Use 21 tapered insert(s) at this horizontal seam					
RING # : 4	0.197" (5.0mm)	BRKT	4	2V	256050-1300
RING # : 5	0.228" (5.8mm)	BRKT	2	3V	261016-1400
RING # : 6	0.262" (6.7mm)	BRKT	2	3V	261016-1000
RING # : 7	0.293" (7.4mm)	NONE	0	3V	261016-1500
Use 21 tapered insert(s) at this horizontal seam					
RING # : 8	0.354" (9.0mm)	BRKT	2	4V	262120-1700
FND. :	0.375" (9.5mm)	BRKT	2	4V	See fnd. parts list

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Item	Quantity	Part No.	Description
-	1	5122279-001	TANK ASSEMBLY
1	1	5122279-002	FOUNDATION ASSEMBLY
2			
3			
4			
5			
6			
7			
8			
9			
10			
11	1	264391-000	MANWAY PLATFORM ASSEMBLY
12			
13			
14	22	254672-203	SEALER 79, CARTONS (BLACK)
15			
16	1	264082-000	SHORT LADDER ASSEMBLY
17	1	258446-001	LADDER W/CAGE, W/PLATFORM
18	1	264769-000	LADDER DOOR ASSEMBLY
19			
20			
21	1	277652-000	GASKET, 30"
22	1	266215-1000	REINFORCING PLATE, .262"
23	1	266215-1800	REINFORCING PLATE, .375"
24			
25			
26			
27	21	261256-059	STIFFENER ANGLE
28	21	260577-004	SPLICE ANGLE
29	21	084373-000	TAPERED SPACER
30	42	084374-000	TAPERED INSERT
31			
32			
33			
34			
35			
36			
37			
38			
39			
40			
41			
42			
43			
44	4007	262000-001	STRUCTURE BOLT, 1"
45	5619	262000-002	STRUCTURE BOLT, 1 1/4"
46	1838	262000-003	STRUCTURE BOLT, 1 1/2"
47	2947	262000-004	STRUCTURE BOLT, 1 3/4"
48	63	262000-006	STRUCTURE BOLT, 2"
49	36	262000-007	STRUCTURE BOLT, 2 1/4"
50			
51			
52			
53			
54			
55			
56	14510	252275-000	WASHER, 1/2"
57	14510	262416-001	HEX. NUT, 1/2" HDZ
58			

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Item	Quantity	Part No.	Description
59			
60			
61			
62			
63			
64			
65	3	255495-000	INSTRUCTION DECAL
66	3	262778-000	DANGER DECAL
67			
68	1	266182-000	NAMEPLATE
69	1	271220-000	OPERATORS MANUAL
70	3	262166-000	IMPORTANT DECAL
71	3	260581-000	TANK MOD. WARNING DECAL
72			
73	10	268364-000	LADDER BRACKET ASSY. (LONG)
74			
75			
76			
77			
78			
79			
80			
81	1	266217-1722	30" ROUND ACCESS DOOR SHEET
82	21	276957-1200	TOP RING SHEET
83	1	268570-062	30" DOOR, NORM DUTY EPOXY
84			
85			
86			
87			
88			
89	42	256050-1200	SHELL SHEET 0.132" HSLA
90			
91	21	256050-1300	SHELL SHEET 0.197" HSLA
92	21	261016-1400	SHELL SHEET 0.228" HSLA
93	21	261016-1000	SHELL SHEET 0.262" HSLA
94	21	261016-1500	SHELL SHEET 0.293" HSLA
95			
96	20	262120-1700	SHELL SHEET 0.354" HSLA
97			
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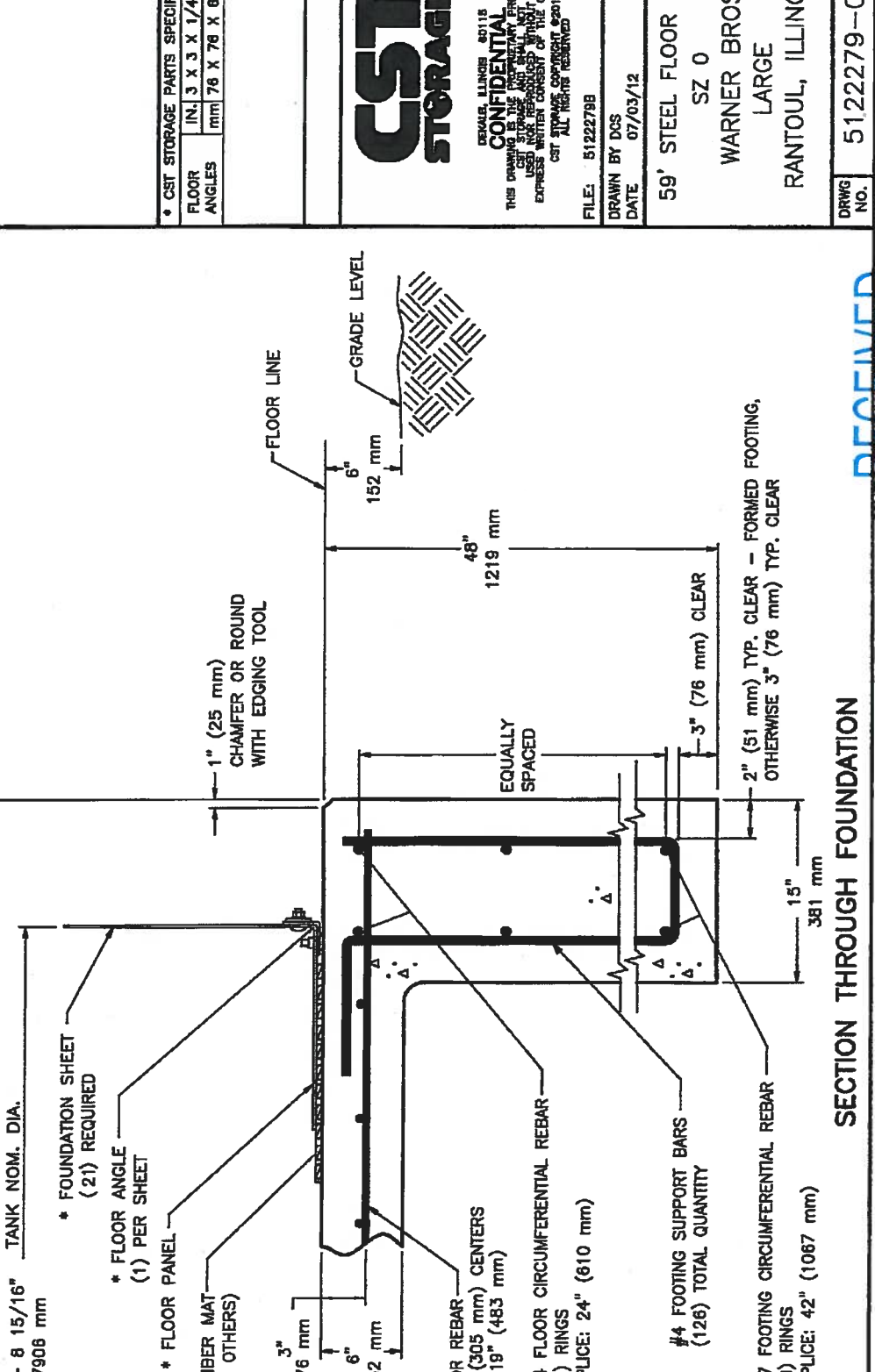
SEP 05 2012

CHAMPAIGN CO. P & Z DEPARTMENT

CST
STORAGE

REL DESCRIPTION
 1 REL PER MIP 5122279
 07/03/12

NOTES:
 1. THIS DRAWING IS NOT TO SCALE.
 2. ITEMS INDICATED * TO BE SUPPLIED BY THE TANK MANUFACTURER. SEE * CST STORAGE PARTS SPECIFICATIONS CHART ON THIS DRAWING.
 3. SEE DOCUMENT -022 FOR MATERIAL SCHEDULE.



REL DESCRIPTION
 1 REL PER MIP 5122279
 07/03/12

* CST STORAGE PARTS SPECIFICATIONS
 FLOOR ANGLES IN. 3 X 3 X 1/4
 mm 76 X 76 X 6



DEKAL, ILLINOIS 60115
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FILE: 5122279B
 DRAWN BY DCS
 DATE 07/03/12

59' STEEL FLOOR FND.
 SZ 0
 WARNER BROS
 LARGE
 RANTOUL, ILLINOIS

DRWG NO. 5122279-002

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CHAMPAIGN CO. P & Z DEPARTMENT

TANK DESIGNATION: 5122279-REL1
INPUT:

Engineer: BB 7/2/2012

Tank Diameter (ft): 58.75
Contents Height (ft): 37.77
Slab Thickness (in): 6
Slab O.D. (ft): 60.50
Foundation Depth (in): 6
Footer Depth (in): 42
Footer Width (in): 15
Allowable soil pressure (psf): 3,500
Wind Shear (lbs): 20772
Wind Moment (ft-lb): 456,825
Seismic Shear (lbs): 0
Seismic Moment (ft-lb): 0
Sloshing Wave Height (ft): 0
Weight of Tank (lbs): 77,129
Weight of Roof (lbs): 6,234
Snow Load (psf): 20

Design per: ACI 318-05
Tank Type: Unanchored

Self or Center Supported Roof : Self
Specific Gravity of Contents: 1.35
Subgrade Modulus - ks (pci): 97
Coeff. Active pressure - K_a : 0.3
Concrete strength - f_c (psi): 4,000
Yield strength of steel - f_y (ksi): 60

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CHAMPAIGN CO. P & Z DEPARTMENT

CST
STORAGE

TANK DESIGNATION:
RESULTS:

5122279-REL1

Engineer: BB

7/2/2012

Soil Pressure:

dead plus live load:	3271 psf	<=	3500 psf	(Allowable)
dead plus live plus wind load:	3311 psf	<=	4667 psf	(4/3 * Allowable)
dead plus live plus seismic load:	3211 psf	<=	4667 psf	(4/3 * Allowable)
dead minus wind load:	252 psf		No Uplift	
dead plus live minus seismic load:	3301 psf		No Uplift	

Shear stress at inside of footer =	70 psi	<=	95 psi	Shear Strength
------------------------------------	--------	----	--------	----------------

F.S. Overturning - Seismic w/ 45° line:	N/A			
F.S. Overturning - Seismic (AWWA):	N/A			
F.S. Overturning - Wind:	26.40	>=	1.5	Required

A _s - foundation (both ways) layer at mid-height:	0.13	sq.in./ft	[# 4 @ 12" o.c.]
A _s - curb area:	0.40	sq.in.	[2 - # 4]
A _s - footer bottom layer:	0.40	sq.in.	[2 - # 7]
A _s - hoop steel:	3.03	sq.in.	[6 - # 7]
A _s - vertical tie bars (2 legs):	0.27	sq.in./ft	[# 4 @ 17.5" o.c.]

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CST
STORAGE

Minimum guidelines and specifications are given below. The owner or the owner's designated agent may amend or modify these guidelines and specifications, but in no case shall the requirements be less than those given below

FOUNDATION DESIGN

See Tank Foundation Design Input Data Sheet for foundation design data.

SITWORK

1. Clear the site of all vegetation, organic materials, rubbish, debris, and other foreign or objectionable materials above the ground surface. Remove all stumps, large roots, buried logs, and other objectionable materials below the ground surface.
2. Soil beneath the entire tank shall have a minimum bearing capacity of 3500 PSF (167581 Pa) and shall be suitable in all respects to properly support the tank as determined by a qualified professional retained by the owner or the owner's designated agent.
3. Compact the subsoil to site specifications.
4. Orientation of connecting piping shall be established in the field.
5. Place all underground piping. Backfill and compact to site specifications. Inlet/outlet piping may penetrate ring walls provided the hole size is less than or equal to one half the wall height; all details of reinforcement cushioning needs, thrust blocks, and encasement shall be provided by others. Otherwise, all piping must pass beneath the footing unless the footing/foundation system has been designed and fully detailed by others to accommodate both a pipe passing through it and the proper transfer of tank loads to the supporting soil.
6. If conditions exist which require footing and/or floor design details differing from those shown on the drawings herein, such new design and details shall be provided by the owner or the owner's designated agent. CST Storage can not show details on its drawings other than those derived as a result of the design efforts of its own Engineering Department.

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CONCRETE WORK

Concrete work shall conform to the requirements of ACI 301-05, published by the American Concrete Institute, Farmington Hills, Michigan, except as modified by the supplemental requirements noted below.

1. Concrete shall attain an ultimate 28 day compressive strength of 4000 PSI (27579 KPa).
2. Reinforcing bars shall conform to ASTM A615, grade 60. Welding of bars is not permitted. Field bending of partially embedded reinforcing bars shall conform to Section 3.3.2.8.
3. Cement shall conform to ASTM C150, Type I or Type II with air entraining admixture per ASTM C260 added at the mixer to achieve 4-6% by volume of entrained air at the point of concrete placement.
4. Maximum aggregate size shall be 1 1/2" (38 mm). Fine and coarse aggregate shall conform to ASTM C33, and the restrictions on reactive materials specified in ASTM C33, paragraphs 7.3 and 11.2, shall apply.
5. Ready mixed concrete shall conform to ASTM C94, Option A. The supplier shall be responsible for determining the proportions used in the concrete mix.
6. Earth cuts may be used as formwork for footings only, provided the footing depth does not exceed 48" (1219 mm).
7. Finished surfaces
 - A. Rough form finish is acceptable for vertical surfaces.
 - B. Floated finish is required for the floor surface.
8. The following sections of ACI 301-05 do not apply:
 - 6 - Architectural Concrete
 - 7 - Lightweight Concrete
 - 8 - Mass Concrete
 - 9 - Prestressed Concrete
 - 10 - Shrinkage-compensating Concrete

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These materials are to be furnished by the builder. Quantities are estimated.

CONCRETE REQUIREMENTS

CONCRETE IN FLOOR-

1. Per 6. " depth (152 mm)	53.2 cu. yds.	40.7 m3
----------------------------	---------------	---------

CONCRETE IN FOOTING-

1. Per 1" depth (25.4 mm)	0.7 cu. yds.	0.5 m3
---------------------------	--------------	--------

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Item	Quantity	Part No.	Description
-	1	5122279-002	S.F. FOUNDATION ASSY.
1	21	262100-1800	0.375" FND. SHT. HSLA
2			
3	2	263799-1200	FLOOR PANEL
4	2	263800-1200	FLOOR PANEL
5	2	263801-1200	FLOOR PANEL
6	2	263802-1200	FLOOR PANEL
7	2	263803-1200	FLOOR PANEL
8	42	261067-002	TAPERED SPACER
9	2	263804-1200	FLOOR PANEL
10	2	263805-1200	FLOOR PANEL
11	2	263806-1200	FLOOR PANEL
12	2	263807-1200	FLOOR PANEL
13	2	263808-1200	FLOOR PANEL
14	2	263809-1200	FLOOR PANEL
15	2	263810-1200	FLOOR PANEL
16	2	263811-1200	FLOOR PANEL
17	10	254672-203	SEALER 79, CARTONS (BLACK)
18	2	263812-1200	FLOOR PANEL
19	2	263813-1200	FLOOR PANEL
20	2	263814-1200	FLOOR PANEL
21	2	263815-1200	FLOOR PANEL
22	50	262477K0100	FLOOR PANEL
23	21	264248-059	FLOOR ANGLE, S.S.
24	21	261973-000	FILLER ANGLE
25	21	261851-304	SPLICE PLATE, S.S.
26	2	262478-000	SPACER
27	2645	263156-001	ENCAPSULATED NUT
28	630	266207-000	WASHER, 1/2", S.S.
29	630	266208-000	HEX NUT, 1/2", S.S.
30	102	267227-000	PUSH RETAINER
31			
32			
33			
34			
35			
36	2575	262000-001	STRUCTURE BOLT 1"
37	700	262000-002	STRUCTURE BOLT 1 1/4"
38	684	262000-003	STRUCTURE BOLT 1 1/2"
39	651	262000-004	STRUCTURE BOLT 1 3/4"
40			
41	1335	262416-001	HEX NUT, 1/2" HDZ
42	1384	252275-000	WASHER, 1/2"
43			
44			
45			
46			
47			
48			
49			

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BOLT LENGTHS:	1"	1 1/4"	1 1/2"	1 3/4"	2"	ANCHOR RODS
	25.40	31.75	38.10	44.45	50.80	
ANCH. CHAIR	0	0	0	0	0	
VERTICAL	0	0	0	483	0	
HORIZONTAL	0	0	684	168	0	

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MANUFACTURER'S LIMITED WARRANTY

Five-Year Industrial Warranty

CST Storage warrants that a Nutristore™ brand liquid storage tank will be free from defects in workmanship and materials, under normal and proper use, maintenance and operation, during the period expiring on the earlier of (i) five years after liquid is first introduced into the tank or (ii) 62 months after shipment from the factory.

Limitations and Conditions

The CST Storage Limited Warranty is subject to the following limitations and conditions:

a. The CST Storage Limited Warranty shall remain in effect only as long as the tank is used for the storage of the liquid UAN-28, 30 and 32% mixtures (does not include anhydrous ammonia) and 10-34-0 liquid fertilizer solutions specified in the order. The CST Storage Limited Warranty shall become void and terminate should the tank be used for storage of any other liquid or material.

b. The CST Storage Limited Warranty does not cover damage caused by shipping, handling or tank erection, or damage caused by operating or maintenance activities. CST Storage makes no warranty about and shall not be responsible for any defects in erection or installation of a tank.

c. The CST Storage Limited Warranty shall become void and terminate if any alterations are made to the tank without the prior written approval of CST Storage.

d. The CST Storage Limited Warranty shall become void and terminate if the tank is not used, operated and maintained in accordance with the requirements stated in the CST Storage Operating Manual(s) supplied with the tank, or if the tank is damaged or subject to any abuse, misuse or vandalism.

Limitation of Remedies

In the event of any failure of any Nutristore brand liquid storage tank to perform as warranted in the Limited Warranty, the sole and exclusive obligation of CST Storage shall be, at its sole option, either to repair the tank or repair or replace (FOB factory) any part of the tank which is defective.

IN NO EVENT SHALL CST STORAGE BE LIABLE (WHETHER FOR BREACH OF WARRANTY OR CONTRACT, FOR STRICT LIABILITY OR NEGLIGENCE, OR OTHERWISE) FOR ANY SPECIAL, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES, INCLUDING, BUT NOT LIMITED TO, DAMAGES FOR LOSS OF CONTENTS OR LOSS OF PROFITS, OR FOR THE CONDITION OR QUALITY OF LIQUID STORED IN THE TANK, OR FOR ANY INABILITY OF OWNER TO PROVIDE PRODUCT OR SERVICE TO ANY CUSTOMER OF OWNER.



NUTRISTORE™

Disclaimers

EXCEPT FOR THE LIMITED WARRANTY SET FORTH ABOVE, THERE ARE NO UNDERSTANDINGS, AGREEMENTS, REPRESENTATIONS OR WARRANTIES, EITHER EXPRESS OR IMPLIED, RESPECTING THE

NUTRISTORE BRAND LIQUID STORAGE TANK
CST STORAGE EXPRESSLY DISCLAIMS THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

The CST Storage Authorized Dealers are independent contractors and are not agents or employees of CST Storage. No statement by any CST Storage Authorized Dealer or any CST Storage employee shall constitute an understanding, agreement, representation or warranty by CST Storage. CST Storage makes no warranty with respect to goods manufactured by others, even if sold by a CST Storage Authorized Dealer.

This Limited Warranty and related limitations and disclaimers cannot be modified or amended by a CST Storage Authorized Dealer, and can be modified or amended only by written document signed by an authorized CST Storage employee.

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QUAMPAIGN CO. P. & Z. DEPARTMENT

CST STORAGE

345 Harvestore Drive
DeKalb, Illinois 60115-9607 U.S.A.
815-756-1551 Phone, 815-756-7821 Fax

WIND STRESS ANALYSIS

--- STRESS-PSI ---

Course Number	Axial Comp	Wind Bending	Total Comp	Allowable Comp	Hole Bearing	Allowable Bearing	Bolt Shear	Allowable Shear
1	40	6	46	986	464	90000	156	40000
2	59	12	71	986	716	90000	241	40000
3	78	21	99	986	992	90000	333	40000
4	71	21	92	1463	927	90000	465	40000
5	80	26	106	1688	1067	90000	619	40000
6	88	31	119	1933	1196	90000	798	40000
7	98	36	133	2155	1339	90000	999	50000
8	100	37	137	2589	1372	90000	1237	50000
FND	100	37	138	2736	692	90000	661	50000

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CHAMPAIGN CO. P & Z DEPARTMENT

CASE NO. 747-AM-13

PRELIMINARY MEMORANDUM

March 22, 2013

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

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

Site Area: **3.8 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

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

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

BACKGROUND

Warner Farm Equipment, Inc. has apparently operated a farm equipment sales and service business at this location since the mid 1970s, but has never had the proper zoning authorization. Farm equipment sales and service is not authorized by any means in the AG-1 Zoning District. No complaints have ever been received about the farm equipment business. The Zoning Administrator became aware of the unauthorized business when discussing related Case 731-S-12 with the petitioner. The petitioner requests the rezoning to bring the existing farm equipment sales and service business into compliance with the Zoning Ordinance.

The business operates primarily in an 80' x 160' building. The earliest record of this building is a 1988 aerial photo, no permit was ever issued for this building. Occasionally materials are stored in a larger shed on the subject property that is used primarily for the storage of personal farm equipment. The earliest record of this building is a 2002 aerial photo and it appears this shed was expanded between 2005 and 2008, no permit has been issued for this shed.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning, but Rantoul Township does have a plan commission. Plan commissions have protest rights on map amendments, and are notified of such petitions.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

PROPOSED SPECIAL CONDITION

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

The above special condition is required to ensure the following:

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

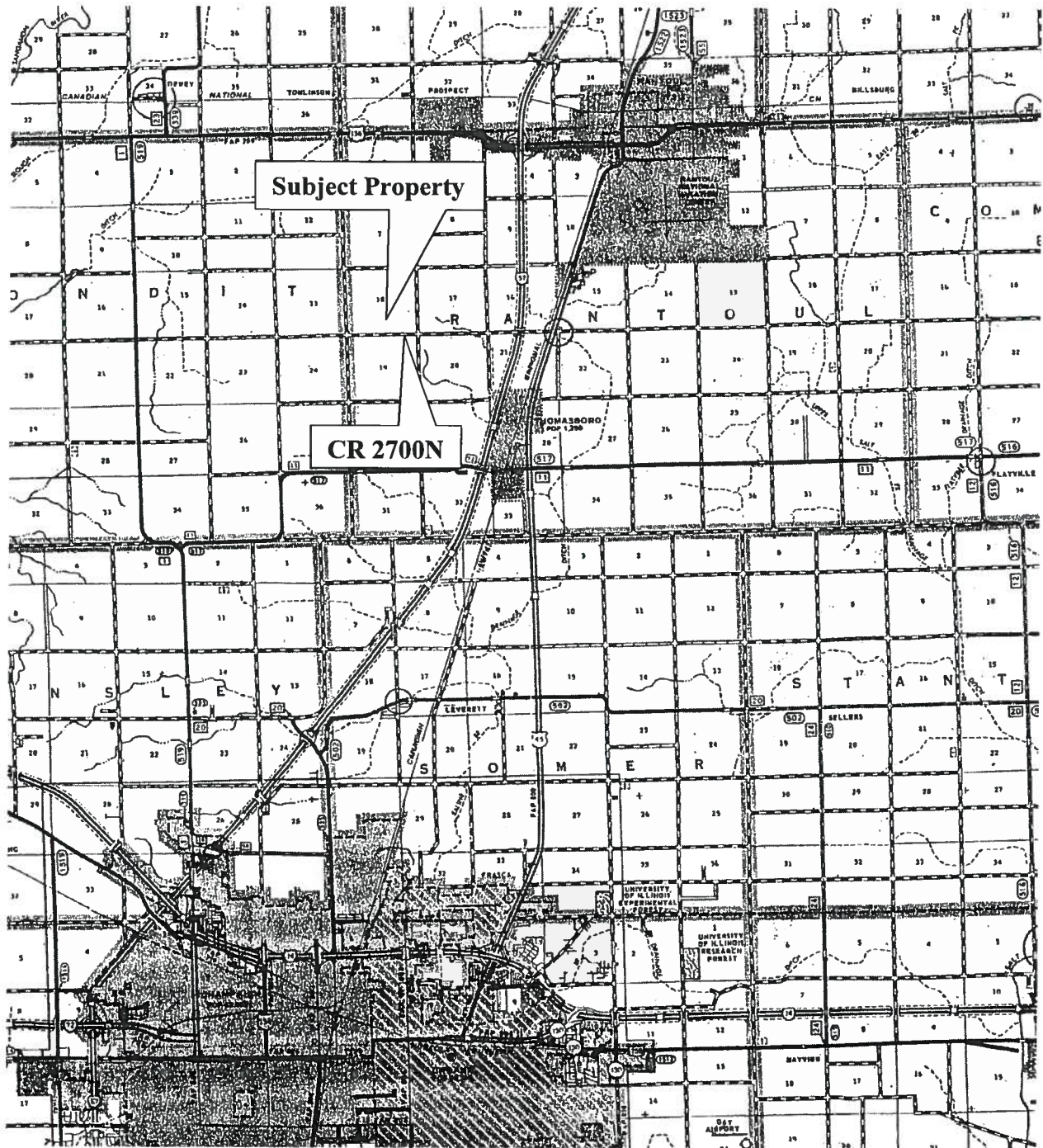
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Plat of Survey received March 21, 2013
- C Site Visit Photos (included separately to only the petitioner and Board members photos will be available on the County website)
- D LRMP Land Use Goals, Objectives, and Policies and Appendix of Defined Terms (attached separately)
- E Draft Finding of Fact and Final Determination (attached separately)

ATTACHMENT A. LOCATION MAP

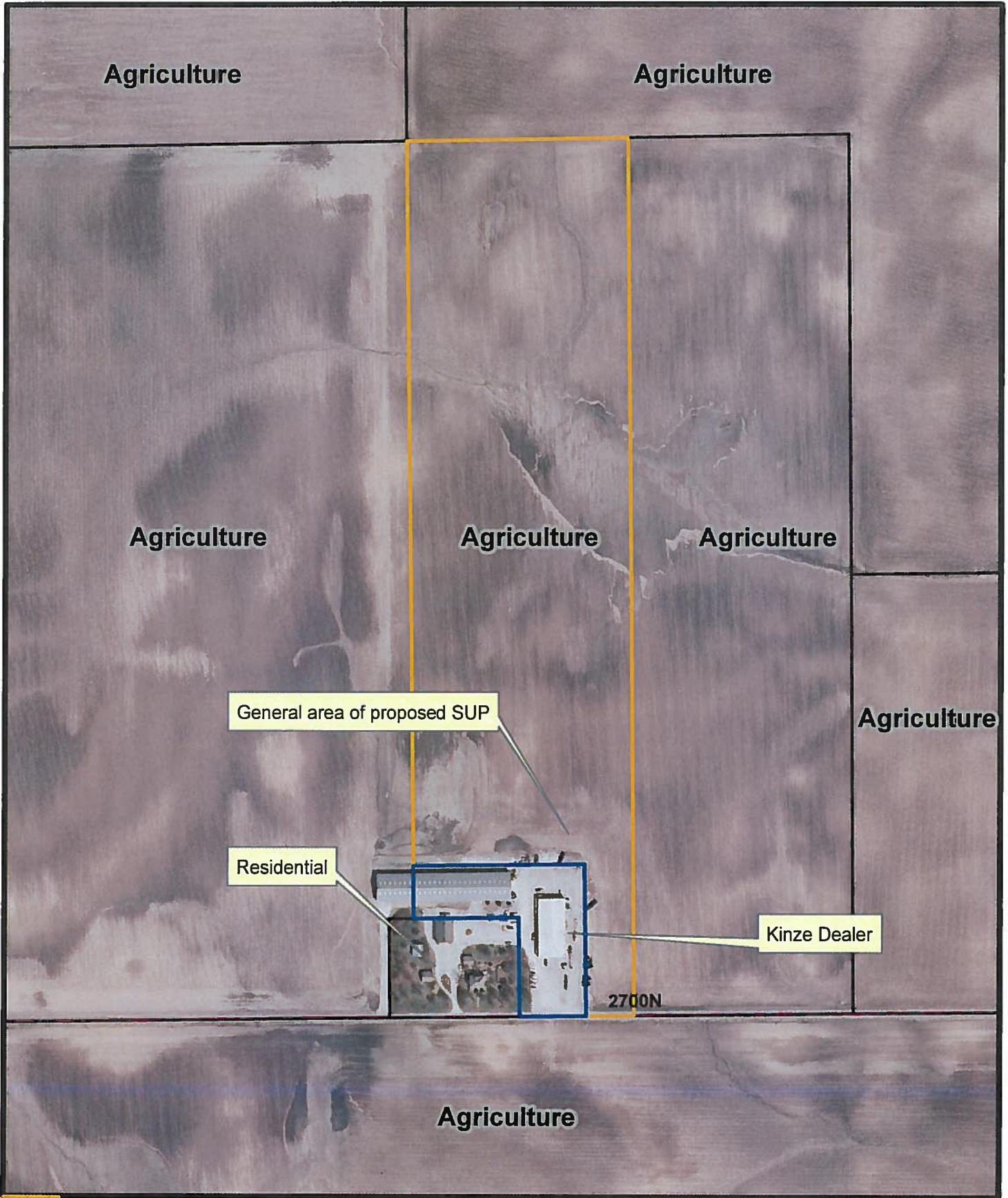
Case 747-AM-13



March 22, 2013



Champaign County
Department of
**PLANNING &
ZONING**

Attachment A: Land Use Map
Case 747-AM-13
March 22, 2013



-  Case 731-S-12 Subject Property
-  Case 747-AM-13 Subject Property

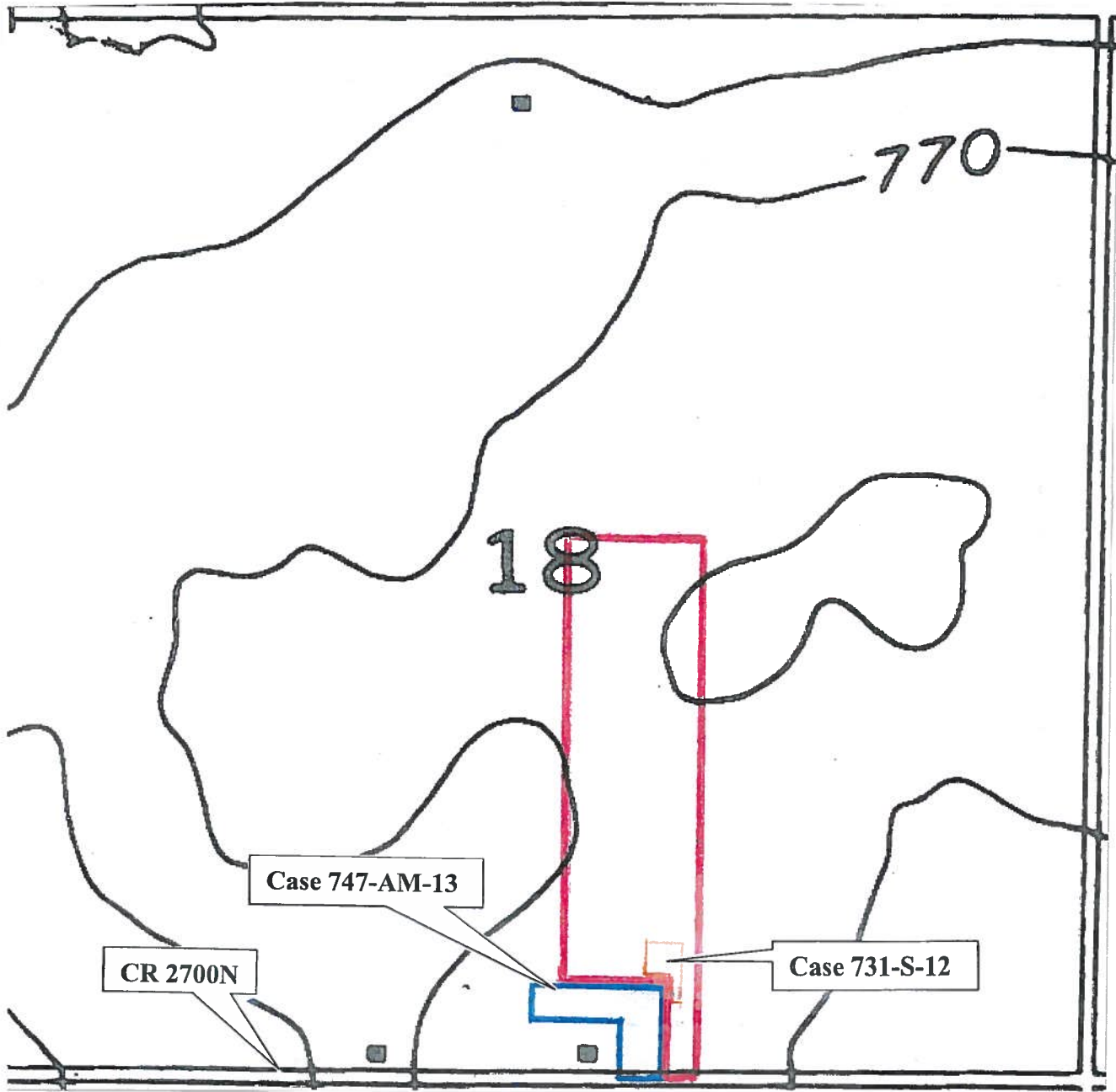
1 inch = 400 feet



ATTACHMENT A. ZONING MAP

Case: 747-AM-13

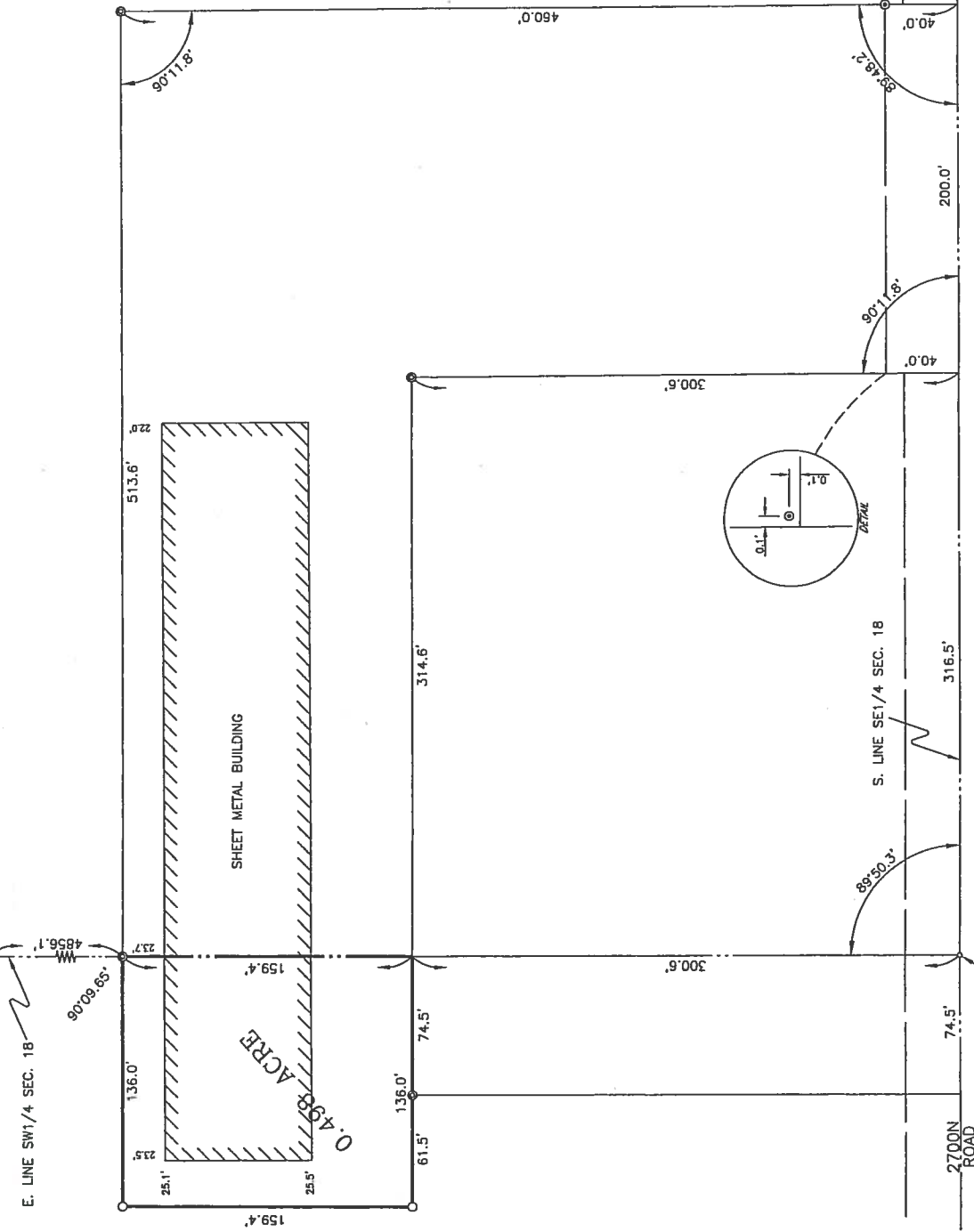
March 22, 2013



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

PLAT OF SURVEY

E. LINE SW1/4 SEC. 18
 STONE FOUND @ N1/4 COR. SEC. 18



- 1/2" STEEL ROD SET W/YELLOW PLASTIC CAP STAMPED "PLS 3873"
- STEEL ROD FOUND W/ALUMINUM CAP STAMPED "PLS 3368"
- ⊙ 1/2" STEEL ROD FOUND W/ORANGE PLASTIC STAMPED "LS 2616"
- ⊙ 1/2" STEEL ROD FOUND W/ALUMINUM CAP STAMPED "L LAND SURVEYOR 2616"
- WW — FORESHORTENED LINE

NOTE: NOT ALL IMPROVEMENTS SHOWN HEREON

I hereby certify that this plat represents a survey, made by me, of a tract of land described as:

Beginning on the East Line of the Southwest Quarter of Section 18, Township 21 North of the Base Line, Range 9 East of the Third Principal Meridian a distance of 300.6 feet north of the Southeast Corner of said South-west Quarter; thence north 159.4 feet on said East Line; thence deflecting 90 degrees 08.65 minutes (90°08.65') to the left 136.0 feet; thence south 159.4 feet parallel with said East Line; and thence easterly 136.0 feet to the point of beginning; encompassing 0.498 acre, situated in Champaign County, Illinois.

To the best of my knowledge and belief this professional service conforms to the current Illinois minimum standards applicable to boundary surveys.

Nicholas P. McCabe
 Nicholas P. McCabe
 Illinois Land Surveyor No. 9873
 License due for renewal 11/30/2014

3/6/13
 Date

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MAR 21 2013
 CHAMPAIGN CO. P & Z DEPARTMENT

SE COR. SEC. 18
 2130.2'

DRAWN BY: BERNIE L. DOWLE

MOORE SURVEYING & MAPPING
 PAXTON, ILLINOIS
 CLIENT: JOE WARNER
 DATE: FEB. 20, 2013
 SCALE: 1"=75'
 JOB NO.: 5314B

REV. MAR. 6, 2013

*MAG' NAIL FOUND OVER 1/2" STEEL ROD @ SE COR. SW1/4 SEC. 18 T21N R9E 3RD P.M.

DRAFT

747-AM-13

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

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

Date: **March 28, 2013**

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

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

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FINDING OF FACT

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

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

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

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

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

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

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

- (4) Land east of the subject property is in agricultural production.
 - 7. Previous zoning cases in the vicinity are the following:
 - A. There are no previous zoning cases in the vicinity.
 - 8. Regarding the site plan and operations of the Farm Equipment Sales and Service Business:
 - A. The plat of survey prepared by Nicholas P. McCabe received March 21, 2013, shows the entirety of the subject property and includes the following:
 - (1) A sheet metal building that is approximately 450' × 80'.
 - (2) The entire 3.8 acre area proposed to be rezoned to the B-1 Rural trade Center Zoning District.
- *Note the building where the business activities occur has not yet been indicated on the site plan.
- B. The petitioners have been operating a farm equipment sales and service business at this location since the 1970s. Currently the business sells Kinze farm equipment and provides repair services.
 - C. According the website www.warnerfarmequip.com the business carries a full line of Kinze planters and grain wagons as well as equipment parts.
 - D. The subject property will be used to access the proposed Special Use in Case 731-S-12

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

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

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

- Grain Storage Elevators and Bins;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Public park of recreational facility
- (2) There are 42 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 9 uses authorized by right in the B-1 District see above) and 10 types of uses authorized by SUP in the B-1 District:
- (a) The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - HELIPORT-RESTRICTED LANDING AREAS;
 - Livestock Sales Facility and Stockyards;
 - Slaughter Houses;
- (b) The following 27 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
- Hotel with no more than 15 lodging units;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Mineral extraction, Quarrying, topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Penal or correctional institution;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Radio or Television Station;
 - RESIDENTIAL AIRPORTS;
 - RESTRICTED LANDING AREAS;
 - Riding Stable;
 - Commercial Fishing Lake;
 - Cemetery or Crematory;
 - Pet Cemetery;
 - Kennel;
 - Veterinary Hospital;
 - Off-premises sign farther than 660 feet from an interstate highway;
 - Contractors Facilities with no outdoor operations or storage;
 - Contractors Facilities with outdoor operations and/or storage;

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

10. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:
- “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
- B. The LRMP defines Goals, Objectives, and Polices as follows:
- (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

REGARDING LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Objective 4.1 includes nine subsidiary policies. The proposed rezoning will not impede the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.

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- (2) Policy 4.1.1 states, “Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”

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

- (4) Policy 4.1.6 states, “Provided that the use, design, site and location are consistent with County policies regarding:

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

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

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

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

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

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

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

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

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

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

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

- (a) The Petitioner’s understand that this is a rural area where agricultural activities take place and the petitioners business depends upon agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

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- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

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

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

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

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

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

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

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.
- (b) The subject property has access to CR 2700N and U.S. 45 is approximately 2.5 miles from the subject property.
- (d) There is one nearby dwelling that is adjacent to the subject property and no complaint has ever been received about the existing business from the owner of the adjacent property.
- (e) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (f) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *HELP ACHIEVE* Goal 6 for the following reasons.

- A. Objective 6.1 states as follows: **“Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”**

The proposed amendment will *HELP ACHIEVE* Objective 6.1 for the following reasons:

- (1) Policy 6.1.2 states, **“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 ground water quality.**

Evidence to be added.

- B. The proposed rezoning is not relevant to Objectives 6.2, 6.3, and 6.4 and Policies 6.1.1, 6.2.1, 6.2.2, and 6.2.3. The proposed rezoning will not impede the achievement of Policies 6.1.3 and 6.1.4.

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

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

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

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

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

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

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

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

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

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

- (a) The soil on the subject property is best prime farmland and consists of Drummer silty clay, Raub silt loam, and Wyanet silt loam and would have an average LE of approximately 92.

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

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

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

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

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

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

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

GENERALLY REGARDING THE LaSalle Factors

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

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

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

Table 1: Land Use and Zoning Summary

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

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.

C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**

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

D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**

The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and has been used for the existing business since the 1970s.

- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are three buildings on the subject property.
- G. ***Sinclair* factor: The need and demand for the use.**
The petitioners business provides a needed use to the agricultural community by providing farm equipment and repair services.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Regarding proposed special conditions of approval:

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

The above special condition is required to ensure the following:

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

SUMMARY FINDING OF FACT

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

Summary Finding of Fact will be provided later.

DOCUMENTS OF RECORD

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

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

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

FINAL DETERMINATION

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

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

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date