

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **August 15, 2013**
Time: **7:00 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

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

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

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

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (May 16, 2013 and June 13, 2013)
5. Continued Public Hearings
Case 685-AT-11 Petitioner: **Zoning Administrator**

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

Request: **Amend the Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required for any County Board approved special use permit for a Rural Residential Development in the Rural Residential Overlay district as follows:**

- (1) **Require that each proposed residential lot shall have an area equal to the minimum required lot area in the zoning district that is not in the Special Flood Hazard Area;**
- (2) **Require a new public street to serve the proposed lots in any proposed RRO with more than two proposed lots that are each less than five acres in area or any RRO that does not comply with the standard condition for minimum driveway separation;**
- (3) **Require a minimum driveway separation between driveways in the same development;**
- (4) **Require minimum driveway standards for any residential lot on which a dwelling may be more than 140 feet from a public street;**
- (5) **Require for any proposed residential lot not served by a public water supply system and that is located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results;**
- (6) **Require for any proposed RRO in a high probability area as defined in the Illinois State Historic Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy of the ISHPA response;**
- (7) **Require that for any proposed RRO that the petitioner shall contact the Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of the agency response.**

*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.**

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Case 732-AT-12 Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 7.1.2B. as follows:

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

Part B. Revise paragraph 7.1.2E. as follows:

- (1) Strike “Second Division vehicle as defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase “and parked at”.
- (2) Add new subparagraph 7.1.2E.(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME OCCUPATION shall be within the limits established.
- (3) Renumber subparagraph 7.1.2E.i. to be 7.1.2E.(2) and strike “vehicles over 8,000 lbs. gross weight” and replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)”.
- (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”.
- (5) Renumber subparagraph 7.1.2E.iii. to be 7.1.2E.(4) and strike “Second Division vehicles” and replace with “MOTOR VEHICLES and licensed trailers”; and strike “indoors” and replace with “in an enclosed building”; and add “outdoors subject to the following minimum separations for outdoor parking:”; and add the following subparagraphs:
 - (a) Add subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less than five feet from a side rear property line or less than 10 feet from a front property line.
 - (b) Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling.
 - (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line and be screened.
- (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after September 1, 2012.
- (7) Add subparagraph 7.1.2E.(6) (a) and (b) to require the following:
 - (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be used provided that the total number of vehicles are not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code.
 - (b) Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle or licensed trailer or piece of equipment.

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

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

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Case 732-AT-12 cont:

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

Part E. Revise paragraph 7.1.2K. as follows:

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

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

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

Location: A 5.17 acre tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in 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.

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

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

6. New Public Hearings

Case 761-AT-13 Petitioner: Champaign County Zoning Administrator

**Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:
Part A. Revise Table A in Appendix A of the Champaign County LESA System to correct certain non-best prime farmland soil data and reclassify those soils to appropriate Agriculture Value Groups as necessary.
Part B. Revise Table A in Appendix A of the Champaign County LESA System to revise the Farmland Classification category to be consistent with the USDA Natural Resource Conservation Service “Farmland Classification” categories.**

7. Staff Report

8. Other Business

A. Review of Docket

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

10. Adjournment

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

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Cases And Disposition:
Case 685-AT-11 (page 2; continued to May 20, 2013)
Cases 731-S-12 & 747-AM-13 (pages 2 to 19;
continued to June 19, 2013)
Case 746-AM-13 (pages 20 to 25; Final Action)

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE: May 16, 2013

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

TIME: 7:00 p.m.

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

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, Lori Busboom, John Hall, Andrew Kass

OTHERS PRESENT : Kent Follmer, Joe Pitlik, Paul Cole, Pat Fitzgerald, Danny Sage, Jim Rusk

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

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4. **Approval of Minutes (March 28, 2013)**

Mr. Courson moved, seconded by Mr. Palmgren to approve the March 28, 2013, minutes as submitted. The motion carried by voice vote.

5. Continued Public Hearing

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

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Mr. Thorsland stated that the Zoning Administrator has requested that Case 685-AT-11 be continued to the May 30, 2013, meeting.

Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the May 30, 2013, meeting.

Mr. Palmgren moved, seconded by Mr. Courson to continue Case 685-AT-11 to the May 30, 2013, meeting. The motion carried by voice vote.

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 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.

Mr. Thorsland called Cases 731-S-12 and 747-AM-13 concurrently.

Mr. Thorsland informed the audience that Case 731-S-12 is an Administrative Case and as such the County

1 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
2 show of hands for those who would like to cross examine and each person will be called upon. He requested
3 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
4 that those who desire to cross examine are not required to sign the witness register but are requested to
5 clearly state their name before asking any questions. He noted that no new testimony is to be given during
6 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
7 exempt from cross examination.

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

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

14
15 Mr. Paul Cole, attorney for the petitioners, stated that he had little to add tonight because he will be
16 requesting that the cases be continued to the May 30, 2013, meeting. He said that the reason for the
17 continuance request is because they have been in the process of compiling documents and information at the
18 request of staff and they are not finished with this process.

19
20 Mr. Cole stated that there are new materials currently before the Board which may be useful. He said that
21 one of the new documents is a summary of deliveries of material into the tank in question. He said that
22 amongst the questions that were raised six weeks ago about the use and capacity of the tank in question,
23 which is for the storage of liquid fertilizer, was the tank's capacity, which is approximately 750,000 gallons.

24 He said that at the last meeting the petitioners were asked when the tank was first used for the storage of the
25 28% fertilizer and how much fertilizer has been stored and is currently being stored. He said that the
26 documents which were presented to staff today are summarized in tonight's Supplemental Memorandum.

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1 Mr. Cole stated that the tank has never been at capacity and is now only at two-thirds capacity and that is all
2 that it is going to be for this year. He said that there was a question as to if there has been any commercial
3 use of the tank and the answer is no. He said that at the last meeting there were concerns voiced by the
4 township regarding the impact on the local township roads due to additional truck traffic that might occur
5 with deliveries to the tank. He said that some information was provided to the Board concerning the
6 capacity of the tank and the capacity of each truck that would service the tank and an informal determination
7 was made to the number of truck trips that might be required up and down the highway. He said that Mr.
8 Follmer suggested that 160 truck trips might be required to service the tank. Mr. Cole stated that the concern
9 regarding the roads was heightened by the fact that the Rantoul Township Highway Commissioner attended
10 the last meeting and provided some information, not objections to the special use case, as to how the
11 additional traffic for the use will affect the road. Mr. Cole stated that the township has obtained a report
12 from an entity known as Applied Research Associates (ARA), Inc. and a representative for ARA is present
13 tonight to answer any questions that the Board may have regarding the report. Mr. Cole stated that in
14 summary the report indicates that assuming a standard of 500 trips, the impact on the road would be
15 represented by a maintenance cost of \$16,700 over the foreseeable future. He said that he has been in
16 discussions with counsel for the township highway commissioner and no answer has been achieved
17 regarding the road but the petitioners are willing to do something and it will be further discussed. He said
18 that the need for these further discussions is the primary reason why a continuance will be requested. He
19 said that if the road issue is not resolved then there is no reason why we should be doing all of this.

20
21 Mr. Cole stated that staff has requested a complete site plan. He said that a site plan has been presented to
22 staff but it does not include the detail that staff requires therefore it has been returned to the service provider
23 and was quickly revised with further details and has been presented to the Board for review. He noted that
24 the site plan before the Board tonight is useful but is not the final form. He said that he would like to receive
25 comments from Mr. Hall's office and report any comments to the surveyor/engineer to finalize the site plan.

26
27 Mr. Thorsland asked Mr. Cole if he wanted to continue the special use or both cases.

28

1 Mr. Cole stated that both cases should be continued because they are closely related.

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3 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.

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5 Mr. Thorsland asked if staff had any questions for Mr. Cole and there were none.

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7 Mr. Thorsland called John Hall to testify.

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9 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated May 16, 2013, to
10 the Board for review. He said that the memorandum includes a Summary of Findings of Life-Cycle Cost
11 Analysis conducted by Applied Research Associates, Inc., received May 15, 2013. He said that it is his
12 understanding that a full report will be submitted and tonight the Board can ask the representative when that
13 might happen. He said that also attached to the Supplemental Memorandum is new evidence that is
14 proposed based on new information received although staff has not distributed a new Draft Summary of
15 Evidence to the Board. He said that also attached to the new memorandum are letters from Gene Warner,
16 received May 16, 2013; and Warner Brothers, Inc., Monthly Product Inventory Reports received May 15,
17 2013; and Invoices from Crop Production Services; and a more detailed drainage map.

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19 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

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21 Mr. Passalacqua asked Mr. Hall if any of the proposed lighting poses a problem under the dark sky stuff.

22

23 Mr. Hall stated that the lighting that is on the property is not a part of the special use permit and there is no
24 lighting proposed pursuant to any of this.

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26 Mr. Passalacqua asked if it was all good.

27

28 Mr. Hall stated yes, it may be a bit bright but it is all good security lighting.

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2 Mr. Thorsland asked the Board if there were any further questions for Mr. Hall and there were none.

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4 Mr. Thorsland called Kent Follmer to testify.

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6 Mr. Kent Follmer, attorney for Kenneth and Victoria Warner, distributed exhibit photographs to the Board
7 for review. Mr. Follmer stated that regretfully, Kenneth and Victoria Warner are unable to attend tonight's
8 meeting. Mr. Follmer stated that Exhibit #1 is the original Plat of Survey submitted by the petitioner and the
9 Kenneth and Victoria Warner property is highlighted in yellow with the following note: not all
10 improvements shown here on. He said that the purpose of the submitted photographs is to show the Board
11 what improvements are located within that square. He said that the plat indicates the location of the fertilizer
12 tank and some of the photographs will indicate some additional improvements which are adjacent and near
13 the tank that are not on the plat. He said that Exhibit #2 is a GIS printout and gives a brief overview of the
14 Kenneth and Victoria Warner tract, which is highlighted in yellow. He said that underneath 400-012 is the
15 Warner residence and four outbuildings are apparent on the tract. He said that vehicles are indicated in the
16 upper right hand corner and those vehicles belong to the petitioner and not Kenneth and Victoria Warner.

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18 Mr. Follmer stated that Exhibit #3 is a photograph of the front of Kenneth and Victoria Warner's home. He
19 said that the home is the original homestead that Kenneth Warner grew up in and has resided there for over
20 43 years and in 1997 Kenneth purchased the home through his parent's estate. He said that Exhibits #4 and
21 #5 are photographs of the home at different angles and Exhibits #6 and #7 are photographs of the back of the
22 home looking southeast. He said that Exhibit #8 indicates the backyard and the beautiful landscaping that
23 exists on the Kenneth Warner property. He said that the purpose of the photographs is to inform the Board
24 as to what is immediately adjacent to what will possibly be subject to daily extensive tanker traffic on a
25 gravel pavement. He said that Exhibit #9 is a photograph of a large metal shed that has a large sign
26 indicating Harold Warner Farms. He said that Exhibits #10, #11, #12, and #13 are photographs of sheds
27 which are located on the Kenneth Warner tract. He said that Exhibits #14, #15, #16, #17, and #18 are
28 photographs of the landscaping on the Kenneth Warner tract. He said that when he shot the photograph for

1 Exhibit #18 he was standing along the east property line on CR 2700N and this location will be more
2 significant in the following photographs. Mr. Follmer stated that Exhibit #19 indicates a vehicle on a ramp
3 which belongs to the petitioner but it is located on the Kenneth Warner tract. He said that Exhibit #20
4 indicates the patio behind the home and it is located within close proximity and in view of the operation that
5 has been going on for over 20 years without proper zoning.

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7 Mr. Follmer stated that Exhibit #21 is a photograph of CR 2700N looking west with the residence on the
8 right. He said that Exhibit #22 indicates CR 2700N looking east with the farm equipment business on the
9 left. He said that Exhibit #23 is a photograph looking south along the east boundary with the concrete
10 marker noted by the arrow. He said that the concrete marker is the east boundary of the property line and
11 there are some trees to the left which provide a natural buffer between the existing business and the Kenneth
12 Warner home. He said that if the map amendment and special use are approved there will be a different
13 scenario along the east side of the property and Kenneth Warner would hate to see those mature trees
14 removed to allow for additional gravel. He said that Exhibits #23 and #24 also indicate a view of the mature
15 trees on the eastern boundary and Kenneth and Victoria Warner are very concerned that if the petitioners
16 receive approval of their requests that the trees will be removed and the grass will become gravel and the
17 dust and noise would be even worse than it would be if the trees remain.

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19 Mr. Follmer stated that Exhibit #25 is a photograph of the rear of the Kenneth Warner property looking east
20 and Exhibit #26 is a photograph of the rear of the Kenneth Warner property looking northwest. He said that
21 Exhibit #27 indicates the extensive amount of gravel on the petitioner's property which could be an area for
22 a berm or fencing and some type of analysis should be completed by professionals. He said that Exhibit #29
23 indicates the rear of the Kenneth Warner property looking northeast towards the new fertilizer tank and the
24 petitioner's property. He said that Exhibits #30 and #31 indicates the rear of the Kenneth Warner property
25 and Kenneth Warner is standing near the property line. Mr. Follmer stated that Exhibit #32 is a photograph
26 of three large fuel tanks that have been erected after the last hearing in April, 2013. He said that Kenneth
27 Warner saw the tanks and Mr. Follmer contacted staff. He said that the fuel tanks are very large and are not
28 depicted on any plats or drawings that have been submitted and Kenneth and Victoria Warner would like to

1 know what is or will be stored in these tanks and how they fit into the other businesses that the Warner Bros.
2 are running. He said that these tanks would certainly hold more than enough fuel that the Warner Bros.
3 would require for their farm operation. He said that Exhibits #32, #33, and #34 indicates newly poured
4 concrete with rebar sticking up and a rusty water tank that are not depicted on any of the plats or drawings
5 that have been submitted. He said that he is sure that there is a reasonable explanation for these additions
6 and it is possible that they are secondary containments that the Department of Agriculture is requiring. He
7 said that Kenneth and Victoria Warner do not appreciate new structures being built without staff or the
8 Board being notified. He said that everyone should be notified of any additions or changes to the plans so
9 that we are all on the same page.

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11 Mr. Follmer stated that Exhibit #36 is a photograph of the pipes that go from the tank and mixes the fertilizer
12 with water and puts it into the metal shed where the mixing occurs. He said that he is sure that the case will
13 be continued and he will have an opportunity to voice his client's concerns to the Board again. He said that
14 the volume of traffic is a concern and the petitioners have indicated that the trucks that will be coming and
15 going will primarily be for their own use. He said that if the map amendment and the special use permit are
16 not allowed by this Board then the Warner Bros. will be able to continue use their property for their own
17 farming operation including those farms which they crop share. He said that there is going to be a fair
18 amount of traffic on the petitioner's property even if the cases are denied and then perhaps a status quo could
19 be established. He said that Kenneth and Victoria Warner have not complained about the operation of the
20 farm equipment business surrounding their property because he is a good brother but Joe and Gene Warner
21 are taking the business a step further by constructing a \$1 million dollar tank without proper authorization
22 and constructing three large fuel tanks. He said that Kenneth and Victoria Warner would like to know if
23 Warner Bros. will be selling fuel to clients or will they be utilizing the tanks for their own farming operation.

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25 Mr. Follmer stated that his clients are concerned about dust, hours of operation, noise and the impact on CR
26 2700N and would like to know what form of limitations will be practically placed if the map amendment and
27 special use permit are approved. He said that he does not believe that the County will set up a booth to
28 police the operation to determine how many trucks are going in and out of the facility. He said that just

1 because Warner Bros. built a \$1 million dollar tank doesn't mean that it has to stay or that it has to have a
2 commercial license to pursue their need. He said that the selling of leased space as opposed to gallons of
3 28% is confusing because he does not understand how someone can indicate in their petition that they want
4 to lease space in a tank as opposed to selling gallons of 28%. He said that he has not personally been
5 involved in farming operations but if the petitioners are going to be selling fertilizer and fuel then they
6 should be up front and tell the Board and if the authorization from the Department of Agriculture allows
7 such activity then his clients would be able to anticipate it. He said that his clients are concerned where the
8 additional uses will stop if these requests are allowed.

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

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12 Mr. Thorsland asked if staff had any questions for Mr. Follmer and there were none.

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14 Mr. Thorsland called Joe Pitlick to testify.

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16 Mr. Joe Pitlick, representative for Applied Research Associates, stated that he has been asked by Danny
17 Sage, Rantoul Township Highway Commissioner, to present a Summary of Findings from their investigation
18 of CR 2700N and the area of concern. He said that their life-cycle cost analysis was based on calculations of
19 what the projected truck volume on the road would be.

20
21 Mr. Pitlick stated that they performed a brief field investigation between US 45 and the Warner operation
22 and the two cores indicated that there was approximately 2 to 2-1/2 inches of chip seal on an aggregate base
23 and they found that the aggregate base was still intact but varied in thickness from 6 – 12 inches effective
24 which is typical. He said that the road is behaving well and it is a well built, light-duty township road which
25 is typical of what would be found in the area and it is in very good shape and has been reconstructed not that
26 far in the past and has been well maintained. He said that based on Rantoul Township's typical maintenance
27 practices which is to chip-seal on average of every four years and based on the traffic that the road currently
28 receives the western portion of the road has a Illinois DOT/ADT of 75 vehicles and the eastern most limit

1 has 275 but it is closer to US 45. He said that two scenarios were written for those parts of the road and
2 projected the traffic over a 12-year span with a 1% growth to account for an increase in traffic that would
3 generally be seen across the state and that growth was applied to both scenarios so that if the growth does not
4 occur it is equally weighted in both scenarios. He said that they estimated approximately 500 trucks per
5 year, 250 to fill the tank and 250 to empty the tank. He said that they looked at taking Rantoul Township's
6 typical chip-seal practice every four years and set traffic thresholds at those therefore they summed up the
7 traffic over each year and came up with a cumulative number. He said that the value that is indicated in the
8 report is an EASL, Equivalent Axle Single Load, and they have assigned 1.8 M.U. for multiple units for
9 semi-trucks and a 1% S.U. for single units and this would indicate the damage factor or how much life of the
10 road that a vehicle consumes. He said that for reference a car is about .0004 because cars do not have much
11 impact on the road and the real damage is caused by the trucks. He said that cars will not be an incremental
12 factor for this operation. He said that using these thresholds they projected when Rantoul Township, on an
13 EASL count, would have done their chip-seals and then looked at it with the additional truck traffic when
14 this would have occurred and they added 10% for patching and summed those up over time. He said that
15 overall, they determined a \$16,700 increase over a twelve year life span using life cycle cost analysis they
16 credited back the remaining life of the road at the end of that life period so that the timing occurs right at the
17 end of the year and is not partially credited either for or against the township. He said that they came up with
18 a uniform cost of approximately of \$1,467 per year to account for the additional maintenance.

19

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

21

22 Mr. Thorsland asked if staff had any questions for Mr. Pitlik.

23

24 Mr. Hall asked Mr. Pitlik if their study found that after year 12 the additional truck traffic did not result in
25 any additional cost.

26

27 Mr. Pitlik stated that the road is behaving well today and the amount of trucks is not an obscene number and
28 the hope is that the road is in good enough shape and their investigation shows that therefore, ~~complete~~

1 reconstruction of the road will not be necessary because of this proposed use. He said that Rantoul
2 Township practices a fairly aggressive chip-seal schedule which starts to build up the existing structure over
3 time therefore, provided that they continue to follow this aggressive chip-seal schedule and they do the
4 corrective measures for patching, the base will continue to build. He said that over time, if the truck traffic
5 stays constant and the road gets thicker the additional costs should normalize out over time. He said that as
6 background traffic starts to get higher in their analysis therefore the 500 trucks per year that are constant for
7 the Warner operation will start to blend into the background. He said that their hope is that after the 12 years
8 it is not a significant factor otherwise they will consume the entire life of the road because the chip-seal will
9 only last so long to where you have to actually go in and reconstruct the base in a fashion that will allow for
10 the additional truck traffic at that time. He said that the cost to complete that work is on the order of what
11 they would be if they had to do a reconstruction.

12

13 Mr. Hall asked Mr. Pitlik if the Board will receive a more robust copy of the analysis.

14

15 Mr. Pitlik stated that the field summary and photographs of the site will be submitted along with the final
16 report which should be received by next week.

17

18 Mr. Hall asked Mr. Pitlik if the township paid for this research.

19

20 Mr. Pitlik stated yes. He said that their contract is with the Rantoul Township Highway Commissioner.

21

22 Mr. Hall asked if one could consider the cost of this study as another cost for this facility.

23

24 Mr. Pitlik stated absolutely. He said that in similar situations, such as the wind farm roads, they are hired by
25 the developer to investigate the current conditions of the road and to come up with an upgrade strategy and
26 design strategy for those roads for a 20-year life cycle. He said that this situation is more of a light duty
27 approach because the tank is already up.

28

1 Mr. Hall asked Mr. Pitlik if the size of the equipment at the implement dealership would cause any
2 identifiable wear and tear on the road.

3
4 Mr. Pitlik stated that it would depend on the volume of how many pieces of equipment are being sold. He
5 said that he would guess, in comparison to other implement dealers in Champaign County that it isn't a huge
6 dealership and those trucks will not be any heavier than any other trucks that are out there. He said that
7 during the last traffic count this particular business was in operation therefore to some extent that was
8 factored into the traffic count. He said that if the traffic count was performed over a limited window it may
9 have not captured much of the traffic there but the load limit in Illinois is 80,000 pounds unless the township
10 highway commissioner or the County posts the load limit down but that was not the case when the road was
11 built because it was built when the limit was 72,500 pounds.

12
13 Mr. Thorsland stated that seasonally, fertilizer is taken out in early spring. He asked if there is a seasonally
14 difference in a chipped road during the different seasons.

15
16 Mr. Pitlik stated that the road is not seasonally posted but that does not mean that it is not susceptible to
17 increased damage. He said that that there is a seasonal adjustment for traffic factors, and the most single
18 damaging time is during the spring thaw when the ground goes from frozen conditions to saturated wet
19 conditions. He said that it is not uncommon for roads to be posted in the spring until such time as the
20 highway commissioner deems the roads can support the heavier traffic. Mr. Pitlik noted that it is up to the
21 highway commissioner's discretion when to post the roads. He said that posting the roads is an option,
22 however, that is an unknown factor at this time.

23
24 Mr. Thorsland asked whether there were any cross examination questions for Mr. Pitlik.

25
26 Mr. Cole stated that he would like to cross-examine the witness, however, before he did that, he would like
27 to ask the Chair a few general questions.

28

1 Mr. Cole stated that it was his understanding that the Zoning Board of Appeals did not represent the
2 Township Road Commissioner, nor do they approve or negotiate contracts with petitioners on behalf of the
3 Township Road Commissioner, nor do they have interplay with the Township or the Township’s consultants.

4 Mr. Cole said that there were a number of questions raised that seem to indicate that the ZBA is going to
5 approve or disapprove whatever the Road Commissioner decides to do. Mr. Cole said that he wanted to
6 make sure the ZBA was aware of their role which does not include entering into negotiations between the
7 Warner’s and the Road Commissioner.

8
9 Mr. Thorsland said that he also had questions based on Mr. Pitlik’s testimony.

10
11 Mr. Cole asked Mr. Pitlik whether it was accurate that his study indicated that it would take 250 truck loads
12 to fill the tank. Mr. Pitlik said that they used 500 truck trips, which were 250 trucks in, 250 trucks out. Mr.
13 Pitlik said that the number of trucks was based on the volume of the tank as well as the additional 120,000
14 gallon storage capacity.

15
16 Mr. Cole asked whether Mr. Pitlik’s opinion of the cost should be based upon a more accurate number. Mr.
17 Pitlik said that if a final number is agreed upon by all parties, that number would be used to modify the
18 report.

19
20 Mr. Follmer asked Mr. Pitlik where he came up with the number 500. Mr. Pitlik said that it is based upon
21 the 750,000 gallon capacity during discussions with the Road Commissioners. He noted that during those
22 discussions, it was stated that there was an additional 120,000 gallons of storage. Mr. Pitlik said that, using
23 a conservative assumption that the tank would be cycled once annually, so 500 truck trips was a safe number
24 to use during their analysis.

25
26 Mr. Follmer asked whether 500 truck trips is a low number. He also asked whether the truck trips in the
27 spring when the roads are susceptible to more damage was taken into consideration when producing the
28 report. Mr. Pitlik said that the analysis is routine and could be revised once a range of numbers is pinned

1 down.

2

3 Mr. Follmer asked whether the numbers would be doubled if the tank were to be filled twice in one year.

4 Mr. Pitlik said that the outcome would most likely be doubled.

5

6 Mr. Thorsland noted that it appears that these cases will be continued. He asked staff when these cases
7 would next appear before the ZBA. Mr. Hall stated that he believed that Mr. Cole was anticipating
8 continuance to later than May 30, 2013, however, with the amount of testimony received at tonight's
9 meeting, it is doubtful that final action could be taken then. Mr. Hall said that with a case this complex, a
10 thirty day continuance at the earliest is not uncommon. He noted that the upcoming meeting dates are
11 heavily docketed. Mr. Hall said that it is a possibility that an updated Summary of Evidence and Finding of
12 Fact could be provided at the May 30th meeting as well as working through the remaining issues on the site
13 plan.

14

15 Mr. Courson asked whether the proposed project would be taxed as a business instead of a farm operation
16 should the Special Use Permit be granted which would potentially increase the amount of property taxes paid
17 to the County and to the local township for road maintenance.

18

19 Mr. Hall said that Mr. Courson's question goes to the heart of the issue of this case. If it is not approved it is
20 an agricultural use but if the Special Use is approved, then it is a commercial use and may be taxed at a
21 higher rate which seems logical.

22

23 Mr. Courson stated that if it is considered a commercial operation it would help absorb the township road
24 maintenance costs. He said that he does not know if the County Assessment Office could give any input.

25

26 Mr. Hall stated that he would doubt that the real estate taxes will make up for the road damage.

27

28 Mr. Courson stated that when he built his commercial building his real estate taxes went up.

1

2 Mr. Hall stated that the Rantoul Township Supervisor is present tonight therefore the Board could ask for his
3 input.

4

5 Mr. Rusk stated that if this was assessed at \$1 million dollars then the real estate taxes would approximately
6 be \$27,000 per year and schools would receive about \$19,000 of that.

7

8 Mr. Thorsland requested that Mr. Rusk sign the witness register so that he can present testimony.

9

10 Mr. Thorsland called Jim Rusk to testify.

11

12 Mr. Jim Rusk, Rantoul Township Supervisor, stated that he contacted the Rantoul Township Assessor
13 regarding the real estate taxes generated for the commercial use. Mr. Rusk stated that the Rantoul Township
14 Assessor stated that if it is considered commercial and valued at \$1 million dollars then it would generate
15 approximately \$27,000 in real estate taxes for the township. He said that percentages would be taken out of
16 the \$27,000 for the schools and other taxing bodies. He said that the township would probably end up with a
17 couple thousand dollars per year from the operation.

18

19 Mr. Passalacqua asked Mr. Rusk what would be the difference if the operation was taxed as agriculture.

20

21 Mr. Rusk stated that he cannot answer that question.

22

23 Mr. Thorsland asked the Board if there were any additional questions for Mr. Rusk and there were none.

24

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

26

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

28

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

3

4 Mr. Thorsland asked the Board if they would like to continue these cases at this time.

5

6 Mr. Cole, attorney for the petitioners, stated that the date May 30th is a critical date for Warner Brothers
7 because they are already well into the season and they need to know what they can do. He said that the
8 Board has raised some very interesting questions and the tax issue is fascinating and he will be reviewing
9 that issue very closely. He said that if the May 30th date is not met and the Board's docket is full in June
10 then the cases will be continued to July or further which is not desirable because Warner Brothers need to
11 make some important commercial or non-commercial decisions. He said that he would hate to see this thing
12 not to come to decision at all and fizzle and go away. He said that it wouldn't be fatal to the Warners if that
13 were the case but it would be a shame for everyone else to have missed the opportunity.

14

15 Mr. Passalacqua stated that perhaps Warner Brothers should have worked this out before the tank was built.
16 He said that the Board understands Mr. Cole's concerns but this started out backwards.

17

18 Mr. Courson agreed with Mr. Passalacqua. He said that Warner Brothers should have had all of their ducks
19 in order before they worried about the business end of the project.

20

21 Mr. Passalacqua stated that staff knows the reality of getting the documents in and preparing them for review
22 by the Board prior to the meeting therefore he will take staff's guidance for a continuance date. He asked if
23 May 30th is a possible continuance date for these cases.

24

25 Mr. Hall stated that the only thing that the Board should expect on May 30th is a more robust traffic analysis
26 and a more complete site plan and up-dated Summary of Evidence and Finding of Fact. He asked if the
27 Board wants staff to complete any analysis at all on the tax question. He said that the reason why Case 685-
28 AT-11 never moves ahead is because there is always something else that is more important therefore if this

1 case is more important than Case 685-AT-11 that has been before this Board for two years then he will work
2 on that for the May 30th meeting and the Board can put off Case 685-AT-11 again.

3
4 Mr. Passalacqua stated that he is requesting staff's guidance.

5
6 Mr. Hall stated that his guidance is the Board's priorities. He said that staff can begin work on the tax
7 analysis although the Planning and Zoning Department is not known for its tax analysis background and can
8 always talk to the County Assessment Office for their input.

9
10 Mr. Thorsland asked Mr. Courson if Mr. Rusk's tax analysis was sufficient.

11
12 Mr. Courson stated that it would be more prudent for the petitioner to prove that they will not be damaging
13 the roads or there will be sufficient costs paid by the real estate taxes for road maintenance.

14
15 Ms. Capel stated that the agreement is between the petitioner and the highway commissioner and it appears
16 that the highway commissioner is happy.

17
18 Mr. Courson stated that if the testimony regarding concerns about the road is not important to this Board
19 then why does the Board listen to those concerns.

20
21 Mr. Thorsland stated that Case 685-AT-11 has been kicked along for over two years therefore is it necessary
22 to get it completed prior to Case 732-AT-12.

23
24 Mr. Hall stated that Cases 685-AT-11 and 732-AT-12 are completely independent from each other and are
25 both heavily filled with facts and data.

26
27 Mr. Thorsland stated that already the May 30th meeting appears to be very busy. He asked the Board if they
28 desire to squeeze these two cases in for the May 30th meeting or continue them to the June 13th meeting.

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Mr. Courson stated that he would prefer that the cases be continued to the June 13th meeting.

Mr. Passalacqua stated that if these cases were continued to the May 30th meeting Case 685-AT-11 could be heard first.

Mr. Hall stated that if staff is merely accepting any documentation that is submitted then there might be reasonable time for staff to update the Board. He said that he is assuming that the Board wants to know that the petitioner has met all of the township's requirements.

Mr. Passalacqua stated that the petitioner could provide a copy of the real estate tax bill which would show the Board the current numbers with a high degree of accuracy and the only projection would be if it were to change.

Mr. Courson asked if a special condition could be proposed regarding the road agreement with the township.

Mr. Passalacqua stated that we had a special condition for the wind farm regarding the road agreement.

Mr. Hall stated that as he recalled the Board did not take action on the wind farm case until the Board knew that the petitioner and the townships had reached an agreement.

Mr. Thorsland stated that in fairness to the other cases the Board is not inclined to continue these cases to the May 30th meeting. He informed Mr. Cole that it would be beneficial to have all required documentation and agreements in place and submitted to staff for review by the Board prior to the next meeting.

Mr. Thorsland entertained a motion to continue Cases 731-S-12 and 747-AM-13 to the June 13, 2013, meeting.

1 **Mr. Courson moved, seconded by Mr. Passalacqua to continue Cases 731-S-12 and 747-AM-13 to the**
2 **June 13, 2013, meeting. The motion carried by voice vote.**

3

4 **6. New Public Hearings**

5

6 **Case 746-AM-13 Petitioner: Parkhill Enterprises, LLC Request to amend the Zoning Map to change**
7 **the zoning district designation from the AG-2 Agriculture Zoning District to the B-3 Highway Zoning**
8 **District. Location: A .877 acre tract in the Northwest Quarter of the Northwest Quarter of the**
9 **Northeast Quarter of the Southwest Quarter of Section 13 of Mahomet Township and commonly**
10 **known as the farmland immediately north of the Super Pantry convenience store located at 506 South**
11 **Prairieview Road, Mahomet.**

12

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

16

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

18

19 Mr. Pat Fitzgerald, attorney for Parkhill Enterprises, LLC, stated that he is representing the owner of the
20 subject property, Tri-Star Marketing, Inc, the proposed operator of the new enhanced Mobil/Super Pantry
21 that will be located on the subject real estate. He assured the Board that no new construction has been
22 started and there is no building to contend with other than the one that has been in existence for a number of
23 years.

24

25 He said that the petitioners would like to request that the Preliminary Memorandum dated May 8, 2013, from
26 the Champaign County Department of Planning and Zoning be included into the record for tonight's
27 proceedings and that the aerial attachment also be included. He said that the aerial attachment proves that a
28 picture is worth a thousand words. He said that the existing Mobil/Super Pantry is noted on the exhibit and

1 the slightly less than one acre of real estate, which is directly north of the existing facility, is the subject of
2 the rezoning request.

3
4 Mr. Thorsland asked the Board if there were any questions for Mr. Fitzgerald and there were none.

5
6 Mr. Passalacqua asked Mr. Hall that the Natural Resources Report indicates that the area that is in farmland
7 has severe limitations related to its low terrain. He asked if these limitations are in regard to the farmland or
8 the proposed improvement.

9
10 Mr. Hall stated that these results would be reported for any soil in Champaign County.

11
12 Mr. Thorsland stated that page 22 of 25 of the Finding of Fact includes a Summary Finding of Fact. He read
13 the Summary Finding of Fact as follows:

14 **SUMMARY FINDING OF FACT**

15
16 From the documents of record and the testimony and exhibits received at the public hearing conducted on
17 **May 16, 2013**, the Zoning Board of Appeals of Champaign County finds that:

18
19 1. The proposed amendment will **HELP ACHIEVE** the Land Resource Management Plan because
20 of the following (objectives and policies are very briefly summarized):

21 A. The proposed map amendment will **HELP ACHIEVE** the following LRMP goals:

22
23 **Goal 4 Agriculture** because while it will either not impede or is not relevant to the other
24 Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- 25 • Objective 4.1 **requiring minimization of the fragmentation of farmland, conservation**
26 **of farmland, and stringent development standards on best prime farmland** because it
27 will **HELP ACHIEVE** the following:
 - 28 • Policy 4.1.1 **requiring that other land uses only be accommodated under very**
29 **restricted conditions or in areas of less productive soils (see Item 14.A.(1)).**
 - 30 • Policy 4.1.6 **requiring that the use, design, site and location are consistent with**
31 **policies regarding suitability, adequacy of infrastructure and public services,**
32 **conflict with agriculture, conversion of farmland, and disturbance of natural areas**
33 **(see Item 14.A.(2)).**
 - 34 • Objective 4.2 **requiring discretionary development to not interfere with agriculture**
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because it will **HELP ACHIEVE** the following:

- Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
- Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
- Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - Policy 4.3.1 requiring a discretionary development on other than best prime farmland to be suited overall (see Item 14.C.(1)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(2)).
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).

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

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it will **HELP ACHIEVE** the following:
 - Policy 5.1.3 consider municipal ETJ areas that are served or that are planned to be served by sanitary sewer as contiguous urban growth areas (Item 15.A.(1)).
 - Objective 5.3 requiring the County to oppose new urban development unless adequate utilities infrastructure, and public services are provided because it will **HELP ACHIEVE** the following:
 - Policy 5.3.1 require new urban development in unincorporated areas to be sufficiently served by available public services without undue public expense and encouraging other jurisdictions to do the same (Item 15.B.(1)).
 - Policy 5.3.2 require new urban development to be adequately served by public infrastructure without undue public expense and encouraging other jurisdictions to do the same (Item 15.B.(2)).

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

- Objective 8.2 requiring the County to conserve its soil resources because it will **HELP**

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ACHIEVE the following:

- **Policy 8.2.1 requiring the County to minimize the conversion of farmland to non-agricultural development with special consideration for best prime farmland (Item 18.A.(1)).**

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

- **Goal 1 Planning and Public Involvement**
- **Goal 2 Governmental Coordination**
- **Goal 3 Prosperity**
- **Goal 6 Public Health and Public Safety**
- **Goal 7 Transportation**
- **Goal 10 Cultural Amenities**

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

- **Goal 9 Energy Conservation**

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

- The subject property is suitable for the proposed use.
- The proposed map amendment is in general conformance with the Village of Mahomet’s Comprehensive Land Use Plan Map.

3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE the purpose of the Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance.

4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- The use of real estate in the immediate area has changed since the applicable zoning ordinance was adopted and the proposed rezoning is consistent with the current uses in the immediate area.

He asked the Board if there were any changes or revisions to the Summary Finding of Fact and there were none.

Mr. Thorsland entertained a motion to approve the Summary Finding of Fact.

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

1 Mr. Thorsland stated that there are no new Documents of Records.

2

3 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Finding
4 of Fact as amended.

5

6 **Mr. Courson moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record
7 and Finding of Fact as amended. The motion carried by voice vote.**

8

9 Mr. Thorsland entertained a motion to move the Final Determination for Case 746-AM-13.

10

11 **Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for Case 746-
12 AM-13. The motion carried by voice vote.**

13

14 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one
15 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination
16 with the present Board or continue the case until the vacant seat is filled.

17

18 Mr. Fitzgerald requested that the current Board proceed to the Final Determination.

19

20 Mr. Thorsland read the proposed special condition for Case 746-AM-13 as follows:

21

22 **A. A Zoning Use Permit Application shall not be approved for construction on the subject
23 property until the applicant has submitted a stormwater drainage plan that is in
24 compliance with the Champaign County Stormwater Management Policy or the
25 equivalent requirements of the Village of Mahomet.**

26

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

28 **That the proposed development of the subject property is in compliance with applicable
29 stormwater management policies.**

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Mr. Thorsland asked Mr. Fitzgerald if he agreed to the proposed special condition.

Mr. Fitzgerald stated that he did agree to the proposed special condition.

Mr. Thorsland stated that the Board will take a five minute break.

The Board recessed at 8:15 p.m.

The Board resumed at 8:18 p.m.

Mr. Thorsland entertained a motion to approve the proposed special condition.

Mr. Courson moved, seconded by Ms. Capel to approve the proposed special condition. The motion carried by voice vote.

Final Determination for Case 746-AM-13:

Mr. Passalacqua moved, seconded by Ms. Capel that 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 746-AM-13 should BE ENACTED by the County Board in the form attached hereto.

Mr. Thorsland requested a roll call vote.

The roll was called:

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

1

2 Mr. Hall informed the petitioner that they have received a recommendation for approval therefore this case
3 will be forwarded to the June 6, 2013, Environment and Land Use Committee meeting.

4

5 **7. Staff Report**

6

7 None

8

9 **8. Other Business**

10 **A. Review of Docket**

11

12 None

13 **B. March 2013 Monthly Report**

14

15 None

16

17 Mr. Kass stated that two new cases have been received and docketed since the last meeting.

18

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

20

21 None

22

23 **10. Adjournment**

24

25 Mr. Thorsland entertained a motion to adjourn the meeting.

26

27 **Mr. Passalacqua moved, seconded by Mr. Courson to adjourn the meeting at 8:20 p.m. The motion**
28 **carried by voice vote.**

ZBA

DRAFT

SUBJECT TO APPROVAL

DRAFT

5/16/13

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2 Respectfully submitted

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7 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT

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Cases And Disposition:

Cases 731-S-12 & 747-AM-13 (pages 2 to 17;
continued to July 25, 2013)
Case 732-AT-12 (pages 17 to 24;
continued to August 15, 2013)
Cases 750-S-13 & 751-V-13 (pages 24 to 47;
Final Action)
Case 756-AT-13 (pages 47 & 48;
continued to August 15, 2013)

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE: June 13, 2013

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

TIME: 7:00 p.m.

Urbana, IL 61802

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

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, John Hall, Andrew Kass

OTHERS PRESENT : Daniel Ray, Dane Ehler, Kerry Gifford, Michael Buzicky, Brian Schurter, Danny Sage, Paul Cole

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

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

3. Correspondence

None

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1 **4. Approval of Minutes (April 25, 2013)**

2
3 Mr. Thorsland entertained a motion to approve the April 25, 2013, minutes as submitted.

4
5 **Mr. Passalacqua moved, seconded by Mr. Palmgren to approve the April 25, 2013, minutes as**
6 **submitted.**

7
8 Mr. Thorsland asked the Board if there were any additions or corrections required to the April 25, 2013,
9 minutes and there were none.

10
11 **The motion carried by voice vote.**

12
13 Mr. Thorsland entertained a motion to rearrange the agenda and hear the cases in the following order: 1.
14 Cases 731-S-12 and 747-AM-13; and 2. Cases 750-S-13 and 751-V-13; and 3. Case 732-AT-12; and 4.
15 Case 756-AT-13.

16
17 **Ms. Capel moved, seconded by Mr. Passalacqua to rearrange the agenda and hear the cases in the**
18 **following order: 1. Cases 731-S-12 and 747-AM-13; and 2. Cases 750-S-13 and 751-V-13; and 3.**
19 **Case 732-AT-12; and 4. Case 756-AT-13. The motion carried by voice vote.**

20
21
22 **5. Continued Public Hearing**

23
24 **Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald**
25 **Warner and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela**
26 **Warner Request: Authorize the storage and dispensing of agriculture fertilizer as a “Farm**
27 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer”**
28 **facility as a Special Use in the AG-1 Agriculture Zoning District. Location: A .96 acre (41,817.6**
29 **square feet) portion of a 38.55 acre tract in the East One-Half of the Southeast Quarter of Section**
30 **18 of Rantoul Township and commonly known as the farm field adjacent to the Kinze farm**
31 **equipment dealership at 1254 CR 2700N, Rantoul.**

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

1 testimony is to be given during the cross examination. He said that attorneys who have complied with
2 Article 7.6 of the ZBA By-Laws are exempt from cross examination.

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

7
8 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their
9 request.

10
11 Mr. Paul Cole, attorney for the petitioners, stated that in summary Warner Brothers requires a Special
12 Use Permit because they have a 750,000 gallon liquid fertilizer storage tank on a property that is zoned
13 AG-1. He said that not only is the Special Use Permit required for the Warner Brothers private uses but
14 also for the potential storage of fertilizer for other users.

15
16 Mr. Cole stated that the discussion at the last meeting raised a couple of interesting points. He said that
17 the Board indicated that the petitioners should have their ducks in a row by now and his response to the
18 Board is that there are always more and more ducks. He said that at the last meeting the Board discussed
19 the consequences of the real estate taxes for the proposed use and since that meeting he has been
20 completing some investigations about this issue. He said that at the last meeting there were issues
21 concerning the impact that the Special Use Permit may have on an adjacent property and Kent Follmer,
22 attorney for Kenneth and Victoria Warner, submitted a very nice photo presentation to the Board. He
23 said that the photographs indicate a lovely property with a home, owned by Kenneth and Victoria
24 Warner, that when purchased already existed beside an existing business that had been there for 20 to 25
25 years. He said that the photographs indicate a well coordinated interaction between the two properties
26 and how well they co-habits together. He said that the house property and the business property do not
27 interfere with each other and the issue that brought us all to this hearing is the fertilizer tank. He said
28 that Exhibit #19 was taken at the rear of the Kenneth Warner property looking northeast towards the

1 location of the fertilizer tank and it is obvious that the tank cannot be seen. He said that Exhibit #29 was
2 taken at the rear of the Kenneth Warner property also looking northeast towards the new tank and the
3 photograph verily indicates that top of the tank across the parking lot which is presumably 250 feet away
4 from the rear of the property. He said that he is going to assume that there really are no objections on the
5 part of Kenneth and Victoria Warner because no previous objections had been voiced only a request for
6 what might happen on the Warner Brothers property. He said that staff has done a good job outlining the
7 issues that would have to be addressed in allowing the Special Use Permit and there are certain restraints
8 and conditions that will be imposed that would be appropriate and applied easily. He said that he does
9 not know that there are any other true objections that he has heard other than a request by the Rantoul
10 Township Highway Commissioner about what impact might occur on the road if the Special Use Permit
11 is approved and they have submitted evidence in the form of expert opinion presented by Applied
12 Research Associates (ARA). Mr. Cole stated that ARA's report contains information which indicates
13 numbers and costs involved in maintaining the road over the next 12 to 15 years. He said that the
14 Rantoul Township Supervisor has presented a statement of taxes that would be collected as a
15 consequence of the development of this tank and the related building which indicates a certain amount of
16 revenue for road and bridge dedication and the township. He said that the extra revenue would
17 presumably be available for the maintenance of that road and would be consistent with the amount of
18 money, as described by the township's hired experts, which would be necessary to maintain the road.

19
20 Mr. Cole stated that he believes that he has addressed and outlined everything that he can and will wait
21 for further presentations. He noted that Dane Ehler, an adjacent landowner, and Daniel Ray, a regulatory
22 consultant, were present tonight to present testimony in support of the requests.

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

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

27
28 Mr. Thorsland called John Hall to testify.

1
2 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 13,
3 2013, to the Board for review. He said that that the new Supplemental Memorandum contains a
4 photocopy of information provided by Jim Rusk, Rantoul Township Supervisor. Mr. Hall stated that the
5 information provided assumes a \$1 million market value of the storage tank and they broke it down into
6 taxing bodies of interest to this case. He said that three taxing bodies which seemed to be of the most
7 interest were Rantoul Township, Rantoul Road and Bridge, and Rantoul Permanent Road. He said that
8 he is not sure how these three funds relate to each other and what they are for but he would take the view
9 that the Permanent Road fund would not see the kind of value that the expert analysis predicted. He said
10 that the Road and Bridge fund are for bridges and he is pretty sure that there are no bridges on the
11 preferred route of the fertilizer trucks. He said that Brian Schurter, Rantoul Township attorney, is
12 present tonight to present comments regarding the project.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

15
16 Mr. Thorsland asked Mr. Hall if staff has received a copy of the full road report.

17
18 Mr. Hall stated no.

19
20 Mr. Thorsland called Daniel Ray to testify.

21
22 Mr. Daniel Ray, who resides at 1001 S. Center St., Mahomet, stated that he is a Board Certified
23 Regulatory Compliance Consultant specializing in environmental safety compliance consulting. He said
24 that he was contacted by Warner Brothers after the first of the year when they were looking at changing
25 their permit from on-farm storage, which is permitted by the Illinois Department of Agriculture, for the
26 facility that is under construction at the time. He said that in consultation with the Department of
27 Agriculture in Springfield they requested that the facility be re-permitted under the Illinois Department
28 of Agriculture Part 255 rules and regulations as a commercial facility due to the volume of fertilizer that

1 will be stored. He said that he is seeing more and more fertilizer on-farm storage in one million to one-
2 half million gallon capacity all over Illinois and the current rules and regulations allow farmers a lot of
3 leniency as to how the equipment is stored and maintained and the process in which they are handled.
4 He said that the he spoke with the Illinois Department of Agriculture and they decided that the best thing
5 to do was to construct it and operate it as if it were a commercial facility therefore applying and
6 obtaining all of the appropriate permits under the Illinois Department of Agriculture requirement Part
7 255 and the Illinois Environmental Protection Agency as it relates to water and air pollution for that
8 facility as it is permitted as a commercial agriculture facility. He said that that the tank is a state of the
9 art tank and is probably the most expensive type of tank that can be installed because it has a secondary
10 liner and bladder, and all stainless steel piping. He said that the tank is designed to protect the
11 environment and prevent a leak or spill release from the facility. He said that the petitioners have gone
12 100% over board in comparison to some of the Illinois farm facilities that he works with and from his
13 standpoint they are checking every box on the list to be good citizens in the community to make sure that
14 they do not have spills or releases or damage the environment. He said that he has written their standard
15 operating procedures and outlined them with them and will continue to train and evaluate. He said that
16 the facility will be inspected by the Illinois Department of Agriculture annually and the requirements for
17 a commercial facility are more stringent than for a farm storage facility.

18

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

20

21 Mr. Thorsland asked if staff had any questions for Mr. Ray.

22

23 Mr. Hall asked Mr. Ray if the permit from the Illinois Department of Agriculture is renewed annually.

24

25 Mr. Ray stated that the Warner permit will be an experimental permit because of the tank and bladder
26 combination and the permit will be reviewed and renewed every two years for the first four years and
27 then it will move to a five year cycle.

28

1 Mr. Hall asked Mr. Ray if, as part of the renewal, does the Department of Agriculture require the
2 standard operating procedures manual or is that something that is above and beyond.

3
4 Mr. Ray stated that the operating procedures manual is required as part of the permitting process. He
5 said that the Department of Agriculture has a copy of the standard operating procedures for this facility.

6
7 Mr. Hall asked Mr. Ray if he could indicate any on-farm storage tanks in nearby counties.

8
9 Mr. Ray stated that the closest one that he could remember is Sangamon County because there is a large
10 farmer there who has two one million gallon tanks that are currently permitted and there is at least one in
11 northern Winnebago County and one in Stark County. He said that he is seeing more and more of this
12 type of facility because farmers are trying to meet their supply and demand and reducing their exposure
13 to traveling long distances on the roads to purchase the products on a timely manner.

14
15 Mr. Hall asked Mr. Ray if the Department of Agriculture may eventually adopt new rules for large on-
16 farm fertilizer tanks.

17
18 Mr. Ray stated that it is his opinion that the Department of Agriculture is pushing farmers to go to the
19 extent that Warner Brothers have gone to and getting them out of Part 250A requirement for on-farm
20 storage because they are a lot less stringent than the Part 255 which is the same as a commercial facility.
21 He said that the Warner Brothers made the choice to build and operate according to the rules of a
22 commercial facility as are every other commercial plant in Champaign County and they are subject to the
23 same rules and regulations, inspections and testing.

24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Ray and there were none.

26
27 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ray and there was no one.

28

1 Mr. Thorsland called Dane Ehler to testify.

2

3 Mr. Dane Ehler, who resides at 1185 CR 2700N, Rantoul, stated that he lives one mile west and has
4 lived there for over 20 years. He said that he is a farmer and he appreciates what Joe and Gene Warner
5 have done in constructing a state of the art tank and he believes that it will help him out. He said that
6 currently he has to travel to Cissna Park or Danville to obtain 28% on a wholesale manner. He said that
7 he does have some neighbors who store five to ten thousand gallons of 28% and their tanks do not have
8 dikes or bladders and are not certified and this will help eliminate some of that where a guy would be
9 able to take the product to a certified facility and not take the risk of having it on his own farm where it
10 could spring a leak. He said that he believes that there will be a lot of farmers who will be able to use
11 this tank and it will benefit the community.

12

13 Mr. Thorsland asked the Board if there were any questions for Mr. Ehler and there were none.

14

15 Mr. Thorsland asked if staff had any questions for Mr. Ehler and there were none.

16

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

18

19 Mr. Thorsland called Brian Schurter to testify.

20

21 Mr. Brian Schurter stated that he was the attorney for Rantoul Township and was accompanied by the
22 Township Road Commissioner. He said that they were not opposed to the project however they were
23 concerned about the impact that the project is going to have on the roads. Mr. Schurter said that,
24 currently, it costs approximately \$9,000 to oil and chip one mile of road. He said that the proposed
25 Special Use is located approximately 2 miles from U.S. Route 45. He noted that oil and chipping of
26 roads is to be done every three years instead of on a four year cycle, and the amount of tax dollars that
27 will go towards maintaining the roads will not be enough to maintain the roads with the proposed
28 impact. Mr. Schurter said that the Township wants to ensure that the impact that will be caused will not

1 be borne by the other citizens of the Township but that the business that is creating the impact will be
2 bearing the cost.

3
4 Mr. Thorsland asked whether Mr. Schurter had the complete road report from the consultants. Mr.
5 Schurter said that the report has been completed however he did not have it with him. He noted that he
6 would provide that to staff.

7
8 Mr. Thorsland asked whether the Township had been working with the Warner's on an agreement for
9 the cost deferral. Mr. Schurter said that they have had discussions with the Warner's however they have
10 been unable to reach an agreement.

11
12 Mr. Thorsland asked whether Mr. Schurter had a time frame in which an agreement could be met. Mr.
13 Schurter said that the Township would like to reach an agreement with the Warner's however at this
14 time there is a disagreement over what the cost of the road maintenance should be and who should bear
15 those costs.

16
17 Mr. Hall asked Mr. Schurter whether the negotiations are on-going or if they are at a standstill. Mr.
18 Schurter said that he would characterize the agreement as the Warner's would like to pay a flat amount
19 upfront and the Township has proposed an ongoing rate that would essentially be a surcharge for the use
20 above what is a personal use of the property.

21
22 Mr. Hall asked whether the reason the Township favored an ongoing relationship was in case of
23 unforeseen road damage in the future that is beyond the expert analysis. Mr. Schurter stated that that
24 was correct.

25
26 Mr. Hall asked whether the one-time fee, which is apparently favored by the Warner's, would provide
27 for the ongoing maintenance. Mr. Schurter said that that has also been part of their discussions.

28

1 Mr. Courson asked whether the Township has pursued the possibility of placing a per truck fee in the
2 agreement. Mr. Schurter said that the Mr. Warner has indicated his personal use would be 250,000
3 gallons per year. He said that the Township proposed a small charge that went above the 250,000 gallon
4 personal use. He said that they have been trying to come up with a way that would make it easier on
5 everyone to keep track of and it seems like the easiest way would be to have the Warner's provide their
6 records indicating how many gallons were hauled in above their personal use.

7
8 Mr. Thorsland stated that testimony had been received that others may be using the fertilizer tank for
9 storage above the amount that the Warner's would use for their own fields. He said that his concern is
10 that there may actually be more truck traffic because the people leasing space may have deliveries made
11 or product removed by truck that may not have been accounted for in the road report.

12
13 Mr. Schurter said that that goes back to the 250,000 gallon personal use that the Warner's propose to
14 use. He said that if other people are ordering more chemicals that are being delivered to the subject
15 location, the Township's view is that those loads would be reflected in the records the Warner's would
16 need to submit to the Township at the end of the year. He said that the concern is in maintaining the 2
17 miles of road to the highway. He said that there are only so many farm acres that are going to have
18 nitrogen or other chemicals applied so there will only be a certain number of trucks, no matter who will
19 be supplying the product, going across the road. He reiterated that the main concern is maintaining those
20 2 miles and ensuring the Township has enough funds to do that.

21
22 Mr. Cole said that additional tax monies will be collected as a consequence of this facility being located
23 on the subject property. He noted that one of the entities that will be receiving tax monies from this
24 project is the Rantoul Road and Bridge fund. He noted that there is an overpass that must be crossed to
25 get to this property so he is assuming that the Road and Bridge fund would apply. Mr. Cole said while
26 Mr. Schurter has not cross-examined him, Mr. Schurter has indicated that the Road and Bridge monies
27 are not available for this project however the Rantoul Permanent Road fund does have monies available
28 to maintain the subject road. Mr. Cole said that at the last meeting, there was a statement provided in the

1 professional study that the cost to maintain this particular stretch of road would be \$16,700 over the
2 course of a twelve year period using current costs, or annually, \$1,467. Mr. Cole said that that estimate
3 is based upon traffic and, quote: addition of the constant 500 trucks per year. Mr. Cole said that it takes
4 160 trucks to fill the tank to full capacity. He noted that 160 trucks with an 80,000 pound capacity when
5 filled would go to the subject property and then leave empty. Mr. Cole said that using simple arithmetic
6 that would be one-third of the study standard which should equal one-third of the annual cost. He said
7 that rounding the annual maintenance cost to \$1,500 per year, one-third would be \$500. The tax revenue
8 currently collected per year from the subject property is \$678 per year. Mr. Cole said that no matter
9 whether the Warner's drive on this road or not, the Rantoul Township Permanent Road fund will receive
10 \$678 per year. He said that the Warner's are going to drive on it and fill the tank up.

11
12 Mr. Cole said that they did have a meeting at the Rantoul Township Office on May 21, 2013. Mr.
13 Schurter confirmed that that date was correct. Mr. Cole said that they discussed how the Warner's
14 would be assured that the 2 mile portion of the road would be maintained. He noted that the trucks that
15 were not tanker trucks did not count. He said that the Warner's would be willing to pay more to ensure
16 that the road is properly maintained. Mr. Cole said that if you assume that 250,000 gallons is for private
17 use and assume that the rest of the material in the tank is stored by other individuals, then it makes sense
18 to charge a price per gallon fee for those gallons above those used by the Warner's. Mr. Cole said that
19 all parties agreed that that was a rational approach. He said that the next step was to determine what the
20 price per gallon fee should be.

21
22 Mr. Cole said that Mr. Schurter contacted him after the meeting and suggested a fair rate would be 2
23 cents per gallon for any product over the 250,000 gallon private use. Mr. Cole said that if the tank were
24 filled to capacity once during the year, the amount paid to the Township would be \$10,000 for that year.
25 He said that he was quite surprised by that figure because using the professional study which indicated
26 \$500 would be needed per year to maintain the road and the amount of \$678 that are going to be
27 assessed no matter how many gallons are in the tank, the need for the 2 cent per gallon surcharge is
28 confusing.

1

2 Mr. Cole said that he asked Mr. Schurter how the Township could tell an individual property owner that
3 they must pay more than what the tax numbers indicate as fair. Mr. Cole said that Mr. Schurter told him
4 that there is no statutory authority that regulates the taxing bodies and, since approval is required from
5 the Zoning Board of Appeals for the proposed use, the Township was going to ask for \$10,000 per year
6 on maximum capacity. He said that at least he finally received an honest answer even though \$10,000
7 per year is contradictory to the Township's expert's report that the 12 year present value of maintenance
8 on the subject road would be \$12,000. Mr. Cole stated that at a two cent per gallon rate, the Warner's
9 would be subsidizing the rest of the Township, which doesn't seem right.

10

11 Mr. Cole stated that when someone asks whether there has been progress in the negotiations or if they
12 are at an impasse, then define progress, define impasse. He asked whether the Zoning Board of Appeals
13 should be put in the position to negotiate contracts between government bodies and petitioners. Mr.
14 Cole said that despite the apparent heat of his comments, his client, the petitioners are happy to pay a
15 fee, in addition to the taxes, because the road benefits them as it does everyone who uses the road. He
16 said that it would seem unnecessary for the Board to become involved in this matter. He said that he
17 and his clients ask that the Special Use Permit be granted without regard whether there is an
18 understanding with the Township because the Township can hold their feet to the fire in other ways such
19 as posting weight limits on the road or by not maintaining the road. Mr. Cole said that the ZBA has the
20 power to grant or deny requests however, the Township can protect itself. He noted that putting the
21 ZBA in the position of mediator is not fair.

22

23 Mr. Thorsland said that Mr. Cole's statement with respect to his clients not being opposed to paying
24 more is clear. He noted that it is not unusual to request that the petitioners in Special Use Permit
25 requests where the use seems to be above the average daily traffic counts to enter into an agreement with
26 the appropriate road district. He said that, personally, he would be happier if there was an agreement,
27 even if it is private, to be reflected in the Summary of Evidence. He noted that the Board does not want
28 to be involved in negotiations. Mr. Thorsland said that he would like to see a copy of the final road

1 impact report.

2

3 Mr. Passalacqua noted that one of the criteria in approving a Special Use Permit is whether the proposed
4 use will be injurious to the district or the neighborhood. He said that the agreement between the
5 petitioners and the Township would show that the use would not be injurious to the district and the
6 neighborhood.

7

8 Mr. Passalacqua stated that he was under the impression that the report and the dollar amount for
9 maintenance was the net difference due to the increase in traffic, not for the whole annual cost. Mr.
10 Passalacqua said that instead of dividing the annual cost for repairs, it represents the net change due to
11 the proposed use.

12

13 Mr. Cole said that he believed that there would be no report unless there was an increase in traffic. He
14 said that there is an increase because the word 'additional' was put in the report which indicated 500
15 additional truck trips. Mr. Cole said that their additional truck trips would be 160.

16

17 Mr. Passalacqua said that he believed the \$1,500 was the additional annual cost of repairs due to the
18 truck trips.

19

20 Mr. Thorsland noted that if there are 180 trucks coming onto the subject property to put fertilizer in the
21 tank, at some point the fertilizer leaves the tank. He noted that Mr. Cole appeared to not be counting
22 those truck trips.

23

24 Mr. Thorsland said that Mr. Passalacqua was correct when he said that road use is one of the criteria that
25 must be looked at as part of a proposed use being or not being injurious to the district or neighborhood.
26 He said that he was inclined to continue the Special Use Permit and focus on the Map Amendment until
27 the petitioner and Township reach an agreement on the roads.

28

1 Mr. Courson noted that to approve the Special Use Permit, the Findings must all be affirmative. He
2 noted that at this point, there is nothing that indicates the use will or will not be injurious to the district
3 without the road agreement.

4
5 Mr. Thorsland stated that the Board has made it clear that there is still some work that needs to be
6 completed on the petitioner's part prior to taking final action.

7
8 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 731-S-12 to July 25, 2013. The**
9 **motion carried by voice vote.**

10
11 **Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H., Warner and**
12 **Gerald E. Warner Request: Amend the Zoning Map to change the zoning district designation**
13 **from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center zoning District to bring**
14 **an existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre**
15 **tract in the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the**
16 **Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul**
17 **Township and commonly known as the Kinze farm equipment dealership at 1254 CR 2700N,**
18 **Rantoul.**

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

23
24 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their
25 request.

26
27 Mr. Cole stated that the Map Amendment has been requested because Staff believes it would be a good
28 idea to clean up what has been a business use for forty years, however, on the Zoning Map the subject
29 property is not indicated as a business use. He said that his clients are happy to go along with the
30 request.

31

1 Mr. Hall asked whether the business had been operating for forty years. Mr. Cole said that if the
2 business had been operating for forty years, the Map Amendment would not be necessary. He said that it
3 has been in operation for 39 years.

4
5 Mr. Hall commented that the only new item is the memorandum that went out in the mailing with a
6 revised draft Finding of Fact.

7
8 Mr. Thorsland noted that on Page 20 of 25 staff has provided a Summary Finding of Fact. Mr. Thorsland
9 stated that he had no difference of opinion with any of the Findings with respect to the LRMP.

10
11 Mr. Passalacqua stated that he agreed with Mr. Thorsland to enter the Summary Finding of Fact into
12 evidence.

13
14 Mr. Thorsland noted that there is one Special Condition of Approval which states that a Change of Use
15 Permit shall be applied for within 30 days of approval of Case 747-AM-13 by the Champaign County
16 Board which will ensure that the establishment of the proposed use shall be properly documented as
17 required by the Champaign County Zoning Ordinance.

18
19 Mr. Cole stated that the petitioner would be agreeable to that condition.

20
21 **Ms. Capel moved, seconded by Mr. Palmgren to approve the following condition: ‘A Change of**
22 **Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the**
23 **Champaign County Board.’ The motion carried by voice vote.**

24
25 Mr. Hall stated that he would like the Board to be comfortable in determining that the Finding of Fact on
26 the Map Amendment adequately addresses any outstanding issues from the proposed Special Use
27 Permit. Mr. Hall noted that he was not aware of any issues however, as the Zoning Administrator he
28 hoped that there was a full representation of the interrelationship between the Map Amendment and the

1 Special Use Permit. He noted that the Map Amendment is the only case that will go before the County
2 Board. Mr. Hall said that on the surface, the cases seem to be interrelated however the only case that the
3 County Board will make a decision on is the Map Amendment. He stated that if the ZBA was satisfied
4 that the Map Amendment has addressed all of the apparent issues and is completely separate from the
5 Special Use Permit, then final action should be taken so the case can continue on to the County Board.
6 He said that, in reality, the two cases are not completely separate because the proposed use that requires
7 Special Use approval will be using the same driveway that the Kinze dealership uses, which can be
8 viewed as a good thing.

9
10 Mr. Thorsland said that Objective 4.3.3 discusses public services. He asked whether forwarding the Map
11 Amendment to the County Board prior to the decision on the Special Use case could be misinterpreted in
12 light of the on-going discussions between the petitioner and the Township.

13
14 Mr. Hall noted that he did not have, nor was he proposing any automatic changes to the Findings.

15
16 Mr. Passalacqua commented that the uses are very separate. He said that the Kinze dealership is not
17 necessarily directly related to the tank. Mr. Hall said that the Kinze dealership has been operating for at
18 least 39 years however there will be a shared drive for the Kinze dealership and traffic going to and from
19 the tank.

20
21 Mr. Passalacqua said that he read the case description and memorandum as bringing the Kinze
22 dealership into compliance. Mr. Hall said that that was correct, however, if the Board takes final action
23 on the Map Amendment they must be certain that all of the connection between these two cases have
24 been addressed.

25
26 Ms. Capel asked whether the tank was allowed by right in the B-1 zoning district. Mr. Hall said that the
27 tank location will not be allowed in B-1.

28

1 Mr. Thorsland asked whether the tank was authorized by right if it were only used by the Warner's to
2 store product for their personal use. Mr. Hall said that that was correct, however, leasing space for
3 others to store product in is only authorized by Special Use.

4
5 Mr. Thorsland noted that regardless of what happens with the tank, the Kinze dealership needs to be
6 brought into compliance.

7
8 Mr. Passalacqua noted that the tank and dealership are on two separate parcels of land. Mr. Hall said
9 that that was correct, however, the uses on the parcels are meshed together.

10
11 Mr. Thorsland said that it appears that Staff has some concerns therefore, it may be best to continue this
12 case to the same date that the Special Use case was continued to. He noted that that will allow staff to
13 propose conditions which will address any overlap of the uses.

14
15 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 747-AM-13 to July 25, 2013. The**
16 **motion carried by voice vote.**

17
18 Mr. Thorsland stated that the Board will now hear Cases 750-S-13 and 751-V-13.

19
20 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County**
21 **Zoning Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-**
22 **family” and replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five**
23 **acres” and replace with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and**
24 **(3) Revise subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in**
25 **area”; add the phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4)**
26 **Add new subparagraph 7.1.2B.(3) to authorized that all employees may be present and working**
27 **on the premises for no more than 5 days with any 30 day period due to inclement weather or as**
28 **necessitated by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to**
29 **authorize that family members who are residents of the property when the HOME**
30 **OCCUPATION is operating but who subsequently move from the premises may remain active in**
31 **the HOME OCCUPATION and shall not be counted as a non-resident employee as long as their**
32 **participation in the HOME OCCUPATION continues. Part B. Revise paragraph 7.1.2E. as**

1 follows: (1) Strike “Second Division vehicle as defined by the Illinois Vehicle Code” and replace
2 with “MOTOR VEHICLES”; and add the phrase “and parked at”. (2) Add new subparagraph
3 7.1.2E(1) to require that the number of MOTOR VEHICLES and licensed trailers displaying the
4 name of the RURAL HOME OCCUPATION or used in any way for the RURAL HOME
5 OCCUPATION shall be within the limits established. (3) Renumber subparagraph 7.1.2E.i. to be
6 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and replace with “MOTOR VEHICLES
7 that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by
8 the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase “and all MOTOR VEHICLE
9 loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111)”. (4) Renumber
10 subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace with “MOTOR
11 VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert “licensed”;
12 and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber
13 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors
14 less than five feet from a side or rear property line or less than 10 feet from a front property line;
15 and (b) Add subparagraph 7.1.2E(4)(b) to require that outdoor parking for more than one motor
16 vehicle shall be no less than 50 feet from any lot line and no less than 100 feet from any offsite
17 dwelling; and (c) Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than
18 one motor vehicle that does not meet certain requirements shall be at least 10 feet from any lot line
19 and be screened. (6) Add subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F.
20 apply to all new RURAL HOME OCCUPATION and to any expansion of a RURAL HOME
21 OCCUPATION that is filed after September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b)
22 to require the following: (a) Any MOTOR VEHICLE or licensed trailer or piece of equipment
23 that was included on an application for a RURAL HOME OCCUPATION that was received
24 before September 1, 2012, may continue to be used provided that the total number of vehicles are
25 not more than 10 and no more than 3 may be truck tractors or MOTOR VEHICLES with tandem
26 axles as defined by the Illinois Vehicle Code; (b) Any RURAL HOME OCCUPATION that
27 complies with 7.1.2E.(6) shall be authorized to have the same number of motor vehicles or licensed
28 trailers or pieces of equipment as long as it continues in business at that location and any MOTOR
29 VEHICLE or licensed trailer or piece of equipment may be replaced with a similar motor vehicle
30 or licensed trailer or piece of equipment. Part C. Add new paragraph 7.1.2F. as follows: (1) Limit
31 the number of motorized or non-motorized complete pieces of non-farm equipment in outdoor
32 storage to 10 complete pieces, provided that the number of pieces of equipment that may be in
33 outdoor storage shall be reduced by the number of MOTOR VEHICLES and licensed trailers that
34 are also parked outdoors; and (2) Require that equipment in outdoor storage meet the same
35 separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and 7.1.2E.(4)(c). Part D. Revise
36 paragraph 7.1.2H. to require that more than four vehicles for patrons and onsite employees shall
37 be screened; and also provide that loading berths are not required for RURAL HOME
38 OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase “for other
39 than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase “screened as
40 provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2) Add
41 subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street

1 **parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage**
2 **occurs in any yard within 1,000 feet of certain specified uses of surrounding property.**
3

4 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.
5

6 Mr. Hall, Zoning Administrator, distributed a yellow handout titled, “RHO-Rural Home Occupation” to
7 the Board for review. He said that based on the current text amendment he would propose that the
8 distributed yellow handout is the one that should be used. He said that the current RHO handout
9 consists of two pages and is literally a verbatim restatement of what the Ordinance requirements are but
10 with the Ordinance requirements included in the this text amendment a verbatim handout will consist of
11 six pages. He said that he worked on an annotated version of this handout but he was unable to have it
12 completed prior to tonight’s meeting.
13

14 Mr. Hall stated that the handout is only a summary of the Zoning Ordinance regulations. He said that in
15 regards to motor vehicles, paragraph F. in the handout provides the definition of a motor vehicle and
16 points out the limit on the number of vehicles and prohibits parking in the street right of way and
17 discusses the requirement for parking areas. He said that off-street parking must be indicated on the site
18 plan and must conform to all Zoning Ordinance requirements and discusses the limit of 10 motor
19 vehicles and/or equipment. He said that the handout gives a citation back to the subparagraph so that a
20 citizen who is reviewing this handout can go to the Zoning Ordinance to get a full understanding. He
21 said that the paragraph F. discusses the limits on how close parking may occur to the property boundary
22 and that parking areas need to be screened in some instances.
23

24 Mr. Hall stated that Section 7.1.2. of the Zoning Ordinance, the section on motor vehicles, included in
25 the Supplemental Memorandum dated June 7, 2013, is one and one-half pages in the Ordinance. He said
26 that paragraph G. of the handout is the discussion regarding equipment and is not as complicated and is
27 much shorter and everything else is verbatim. He said that paragraph K. discusses exterior lighting
28 which will be discussed during review of Case 756-AT-13. He said that whatever the Board’s

1 recommendation is will be what the information in the handout will be based upon. He said that many
2 times many people obtain these handouts to evaluate what they see their neighbor doing and it is
3 important to let them know that the RHO regulations have been amended over time therefore what you
4 see occurring may actually be an older RHO and not a new one.

5
6 Mr. Hall stated that he realized that the handout for the RHO should include the standards for screens
7 therefore the four different types of screens were included. He said that the last page of the handout
8 includes an example site plan. He said that staff has been receiving calls lately requesting that more
9 illustrations be included with all of the amendments and with most amendments an illustration is
10 somewhat difficult to do because generally you are not talking about any whole thing but on the RHO
11 regulations it is a good idea to use illustrations. He said that for tonight he only has two example site
12 plans for the Board's review and both examples are on lots which are less than two acres therefore there
13 could only be two non-resident employees and a limit of 10 vehicles. He said that site plan "B" indicates
14 a Truck Tractor RHO with three cabs and seven trailers squeezed onto a one acre lot with no accessory
15 building. He said that if there are dwellings on adjacent properties and RHO parking is less than 100
16 feet from the Building Restriction Line all of the RHO, the vehicles must be screened and it is up to the
17 applicant to determine what that screening is. He said that he has one additional example that he did not
18 get copied for the Board's review tonight which shows a one acre lot with ten parking spaces, two
19 employee spaces, accessible space, and a building and that is almost one full acre of development. He
20 said that the third example is to show a prospective applicant how complicated these site plans can
21 become. He said that he has decided to always indicate the accessible parking space because it is not the
22 County's regulation and staff cannot tell someone when one is required. He said that staff can only tell
23 the applicant that one may be required and give the applicant the contact information for the Illinois
24 Capital Development Board, which is included on the example site plan and will be included on the
25 handout. He said that nowhere in the Zoning Ordinance does it mention accessibility but the handouts
26 are intended to be more useful than the Ordinance therefore it is important to include the contact
27 information for the Capital Development Board, particularly with the Rural Home Occupation. He said
28 that if someone is building everything new then, based on what has been seen in the past, accessible

1 parking will be required as well as other accessible requirements. He said that if someone has an
2 existing home and they are starting an RHO the County does not require parking spaces therefore they
3 probably will not have to add any accessibility accommodations although they should contact the Illinois
4 Capital Development Board for confirmation.

5
6 Mr. Hall stated that at the last meeting the Board reviewed recommendations for changes to the
7 application and staff has continued working on those changes although staff was unable to get them
8 completed for the Board's review tonight. He said that at the next meeting he would like to hear the
9 Board's comments about the distributed handouts. He said that at the next meeting the Board will see
10 the revised handout, application and additional example site plans. He said that putting together
11 amended Section 7.1.2 caused him to actually make some minor changes but no substantive changes.
12 He said that revised Section 7.1.2 included in tonight's memorandum does not include the exterior
13 lighting and that will be addressed in Case 756-AT-13. He said that if the Board likes the way that Case
14 756-AT-13 looks then we could include revised Section 7.1.2 which would show everything where we
15 think it would go and that would be presented and discussed at a future meeting.

16
17 Mr. Passalacqua asked Mr. Hall if a truck connected to a trailer loaded with a tractor would be
18 considered one piece of equipment.

19
20 Mr. Hall stated that such a combination would be considered as one vehicle.

21
22 Mr. Passalacqua asked if outdoor storage of 10 complete pieces of equipment could include 10 truck/
23 trailer combinations loaded with a tractor would be allowed.

24
25 Mr. Hall stated yes, someone could have 10 vehicles and all 10 could be a truck/trailer combination
26 loaded with equipment.

27
28 Mr. Passalacqua stated that if the truck becomes disconnected to the trailer then the two are considered

1 as separate vehicles.

2

3 Mr. Hall stated yes. He said that the when you have this type of assemblage then it will certainly weigh
4 more than 15,000 pounds therefore if they are sitting on the property they need to be screened as vehicles
5 that weigh more than 15,000 pounds. He said that if someone is just hooking up the truck and loaded
6 trailers then the screening is not required. He said that the only way to not have this added complication
7 is to add a clause into the Ordinance. He said that a neighbor would probably call and indicate that the
8 assemblage weighs more than 15,000 pounds therefore it should be screened.

9

10 Mr. Passalacqua stated that the assemblage is less attractive than just a truck being parked on the
11 property therefore screening should be required.

12

13 Mr. Hall stated that there is some logic to it as long as it is made explicit so that it is as clear as it can be.

14

15 Mr. Passalacqua stated that this will give someone some flexibility because if it is hooked together as a
16 unit there could be possibly be 30 pieces of equipment stored outside.

17

18 Mr. Hall stated that this will provide more flexibility to RHO's and doesn't increase the number overall
19 and makes it clear as to what is being regulated. He said that example site plans will be helpful to future
20 RHO applicants.

21

22 Mr. Passalacqua stated that it would be helpful if an aerial is given to the applicant at application so that
23 they can indicate their measurements and what they are adding.

24

25 Mr. Hall stated that it is common practice for staff to print past and current aerials of properties at
26 application. He said that the GIS aerial is not as accurate as physical measurements of the property.

27

28 Mr. Passalacqua stated that the applicant can be sent back home with the aerial photograph so that they

1 can then put in the specifications on the site plan. He said that this would give staff some uniformity as
2 well.

3
4 Mr. Thorsland asked the Board if there were any additional items that they would like to see at the next
5 meeting regarding this case.

6
7 Mr. Hall asked the Board if the example site plans properly represent what they expected one acre lots
8 could become with an RHO.

9
10 Ms. Capel stated no. She said that seems like a rural nightmare.

11
12 Mr. Hall stated that staff does not normally see RHO's with the level of development indicated on the
13 example site plans and most RHO's are much simpler. He said that one thing that he would not do on
14 the example site plans is indicate multiple driveways because that goes against all of the County's
15 standards. He said that there are no rules against multiple driveways but he is certainly not going to
16 encourage it either.

17
18 Ms. Capel stated that she likes the handout and examples.

19
20 Mr. Thorsland asked Mr. Hall if he has an approximate number of truck/tractor RHO's that exist in
21 unincorporated Champaign County currently.

22
23 Mr. Hall stated that there are a lot of very small ones and they have existed for a very long time and are
24 nonconforming.

25
26 Mr. Capel asked why the example site plan only includes one acre and have we always allowed 10
27 vehicles.

28

1 Mr. Hall stated yes. He said that 10 vehicles are allowed in total and three that the weight class applied
2 to but now instead of a weight class it is classified as a semi-truck or tandem axle. He said that one site
3 plan would need to indicate exterior lighting, if Case 756-AT-13 is adopted. He said that when we go up
4 to more than 2 acres the site plan would only change by the addition of three more parking spaces
5 therefore he does not know if there is any real benefit in taking the time to complete it. He said that with
6 the given examples the screening wraps around on three sides of the property and if someone had a lot
7 that was deep enough it is possible that not as much screening would be required because they might be
8 able to position their vehicles so that they could not be seen from a nearby house. He said that a larger
9 lot would probably require less screening overall.

10

11 Mr. Thorsland entertained a motion to continue Case 732-AT-12.

12

13 Mr. Hall recommended that the case be continued to the August 15th meeting.

14

15 **Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 732-AT-12 to the August 15,**
16 **2013, meeting. The motion carried by voice vote.**

17

18 Mr. Thorsland stated that the Board will now hear Case 756-AT-13.

19

20 **6. New Public Hearings**

21

22 **Case 750-S-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, Manager.**
23 **Request to authorize a water storage tank and water pumping station as a Special Use with**
24 **waivers of standard conditions and requested variance in related Case 751-V-13 as a “Water**
25 **Treatment Plant” in the AG-2 Agriculture Zoning District. Location: An approximate .75 acre**
26 **tract located in the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of the**
27 **Northeast Quarter of Section 10 of Mahomet Township and commonly known as the property**
28 **located immediately east of the Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

29

30 **Case 751-V-13 Petitioner: Sangamon Valley Public Water District and Kerry Gifford, Manager.**
31 **Request to authorize the following for the construction of a storage tank and pumping station**

1 **proposed in related Case 751-S-13: Part A. Variance to authorize access by private easement in**
2 **lieu of the requirement that a lot have access to a public street right of way or abut a private**
3 **accessway as required by Zoning Ordinance paragraph 4.2.1H.; and Part B. Variance for a front**
4 **yard of 15 feet for a proposed water storage tank in lieu of the minimum required 20 feet; and**
5 **Part C. Variance for a front yard of 16 feet for a proposed pump station in lieu of the minimum**
6 **required 20 feet; and Part D. Waiver (variance) of standard conditions for a lot area of .75 acres**
7 **in lieu of the required 5 acres; a front yard of 15 feet in lieu of the minimum required 55 feet; a**
8 **side yard of 15 feet in lieu of the minimum required 50 feet; a rear yard of 35 feet in lieu of the**
9 **minimum required 50 feet. Location: An approximate .75 acre tract located in the Southeast**
10 **Quarter of the Southeast Quarter of the Northeast Quarter of the Northeast Quarter of Section 10**
11 **of Mahomet Township and commonly known as the property located immediately east of the**
12 **Living Word Omega Message Church at 2272 CR 350E, Mahomet.**

13
14 Mr. Thorsland called Cases 750-S-13 and 751-V-13 concurrently.

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

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

28
29 Mr. Thorsland asked the petitioners if they desired to make a statement outlining the nature of their
30 request.

31
32 Mr. Kerry Gifford, General Manager for Sangamon Valley Public Water District, stated that he is present
33 tonight to discuss the very necessary water treatment tank that the water district needs. He said that the

1 water tank is proposed to be built in a very strategic place because of the high growth area of the
2 Thornwood Subdivision and the water district has received complaints regarding the lack of water
3 pressure. He said that it is anticipated that the area around Thornwood Subdivision will continue to
4 grow therefore he is before this Board tonight to request that the requested Special Use Permit and
5 Variance, along with any proposed conditions, be approved tonight.

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

8
9 Mr. Thorsland asked if staff had any questions for Mr. Gifford and there were none.

10
11 Mr. Thorsland called John Hall to testify.

12
13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated June 13,
14 2013, for Cases 750-S-13 and 751-V-13 to the Board for review. He said that attached to the new
15 memorandum is an e-mail from Doug Gamble, Accessibility Specialist, Illinois Capital Development
16 Board. He said that Mr. Gamble has determined that the 16' x 12' pump station building must be
17 accessible and that an accessible parking space, accessible route to the building and accessible entry and
18 exit to and from the building must be provided. Mr. Hall stated that this requirement will affect the
19 submitted site plan therefore a special condition to ensure compliance will be necessary. Mr. Hall stated
20 that even without a special condition this is a requirement of State law and if the cases are continued to a
21 later date staff will propose a special condition to assure that the requirement is not overlooked but if the
22 Board is inclined to take action tonight on these cases then he will guarantee that the requirement will
23 not be overlooked.

24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

26
27 Mr. Thorsland called Michael Buzicky to testify.

28

1 Mr. Michael Buzicky, engineer for Fehr Graham Engineering, stated that he has been representing his
2 firm for the site plan for Sangamon Valley Public Water District and his firm has followed the Special
3 Use Permit section of the Ordinance. He said that his firm has tried to put a condensed or compact
4 aesthetic type site for the project's location and the neighbors and other property owners have been open
5 to the project and have worked with SVPWD. He said that there is already an entrance road through the
6 church property and SVPWD is connecting to the existing road. He said that the property is already
7 zoned AG-2 therefore no rezoning request is required. He said that SVPWD is trying to be a good
8 neighbor and the storage tank needs to be placed somewhere immediately near the existing water system
9 for adequate flow and pressure and it would be more costly to the water district if the tank was placed at
10 a different location. He said that in regards to the accessibility requirement, SVPWD will meet the
11 requirement and the notes on the first page of the submitted site plan indicates one handicap parking
12 space and two visitor parking spaces. He said that he can make the site plan clearer if required regarding
13 accessibility and any accessibility up to and in to the building will meet the code.

14
15 Mr. Buzicky stated that security requirements will be met because they are proposing to have a fence by
16 code that will be locked and gated and the building will be locked and any access to the tank will be
17 locked. He said that the tank will be located next to the tree line and screening is already in effect. He
18 said that the owners elected not to install an elevated tank because they wanted a tank that no one could
19 see. He said that the tank is a ground storage tank with a maximum height of 30 feet.

20
21 Mr. Thorsland asked the Board if there were any questions for Mr. Buzicky and there were none.

22
23 Mr. Thorsland asked if staff had any questions for Mr. Buzicky.

24
25 Mr. Hall stated that he recalls a previous case where there was an area general plan that was very old and
26 the plan that was proposed accommodated that area general plan perfectly. He asked Mr. Buzicky if
27 there is an area general plan for this location.

28

1 Mr. Buzicky stated that it is his understanding that there is not an area general plan for this location but
2 he does know that the area has been subdivided by the County Board previously. He said that personally
3 he has not worked with Mahomet on an area general plan for this specific area.

4
5 Mr. Hall asked Mr. Kass if he has contacted the Village of Mahomet regarding an area general plan for
6 this location.

7
8 Mr. Kass stated no.

9
10 Mr. Hall stated that he would like to know specifically if there had or hadn't been an area general plan
11 when anticipating the text amendment will provide a means for this project to move ahead if there is not
12 subdivision approval by the Village. He said that one thing that will come up in that case is the issue of
13 conformance with an area general plan and this staff has not asked specifically whether or not there is
14 one in existence or not.

15
16 Mr. Thorsland asked Mr. Hall if this would be a difficult question to answer.

17
18 Mr. Hall stated no.

19
20 Mr. Passalacqua asked if the Village of Mahomet has responded to any notice because they were quick
21 to respond to the last SVPWD case.

22
23 Mr. Hall stated that staff did send a notice to the Village. He said that staff has been coordinating with
24 the Village of Mahomet on other issues but it is staff's responsibility to ask if an area general plan exists
25 for this location.

26
27 Mr. Passalacqua asked Mr. Hall if the Board should continue these cases until a response is received
28 from the Village of Mahomet.

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Mr. Hall stated that a continuance would be his recommendation.

Mr. Buzicky stated that his firm’s surveyor has all of the recorded information and his investigation indicated that there was no pre-annexation or area general plan, only the subdivision information.

Mr. Hall stated that to his knowledge the subdivision information is the only information available.

Mr. Buzicky stated that after speaking to the owner they confirmed his firm’s findings.

Mr. Thorsland asked Mr. Hall how the area general plan, if existing, would affect this project.

Mr. Hall stated that if there is an area general plan then the site plan can be adjusted to accommodate the area general plan. He said that his fear is that we might find out that there is an area general plan in existence but this is an area where there has never been the kind of development in this location as there has been in the other case. He said that the Village of Mahomet has been sent notice and they have not contacted staff with any concerns.

Mr. Passalacqua stated that he is comfortable with moving forward with the cases based on the information which has been presented.

Mr. Thorsland agreed with Mr. Passalacqua. He said that people are looking at this project very closely and there have been no complaints received and no mention of an area general plan. He said that if an area general plan is presented it could be bad but he is willing to move forward with the two cases as well.

Mr. Hall stated that if there is another variance case required, as he expects there will be, any area general plan could be addressed at that time.

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Mr. Courson stated that it appears that time is of the essence for this project.

Mr. Buzicky stated that that time is of the essence because the two projects go together to provide adequate flow and pressure for the water system. He said that the area actually needed this project last summer.

Mr. Thorsland asked the Board if there were any further questions for Mr. Buzicky and there were none.

Mr. Thorsland asked if staff had any further questions for Mr. Buzicky and there were none.

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

Mr. Thorsland asked the Board if they desired to include a special condition regarding accessibility. He said that Mr. Hall pointed out that the accessibility requirement is a State law and Mr. Buzicky indicated that accessibility is noted on the submitted site plan.

Mr. Courson stated that no special condition is necessary regarding accessibility.

The Board agreed with Mr. Courson.

Mr. Thorsland stated that a new Item #6 should be added to the Documents of Record indicating the following: Supplemental Memorandum for Cases 750-S-13 and 751-V-13 dated June 13, 2013, with attachments.

Mr. Hall stated that there are several new items of evidence which need to be added to the Summary of Evidence.

1 Mr. Kass stated that text should be added to Case 750-S-13 item #7 regarding whether the special use is
2 necessary for the public convenience at this location. He said that Mr. Buzicky testified that going
3 further out with the project would cost the water district more and the proposed location is in close
4 proximity to the existing water supply.

5
6 Mr. Thorsland stated that several items in the Summary of Evidence indicate that evidence will be
7 added. He said items #13.B and 15.B could include testimony that was received at tonight's public
8 hearing from Mike Buzicky indicating that the petitioners are continuing the existing access owned by
9 the adjacent landowner and that they intend to be good neighbors. He said that the submitted site plan
10 indicates the continued access. He said that items#13.D, 14.C(1), 15.C and 15.D could include Mr.
11 Buzicky's testimony regarding the location of the tank along the tree line and the petitioner's intent to
12 keep the tank as a ground storage tank with a maximum height of 30 feet therefore causing less impact
13 on the neighbors.

14
15 Mr. Thorsland asked the Board if they desired to move forward to the Finding of Fact and the Board
16 indicated yes.

17
18 **Findings of Fact for Case 750-S-13:**

19
20 From the documents of record and the testimony and exhibits received at the public hearing for zoning
21 case 750-S-13 held on June 13, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 22
23 **1. The requested Special Use Permit IS necessary for the public convenience at this**
24 **location.**

25
26 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at this
27 location because other subdivisions near the proposed location are having trouble with water flow and
28 pressure and the tank will help alleviate those concerns. The site is located so that the tank will be low

1 and screened from the neighbors' view. The tank will be connected to the existing system therefore
2 there will be no need for additional pipes to run across open land to access the tank.

3

4 Mr. Kass read the Board's findings as follows:

5

- 6 • **Nearby subdivisions have issues with water pressure and this will help alleviate**
- 7 **those issues.**
- 8 • **The tank will be low and screened**
- 9 • **The location is in close proximity to the existing water system**
- 10 •

11 The Board agreed.

12

13 2. **The requested Special Use Permit is so designed, located, and proposed to be**
14 **operated so that it WILL NOT be injurious to the district in which it is located or**
15 **otherwise detrimental to the public health, safety, and welfare.**

16

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

19

20 Mr. Courson stated that the street has ADEQUATE traffic capacity and the entrance location has
21 ADEQUATE visibility.

22

23 b. **Emergency service availability is ADEQUATE.**

24

25 Mr. Passalacqua stated that emergency service availability is ADEQUATE.

26

27 c. **The Special Use will be designed to CONFORM to all relevant County**
28 **ordinances and codes.**

1
2 Mr. Palmgren stated that the Special Use will be designed to CONFORM to all relevant County
3 ordinances and codes.

4
5 **d. The Special Use WILL be compatible with adjacent uses.**

6
7 Mr. Passalacqua stated that the Special Use WILL be compatible with adjacent uses.

8
9 **e. Surface and subsurface drainage will be ADEQUATE.**

10
11 Mr. Courson stated that surface and subsurface drainage will be ADEQUATE.

12
13 **f. Public safety will be ADEQUATE.**

14
15 Mr. Courson stated that public safety will be ADEQUATE.

16
17 **g. The provisions for parking will be ADEQUATE.**

18
19 Mr. Courson stated that the provisions for parking will be ADEQUATE.

20
21 **h. The property IS SUITED OVERALL with the proposed improvements.**

22
23 Mr. Thorsland stated that the property IS SUITED OVERALL with the proposed improvement.

24
25 **j. Existing public services ARE available to support the proposed Special Use**
26 **without undue public expense.**

27
28 Ms. Capel stated that existing public services ARE available to support the proposed Special Use

1 **b. The Special Use WILL be compatible with adjacent uses.**

2
3 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

4
5 **c. Public safety will be ADEQUATE.**

6
7 Mr. Courson stated that public safety will be ADEQUATE.

8
9 Mr. Thorsland stated that the requested Special Use Permit DOES preserve the essential character of the
10 DISTRICT in which it is located.

11
12 **4. The requested Special Use Permit IS in harmony with the general purpose and**
13 **intent of the Ordinance because:**

14
15 **a. The Special Use is authorized in the District.**

16 **b. The requested Special Use Permit IS necessary for the public convenience at**
17 **this location.**

18
19 Mr. Courson stated that the requested Special Use Permit IS necessary for the public convenience at this
20 location.

21
22 **c. The requested Special Use Permit is so designed, located, and proposed to be**
23 **operated so that it WILL NOT be injurious to the district in which it shall be**
24 **located or otherwise detrimental to the public health, safety, and welfare.**

25
26 Ms. Capel stated that the requested Special Use Permit is so designed, located, and proposed to be
27 operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise
28 detrimental to the public health, safety, and welfare.

1

2

- d. The requested Special Use Permit DOES preserve the essential character of the DISTRICT in which it is located.**

3

4

5 Mr. Courson stated that the requested Special Use Permit DOES preserve the essential character of the
6 DISTRICT in which it is located.

7

8 Mr. Thorsland stated that the requested Special Use Permit IS in harmony with the general purpose and
9 intent of the Ordinance.

10

- 5. The requested Special Use IS NOT an existing nonconforming use.**

12

- 6. Regarding necessary waivers of standard conditions:**

14

- A. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a lot area of .075 in lieu of the minimum required 5 acres:**

18

- (1) The waiver IS in accordance with the general purpose and intent of the Zoning Ordinance and WILL NOT be injurious to the neighborhood or the public health, safety and welfare.**

22

23 Ms. Capel stated that the waiver IS in accordance with the general purpose and intent of the Zoning
24 Ordinance and WILL NOT be injurious to the neighborhood or the public health, safety and welfare.

25

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

28

1 **(1) The waiver IS in accordance with the general purpose and intent of**
2 **the Zoning Ordinance and WILL NOT be injurious to the neighborhood or**
3 **to the public health, safety and welfare.**

4
5 Mr. Courson stated that the waiver IS in accordance with the general purpose and intent of
6 the Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health,
7 safety and welfare.

8
9 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
10 **or structure involved, which are not applicable to other similarly situated**
11 **land and structures elsewhere in the same district.**

12
13 Mr. Courson stated that Special conditions and circumstances DO exist which are peculiar to the
14 land or structure involved, which are not applicable to other similarly situated land and structures
15 elsewhere in the same district.

16
17 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
18 **the regulations sought to be varied WILL prevent reasonable or otherwise**
19 **permitted use of the land or structure or construction.**

20
21 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict
22 letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use
23 of the land or structure or construction.

24
25 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
26 **NOT result from actions of the applicant.**

27
28 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO

1 **the regulations sought to be varied WILL prevent reasonable or otherwise**
2 **permitted use of the land or structure or construction.**

3
4 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict
5 letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use
6 of the land or structure or construction.

7
8 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
9 **NOT result from actions of the applicant.**

10
11 Mr. Palmgren stated that the special conditions, circumstances, hardships, or practical difficulties DO
12 NOT result from actions of the applicant.

13
14 **(5) The requested waiver IS the minimum variation that will make possible the**
15 **reasonable use of the land/structure.**

16
17 Ms. Capel stated that the requested waiver IS the minimum variation that will make possible the
18 reasonable use of the land/structure.

19
20 **D. Regarding the requested waiver of the standard condition in Section 6.1.3 for a**
21 **water treatment plant for a rear yard of 35 feet in lieu of the minimum required 50**
22 **feet:**

23
24 **(1) The waiver IS in accordance with the general purpose and intent of the**
25 **Zoning Ordinance and WILL NOT be injurious to the neighborhood or to**
26 **the public health, safety and welfare.**

27
28 Ms. Capel stated that the waiver IS in accordance with the general purpose and intent of the

1 Zoning Ordinance and WILL NOT be injurious to the neighborhood or to the public health,
2 safety and welfare.

3

4 **(2) Special conditions and circumstances DO exist which are peculiar to the land**
5 **or structure involved, which are not applicable to other similarly situated**
6 **land and structures elsewhere in the same district.**

7

8 Mr. Passalacqua stated that special conditions and circumstances DO exist which are peculiar to the
9 land or structure involved, which are not applicable to other similarly situated land and structures
10 elsewhere in the same district.

11

12 **(3) Practical difficulties or hardships created by carrying out the strict letter of**
13 **the regulations sought to be varied WILL prevent reasonable or otherwise**
14 **permitted use of the land or structure or construction.**

15

16 Mr. Passalacqua stated that practical difficulties or hardships created by carrying out the strict
17 letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use
18 of the land or structure or construction.

19

20 **(4) The special conditions, circumstances, hardships, or practical difficulties DO**
21 **NOT result from actions of the applicant.**

22

23 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
24 NOT result from actions of the applicant.

25

26 **(5) The requested waiver IS the minimum variation that will make possible the**
27 **reasonable use of the land/structure.**

28

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

4
5 Mr. Courson stated that practical difficulties or hardships created by carrying out the strict letter of the
6 regulations sought to be varied WILL prevent reasonable or permitted use of the land or structure or
7 construction because finding an alternative location will take time, planning and money and the area
8 needs the improvements now.

9
10 Ms. Capel stated that finding a different location will create additional expense and the tank is located on
11 the existing system so there are no new water lines required.

12 Mr. Kass read the Board’s findings as follows:

- 13
14 • **Finding another location will create additional expense.**
15 • **The tank is located on the existing system so there is no additional need for water**
16 **lines.**
17 • **Finding an alternative location will cost more time, planning and money, and the**
18 **improvements are necessary now.**

19
20 The Board agreed.

21
22 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT**
23 **result from actions of the applicant.**

24
25 Mr. Passalacqua stated that the special conditions, circumstances, hardships, or practical difficulties DO
26 NOT result from actions of the applicant because this is necessary due to the increase in demand.

27
28 Mr. Thorsland stated that surrounding development was in place with the potential for future

1 Mr. Passalacqua stated that the requested variance WILL NOT be injurious to the neighborhood or
2 otherwise detrimental to the public health, safety, or welfare because it will improve public health, safety
3 and welfare.

4

5 Mr. Kass read the Board's finding:

6

7 • **The proposed use will improve public health, safety, and welfare.**

8

9 The Board agreed.

10

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

13

14 Ms. Capel stated that the requested variance IS the minimum variation that will make possible the
15 reasonable use of the land/structure.

16

17 **7. No special conditions are hereby imposed.**

18

19 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and
20 Findings of Fact for Cases 750-S-13 and 751-V-13 as amended.

21

22 **Mr. Passalacqua moved, seconded by Mr. Courson to adopt the Summary of Evidence, Documents**
23 **of Record and Findings of Fact for Cases 750-S-13 and 751-V-13 as amended. The motion carried**
24 **by voice vote.**

25

26 Mr. Thorsland entertained a motion to move to the final determination for Cases 750-S-13 and 751-V-
27 13.

28

1 **Mr. Palmgren moved, seconded by Ms. Capel to move to the final determination for Cases 750-S-**
2 **13 and 751-V-13. The motion carried by voice vote.**

3
4 Mr. Thorsland informed the petitioners that a full Board is not present at this time due to absence of one
5 Board member and one vacant seat therefore it is at their discretion whether to move to a final determination
6 with the present Board or continue the case until the vacant seat is filled.

7
8 Mr. Gifford requested that the current Board proceed to the Final Determination.

9
10 **Final Determination for Case 750-S-13:**

11
12 **Ms. Capel moved, seconded by Mr. Courson that the Champaign County Zoning Board of**
13 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
14 **that the requirements for approval of Section 9.1.11B. HAVE been met, and pursuant to the**
15 **authority granted by Section 9.1.6B. of the Champaign County Zoning Ordinance determines that**
16 **the Special Use requested in Case 750-S-13 is hereby GRANTED to the petitioner Sangamon**
17 **Valley Public Water District to authorize a water storage tank and water pumping station as a**
18 **Special Use with waivers of standard conditions and requested variance in related Case 751-V-13**
19 **as a “Water Treatment Plant” in the AG-2 Agriculture Zoning District.**

20
21 Mr. Thorsland requested a roll call vote.

22
23 The roll was called:

24
25 **Palmgren-yes Passalacqua-yes Miller-absent**
26 **Capel-yes Courson-yes Thorsland-yes**

27
28 **Final Determination for Case 751-V-13:**

29
30 **Mr. Courson moved, seconded by Ms. Capel that the Champaign County Zoning Board of**

1 **Appeals finds that, based upon the application, testimony, and other evidence received in this case,**
2 **that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the**
3 **authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning**
4 **Board of Appeals of Champaign County determines that the Variance requested in Case 751-V-13**
5 **is hereby GRANTED to the petitioner Sangamon Valley Public Water District to authorize: Part**
6 **A. Variance to authorize access by private easement in lieu of the requirement that a lot have**
7 **access to a public street right of way or abut a private accessway as required by Zoning Ordinance**
8 **paragraph 4.2.1H.; and Part B. Variance for a front yard of 15 feet for a proposed water storage**
9 **tank in lieu of the minimum required 20 feet; and Part C. Variance for a front yard of 16 feet for a**
10 **proposed pump station in lieu of the minimum required 20 feet; and Part D. Waiver (variance) of**
11 **standard conditions for a lot area of .75 acres in lieu of the required 5 acres; a front yard of 15 feet**
12 **in lieu of the minimum required 55 feet; a side yard of 15 feet in lieu of the minimum required 50**
13 **feet; a rear yard of 35 feet in lieu of the minimum required 50 feet.**

14

15 Mr. Thorsland requested a roll call vote.

16

17 The roll was called:

18

19	Palmgren-yes	Passalacqua-yes	Capel-yes
20	Courson-yes	Miller-absent	Thorsland-yes

21

22 Mr. Thorsland stated that the Board will take a short recess.

23

24 **The Board recessed at 8:52 p.m.**

25 **The Board resumed at 9:00 p.m.**

26

27 Mr. Thorsland stated that the Board will now hear Case 732-AT-12.

28

1 **Case 756-AT-13 Petitioner: Champaign County Zoning Administrator. Request to amend the**
2 **Champaign County Zoning Ordinance as follows: Amend Paragraph 7.1.2K. to add a**
3 **requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or**
4 **outdoor operations area that is lighted or any wholly new outdoor storage area or wholly new**
5 **outdoor operations area that is lighted that is added to any existing RURAL HOME**
6 **OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited**
7 **light output and other relevant restrictions.**

8
9 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

10
11 Mr. John Hall, Zoning Administrator, stated that the case description should include parking areas
12 because after completing the diagrams he could imagine someone wanting to add lighting to their
13 parking areas so that they can protect their investment. He said that the text in new paragraph 7.1.2 L.
14 should be revised as follows: Outdoor Storage and/or Operations and/or parking area. He said that
15 subparagraph 7.1.2 L(5) if very lengthy but it is necessary to be absolutely clear in eliminating any
16 possibility for someone to think that the County will try to apply this retroactively.

17
18 Mr. Thorsland asked Mr. Hall if the case needs to be re-advertised.

19
20 Mr. Hall stated that it could be argued that when we say Outdoor Storage and/or Operations that parking
21 is close enough and no re-advertisement is necessary.

22
23 Mr. Thorsland asked the Board if they agreed.

24
25 The Board agreed.

26
27 Mr. Hall stated that he does not anticipate action on this case tonight because he would prefer that it
28 coincides with the approval for Case 732-AT-12.

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

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33

Mr. Thorsland entertained a motion to continue Case 756-AT-13 to the August 15th meeting.

Ms. Capel moved, seconded by Mr. Passalacqua to continue Case 756-AT-13 to the August 15, 2013, meeting. The motion carried by voice vote.

7. Staff Report

None

8. Other Business

A. Review of Docket

Mr. Kass noted that the month of July will be a very month and the August 15th meeting appears to be busy as well. He said that he will be out of the office during the week of the mailing for the September 12th meeting therefore staff is requesting that the Board consider cancelling the September 12th meeting.

B. April and May 2013 Monthly Reports

None

C. Zoning Case Wrap-Up Report

None

Mr. Courson informed the Board that the July 11th meeting could possibly be his last meeting as a ZBA member. He said that if all goes well he and his family are moving to Nevada.

Mr. Hall stated that an application has been submitted to fill the one vacant ZBA seat and it is hopeful that the applicant will be approved. He said that the applicant does live in a township that does not have a current ZBA member and they do not sit on a Board which would prevent them from being a ZBA member.

- 1 **9. Audience Participation with respect to matters other than cases pending before the Board**
- 2
- 3 None
- 4
- 5 **10. Adjournment**
- 6
- 7 Mr. Thorsland entertained a motion to adjourn the meeting.
- 8
- 9 **Mr. Passalacqua moved, seconded by Ms. Capel to adjourn the meeting at 9:30 p.m. The motion**
- 10 **carried by voice vote.**
- 11
- 12
- 13 The meeting adjourned at 9:30 p.m.
- 14
- 15
- 16 Respectfully submitted
- 17
- 18
- 19
- 20
- 21 Secretary of Zoning Board of Appeals
- 22
- 23
- 24

CASE NO. 731-S-12

SUPPLEMENTAL MEMORANDUM

August 9, 2013

Petitioners: **Warner Brothers, Inc.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

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

Time Schedule for Development: **Under
Construction**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: Authorize the storage and dispensing of 28% urea ammonium nitrate fertilizer solution 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.

STATUS

This case is continued from the July 25, 2013, public hearing. Revisions to existing special conditions and new conditions are proposed below. A revised Summary of Evidence is also attached. Draft minutes from the May 16, 2013, and June 13, 2013, ZBA meetings are included separately.

ROAD AGREEMENT

A copy of the road agreement between the petitioner and Rantoul Township was attached to the Supplemental Memorandum for Case 731-S-12 that was distributed at the July 25, 2013, public hearing. After further review of the agreement it is not clear to Staff at what point the commercial use of the tank will begin and the petitioner will be subject to the payments it must make to the Township. Staff has proposed a revision to an existing special condition to make a clear threshold if questions in the future arise as to when the commercial use of the tank begins.

PROPOSED SPECIAL CONDITIONS

C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.

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

That the proposed Special Use meets applicable state requirements for accessibility.

D. The Special Use shall be void if the owner/operator fails to comply with the road agreement with Rantoul Township regarding an annual road maintenance fee that shall be paid to Rantoul Township for each gallon of liquid fertilizer that is delivered to the Special Use Permit for commercial use, provided as follows:

- 1. The road agreement shall not apply to liquid fertilizer used by the petitioner in the course of their own farming activities.**
- 2. The amount of liquid fertilizer used by the petitioner in the course of their own farming activities will vary depending upon many different considerations but testimony indicates that in a typical year the petitioner applies 60 to 65 gallons per acre on a total of 2,900 acres of corn, unless the parties to the road agreement agree that a different amount of fertilizer shall have been used by the petitioner in the course of their own farming activities during the preceding calendar year and the petitioner may also store multiple years worth of liquid fertilizer for use in their own farming activities.**
- 3. This condition applies to the Agreement With Rantoul Township Road Commissioner received July 25, 2013, or to any subsequent road agreement between the petitioner and Rantoul Township, provided however that if a subsequent road agreement includes a specific provision for determining the amount of fertilizer that shall have been used by the petitioner in the course of their own farming activities during the preceding calendar year, then the requirement of subparagraph 2. shall not apply, and further provided that a fully executed Agreement shall be filed with the Zoning Administrator.**

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

~~That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.~~

That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

~~D. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall use the route specified in the Life Cycle Cost Analysis (U.S. 45 to subject property utilizing CR 2700N) conducted by Applied Research Associates, Inc.~~

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

~~That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.~~

G. The development of the site must be substantially the same as indicated on the Plat of Survey submitted on August 8, 2013, and the building plans for the mixing building received on March 21, 2013, and the CST Storage Tank Technical Drawings and Specifications received September 5, 2012.

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

That the development of the site is the same as described in the public hearing.

H. The diesel fuel tanks indicated on the Plat of Survey received August 8, 2013, shall only be used for the sole purposes of the petitioner, and not for commercial (i.e. resale to others) storage or distribution.

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

That these tanks are not used for commercial (i.e. resale to others) because that cannot be authorized in the AG-1 District.

ATTACHMENTS

- A Draft May 16, 2013, ZBA minutes (included separately)
- B Draft June 13, 2013, ZBA Minutes (included separately)
- C Revised Summary of Evidence, Finding of Fact, and Final Determination (included separately)

REVISED DRAFT 8/9/13

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: August 15, 2013

Petitioners: Warner Brothers, Inc.

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

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, June 13, 2013, July 25, 2013, and August 15, 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 comments from Rantoul Township:
 - (1) At the March 28, 2013, public hearing James Rusk, Rantoul Township Supervisor, submitted a letter from Danny Sage, Rantoul Township Road Commissioner, stating that Mr. Sage has concerns with the volume of heavy traffic over Township roads. Mr. Rusk also testified that the road is a ten inch gravel base road with oil chip over it, and the Township has concerns regarding the number of 80,000 pound vehicles that will travel the road if the Special Use Permit is approved.
 - (2) At the June 13, 2013, public hearing Brian Schurter, Attorney for Rantoul Township, testified as follows:
 - (a) The Township is not opposed to the project, however, they are concerned about the impact that it will have on the roads.
 - (b) It costs approximately \$9,000 to oil and chip one mile of road.
 - (c) The Township wants to ensure that the impact that will be caused will not be borne by the other citizens of the Township, but that the business creating the impact will be bearing the cost.
 - (3) The petitioner's have reached an agreement with Rantoul Township to assist with maintenance costs of the roads. The agreement does not specify which roads the petitioner's are to use. The amount the petitioner's will pay to the Township is based upon how many gallons of commercial product are stored per year. The agreement was finalized on July 25, 2013.

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. There is a nearby home to the south that is owned by Kenneth Warner.
 - (3) Land east of the subject property is zoned AG-1 Agriculture and is in agricultural production.
 - (4) Land west of the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The Plat of Survey prepared by Nicholas P. McCabe and Robert A. Moore received March 1, 2013, and revised on March 6, 2013, March 22, 2013, May 15, 2013, May 23, 2013, June 4, 2013, and August 1, 2013, with the final Plat received on August 8, 2013, indicates the following:
 - (1) The location of the existing ~~750,000~~ 765, 818 gallon indicated capacity storage tank that is approximately ~~48~~ 46 feet in height, not including a ladder cage. This tank is proposed to be utilized to store 28% urea ammonium nitrate fertilizer solution for the petitioner's agricultural operation as well as providing bulk storage space to lease. Note that the tank storage capacity and tank height are from the CST Storage Tank Technical Drawings and Specifications received September 5, 2012.
 - (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
 - (3) The edge of the existing crushed stone.
 - (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.

- (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
- (6) The general area of employee parking.
- (7) The general area of where farm equipment is displayed on the east side of the property.
- (8) The location of a tower that is 120 feet in height.
- (9) The general locations of the septic tank and leach field.
- (10) The location of a 5' diameter concrete pedestal supporting crane.
- (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.
- (12) The location of a propane tank and water well.
- (13) A 40' × 16' load-out concrete pad.
- (14) A 41' × 41' sunken tank enclosure.
- (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity. Note that as of August 9, 2013, there appeared to be more than 3 of these tanks on the subject property.
- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is adjacent.
- (19) The entire 3.8 5.17 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 747-AM-13

- B. The floor plan of the 54' × 72' sheet metal building received March 21, 2013, indicates the following:
- (1) A tank containment area (8 feet deep) with four 2,500 gallon tanks with pit.
 - (2) A 69½' × 22' transfer containment area with pit (loading and unloading area) with a 14 inch slope.
 - (3) A mini bulk containment area with a 3 inch slope and a pit.
 - (4) Three 18' × 18' overhead doors.
 - (5) An 8 feet wide raised concrete walkway and raised fill platform.
 - (6) A pump.
- C. The petitioner intends to utilize the storage tank and mixing building for the storage and mixing of 28% urea ammonium nitrate fertilizer solution for their farm operations. In addition, the petitioner intends to lease excess storage space in the tank to farmers and agricultural business. The subject property will be accessed from the property that is the subject of Case 747-AM-13.
- D. The subject property is considered BEST PRIME FARMLAND with a Land Evaluation (LE) rating of 97. The subject property consists of Drummer (152A), Raub (481A), Clare (663B), and Dana (56B) soils. The proposed Special Use will take a minimal amount of land out of production (less than 1 acre).
- E. At the March 28, 2013, public hearing Gene Warner, co-petitioner, testified in regards to traffic, the storage tanks, and the operations of the tank as follows:
- (1) Trucks normally enter along the east side of the Kinze dealership.
 - (2) The tank will be used for storage for Warner Brothers and that he understood that construction of the tank was perfectly legal.
 - (3) For Warner Brothers use the increase in traffic would be very little in relation to the amount of traffic that goes in and out of the Kinze dealership on a daily basis and that it may increase 10%.
 - (4) The increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.
 - (5) The tank could be filled for Warner Brothers to use during multiple seasons.

- (6) On average the truck traffic would be the same because more than likely the tank will be filled once in early spring.
 - (7) The tank has been filled with ten train car loads and that there are eight rings on the tank and only two of the rings that have fertilizer in it.
 - (8) During cross examination at the March 28, 2013, public hearing Gene Warner, co-competitor indicated the following while answering questions from Attorney, Kent Follmer:
 - (a) The tank was filled approximately 5 weeks ago.
 - (b) None of the product has been sold because it is all for Warner Brothers use.
 - (c) Crop Production Services orders the product for Warner Brothers.
- F. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
- (1) Regarding lighting:
 - (a) A 1,000 watt light and a light for the flag pole are located on the front of the main office/sales building.
 - (b) A pole light is located 5 feet from the southeast corner of the chemical building.
 - (c) The large storage building has 16, 250 watt lights and a 400 watt security light.
 - (2) A handicap parking sign has been posted on the front of the office/sales building.
 - (3) A sign directing trucks to enter and exit through the east drive has been posted and if necessary vegetable oil will be used to control dust if needed.
 - (4) Regarding product in the tank:
 - (a) On March 28, 2013, they actually had 104,876.38 gallons of 28% in the tank, not 500,000 gallons.
 - (b) As of May there are 467,968.88 gallons of 28% in the tank.
 - (5) The large tank was built because it is more cost effective long term. The tank will also allow them to be independent by applying product when needed, provide lower

costs by buying in large quantities, and anticipate future growth and/or changes in farming.

- (6) Regarding the chemical building and commercial use of the tank:
 - (a) The building was just a shell in January and was not finished until April.
 - (b) There was no product in the building until April or any in the tank until the last part of January for their use.
 - (c) They are not selling any chemicals. All products in the building are for Warner Brother's use only.

- G. On May 16, 2013, the petitioner's attorney, Paul Cole, submitted a letter signed by Gene Warner and that letter is summarized as follows:
 - (1) Local companies such as fertilizer companies and grain elevators use the township roads which have 80,000 pound limits to truck various products throughout the year.
 - (2) Local elevators haul for farmers from fields to the elevators. They also haul to and from the elevator to load rail cars.
 - (3) Farmers haul grain to grain bins sites and later on take it to the elevators.
 - (4) They have been farming and in business together since around 1972. They built the shop and started to grow.

- H. Monthly Product Inventory Reports (January 2013 – May 2013) for the storage tank were submitted on May 16, 2013, and are summarized as follows:
 - (1) The January 2013, report indicates that the tank was empty at the beginning of the month, but by the end of the month there was 559.51 tons of 28% in the tank.
 - (2) The February 2013, report indicates that the tank was not filled with any additional product and had 559.51 tons of 28% in the tank.
 - (3) The March 2013, report indicates that at the beginning of the month there was 559.51 tons of 28% in the tank. An addition of 440.484 tons of 28% was added to the tank in March. By the end of the month there was 999.99 tons of 28% in the tank.
 - (4) The April 2013, report indicates that at the beginning of the month there was 999.99 tons of 28% in the tank. An addition of 1496.61 tons of 28% was added to the tank in April. By the end of the month there was 2496.60 tons of 28% in the tank.

- (5) The May 2013, report indicates that at the beginning of the month there was 2496.60 tons of 28% in the tank. The report does not indicate if any additions have been made in May 2013.
- I. Three invoices from Crop Production Services were submitted on May 16, 2013, and are summarized as follows:
 - (1) An invoice dated 02/01/13 indicates a quantity of 559.5155 tons of 28% was sold to Warner Brothers.
 - (2) An invoice dated 04/03/13 indicates a quantity of 440.4840 tons of 28% was sold to Warner Brothers.
 - (3) An invoice dated 4/16/13 indicates a quantity of 1496.6145 tons of 28% was sold to Warner Brothers.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agriculture Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District.
 - B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
 - (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - (a) All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - (b) No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - (c) Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.

- (d) The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - (e) The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (3) "BERTH, LOADING" is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (4) "BEST PRIME FARMLAND" is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;

- b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (8) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (11) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety, or property of the occupants, the neighbors or the general public.
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and

- e. Available public services are adequate to support the proposed development effectively and safely.
- (14) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
 - (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
 - (16) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
 - (17) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
 - (18) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
 - (19) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise

detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:

- (a) The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - (b) The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - (c) The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - (a) that the waiver is in accordance with the general purpose and intent of the ordinance; and
 - (b) that the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - (a) Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.

- (b) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - (c) The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, **“Additional storage capacity will be a benefit to the public during times of unusual need, and will provide a redundancy of facilities to anticipate casualty loss to other storage facilities.”**
 - B. A letter from Therese Wyman, Manager, Crop Production Services (CPS), received March 21, 2013, is summarized as follows:
 - (1) Issuing the permit to the Warner’s would allow CPS to buy at a better price, receive the product in a timely manner, and have the product readily available to farmers in the spring time.
 - (2) Having the extra storage would allow CPS to purchase additional product early and would help prevent problems with transportation because the product would already be there.
 - (3) The location of the tank would be a short distance to haul product from and would eliminate a lot of waiting and telephone calls.
 - C. The subject property is approximately 2.5 miles from U.S. 45.
 - D. ~~The petitioner’s attorney, Paul Cole, testified at the March 28, 2013, public hearing that the larger tank is cost effective and will allow the opportunity to purchase additional product when the price is right and keep the product for multiple years to use on the petitioner’s own land, and because the tank is on agricultural property there might be potential for other people to use the tank for excess storage capacity.~~

- D. Regarding the storage capacity of the liquid fertilizer storage tank and whether or not the tank is an exempt agricultural use or a commercial use that requires a Special Use Permit:
- (1) Co-petitioner Gene Warner testified as follows at the March 28, 2013, public hearing:
- (a) Warner Brothers, Inc. farm a total of 5,800 acres and approximately one-half of that acreage is planted in corn.
- (b) The liquid fertilizer is only applied to corn ground.
- (c) Warner Brothers, Inc. would apply the liquid fertilizer at a rate of 60 to 65 gallons per acre.
- (d) Warner Brothers, Inc. could fill the tank and use the liquid fertilizer for their own purposes over multiple seasons.
- (2) Paul Cole, attorney for the petitioner, stated as follows at the March 28, 2013, public hearing:
- (a) Things change from season to season and Warner Brothers, Inc. may need more or less chemical, depending upon which type of crops are grown each year.
- (b) The larger tank is cost effective and will allow the opportunity to purchase additional product when the price is right and keep the product for multiple years to use on the petitioner's own land, and because the tank is on agricultural property there might be potential for other people to take advantage of the fact that there may be excess storage capacity.
- (c) The liquid fertilizer storage tank could be devoted strictly to the Warner Brothers, Inc. operations but why should it be limited to only that if other uses need storage and the issues and concerns can be addressed.
- E. Based on the March 28, 2013, testimony of co-petitioner Gene Warner, Warner Brothers, Inc. would use about 174,000 to 188,500 gallons of liquid fertilizer for corn grown in a typical year with the current farming operation.
- F. Neighbor Kenneth Warner, 1254 CR 2700N, Rantoul, testified that he believes the use of the tank would result in a lot more truck traffic and if the petitioner has 5,000 acres of corn and they use 50 gallons of chemical per acre that is 250,000 gallons of chemical required for their operation not 780,000 gallons.

- G. On April 17, 2013, the Illinois Department of Agriculture approved Experimental permit (#AC13030985) for the storage tank and Permit (#AC13020954) for the operational containment structures and the secondary containment structures in the mixing building.
- H. In a letter to the ZBA received May 16, 2013, co-petitioner Gene Warner stated as follows:
- (1) As of May there was 467,968.9 gallons of liquid fertilizer in the storage tank as indicated by the Monthly Product Inventories and invoices from Crop Production Services.
 - (2) A big tank is more cost effective in the long run because it allows lower prices per gallon; and allows Warner Brothers, Inc. to be independent and apply the product when needed; and lowers the cost by buying in larger quantities and at earlier times; and allows Warner Brothers, Inc. to anticipate future growth and or changes in farming.
- I. Dan Ray, 100 South Center Street, Mahomet, testified at the June 13, 2013, public hearing as follows:
- (1) He is a Board Certified Regulatory Compliance Consultant specializing in environmental safety compliance consulting and he has written the standard operating procedures for the facility and will train the workers on the procedures. \
 - (2) Because of the volume of fertilizer that will be stored the Illinois Department of Agriculture suggested that it should be permitted as a commercial facility.
 - (3) There are on-farm storage facilities of this size in Sangamon County, Winnebago County, and Stark County.
 - (4) The facility is state of the art and has been built to a much higher standard than most other on-farm storage facilities.
- E.J. Dane Ehler, 1185 CR 2700N, Rantoul, testified at the June 13, 2013, public hearing as follows:
- (1) He has lived 1 mile west of the subject property for over 20 years.
 - (2) He is a farmer and appreciates what the Warner's have done in constructing a state of the art tank and he believes that it will help him out.
 - (3) Currently, he has to travel to Cissna Park or Danville to get 28% fertilizer on a wholesale manner.
 - (4) He said that he does have some neighbors who store five to ten thousand gallons of 28% and their tanks do not have dikes or bladders and are not certified. This will help eliminate some of that because a farmer will be able to take the product to a

certified facility and not have the risk of having it on his farm where it could spring a leak.

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
 - A. The Petitioner has testified on the application, **“The Illinois Department of Agriculture has inspected and approved the facilities for the planned use. Such approval has included review by the Illinois EPA.”**
 - B. Regarding surface drainage; the subject property appears to drain to the east.
 - C. The subject property is accessed from CR 2700N on the south side of the property that is the subject of Case 747-AM-13. Regarding the general traffic conditions on CR 2700N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - (1) The Annual Average Daily Traffic (AADT) for CR 2700N in front of the subject property is 75 AADT.
 - (2) CR 2700N is a MINOR STREET as indicated in the Champaign County Zoning Ordinance.
 - (3) Pavement width in front of the subject property is approximately 20 feet.
 - (4) The Township Highway Commissioner has been notified of this case.
 - (5) Regarding the proposed special use and the anticipated traffic impacts:
 - (a) At the March 28, 2013, public hearing James Rusk, Rantoul Township Supervisor, submitted a letter from Danny Sage, Rantoul Township Road Commissioner, stating that Mr. Sage has concerns with the volume of heavy traffic over Township roads. Mr. Rusk also testified that the road is a ten inch gravel base road with oil chip over it, and the Township has concerns regarding the number of 80,000 pound vehicles that will travel the road if the Special Use Permit is approved.
 - (b) At the March 28, 2013, public hearing co-petitioner, Gene Warner, testified that the increase in traffic will be seasonal particularly in the spring when the product is being delivered and hauled out. The product will be delivered in January or February and hauled out in April. He believes the weight limit for the road is 80,000 pounds and the delivery trucks will not weigh more than a standard semi-truck that hauls grain off of the farm during harvest.

- (c) At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified that if the subject tank is the biggest around there is reason to believe that there will be a huge increase in traffic for large tankers on this minor road that is only 20 feet wide. According to his research it would take 160 full size tankers to fill a tank of this size.
- (d) Refer to Item 8.K. for testimony from Kenneth Warner, adjacent landowner, given at the March 28, 2013, public hearing regarding traffic.
- (e) Applied Research Associates (ARA), Inc., was hired by Rantoul Township to conduct an analysis regarding the impact that the proposed Special Use Permit will have on Township maintained road. The full report of the study was received on July 15, 2013, and is summarized as follows:
 - i. This tank is expected to generate traffic for which this road was not intended to handle.
 - ii. It was assumed that the tank would generate 500 truck trips across the road per year based on the assumption that the tank would be cycled once per year, and approximately 250 truck trips are required to fill the tank. The ARA analysis apparently assumed approximately 3,000 gallons of liquid fertilizer solution per loaded tanked truck.
 - iii. The route was broken up into two segments, U.S. 45 to CR 1400E and CR 1400E to the subject property. During the inspection of these segments it was found that the road is currently in good condition.
 - iv. The life-cycle cost analysis for a 12 year period showed that the tank will cost the Township \$16,700 to maintain the road or \$1,467 per year.
- (f) At the June 13, 2013, public hearing Rantoul Township Attorney, Brian Schurter stated that a Draft road Agreement had been presented to the petitioners, but the petitioners did not sign the agreement and had not made a counter offer so there was no signed road agreement.
- (g) The petitioner's have reached an agreement with Rantoul Township to assist with maintenance costs of the roads. The agreement does not specify which roads the petitioner's are to use. The agreement was finalized on July 25, 2013. The amount the petitioner's will pay to the Township is based upon how many gallons of commercial product are stored per year. ~~The~~

agreement was finalized on July 25, 2013. Note that there is expected to be some amount of liquid fertilizer used on the petitioner's own farmland every year that will not be considered "commercial product" and for which the petitioner will not be obligated to pay towards the road agreement with the Township. The amount of liquid fertilizer used for the petitioners own farmland will probably not be a constant amount from year to year and the specific amount used for the petitioners own farmland must necessarily be considered in arriving at the actual amount of commercial product that is stored in any given year.

*(h) Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

*Identical to evidence in Case 747-AM-13

- D. Regarding fire protection of the subject property, the subject property is within the protection area of the Thomasboro Fire Protection District and is located approximately 4.2 road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- E. No part of the subject property is located within the mapped floodplain.
- F. Regarding outdoor lighting on the subject property, no outdoor lighting has been indicated on the site plan or proposed.
- G. Regarding wastewater treatment and disposal on the subject property, there appears to be no proposed wastewater treatment facilities and no bathroom proposed.
- H. Regarding life safety considerations related to the proposed Special Use:
 - (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - (a) The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - (b) The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety

and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.

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

- (2) Illinois Public Act 96-704 requires that in a non-building code jurisdiction no person shall occupy a newly constructed commercial building until a qualified individual certifies that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:
 - (a) The 2006 or later editions of the following codes developed by the International Code Council:
 - i.* International Building Code;
 - ii.* International Existing Building Code; and
 - iii.* International Property Maintenance Code
 - (b) The 2008 of later edition of the National Electrical Code NFPA 70.
- I. Regarding Compliance with Illinois Department of Agriculture (IDAG) requirements:
 - (1) On May 1, 2013, The Department of Planning and Zoning received a copy of the Experimental Permit (# AC13030985) issued by the Illinois Department of Agriculture for the storage tank.
 - (2) On May 1, 2013, The Department of Planning and Zoning received a copy of the Permit (# AC13020954) issued by the Illinois Department of Agriculture for the operational containment structures and the secondary containment structures in the mixing building.
- J. At the March 28, 2013, public hearing Kent Follmer, Attorney for Kenneth and Victoria Warner, testified as follows:
 - (1) The corner of his client's lot is 250 feet from the tank and their home is 500 feet from the tank.
 - (2) His clients would like to know that there are some reasonable safeguards for the protection of their property including the obvious reduction in property value because who would want to purchase a beautiful rural farmhouse when there is a fertilizer plant next door.
 - (3) After much discussion it appears that Warner Brothers wants to use the tank for their own farming operation but they have solicited and obtained a letter from Crop Production Services which is evidence of doing business with other businesses.

- K. At the March 28, 2013, public hearing adjacent property owner, Kenneth Warner, testified as follows:
- (1) The subject property has housed a Kinze dealership for many years and there are a few semi-trucks which travel in and out but if they are going to load approximately 700,000 gallons of product to use during corn planting season it appears that there will be 320 semi-trucks traveling in and out of the property and he does not understand how there will not be a traffic issue.
 - (2) If there was information regarding the truck traffic then he and his wife could determine whether or not they were still concerned. If it takes 160 semi-trucks to fill the tank and they may haul 80 trucks one day and 80 the next.
 - (3) He would not have a problem with the tank if the petitioner would use it for their own farming operation.
 - (4) He believes that commercial use of the tank would result in a lot more traffic. If the petitioner has 5,000 acres of corn and they use 50 gallons of chemical per acre that is 250,000 gallons of chemical required for their operation not 780,000 gallons. Fifty semi-loads of product for the farming operation versus 320 loads for the commercial use is a big difference.
 - (5) He has observed 10 to 12 trucks come in and out of the property to deliver product to the tank which would approximately be 80,000 pounds.
- L. Dan Ray, 100 South Center Street, Mahomet, testified at the June 13, 2013, public hearing as follows:
- (1) He is a Board Certified Regulatory Compliance Consultant specializing in environmental safety and compliance consulting.
 - (2) Because of the volume of fertilizer that will be stored the Illinois Department of Agriculture suggested that it should be permitted as a commercial facility.
 - (3) The applicants have all of the required State of Illinois permits for commercial storage of 28% ammonium.
 - (4) The facility is state of the art and has been built to a much higher standard than most on-farm storage facilities.
 - (5) The Warner's permit will be an experimental permit because of the tank and bladder combination and the permit will be reviewed and renewed every two years for the first four years and then it will move to a five year cycle.
 - (6) There are on-farm storage facilities of this size in Sangamon County, Winnebago County, and Stark County.

- (7) He has written the standard operating procedures for the facility and will train the workers on the procedures.
 - (8) The facility will be inspected by the Illinois Department of Agriculture annually and the requirements for a commercial facility are more stringent than for an on-farm storage facility.
- M. As briefly reviewed in Nitrogen Sources from the University of Nebraska Extension and the UAN Material Safety Data Sheet from terra, the safety concerns related to the storage and use of 28% urea ammonium nitrate fertilizer are not as significant as the safety concerns related to the storage and use of anhydrous ammonia fertilizer.
- N. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“Yes, this is an agriculture use.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) Farm Chemicals and Fertilizer Sales including incidental storage and mixing blended fertilizer as a Special Use in the AG-1 Agricultural and AG-2 Agriculture Zoning District. Note that farm chemical and fertilizer storage and blending by a farmer for use on their own farmland is generally considered to be AGRICULTURE and does not require a Special Use Permit.
 - (2) All structures meet setback and front, side and rear yard requirements.
 - (3) Regarding parking on the subject property:
 - (a) Paragraph 7.4.1D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.

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

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

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

- (1) Subsection 5.1.14 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
 - (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY. In regards to the value of nearby properties:
 - (a) There is no evidence indicating that the requested Special Use Permit will have any negative effect on nearby properties.
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS. In regards to congestion in the public STREETS:
 - * (a) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and even has concerns about heavy truck traffic if the storage tank is used for agricultural purposes only. Regarding these concerns about heavy truck traffic:
 - i. Rantoul Township hired Applied Research Associates (ARA) inc. to prepare a life cycle cost analysis of the impacts of the proposed Special Use on township roads.
 - ii. Rantoul Township has sought to enter into a road agreement with the petitioners regarding the impacts of the proposed Special Use on

township roads but to date there is no signed road agreement and therefore Rantoul Township is not assured of reimbursement for the added road maintenance that will result from use of the storage tank.

- iii. The petitioner's have entered into an agreement with Rantoul Township to assist with maintenance costs of the roads. The agreement does not specify which roads the petitioner's are to use. The amount the petitioner's will pay to the Township is based upon how many gallons of commercial product are stored per year. Because the Special Use will also be used to store liquid fertilizer used on the petitioner's own farmland every year that will not be considered "commercial product" and for which the petitioner will not be obligated to pay towards the road agreement with the Township, the specific amount used for the petitioners own farmland must necessarily be considered in arriving at the actual amount of commercial product that is stored in any given year.
- iv. Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

*Identical to evidence in Case 747-AM-13

- ~~(b) — At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will add to congestion in the streets.~~
- (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) — As reviewed in item 10.C.(3)(a), the Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will~~

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~~take place over the township roads as a result of the proposed Special Use and the Township has tried to enter into a road agreement to provide for the added road maintenance that will result from use of the storage tank. At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will have a detrimental effect on the general welfare of Rantoul Township.~~

- (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. Regarding these four purposes:

- (a) As reviewed in item 10.C.(3)(a), the Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and the Township has ~~tried to enter~~ entered into a road agreement to provide for the added road maintenance that will result from use of the storage tank.

~~(b) — At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank is incompatible with the AG-1 District and will not achieve the purpose of the Ordinance.~~

*(b) It remains to be seen whether or not the road agreement will adequately mitigate damage to the roads given that the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

*Identical to evidence in Case 747-AM-13

(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.

*~~(a) The petitioners have stated that they could use the storage tank for their own agricultural uses and don't necessarily need a Special Use Permit to authorize commercial use.~~

*~~(b) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of use of the storage tank for private use of for the proposed Special Use and the Township has tried to enter into a road agreement to provide for the added road maintenance that will result from use of the storage tank. ~~but the petitioners have not entered into a road agreement with Rantoul Township.~~~~

~~(c) — The Zoning Administrator is greatly concerned about enforcement problems that will arise if the three quarter million gallon storage tank is supposed to only be used for private agricultural use.~~

~~(d) — If there is no Special Use Permit authorized the use of the storage tank will avoid the restrictions and limitations lawfully imposed under this ordinance.~~

*(c) Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

*Identical to evidence in Case 747-AM-13

- (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 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.

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Special Use until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

That the proposed Special Use meets applicable state requirements for accessibility.

- D. **The Special Use shall be void if the owner/operator fails to comply with the road agreement with Rantoul Township regarding an annual road maintenance fee that shall be paid to Rantoul Township for each gallon of liquid fertilizer that is delivered to the Special Use Permit for commercial use, provided as follows:**
- 1. The road agreement shall not apply to liquid fertilizer used by the petitioner in the course of their own farming activities.**
 - 2. The amount of liquid fertilizer used by the petitioner in the course of their own farming activities will vary depending upon many different considerations but testimony indicates that in a typical year the petitioner applies 60 to 65 gallons per acre on a total of 2,900 acres of corn, unless the parties to the road agreement agree that a different amount of fertilizer shall**

have been used by the petitioner in the course of their own farming activities during the preceding calendar year and the petitioner may also store multiple years worth of liquid fertilizer for use in their own farming activities.

3. This condition applies to the Agreement With Rantoul Township Road Commissioner received July 25, 2013, or to any subsequent road agreement between the petitioner and Rantoul Township, provided however that if a subsequent road agreement includes a specific provision for determining the amount of fertilizer that shall have been used by the petitioner in the course of their own farming activities during the preceding calendar year, then the requirement of subparagraph 2. shall not apply, and further provided that a fully executed Agreement shall be filed with the Zoning Administrator.

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

~~That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.~~

That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.

- ~~D. All inbound and outbound trucks delivering 28% liquid fertilizer and any other associated product to the proposed Special Use shall use the route specified in the Life-Cycle Cost Analysis (U.S. 45 to subject property utilizing CR 2700N) conducted by Applied Research Associates, Inc.~~

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

~~That the truck traffic generated by the proposed Special Use does not damage other Rantoul Township maintained roads.~~

- E. All inbound and outbound trucks delivering fertilizer and any other associated product to the proposed Special Use shall enter and exit the subject property on the east side of the Warner Farm Equipment building.

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

To prevent nuisance issues on the adjacent property.

- F. Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture and Illinois Environmental protection Agency:
- (1) The Special Use shall at all times be operated in conformance with Illinois Department of Agriculture and Illinois Environmental Protection Agency requirements, permits, and any special conditions thereof.

- (2) The owner/operator of the Special Use shall provide the Zoning Administrator with copies of all semi-annual testing of product piping that is required by the Illinois Department of Agriculture (IDAG) and Illinois Environmental protection Agency (IEPA) and the copies shall be provided to the Zoning Administrator concurrently with their submission to IDAG and IEPA.
- (3) The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) and Illinois Environmental Protection Agency (IEPA) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.
- (4) The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for Illinois Department of Agriculture (IDAG) and Illinois Environmental Protection Agency (IEPA) Permit #AC13030985 that expires of April 17, 2015, or Permit #AC13020954 that expires on April 17, 2018.
- (5) The Special Use shall become void under any of the following situations:
 - (a) Failure to receive a renewal permit for with Illinois Department of Agriculture (IDAG) and Illinois Environmental Protection Agency (IEPA) Permit #AC13030985 that expires of April 17, 2015, or Permit #AC13020954 that expires on April 17, 2018, over the lifetime of the Special Use.
 - (b) if the experimental design approved by the Illinois Department of Agriculture (IDAG) and the Illinois Environmental Protection Agency (IEPA) in Permit #AC13030985 fails to provide adequate containment in which case the owner/operator of the Special Use shall provide notice to the Zoning Administrator upon a determination by either IDAG or IEPA that the experimental design fails to provide adequate containment.
 - (c) Failure of the owner/operator to comply with any part of the special conditions in Case 731-S-12.

The special conditions above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

G. The development of the site must be substantially the same as indicated in the Plat of Survey submitted on August 8, 2013, and the building plans for the mixing building

received on March 21, 2013, and the CST Storage Tank Technical Drawings and Specifications received September 5, 2012.

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

That the development of the site is the same as described in the public hearing.

H. The diesel fuel tanks indicated on the Plat of Survey received August 8, 2013, shall only be used for the sole purposes of the petitioner, and not for commercial (i.e. resale to others) storage or distribution.

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

That these tanks are not used for commercial (i.e. resale to others) because that cannot be authorized in the AG-1 District.

DOCUMENTS OF RECORD

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

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

- 28, 2013, public hearing by James Rusk
E Draft March 28, 2013, Meeting Minutes
22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
A Draft March 28, 2013, Meeting Minutes
23. Plat of Survey with annotations received May 15, 2013
24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
A Proposed Evidence
B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
C Letters from Gene Warner received May 16, 2013
D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
E Invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
F Drainage Tile Map received May 16, 2013
25. Page of Photos received May 16, 2013
26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
28. Plat of Survey received May 23, 2013
29. Plat of Survey received June 5, 2013
30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
A Plat of Survey received June 5, 2013
B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
A Revised Draft Finding of Fact and Final Determination
32. Tax Assessment Information received June 10, 2013
33. Supplemental Memorandum for Case 731-S-12 dated June 13, 2013, with attachment:
A Tax Assessment Information received June 10, 2013
34. Revised Tax Assessment Information received July 15, 2013

35. Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013
36. Supplemental Memorandum fro Case 731-S-12 dated July 19, 2013, with attachments:
 - A Revised Tax Assessment Information received July 15, 2013
 - B Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination
37. Supplemental Memorandum for Case 747-AM-13 dated July 19, 2013, with attachments:
 - A Revised Draft Finding of Fact and Final Determination
38. Supplemental Memorandum for Case 731-S-12 dated July 25, 2013, with attachments:
 - A Road Agreement received July 25, 2013
 - B Proposed Evidence and Revisions
 - C IDAG Experimental Permit for Agrichemical Containment Facility received May 1, 2013
 - D IDAG Permit Agrichemical Containment Facility received May 1, 2013
 - E UAN Material Safety Data Sheet, prepared by Terra Industries, Inc. revised September 25, 2006
 - F Nitrogen Sources, Tom Dorn, University of Nebraska –Lincoln Extension, accessed July 24, 2013
39. Plat of Survey received August 1, 2013
40. Plat of Survey received August 5, 2013
41. Plat of Survey received August 8, 2013
42. Supplemental Memorandum for Case 731-S-12 dated August 9, 2013, with attachments:
 - A Draft May 13, 2013, ZBA minutes
 - B Draft June 13, 2013, ZBA Minutes
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination
43. Supplemental Memorandum for Case 747-AM-13 dated August 9, 2013, with attachments:
 - A Plat of Survey received August 8, 2013
 - B Draft Minutes from May 16, 2013
 - C Draft Minutes from June 13, 2013
 - D Revised Finding of Fact and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 731-S-12 held on **March 28, 2013, May 16, 2013, June 13, 2013, July 25, 2013, and August 15, 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.
6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

FINAL DETERMINATION

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

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

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 747-AM-13

SUPPLEMENTAL MEMORANDUM

August 9, 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.**

Site Area: **5.17 acres**

Time Schedule for Development: **Existing**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Location: **A 5.17 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.**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

STATUS

This case is continued from the July 25, 2013, public hearing. A new Plat of Survey is attached. Revisions and additions have been made to the Finding of Fact (see Attachment D). Draft minutes from the May 16, 2013, and June 13, 2013, ZBA meetings are included separately.

ADDITIONAL AREA PROPOSED TO BE REZONED

The petitioner has added an additional 1.37 acres to the proposed rezoning. These areas are indicated in red on the attached Plat of Survey (see Attachment A). The total area proposed to be rezoned is now 5.17 acres.

GOAL 4 – AGRICULTURE

In the July 19, 2013, version of the Finding of Fact for Case 747-AM-13, Staff suggested that the proposed rezoning **WILL NOT HELP ACHIEVE** Goal 4, Objective 4.3, and Policy 4.3.4. Staff has revised that suggestion to be a decision point for the Board to determine whether the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Goal 4, Objective 4.3, and Policy 4.3.4. Decision points have also been added to Objective 4.1 and Policy 4.1.6. The Summary Finding of Fact has also been revised to reflect these changes.

PURPOSE OF THE ZONING ORDINANCE

Decision points for the Board to determine whether the proposed rezoning achieves the purpose of the zoning ordinance or not have been added to Items 23 and 23.C. The Summary Finding of Fact has also been revised to reflect these changes.

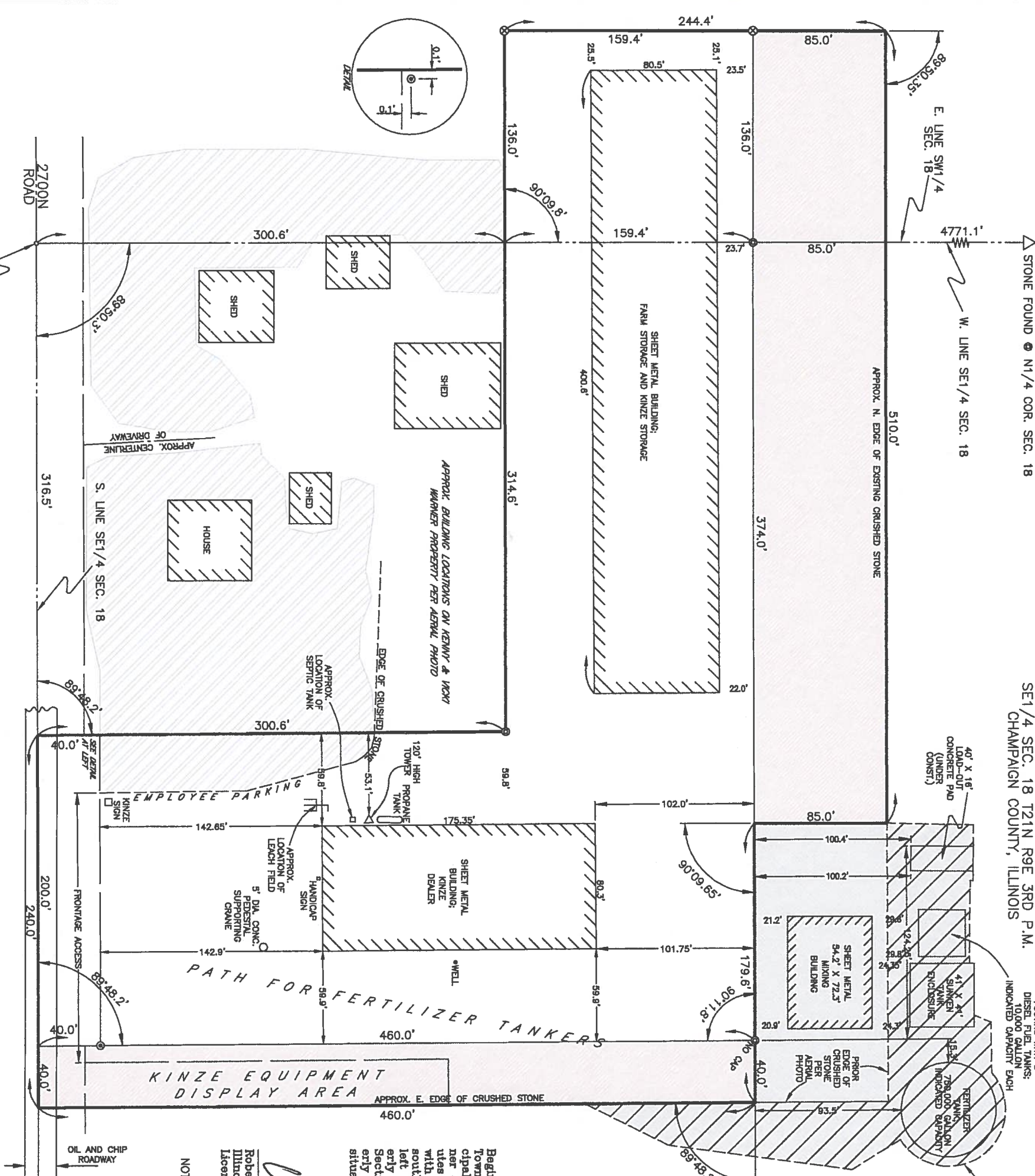
ATTACHMENTS

- A Plat of Survey received August 8, 2013 (included separately)
- B Draft May 16, 2013, ZBA Minutes (included separately)
- C Draft June 13, 2013, ZBA Minutes (included separately)
- D Revised Finding of Fact and Final Determination (included separately)

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

30' X 30' CONCRETE
FOOTING WITH 5
DIESEL FUEL TANKS;
10,000 GALLON
INDICATED CAPACITY EACH

RECEIVED
AUG 08 2013
CHAMPAIGN CO. P & Z DEPARTMENT



30' X 30' CONCRETE FOOTING WITH 5 DIESEL FUEL TANKS; 10,000 GALLON INDICATED CAPACITY EACH

EDGE OF EXISTING CRUSHED STONE

EDGE OF EXISTING CRUSHED STONE

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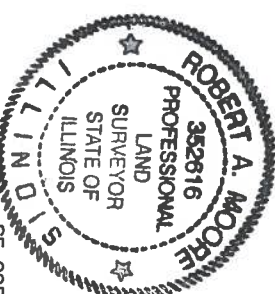
EDGE OF EXISTING CRUSHED STONE

LAND DESCRIPTION OF TRACT FOR PROPOSED B-1 RE-ZONING

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 300.8 feet north of the Southeast corner of said Southwest quarter; thence deflecting 90 degrees 08.8 minutes (90°08.8') to the left 136.0 feet; thence north 244.4 feet parallel with said East line; thence 89°50.35' to the right 510.0 feet; thence south 85.0 feet parallel with said East line; thence 90°08.65' to the left 179.6 feet; thence 89°48.2' to the right 460.0 feet; thence west-erly 240.0 feet on the South line of the Southeast quarter of said Section; thence 89°48.2' to the right 300.6 feet; and thence west-erly 314.6 feet to the point of beginning encompassing 6.176 acres, situated in Champaign County, Illinois.

- 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"
- 1/2" STEEL ROD FOUND W/YELLOW PLASTIC CAP STAMPED "PLS 3873"
- ⊗ PROPOSED SPECIAL LAND USE AREA -- 0.8 ACRE
- ▨ NEW HARD COVER AREA -- 0.4 ACRE
- ▤ APPROX. AREA POPULATED BY TREES AND/OR SHRUBS PER AERIAL PHOTO
- AUGUST 1, 2013 PROPOSED ADDITION TO RE-ZONED AREA
- PROPOSED BOUNDARY OF B-1 ZONING
- FORESHORTENED LINE

Robert A. Moore
Robert A. Moore
Illinois Land Surveyor No. 2616
License due for renewal 11/30/2014
Date 8-6-2013



NOTES: - PARKING FOR CUSTOMERS & COMPANY VEHICLES IS NOT CONFINED TO SPECIFIC AREAS
- THERE ARE NO OVERHEAD ELECTRIC LINES ON THE COMMERCIAL PROPERTY

REV. AUG. 1, 2013	MOORE SURVEYING & MAPPING
REV. JUNE 4, 2013	PAXTON, ILLINOIS
REV. MAY 23, 2013	CLIENT
REV. MAY 15, 2013	DATE
REV. MAR. 22, 2013	JOB NO.
REV. MAR. 6, 2013	5314C

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747-AM-13

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

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

Date: **August 15, 2013**

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

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

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, June 13, 2013, July 25, 2013, and August 15, 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~~ 5.17 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. The adjacent home is owned by Kenneth Warner.
- (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 and Robert A. Moore received March 1, 2013, and revised on March 6, 2013, March 22, 2013, May 15, 2013, May 23, 2013, June 4, 2013, and August 1, 2013, with the final Plat received on August 8, 2013, indicates the following:

- (1) The location of the existing ~~750,000~~ 765, 818 gallon indicated capacity storage tank that is approximately ~~48~~ 46 feet in height, not including a ladder cage. This tank is proposed to be utilized to store 28% urea ammonium nitrate fertilizer solution for the petitioner's agricultural operation as well as providing bulk storage space to lease. Note that the tank storage capacity and tank height are from the CST Storage Tank Technical Drawings and Specifications received September 5, 2012.
- (2) The location of a 54' × 72' sheet metal building where the mixing, loading and unloading of the fertilizer will occur.
- (3) The edge of the existing crushed stone.
- (4) A large sheet metal building that houses a Kinze farm equipment dealership on an adjacent property that is subject of related Case 747-AM-13.
- (5) An 80' × 400' sheet metal building on an adjacent property that is utilized for farm storage and storage for the Kinze farm equipment dealership that is the subject of related Case 747-AM-13.
- (6) The general area of employee parking.
- (7) The general area of where farm equipment is displayed on the east side of the property.
- (8) The location of a tower that is 120 feet in height.
- (9) The general locations of the septic tank and leach field.
- (10) The location of a 5' diameter concrete pedestal supporting crane.
- (11) The location of an existing sign for the Kinze business and a handicap sign on the front of the main business building.

- (12) The location of a propane tank and water well.
- (13) A 40' × 16' load-out concrete pad.
- (14) A 41' × 41' sunken tank enclosure.
- (15) A 30' × 30' concrete footing with 3 diesel fuel tanks that each have a 10,000 gallon indicated capacity. Note that as of August 9, 2013, there appeared to be more than 3 of these tanks on the subject property.
- (16) An indication that the proposed special use land area is 0.8 acre.
- (17) An indication that the new hard cover (impervious) area is 0.4 acre.
- (18) The location of the house, 4 outbuildings, the driveway, and trees and shrubs on the Kenneth and Victoria Warner property that is adjacent.
- (19) The entire ~~3.8~~ 5.17 acre area proposed to be rezoned in Case 747-AM-13 to the B-1 Rural Trade Center Zoning District.
- (20) The path for fertilizer tankers on the east side of the Kinze farm equipment dealership.

*Identical to evidence in Case 731-S-12

- B. The petitioners have been operating a farm equipment sales and service business at this location since the 1970s. Currently the business sells Kinze farm equipment and provides repair services.
- C. According to the website www.warnerfarmequip.com the business carries a full line of Kinze planters and grain wagons as well as equipment parts.
- D. The subject property is proposed to 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;

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

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

(3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

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

REGARDING LRMP GOALS & POLICIES

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

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

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

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

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

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

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

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

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

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

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment ~~is will~~ ***WILL / WILL NOT*** **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 *{WILL / WILL NOT}* *HELP ACHIEVE* Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. The proposed rezoning will not impede the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states, **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

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

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

The proposed rezoning will ~~{DOES / DOES NOT} HELP ACHIEVE~~ conform with 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.
- (b) The proposed rezoning will remove less than one acre of best prime farmland from production.
- (c) Conformance with Policy 4.1.6 requires achievement of related Objective 4.3 and Policy 4.3.4.

- 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 will *HELP ACHIEVE* Policy 4.2.1 for the following reason:

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

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

- (a) The use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.

- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

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

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

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

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

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

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

The proposed rezoning will *{WILL / WILL NOT}* *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.

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- (e) The B-1 District is intended to provide agriculture related businesses to rural residents.
 - (f) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire 3.8 acres is either building roof or gravel parking area (both of which are impervious) and if reviewed as a new development under the Stormwater Management Policy, stormwater detention would be required. At this time there is no evidence indicating an existing drainage problem that would benefit from requiring stormwater detention as a special condition.
- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

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

- (a) The subject property is located approximately 4.2 miles from the Thomasboro Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *{WILL / WILL NOT}* *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.
- (b) The petitioner has proposed to access the proposed Special Use in related Case 731-S-12 across the east side of the subject property. Regarding related Case 731-S-12:
 - *i. Applied Research Associates (ARA), Inc., was hired by Rantoul Township to conduct an analysis regarding the impact that the proposed Special Use Permit in related Case 731-S-12 will have on Township maintained road. The full report of the study was received on July 15, 2013, and is summarized as follows:
 - i. This tank is expected to generate traffic for which this road was not intended to handle.

- ii. It was assumed that the tank would generate 500 truck trips across the road per year based on the assumption that the tank would be cycled once per year, and approximately 250 truck trips are required to fill the tank.
- iii. The route was broken up into two segments, U.S. 45 to CR 1400E and CR 1400E to the subject property. During the inspection of these segments it was found that the road is currently in good condition.
- iv. The life-cycle cost analysis for a 12 year period showed that the tank will cost the Township \$16,700 to maintain the road or \$1,467 per year.

*Identical to evidence in Case 731-S-12

- ~~ii. Access to the proposed Special Use across the subject property will not be a problem if a road agreement is reached in Case 731 S 12 between the petitioner and Rantoul Township.~~
- ~~iii. At this time the petitioners have not signed a road agreement with Rantoul Township and the proposed development cannot be effectively and safely without undue public expense so long as the subject property is used for access to the 750,000 gallon storage tank.~~
- ii. The petitioner's have entered into an agreement with Rantoul Township to assist with maintenance costs of the roads. The agreement does not specify which roads the petitioner's are to use. The amount the petitioner's will pay to the Township is based upon how many gallons of commercial product are stored per year. Because the Special Use will also be used to store liquid fertilizer used on the petitioner's own farmland every year that will not be considered "commercial product" and for which the petitioner will not be obligated to pay towards the road agreement with the Township, the specific amount used for the petitioners own farmland must necessarily be considered in arriving at the actual amount of commercial product that is stored in any given year.
- iii. Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LaSalle Factors

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

that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

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

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

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Farm Equipment Sales and Service and farm storage	AG-1 Agriculture (proposed B-1)
North	Agriculture ----- Agrichemical storage (Case 731-S-12)	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Residential (<u>Home of Kenneth and Victoria Warner</u>) ----- Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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

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

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

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

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

The proposed amendment will bring the existing business into compliance with the Zoning Ordinance, and will allow the petitioners to continue serving the agricultural community by providing the services they offer.

- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
The subject property is suitable for the zoned purposes. The subject property cannot be converted back to agricultural production and has been used for the existing business since the 1970s.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The AG-1 District was planned in 1973 and thus was intended to protect areas of the County where soil and topographic conditions are best adapted to the pursuit of agricultural uses. Currently, there are two buildings on the subject property.
- G. **Sinclair factor: The need and demand for the use.**
The petitioners business provides a needed use to the agricultural community by providing farm equipment and repair services.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING RELEVANT TESTIMONY DURING THE PUBLIC HEARING

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

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

- 23. The proposed amendment ~~will~~ **WILL / WILL NOT HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
 - A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

Because the proposed Special Use in related Case 731-S-12, has access over the subject property, the proposed amendment *{DOES / DOES NOT}* lessen and avoid congestion in the public streets for the following reasons:

- *(a) The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of the proposed Special Use and even has concerns about heavy truck traffic if the storage tank is used for agricultural purposes only. Regarding these concerns about heavy truck traffic:
- i. Rantoul Township hired Applied Research Associates (ARA) inc. to prepare a life cycle cost analysis of the impacts of the proposed Special Use on township roads.
 - ~~ii. Rantoul Township has sought to enter into a road agreement with the petitioners regarding the impacts of the proposed Special Use on township roads but to date there is no signed road agreement and therefore Rantoul Township is not assured of reimbursement for the added road maintenance that will result from use of the storage tank.~~
 - ii. The petitioner's have entered into an agreement with Rantoul Township to assist with maintenance costs of the roads. The agreement does not specify which roads the petitioner's are to use. The amount the petitioner's will pay to the Township is based upon how many gallons of commercial product are stored per year. Because the Special Use will also be used to store liquid fertilizer used on the petitioner's own farmland every year that will not be considered "commercial product" and for which the petitioner will not be obligated to pay towards the road agreement with the Township, the specific amount used for the petitioners own farmland must necessarily be considered in arriving at the actual amount of commercial product that is stored in any given year.
 - iii. Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple seasons.

*Identical to evidence in Case 731-S-12

~~(b) — At this time the petitioners have not entered into a road agreement with Rantoul Township and for that reason the use of the storage tank will add to congestion in the streets.~~

- 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.
- (a) The business on the subject property has existed since before Champaign County adopted the Stormwater Management Policy on December 17, 1991. However, it is unknown when the buildings were constructed or when additions were added and when the buildings stopped being agricultural buildings. The entire ~~3.8~~ 5.17 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.
- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- The proposed amendment is not directly related to this purpose.
- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.
- The proposed amendment is not directly related to this purpose.
- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.
- The proposed amendment is not directly related to this purpose.
- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.
- The proposed amendment is not directly related to this purpose.

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

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

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

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

*(b) Generally regarding the proposed Special Use in related Case 731-S-12 which has road access over the subject property:

i. The petitioners have stated that they could use the storage tank for their own agricultural uses and don't necessarily need a Special Use Permit to authorize commercial use.

- ii. The Rantoul Township Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over the township roads as a result of use of the storage tank for private use of for the proposed Special Use and the Township has entered into a road agreement to provide for the added road maintenance that will result from use of the storage tank.
- iii. Enforcement of the road agreement will be complicated because the agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and store fertilizer for use on their own farmland over multiple years.

*Identical to evidence in Case 731-S-12

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient

development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

REGARDING SPECIAL CONDITIONS OF APPROVAL

24. Regarding proposed special conditions of approval:

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

The above special condition is required to ensure the following:

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

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013, May 16, 2013, and June 13, 2013, July 25, 2013, and August 15, 2013**, the Zoning Board of Appeals of Champaign County finds that:

- ~~1. The proposed amendment will **NOT HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):~~
- ~~A. The proposed amendment will **NOT HELP ACHIEVE Goal 4 Agriculture** because of the following:~~
1. The proposed amendment will **{WILL / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
- A. The proposed text map amendment will **{WILL / WILL NOT} HELP ACHIEVE** the following LRMP goals:

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

- It **{WILL / WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it ~~will **HELP ACHIEVE**~~ **of the following:**
 - It will **HELP ACHIEVE** Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 14.A.(2)).
 - It **{DOES / DOES NOT} conform with** Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.A.(3)).
- It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.B.(1)).
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
 - Policy 4.2.3 requiring discretionary development recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
 - Policy 4.2.4 requiring consideration of whether a buffer between proposed development and agricultural activities is necessary (see Item 14.B.(4)).
- It will ~~will **{WILL / WILL NOT} HELP ACHIEVE**~~ Objective 4.3 requiring any discretionary development to be on a suitable site because it ~~will **NOT HELP ACHIEVE**~~ **of the following:**
 - It will **HELP ACHIEVE** Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.C.(2)).

- It will ***HELP ACHIEVE*** Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(3)).
- It ~~***WILL / WILL NOT***~~ ***HELP ACHIEVE*** Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.C.(4)).
- It will ***HELP ACHIEVE*** Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(5)).

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

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

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

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

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

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

- The amendment will allow the petitioners to continue to provide the needed products and services they offer to the agricultural community.
- The subject property is suitable for the business and cannot be converted back to agricultural production.

3. The proposed Zoning Ordinance map amendment will ~~***WILL / WILL NOT***~~ ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:

- Establishing the B-1 District at this location ***DOES / DOES NOT*** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 23.C.).

- Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 23.I.).
 - Establishing the B-1 District at this location will help make the existing buildings, structures, and uses conform to those authorized in the B-1 District (Purpose 2.0 (m) see Item 23.M.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
- Approval of the amendment would bring the existing business into compliance with the Zoning Ordinance.

DOCUMENTS OF RECORD

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

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

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

17. Plat of Survey received March 26, 2013

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

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

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

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

22. Supplemental Memorandum for Case 747-AM-13 dated May 8, 2013, with attachment:
 - A Draft March 28, 2013, Meeting Minutes
23. Plat of Survey with annotations received May 15, 2013
24. Supplemental Memorandum for Case 731-S-12 dated May 16, 2013, with attachments:
 - A Proposed Evidence
 - B Summary of Findings of Life-Cycle Cost Analysis conducted by Applied Research Associates, Inc., received May 15, 2013
 - C Letters from gene Warner received May 16, 2013
 - D Warner Brothers, Inc., Monthly product Inventory Reports (January 2013 – May 2013) received May 15, 2013
 - E invoices from Crop Production Services dated 2/1/13, 4/3/13, and 4/16/13, received May 15, 2013
 - F Drainage Tile Map received May 16, 2013
25. Page of Photos received May 16, 2013
26. Folder of Photos submitted by Kent Follmer at the May 16, 2013, public hearing
27. Plat of Survey submitted by Paul Cole at the May 16, 2103, public hearing
28. Plat of Survey received May 23, 2013
29. Plat of Survey received June 5, 2013
30. Supplemental Memorandum for Case 731-S-12 dated June 7, 2013, with attachments:
 - A Plat of Survey received June 5, 2013
 - B Revised Draft Summary of Evidence, Finding of Fact, and Final Determination
31. Supplemental Memorandum for Case 747-AM-13 dated June 7, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination
32. Tax Assessment Information received June 10, 2013
33. Supplemental Memorandum for Case 731-S-12 dated June 13, 2013, with attachment:
 - A Tax Assessment Information received June 10, 2013
34. Revised Tax Assessment Information received July 15, 2013
35. Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013

36. Supplemental Memorandum fro Case 731-S-12 dated July 19, 2013, with attachments:
- A Revised Tax Assessment Information received July 15, 2013
 - B Report of Testing and Analysis for Impact of Large Storage Tank along 2700N prepared by Applied Research Associates (ARA), Inc. received July 15, 2013
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination
37. Supplemental Memorandum for Case 747-AM-13 dated July 19, 2013, with attachments:
- A Revised Draft Finding of Fact and Final Determination
38. Supplemental Memorandum for Case 731-S-12 dated July 25, 2013, with attachments:
- A Road Agreement received July 25, 2013
 - B Proposed Evidence and Revisions
 - C IDAG Experimental Permit for Agrichemical Containment Facility received May 1, 2013
 - D IDAG Permit Agrichemical Containment Facility received May 1, 2013
 - E UAN Material Safety Data Sheet, prepared by Terra Industries, Inc. revised September 25, 2006
 - F Nitrogen Sources, Tom Dorn, University of Nebraska –Lincoln Extension, accessed July 24, 2013
39. Plat of Survey received August 1, 2013
40. Plat of Survey received August 5, 2013
41. Plat of Survey received August 8, 2013
42. Supplemental Memorandum for Case 731-S-12 dated August 9, 2013, with attachments:
- A Draft May 16, 2013, ZBA minutes
 - B Draft June 13, 2013, ZBA Minutes
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination
43. Supplemental Memorandum for Case 747-AM-13 dated August 9, 2013, with attachments:
- A Plat of Survey received August 8, 2013
 - B Draft May 16, 2013, ZBA Minutes
 - C Draft June 13, 2013, ZBA Minutes
 - D Revised Finding of Fact and Final Determination

FINAL DETERMINATION

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

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

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 732-AT-12

SUPPLEMENTAL MEMORANDUM

August 9, 2013

Champaign County
Department of

**PLANNING &
ZONING**

Petitioner: **Zoning Administrator**

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

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise paragraph 7.1.2B. as follows:

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

Part B. Revise paragraph 7.1.2E. as follows:

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

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

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

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

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

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

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

Part E. Revise paragraph 7.1.2K. as follows:

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

STATUS

This case is continued from the June 13, 2013, meeting. No substantive changes have been made to the proposed amendment since June 13 although a few typos have been corrected and are indicated with shading in Attachment A. Attachment D is a comparison of the existing Ordinance to the proposed amendment. An updated Finding of Fact will be available at the meeting in addition to a completed revised RHO Application and handout. Hopefully, final action can be taken at the meeting.

ATTACHMENTS

- A Revised Draft Amendment (ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- B Revised Draft Amendment (NON-ANNOTATED) to Sec. 7.1.2 Rural Home Occupations
- C Amended Section 7.1.2
- D Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12

Note: The indications for proposed changes are as follows:

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

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

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

~~iii. if less than 50 feet from any lot line and/ or less than 100 feet from any off-site existing DWELLING conforming as to USE, outdoor parking for more than one MOTOR VEHICLE shall be at least 10 feet from any LOT LINE; and~~

c. Off-street parking spaces shall be provided as follows. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons, and all parking shall be subject to the following:

(1) No parking shall occur in the STREET RIGHT OF WAY.

(2) Parking spaces shall be provided subject to the provisions of in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons. The requirements of Section 7.4 notwithstanding, all off-street parking and outside STORAGE of MOTOR VEHICLES and/ or any licensed semitrailer and/ or any licensed pole trailer that is visible from and located within 100 feet from either a residential DISTRICT or the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming to USE, shall be subject to the following SCREEN requirements:

(a) Any required SCREEN shall meet the requirements of paragraph 4.3.3 H.

(b) More than four MOTOR VEHICLES of no more than 15,000 pounds each shall be screened by a Type A SCREEN except that a Type B SCREEN may be erected along the REAR LOT LINE.

(c) A Type D SCREEN shall be required for more than one MOTOR VEHICLE that weighs more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers.

(43) The requirements of Section 7.4 notwithstanding, loading berths are not required for Rural Home Occupations.

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

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

- complete pieces of equipment must be kept in an enclosed BUILDING. This limit shall apply to each individual piece of equipment provided
- b. When a piece of equipment is on a trailer other than a semitrailer or pole trailer, the trailer is not and all equipment on the trailer are all counted as only one a piece of equipment. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment.
- c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.
- d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.
3. Supplemental equipment attachments may also be kept in outdoor STORAGE and/ or used outdoors subject to the following:
- a. The maximum number of supplemental equipment attachments that may be kept in outdoor STORAGE and/ or used outdoors is 15 but that limit shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers and/ or complete pieces of equipment that are also parked or used outdoors.
- b. Supplemental equipment attachments that are attached to equipment shall not be counted separately from that piece of equipment.
- c. When supplemental equipment attachments are on a trailer other than a semitrailer or pole trailer, the trailer and all supplemental equipment attachments on the trailer are all counted as only one piece of equipment and when the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.
4. Complete pieces of equipment and supplemental equipment attachments kept in outdoor STORAGE and/ or used outdoors must meet the following minimum separations for outdoor STORAGE of equipment:
- i. Equipment in outdoor STORAGE shall be no less than 50 feet from any lot line and no less than 100 feet from any off site existing DWELLING conforming as to USE; or

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

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

M. Applicability and nonconformities.

~~41.~~ The ~~above~~ requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after ~~May~~ September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.

~~52.~~ The ~~above~~ requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:

a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION ~~for which an application had been received by the Zoning Administrator on or before May September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be used in at that RURAL HOME OCCUPATION provided that the total number of MOTOR VEHICLES in the RURAL HOME OCCUPATION are not more than 10 and further provided that no more than 3 such MOTOR VEHICLES are truck tractors or MOTOR VEHICLES with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq).~~

b. Any RURAL HOME OCCUPATION that complies with ~~subparagraph 7.1.2EF.105 M.2.a.~~ shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

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

K. Outdoor STORAGE ~~for other than equipment used in any RURAL HOME OCCUPATION~~ shall be limited to SIDE YARDS or the REAR YARD and ~~screened as provided by Section 7.6.~~ shall be screened as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7.1.2 RURAL HOME OCCUPATIONS

7.1.2 RURAL HOME OCCUPATIONS as defined in Section 3, are permitted as an **ACCESSORY USE** in any dwelling in the AG-1, Agriculture; AG-2, Agriculture; and CR, Conservation-Recreation Districts subject to the following standards:

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

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paragraph.

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

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

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

Attachment C: Amended Section 7.1.2 Rural Home Occupations
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which case the required SCREEN shall be as required in paragraph 7.1.2 E.

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

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- L. All RURAL HOME OCCUPATIONS shall obtain a Zoning Use Permit in accordance with Section 9.1.2 of the Champaign County Zoning Ordinance prior to operation.

- M. Applicability and nonconformities.
 - 1. The requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.

 - 2. The requirements of paragraph 7.1.2E. and F. and the requirements of Section 8 notwithstanding:
 - a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be at that RURAL HOME OCCUPATION.

 - b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 M.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Amendment	
LIMITS ON VEHICLES (Case 732-AT-12)	7.1.2.E.	"Non-farm, Second Division vehicles...used in any RURAL HOME OCCUPATION..."	7.1.2.E.	"Non-farm MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers used and parked at any RURAL HOME OCCUPATION..."	CHANGE TO CLARIFY: Amendment does not rely on understanding of "second division"; amendment only includes those things used and parked at the RHO; amendment adds clarity
	7.1.2.E.i.	no more than three self propelled vehicles over 8,000 lbs. gross vehicle weight shall be permitted	7.1.2.E.(2)	"No more than three MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq), shall be authorized and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS 5/15-111).	CHANGE TO BE LESS RESTRICTIVE: In discussions with County Board members the greatest concern seemed to be about semi-trucks (truck tractors) and tandem axle dump trucks; amendment is much less restrictive because all 10 vehicles could weigh as much as 32,600 pounds loaded and approximately 15,000 pounds empty; amendment still relies on familiarity with Illinois Vehicle Code because all vehicle weights must be within the allowances of Illinois Vehicle Code which is actually more restrictive than the current Ordinance which places no weight limits on three vehicles, but it is already the law
	7.1.2.E.ii.	No more than 10 vehicles in total, including vehicles under 8,000 lbs. gross vehicle weight, trailers...and off-road vehicles...		No more than 10 MOTOR VEHICLES and/or licensed semitrailers and/or licensed pole trailers in total shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.	NO SUBSTANTIVE CHANGE
		... shall be permitted excluding patron or employee personal vehicles.		... shall be authorized excluding patron or employee or owner personal MOTOR VEHICLES.	CHANGE TO CLARIFY: See the proposed new limit on equipment in proposed par. 7.1.2F. (see below). CHANGE TO CLARIFY: Owner personal vehicles have never been counted even though that is not specified in the current Ordinance.
Required separations from lot line for outdoor parking of RHO vehicles	7.1.2.E.iii.	all Second Division vehicles shall be stored indoors or parked no less than 50 feet from any lot line and no less than 100 feet from any off-site existing dwelling conforming as to use.	7.1.2E.4.a. & b.	a. No more than one MOTOR VEHICLE that conforms to paragraph 7.1.1 K. may be parked outdoors no less than five feet from a SIDE or REAR LOT LINE nor less than 10 feet from a FRONT LOT LINE; and	CHANGE TO BE LESS RESTRICTIVE: Amendment allows one vehicle to be no less than 5 feet from lot line as is allowed for Neighborhood Home Occupations; also, existing 50 feet separation from lot line and 100 feet from off-site dwelling are not warranted if adequate screening is provided

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Amendment	
Vehicle parking requirements (number of spaces required)	7.1.2H. & 7.4	Subject to the provisions of Sec. 7.4 for all patrons and employees	7.1.2.E.4.c. & 7.4	<p>b. Outdoor parking for more than one MOTOR VEHICLE and any licensed semitrailer and any licensed pole trailer shall be at least 10 feet from any LOT LINE</p> <p>c. In addition to parking spaces for MOTOR VEHICLES and/ or licensed semitrailers and/ or licensed pole trailers that are parked outdoors at a RURAL HOME OCCUPATION, off-street parking spaces shall also be provided in the minimum size and number required by Section 7.4 for all onsite employees and onsite patrons subject to the following: (1) No parking shall occur in the STREET RIGHT OF WAY.</p>	NO SUBSTANTIVE CHANGE
Screening of parking areas	7.1.2H. & 7.4.1 C.4.	Type A screen (4 feet tall) required for parking for more than 4 vehicles of no more than 8,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use except that Type B screen may be on rear lot line; and Type D screen (8 feet tall) for any number of vehicles of more than 8,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use	7.1.2.E.4.c.(2)	<p>(2) Type A screen (4 feet tall) required for parking for more than 4 vehicles of no more than 15,000 pounds gross vehicle weight within 100 feet of BRL of a lot with dwelling conforming to use except that Type B screen may be on rear; and</p> <p>Type D screen (8 feet tall) for more than one vehicle of more than 15,000 pounds gross vehicle weight or a combination of MOTOR VEHICLE and connected trailer that weighs more than 15,000 pounds gross vehicle weight or four or more licensed semitrailers and/ or licensed pole trailers, all within 100 feet of BRL of a lot with dwelling conforming to use</p>	CHANGE TO BE LESS RESTRICTIVE: Amendment increases the weight of vehicles that need only Type A or B (4 feet tall) screening from the current 8,000 pounds to 15,000 pounds; Amendment also incorporates screening requirement as part of the RHO section

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph		
LIMITS ON EQUIPMENT (Case 732-AT-12) Limits on numbers and weights of equipment		See 7.1.2E.ii. "off road vehicles" are included in the limit of 10 vehicles in total	7.1.2F.	Non-farm equipment and supplemental equipment attachments that may be stored and/or used at any RURAL HOME OCCUPATION shall be limited as follows: a. Equipment shall include any motorized or non-motorized device or implement; trailers, except for licensed semitrailers and licensed pole trailers; devices mounted on trailers; and any agricultural equipment used for non-agricultural uses. b. Equipment does not include MOTOR VEHICLES or licensed semitrailers or licensed pole trailers; hand tools or bench tools or tools mounted on a table or wheel barrows or similar tools. c. A supplemental equipment attachment is any specialized device that attaches to equipment such as any device that attaches to a tractor by a 3-point hitch; or an extra loader bucket; or a snow blade attachment; or any similar device that attaches to either equipment or to a MOTORIZED VEHICLE. d. There is no limit to the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept stored inside or used inside a BUILDING but at no time may the number of complete pieces of equipment or the number of supplemental equipment attachments that may be kept in outdoor STORAGE and/or used outdoors exceed the limits of paragraphs 7.1.2 F.2. and 3.	CLARIFICATION: This makes it clear that "equipment" is limited in a Rural Home Occupation and eliminates the "off road vehicles" that is used in the current Ordinance.
			7.1.2F.1.a., b, c., d.		CLARIFICATION: This defines what "equipment" is considered to be.

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph	Requirement	
				<p>e. All equipment and supplemental equipment attachments kept in outdoor STORAGE or used outdoors must be operable.</p>	<p>CHANGE TO MORE RESTRICTIVE: This will prevent outdoor storage of inoperable equipment and equipment attachments.</p>
			7.1.2F.2.a.	<p>No more than 10 complete pieces of equipment may be kept in outdoor STORAGE and/or used outdoors subject to the following:</p> <p>a. The number of complete pieces of equipment that may be kept in outdoor STORAGE and/or used outdoors shall be reduced by the number of MOTOR VEHICLES and / or licensed semitrailers and/ or licensed pole trailers also parked or used outdoors and all other complete pieces of equipment must be kept in an enclosed BUILDING.</p>	<p>CHANGE TO BE LESS RESTRICTIVE: This allows unlimited numbers of equipment so long as no more than 10 complete pieces are stored outdoors and/ or so long as vehicles are not also outdoors.</p> <p>No weight limits are proposed for equipment other than the weight limits for the vehicles that are used to move the equipment (see 7.1.2E.above).</p> <p>This is a less restrictive change.</p>
			7.1.2F.2.b., c., and d.	<p>b. When equipment is on a trailer other than a semitrailer or pole trailer, the trailer and all equipment on the trailer are all counted as only one piece of equipment.</p> <p>c. When equipment is on a trailer other than a semitrailer or pole trailer, and the trailer is connected to a MOTOR VEHICLE the entire unit shall be considered to be only one MOTOR VEHICLE.</p> <p>d. Each piece of equipment that is on a semitrailer or pole trailer shall be considered as one piece of equipment in addition to the semitrailer or pole trailer whether or not the semitrailer or pole trailer is connected to a MOTOR VEHICLE.</p>	<p>CHANGE TO BE LESS RESTRICTIVE: These rules allow greater numbers of equipment to be outdoors if on a trailer and/ or connected to a vehicle. Note this may affect the type of screening that is required.</p>

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment	Notes
	Section or paragraph	Requirement		
Required separations from lot lines and screening of equipment stored outdoors	Sec. 7.6 & 7.2	Must meet the minimum 10 feet yard established in Sec. 7.2 and screened by Type D screen if visible and within 1,000 feet BRL of a lot with a conforming dwelling or MAJOR STREET	...equipment... kept in outdoor STORAGE and/ or used outdoors must be stored or used at least 10 feet from any LOT LINE and screened as required by paragraph 7.1.2 K. (within 1,000 feet BRL of a lot with a conforming dwelling or MAJOR STREET) except for equipment any supplemental equipment attachment carried on a MOTOR VEHICLE or on a trailer connected to a MOTOR VEHICLE in which case the required SCREEN shall be as required in paragraph 7.1.2 E.	NO SUBSTANTIVE CHANGE: The amendment incorporates into the RHO section the minimum separation and screening required for equipment

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance Requirement		Proposed Amendment		Notes
	Section or paragraph	Section or paragraph	Section or paragraph	Section or paragraph	
LIMITS ON EMPLOYEES (Case 732-AT-12)					
Limits on employees	7.1.2B.	Non-family employees shall only be permitted subject to the following limitations:	7.1.2B.	Non-resident employees shall only be authorized subject to the following limitations:	CLARIFICATION: These limits already apply to all non-resident (including non-resident family) employees of a "HOME OCCUPATION"; see the Ordinance definitions of "NEIGHBORHOOD HOME OCCUPATION" and "RURAL HOME OCCUPATION".
	7.1.2B.i.	on lots smaller than five acres no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises.	7.1.2B.i.	i. on lots smaller than two acres in area no more than one employee may be present on the premises and no more than one additional employee may report to the site for work performed off the premises	CHANGE TO BE LESS RESTRICTIVE: : Many Board members expressed a hope that the limits on employees could be relaxed but no clear justification was found to increase the number of authorized employees but there is some justification for reducing the minimum lot area for the larger number of employees (see below).
	7.1.2B.ii.	on lots five acres or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises.	7.1.2B.ii.	ii. on lots that are two acres in area or larger no more than two employees may be present on the premises and no more than three additional employees may report to the site for work performed off the premises;	CHANGE TO BE LESS RESTRICTIVE: : Five acre lots are no longer allowed on "best prime farmland" and three acres is the maximum lot size on best prime farmland. This change will allow the larger number of employees on smaller lots and will make the Ordinance less restrictive.
			7.1.2B.iii.	iii. all employees may be present and working on the premises for no more than five days within any 30 day period due to inclement weather or as necessitated by other business considerations; and further provided that	CHANGE TO BE LESS RESTRICTIVE: Some Board members expressed a hope that a greater number of employees could be allowed on the RHO property during inclement weather. With this change the Ordinance will be less restrictive.

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment	Notes
	Section or paragraph	Section or paragraph		
		7.1.2B.iv.	iv. family members who are resident on the property while the HOME OCCUPATION is operating but who mature and subsequently move from the premises may remain active in the home occupation and shall not be counted as a non-resident employee as long as their participation in the HOME OCCUPATION continues.	CHANGE TO BE LESS RESTRICTIVE: This was not requested by any Board member but is recommended. With this change the Ordinance will be less restrictive.

Attachment D. Table Comparing Existing Ordinance Requirements for Rural Home Occupation To Proposed in Case 732-AT-12 DRAFT August 9, 2013

Parameter	Existing Ordinance		Proposed Amendment		Notes
	Section or paragraph	Requirement	Section or paragraph		
NONCONFORMITIES (Case 732-AT-12)	Sec. 8	No specific requirements for nonconforming limits on vehicles and equipment other than cannot increase the nonconformity; does not clearly authorize replacement of vehicles and equipment that are nonconforming.	7.1.2M.	<p>1. The requirements of paragraphs 7.1.2E. and F. shall apply to any RURAL HOME OCCUPATION for which an application is received after September 1, 2012, and to the expansion of any RURAL HOME OCCUPATION for which an application had been received on or before September 1, 2012.</p> <p>2. The requirements of paragraphs 7.1.2E. and F. and the requirements of Section 8 notwithstanding:</p> <p>a. Any MOTOR VEHICLE or licensed trailer or piece of equipment that was included in any application for, or present and noted in any inspection thereof by the Zoning Administrator or designee, or included in any authorization of a Zoning Compliance Certificate for any RURAL HOME OCCUPATION on or before September 1, 2012, and which would have, if considered in total, exceeded the applicable limits for MOTOR VEHICLES and equipment at that time may continue to be at that RURAL HOME OCCUPATION.</p> <p>b. Any RURAL HOME OCCUPATION that complies with subparagraph 7.1.2 M.2.a. shall be authorized to have that same number and type of MOTOR VEHICLES or licensed trailers or pieces of equipment as long as it continues in business at that location and any such MOTOR VEHICLE or licensed trailer or piece of equipment may be replaced with a similar MOTOR VEHICLE or licensed trailer or piece of equipment.</p>	CHANGE TO BE LESS RESTRICTIVE: The amendment "grandfathers" any existing RHO that might exceed the current limits on vehicles or equipment under certain conditions and allows all existing vehicles and equipment to be replaced so long as RHO stays at that location.

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 756-AT-13

SUPPLEMENTAL MEMORANDUM

August 9, 2013

Petitioner: **Zoning Administrator**

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

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

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

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

Add a new paragraph to Section 7.1.2. to add a requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations or parking area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations or any wholly new parking area that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

STATUS

This case is continued from the June 13, 2013, public hearing. A Revised Finding of Fact is attached. The proposed amendment has also been revised to include parking areas for RHOs as was requested by Board members at the June 13, 2013, public hearing, see Attachment A.

ATTACHMENTS

- A Proposed Amendment (revised)
- B Revised Finding of Fact and Final Determination

1. Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any Outdoor STORAGE, and/or OPERATIONS, and/or parking area authorized after {EFFECTIVE DATE OF THE ORDINANCE} for any RURAL HOME OCCUPATION shall be required to minimize glare from exterior lighting onto adjacent properties and roadways by the following means:
1. All exterior lighting used to illuminate Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass onto adjacent properties. Full-cutoff means that the lighting fixture emits no light above the horizontal plane.
 2. No lamp in any exterior lighting fixture that is used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be indicated on the site plan (including floor plans and building elevation).
 4. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all light fixtures.
 5. The requirements of this paragraph 7.1.2 L. shall only apply to any Outdoor STORAGE, and/or OPERATIONS, and/or parking area that is part of a RURAL HOME OCCUPATION established after {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE, and/or OPERATIONS, and/or parking area that is added after {EFFECTIVE DATE OF THE ORDINANCE} to any existing RURAL HOME OCCUPATION and shall not apply to any existing Outdoor STORAGE, and/or OPERATIONS, and/or parking area that existed at any duly authorized RURAL HOME OCCUPATION on {EFFECTIVE DATE OF THE ORDINANCE}.

REVISED DRAFT 8/9/13

756-AT-13

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

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

Date: August 15, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Add a new paragraph to Section 7.1.2. to add a requirement that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations or parking area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations or any wholly new parking area that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior lighting that is full-cutoff type lighting fixtures with limited light output and other relevant restrictions.

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FINDING OF FACT

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

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to add lighting requirements for outdoor operational, or storage, and parking areas at any new or existing RURAL HOME OCCUPATION.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) ~~Policy 6.1.3 states as follows: “The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.”~~

The proposed amendment will ~~HELP ACHIEVE~~ Policy 6.1.3 for the following reasons:

- (a) ~~The purpose of the amendment is to prevent nuisances conditions created by the lighting of outdoor storage, and/or operation, and parking areas at Rural Home Occupations.~~
- (b) ~~Full cutoff lighting means that no light will be emitted above the horizontal plane.~~

- (2) ~~The proposed amendment will not impede Objectives 6.2, 6.3, 6.4, and Policies 6.2.1, 6.2.2, and 6.2.3.~~

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.

The proposed amendment is ~~consistent with~~ 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 consistent with this purpose.

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

The proposed amendment is ~~consistent with~~ 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 ~~consistent with~~ 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 consistent with this purpose.~~

The proposed amendment is directly related to this purpose because limiting nuisance glare from exterior lighting of RHOs promotes public, health, safety, and welfare.

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

The proposed amendment is ~~consistent with~~ 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 ~~consistent with~~ 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 consistent with this purpose.~~

The proposed amendment is directly related to this purpose because it will limit the intensity of exterior lighting at RHOs.

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

~~The proposed amendment is consistent with this purpose.~~

The proposed amendment is directly related to this purpose because it will make RHOs more compatible with other residential uses.

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

The proposed amendment is ~~consistent with~~ 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 consistent with this purpose.~~

The proposed amendment is directly related to this purpose because the amendment will provide specific standards that RHOs will have to comply with.

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

~~The proposed amendment is consistent with this purpose.~~

The proposed amendment is directly related to this purpose because the amendment is intended to ensure that Rural Home Occupations maintain compatibility with the Zoning Districts in which they are located.

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

The proposed amendment is ~~consistent with~~ 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 ~~consistent with~~ 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 ~~consistent with~~ 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 ~~eonsistent with~~ 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 ~~eonsistent with~~ 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 ~~eonsistent with~~ not directly related to this purpose.

17. ~~The proposed text amendment will **IMPROVE** the text of the Zoning Ordinance because it will:~~
A. ~~Help prevent light trespass and nuisance conditions resulting from a RURAL HOME OCCUPATION.~~

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **June 13, 2013, and August 15, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment **HELPS ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. ~~The proposed text amendment HELPS ACHIEVE~~ the following LRMP goals:

~~Goal 6 Public Health and Public Safety~~ because while it will not impede other objectives and policies under this goal, it **HELPS ACHIEVE** the following:

~~● Objective 6.1 ensuring that rural development does not endanger public health or safety~~ because it **HELPS ACHIEVE** the following:

~~● Policy 6.1.3 preventing nuisances created by light and glare (see Item 11.A.(1)).~~

B. 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 Zoning Ordinance map text amendment will **HELP ACHIEVE** the purpose of the **Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance as follows:

- Promote public health, safety, and welfare (Purpose 2.0 (e) see Item 16.E.).
- Regulates and limits the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structure (Purpose 2.0 (h) see Item 16.H.).
- Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I.).
- Fixes regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (k) see Item 16.K.).
- Ensures compatibility in the Zoning Districts that an RHO is authorized in (Purpose 2.0 (l) see Item 16.L.).

3. ~~The proposed text improvement WILL IMPROVE~~ the **Zoning Ordinance** as follows:

- ~~Help prevent light trespass and nuisance conditions resulting from a RURAL HOME OCCUPATION.~~

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated June 7, 2013, with attachments:
 - A Proposed Amendment
 - B Draft Finding of Fact and Final Determination
 - C LRMP Land Use Goals, Objectives, and Policies & Appendix

2. Supplemental Memorandum dated August 9, 2013, with attachments
 - A Proposed Amendment (revised)
 - B Revised 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 756-AT-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

Add new paragraph 7.1.2 L. (and reletter as required) to read as follows:

- L. Any Outdoor STORAGE, and/or OPERATIONS, and/or parking area authorized after {EFFECTIVE DATE OF THE ORDINANCE} for any RURAL HOME OCCUPATION shall be required to minimize glare from exterior lighting onto adjacent properties and roadways by the following means:
1. All exterior lighting used to illuminate Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass onto adjacent properties. Full-cutoff means that the lighting fixture emits no light above the horizontal plane.
 2. No lamp in any exterior lighting fixture that is used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be greater than 250 watts.
 3. Locations and numbers of exterior lighting fixtures used to illuminate the Outdoor STORAGE, and/or OPERATIONS, and/or parking area shall be indicated on the site plan (including floor plans and building elevation).
 4. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all light fixtures.
 5. The requirements of this paragraph 7.1.2 L. shall only apply to any Outdoor STORAGE, and/or OPERATIONS, and/or parking area that is part of a RURAL HOME OCCUPATION established after {EFFECTIVE DATE OF THE ORDINANCE} or any new Outdoor STORAGE, and/or-OPERATIONS, and/or parking area that is added after {EFFECTIVE DATE OF THE ORDINANCE} to any existing RURAL HOME OCCUPATION and shall not apply to any existing Outdoor STORAGE, and/or OPERATIONS, and/or parking area that existed at any duly authorized RURAL HOME OCCUPATION on {EFFECTIVE DATE OF THE ORDINANCE}.

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 761-AT-13

PRELIMINARY MEMORANDUM

August 9, 2013

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

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

Part A. Revise Table A in Appendix A of the Champaign County LESA System to correct certain non-best prime farmland soil data and reclassify those soils to appropriate Agriculture Value Groups as necessary.

Part B. Revise Table A in Appendix A of the Champaign County LESA System to revise the Farmland Classification category to be consistent with the USDA Natural Resource Conservation Service "Farmland Classification" categories.

**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 Champaign County Board Environment and Land Use Committee authorized this text amendment at their June 6, 2013, meeting. See the attached memorandum.

The attachment to the ELUC Memorandum had some inaccuracies and a Revised Table A is included as Attachment B. Footnotes 3 and 4 have also been eliminated from the Revised Table.

A Draft Finding of Fact will be provided at the August 15, 2013, public hearing.

ATTACHMENTS

- A Champaign County Environment and Land Use Committee Memorandum dated May 23, 2013, with Attachment
- B Revised Table A

DATE: May 23, 2013

TO: Environment and Land Use Committee

FROM: Susan Monte, RPC Planner

RE: Proposed Zoning Ordinance Text Amendment to Correct Certain Soil Data in Appendix A of the Champaign County LESA System

Requested Action: Approve forwarding of the Proposed Text Amendment to Zoning Board of Appeals

Following the County Board approval of the Champaign County LESA Update on November 27, 2012, State Soil Scientist Ronald Collman conducted a technical review of the Champaign County LESA Update. He identified two types of specific corrections to be made to data in Appendix A, Table A, which will be required for final sign off of the LESA Update at the State Conservationist office:

- 1) Mr. Collman identified a few discrepancies in official Illinois soils data which forms the basis for the soils classifications systems data which are featured in Appendix A, Table A. Due to the discrepancies in state soils data, he requested that certain values shown for eight of 70 soil series map units found in Champaign County be adjusted as follows in Table A:

<i>Soils Series & Map Unit</i>	<i>Land Capability Class</i>	<i>Farmland Classification</i>	<i>Adjusted Productivity Index</i>
Muskego 637A+	'3w' to '5w'	'Not Prime' to 'Prime 2'	'89' to '60'
Penfield 687C2		'Not Prime' to 'Statewide Importance 30'	
Swygert 91A	'2w' to '2s'		
Elliot 146A	'2w' to '2s'		
Peotone 330A	'2w' to '3w'		
Bryce 235A	'2w' to '3w'		
Ozaukee 530C2	'2e' to '3e'		
Ozaukee 530D2	'3e' to '4e'		

- 2) To avoid potential confusion, Mr. Collman requested that Appendix A, Table A be adjusted to refer to the same 'Farmland Classification' categories as the USDA NRCS 'Farmland Classification' categories. This is a simple labeling correction, with no adjustment required to Table A values or rankings.

<i>Farmland Classification Categories</i>		
<i>Table A, Appendix A</i>	<i>USDA NRCS</i>	<i>USDA NRCS Farm Classification Description:</i>
'Not Prime'	Not Prime	<i>Not prime farmland</i>
'Prime 1' to 'Prime 1'	Prime 1	<i>All areas are prime farmland</i>
'Prime 1' to 'Prime 2'	Prime 2	<i>Prime farmland if drained</i>
'Prime 3'	Prime 3	<i>Prime farmland if protected from flooding or not frequently flooded during the growing season</i>
[n/a in Champaign County]	Prime 4	<i>Prime farmland if irrigated</i>
'Prime 2' to 'Prime 5'	Prime 5	<i>Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season</i>
'Statewide Importance' to 'Statewide Importance 30'	Statewide Importance 30	<i>Farmland of statewide importance</i>

Note: The USDA NRCS 'Farmland Classification' categories include additional Prime 6 through Prime 10 categories and two additional categories for Statewide Importance. These are omitted from the above table because no Champaign County soils have these designations.

Proposed Minor Corrections

Based on the revisions requested by Mr. Collman in Item 1 above, limited minor adjustments have been made to Agriculture Value Groups 7, 8, and 17 to account for the corrected Illinois soils data.

Based on Mr. Collman's request in Item 2 above, Table A is adjusted to refer to the exact same 'Farmland Classification' categories as the USDA NRCS 'Farmland Classification' categories. This is a simple labeling change to 'Farmland Classification' categories shown in Table A, with no impact to Table A values or rankings.

These proposed minor corrections to Table A in Appendix A of the Champaign County LESA have been reviewed by:

- Ronald Collman, State Soil Scientist
- Kevin Donoho, District Conservationist, USDA-Natural Resources Conservation Service
- Jonathon Manuel, Resource Conservationist, Champaign County Soil and Water Conservation District
- John Hall, Director Champaign County Department of Planning and Zoning

Attachment

- 1 LESA Update Appendix A, Table A with Proposed Minor Corrections

Table A Composition of Agriculture Value Groups

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
1	100	1	Prime1	98 - 100	154A Flanagan silt loam	100,553	15.74
					198A Elburn silt loam	17,641	2.76
					149A Brenton silt loam	16,465	2.58
2	100	2e, 2w	Prime1, Prime2	98 - 100	152A Drummer silty clay loam	254,484	39.82
					679B Blackberry silt loam	4,985	0.78
3	94	1, 2e, 2w	Prime1, Prime2	93 - 95	171B Catlin silt loam	17,385	2.72
					153A Pella silty clay loam	6,422	1.01
					623A Kishwaukee silt loam	3,105	0.49
					481A Raub silt loam	22,903	3.58
					663B Clare silt loam	8,391	1.31
4	91	1, 2e, 2w	Prime1, Prime2	90 - 92	67A Harpster silty clay loam	2,153	0.34
					234A Sunbury silt loam	2,014	0.32
					56B Dana silt loam	22,838	3.57
					219A Millbrook silt loam	1,454	0.23
					490A Odell silt loam	1,269	0.20
					687B Penfield loam	2,327	0.36
					125A Selma loam	2,908	0.46
					148B2 Proctor silt loam	15	0.002
					232A Ashkum silty clay loam	29,196	4.57
					206A Thorp silt loam	2,641	0.41
5	88	2e, 2s, 2w	Prime1, Prime2	87 - 89	146A Elliot silt loam	761	0.12
					242A Kendall silt loam	1,441	0.23
					3107A Sawmill silty clay loam	11,080	1.73
					56B2 Dana silt loam	136	0.02
6	87	3w	Prime5	87	236A Sabina silt loam	3,011	0.47
					102A La Hogue loam	1,423	0.22
					233B Birbeck silt loam	2,669	0.42
					134A Camden silt loam	14	0.002
					330A Peotone silty clay loam	3,744	0.59
7	85	1, 2e, 2w, 3w	Prime1, Prime2	83 - 86	235A Bryce silty clay	1,623	0.25
					235A Bryce silty clay	1,623	0.25

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
8	84	3e	Statewide Importance 30	84	687C2 Penfield loam	809	0.13
9	83	2e, 2w, 3w	Prime1, Prime3	81 - 83	146B2 Elliott silty clay loam	28,484	4.46
					622B Wyonet silt loam	7,312	1.14
					134B Camdem silt loam	1,207	0.19
					680B Campton silt loam	1,651	0.26
					91A Swygert silty clay loam	73	0.01
					146C2 Elliott silty clay loam	1,485	0.23
10	79	2e	Prime1	78 - 79	291B Xenia silt loam	4,837	0.76
					448B Mona silt loam	245	0.04
					3473A Rossburg silt loam	982	0.15
					387B Ockley silt loam	1,125	0.18
					570B Martinsville silt loam	708	0.11
11	78	3e	Statewide Importance 30	78	622C2 Wyonet silt loam	6,331	1.00
12	76	2e, 3e	Prime1	74 - 76	131B Alvin fine sandy loam	205	0.03
					223B2 Varna silt loam	8,040	1.26
					91B2 Swygert silty clay loam	2,791	0.44
					150B Onarga sandy loam	290	0.05
					223C2 Varna silt loam	3,116	0.49
					91C2 Swygert silty clay loam	411	0.06
13	75	3e	Statewide Importance 30	74 - 75	530B Ozaukee silt loam	509	0.08
					618B Senachwine silt loam	269	0.04
					322C2 Russell silt loam	1,930	0.30
14	71	2e, 3e, 2w, 3w	Prime1, Prime2, Prime5	68 - 73	570C2 Martinsville loam	1,021	0.16
					23A Blount silt loam	804	0.13
					530C2 Ozaukee silt loam	411	0.06
					3302A Ambraw silty clay loam	2,794	0.44
					23B2 Blount silt loam	808	0.13

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
15	69	3e, 4e	Statewide Importance 30	69	530D2 Ozaukee silt loam 618C2 Senachwine silt loam	543 850	0.09 0.13
16	66	4e	Statewide Importance 30, Not Prime	62 – 69	387C3 Ockley clay loam 570D2 Martinsville loam 223D3 Varna silty clay loam 622D3 Wyonet clay loam 618D2 Senachwine silt loam 530E2 Ozaukee silt loam	301 360 2,826 357 632 382	0.05 0.06 0.44 0.06 0.10 0.06
17	50	5w, 6e, 7e	Prime 2, Not Prime	37 – 60	637A+ Muskego silty clay loam 618E2 Senachwine silt loam 618F Senachwine silt loam 241C3 Chatsworth silty clay 241D3 Chatsworth silty clay	47 511 398 36 285	0.01 0.08 0.06 0.01 0.05
18	n/a	n/a	Not Prime	n/a	533 Urban Land 802B Orthents loamy undulating 830 Landfill 865 Gravel Pit W Water	1,607 4,290 115 460 1,319	0.25 0.67 0.02 0.07 0.21

Table A Notes

1. LE is the weighted, average designated Land Evaluation score assigned to each Agriculture Value Group.
2. The “Adjusted Productivity Index” is derived from Productivity Index data published in Table S2 of Bulletin 811. The Productivity Indices provided in Table S2 are for 0% to 2% slopes and slightly eroded conditions. Productivity indices were adjusted for increasing slope and erosion in accordance with Table S3 of Bulletin 811: “Decimal Adjustments in Crop Yields and Productivity Indices Under an Optimum Level of Management for Various Slope Groups and Erosion Phases.”

continued

Table A Notes (continued)

3. In March, 2013, Acting State Soil Scientist Ronald Collman requested specific corrections to Table A based on certain discrepancies identified by him in official Illinois soils data. Based on this request, Table A values for eight soil series map units have been adjusted as follows:

Land Capability Class: Muskego 637A+ '3w' to '5w'; Swygert 91A and Elliot 146A '2w' to '2s'; Peotone 330A and Bryce 235A '2w' to '2s';

Ozaukee 530C2 '2e' to '3e'; Ozaukee 530D2 '3e' to '4e'

Farmland Classification: Muskego 637A+ 'Not Prime' to 'Prime2' and Penfield 687C2 'Not Prime' to 'Statewide Importance 30'

Adjusted Productivity Index: Muskego 637A+ '89' to '60'

Limited minor adjustments have been made to Agriculture Value Groups 7, 8, and 17 to account for the corrected Illinois soils data.

4. In March, 2013, Acting State Soil Scientist Ronald Collman requested, to avoid potential confusion, that Table A be adjusted to refer to the exact same 'Farmland Classification' categories as the USDA NRCS 'Farmland Classification' categories. Based on this request, a simple labeling change has been made to 'Farmland Classification' categories shown in Table A, with no impact to Table A values or rankings.

Table A Composition of Agriculture Value Groups

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
1	100	1	Prime 1	98 - 100	154A Flanagan silt loam	100,553	15.74
					198A Elburn silt loam	17,641	2.76
					149A Brenton silt loam	16,465	2.58
2	100	2e, 2w	Prime 1, Prime 2	98 - 100	152A Drummer silty clay loam	254,484	39.82
					679B Blackberry silt loam	4,985	0.78
3	94	1, 2e, 2w	Prime 1, Prime 2	93 - 95	171B Catlin silt loam	17,385	2.72
					153A Pella silty clay loam	6,422	1.01
					623A Kishwaukee silt loam	3,105	0.49
4	91	1, 2e, 2w	Prime 1, Prime 2	90 - 92	481A Raub silt loam	22,903	3.58
					663B Clare silt loam	8,391	1.31
					67A Harpster silty clay loam	2,153	0.34
					234A Sunbury silt loam	2,014	0.32
					56B Dana silt loam	22,838	3.57
					219A Millbrook silt loam	1,454	0.23
					490A Odell silt loam	1,269	0.20
					687B Penfield loam	2,327	0.36
					125A Selma loam	2,908	0.46
					5	88	2e, 2s, 2w
232A Ashkum silty clay loam	29,196	4.57					
206A Thorp silt loam	2,641	0.41					
146A Elliot silt loam	761	0.12					
242A Kendall silt loam	1,441	0.23					
6	87	3w	Prime 5	87	3107A Sawmill silty clay loam	11,080	1.73
					56B2 Dana silt loam	136	0.02
7	85	1, 2e, 2w, 3w	Prime 1, Prime 2	83 - 86	330A Peotone silty clay loam	3,744	0.59
					236A Sabina silt loam	3,011	0.47
					102A La Hogue loam	1,423	0.22
					233B Birbeck silt loam	2,669	0.42
					235A Bryce silty clay	1,623	0.25
			134A Camden silt loam	14	0.002		

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
8	84	3e	Statewide Importance 30	84	687C2 Penfield loam	809	0.13
9	83	2e, 3w, 2s	Prime 1, Prime 3	81 - 83	146B2 Elliott silty clay loam	28,484	4.46
					622B Wyonet silt loam	7,312	1.14
					134B Camdem silt loam	1,207	0.19
					680B Campton silt loam	1,651	0.26
					91A Swygert silty clay loam	73	0.01
10	79	2e	Prime 1	78 - 79	146C2 Elliott silty clay loam	1,485	0.23
					291B Xenia silt loam	4,837	0.76
					448B Mona silt loam	245	0.04
					3473A Rossburg silt loam	982	0.15
					387B Ockley silt loam	1,125	0.18
11	78	3e	Statewide Importance 30	78	570B Martinsville silt loam	708	0.11
					622C2 Wyonet silt loam	6,331	1.00
12	76	2e, 3e	Prime 1	74 - 76	131B Alvin fine sandy loam	205	0.03
					223B2 Varna silt loam	8,040	1.26
					91B2 Swygert silty clay loam	2,791	0.44
					150B Onarga sandy loam	290	0.05
					223C2 Varna silt loam	3,116	0.49
					91C2 Swygert silty clay loam	411	0.06
13	75	3e	Statewide Importance 30	74 - 75	530B Ozaukee silt loam	509	0.08
					618B Senachwine silt loam	269	0.04
					322C2 Russell silt loam	1,930	0.30
14	71	2e, 2w, 3e, 3w	Prime 1, Prime 2, Prime 5	68 - 73	570C2 Martinsville loam	1,021	0.16
					23A Blount silt loam	804	0.13
					530C2 Ozaukee silt loam	411	0.06
					3302A Ambraw silty clay loam	2,794	0.44
					23B2 Blount silt loam	808	0.13

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
15	69	3e, 4e	Statewide Importance 30	69	530D2 Ozaukee silt loam 618C2 Senachwine silt loam	543 850	0.09 0.13
16	66	4e	Statewide Importance 30 Not Prime	62 - 69	387C3 Ockley clay loam 570D2 Martinsville loam 223D3 Varna silty clay loam 622D3 Wyanet clay loam 618D2 Senachwine silt loam 530E2 Ozaukee silt loam	301 360 2,826 357 632 382	0.05 0.06 0.44 0.06 0.10 0.06
17	50	5w, 6e, 7e	Prime 2, Not Prime	37 -60	637A+ Muskego silty clay loam 618E2 Senachwine silt loam 618F Senachwine silt loam 241C3 Chatsworth silty clay 241D3 Chatsworth silty clay	47 511 398 36 285	0.01 0.08 0.06 0.01 0.05
18	n/a	n/a	Not Prime	n/a	533 Urban Land 802B Orthents loamy undulating 830 Landfill 865 Gravel Pit W Water	1,607 4,290 115 460 1,319	0.25 0.67 0.02 0.07 0.21

Table A Notes

1. LE is the weighted, average designated Land Evaluation score assigned to each Agriculture Value Group.
2. The "Adjusted Productivity Index" is derived from Productivity Index data published in Table S2 of Bulletin 811. The Productivity Indices provided in Table S2 are for 0% to 2% slopes and slightly eroded conditions. Productivity indices were adjusted for increasing slope and erosion in accordance with Table S3 of Bulletin 811: "Decimal Adjustments in Crop Yields and Productivity Indices Under an Optimum Level of Management for Various Slope Groups and Erosion Phases."



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 document.

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.

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 administered 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

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.

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.

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.

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.

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.

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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

APPENDIX 10

DEFINED TERMS ¹

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

best prime farmland

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

by right development

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

contiguous urban growth area

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

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

discretionary development

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

discretionary review

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

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

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.