

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **October 17, 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 (August 29, 2013)
5. Continued Public Hearings
6. New Public Hearings
Case 762-AM-13 Petitioner: **Edgar Busboom**
Request: **Amend the Zoning Map to change the zoning district designation from the B-5 Central Business Zoning District to the R-1 Single Family Residence Zoning District.**
Location: **A 1.2 acre portion of a 4 acre lot located in the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 28 of Compromise Township and commonly known as the house and buildings at 2501 CR 2100E, Thomasboro.**
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

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

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

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4 **MINUTES OF REGULAR MEETING**
5
6 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
7 **1776 E. Washington Street**
8 **Urbana, IL 61802**
9

10 **DATE:** August 29, 2013 **PLACE:** Lyle Shields Meeting Room
11 1776 East Washington Street
12 **TIME:** 7:00 p.m. **Urbana, IL 61802**

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

17 **MEMBERS ABSENT :** Roger Miller

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

21 **OTHERS PRESENT :** Charlie Jesse, Keith Padgett

22
23
24 **1. Call to Order**

25
26 The meeting was called to order at 7:00 p.m.

27
28 **2. Roll Call and Declaration of Quorum**

29
30 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

31
32 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must
33 sign the witness register for that public hearing. He reminded the audience that when they sign the
34 witness register they are signing an oath.

35
36 **3. Correspondence**

37
38 None

39
40 **4. Approval of Minutes**

41
42 None

43
44 **5. Continued Public Hearing**

45
46 **Case 758-AM-13 Petitioner: Charles Jesse Request to amend the Zoning Map to change the zoning**
47 **district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning**
48 **District in order to authorize the proposed Special Use in related zoning Case 759-S-13. Location: A**
49 **10-acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
50 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
51 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**
52
53

DRAFT

1 **Case 759-S-13 Petitioner: Charles Jesse Request to authorize the following as a Special Use in the B-1**
 2 **Rural Trade Center Zoning District: Part A. Authorize multiple principal uses and buildings on the**
 3 **same lot consisting of (1) a heating and cooling contractors facility with accessory outdoor storage that**
 4 **was originally authorized by Case 970-S-95; and (2) Self-Storage Warehouses, providing heat and**
 5 **utilities to individual units as a special use. Part B. Authorize the construction and use of Self-**
 6 **Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 10-**
 7 **acre tract that is all that portion of the South Half of the Southwest Quarter lying East of the**
 8 **centerline of the Kaskaskia Special Drainage Ditch in Section 33 of Champaign Township and**
 9 **commonly known as Jesse Heating and Air Conditioning at 3702 West Old Church Road, Champaign.**

10
 11 Mr. Thorsland called Cases 758-AM-13 and 759-S-13 concurrently.

12
 13 Mr. Thorsland informed the audience that Case 759-S-13 is an Administrative Case and as such the County
 14 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
 15 show of hands for those who would like to cross examine and each person will be called upon. He requested
 16 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said
 17 that those who desire to cross examine are not required to sign the witness register but are requested to
 18 clearly state their name before asking any questions. He noted that no new testimony is to be given during
 19 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
 20 exempt from cross examination.

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

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

27
 28 Mr. Charles Jesse, petitioner and owner of Jesse Heating and Air Conditioning, located at 3702 West Old
 29 Church Road, Champaign, stated that he would like to discuss the written protest from the City of
 30 Champaign. He said that the City of Champaign's basis for the protest is that the proposed use is
 31 inconsistent with the City of Champaign's Comprehensive Plan. He said that if the Board will review the
 32 City of Champaign's Land Use Map it is obvious that you wouldn't have to go very far from his building to
 33 see the color coded commercial areas. He said that a lot of these areas are irregularly shaped which, to him,
 34 means that there was already an existing business at that location and they drew the map around it therefore
 35 he wished that they had done the same thing for him because it would have been a lot less confusing today.

36
 37 Mr. Jesse stated that he submitted three maps for staff's and the Board's review. He said that one map
 38 indicates Country Fair Self Storage, located at 619 Country Fair Drive, Champaign, which is within the city
 39 limits of the City of Champaign, and he is sure that this area has been zoned commercial for a long time. He
 40 said that before he moved to his current location he was almost directly across the street from 619 Country
 41 Fair Drive, and that entire area was in row crop. He said that Country Fair Self Storage does back up to a

1 residential subdivision therefore he does not see the fact that a self storage facility going into an area
2 prevents people from building homes.
3

4 Mr. Jesse stated that one of the maps indicates Curtis Road Self Storage, located at 101 E. Curtis Road,
5 Savoy. He said that this storage facility was already in existence before the subdivision to the south of it was
6 constructed. He said that the existing storage facility did not keep the subdivision from being constructed.
7 He said that the Country Fair and Curtis Road facilities are both really good examples of what self storage
8 facilities should be because they are both very nice and he would want to model his facility the same.
9

10 Mr. Jesse stated that the facility located at 116 East Church Street, Savoy, is not the type of facility that he
11 would model his facility upon. He said that even though the facility located at 116 East Church Street,
12 Savoy, is not very nice it still did not prevent homes from being built around it.
13

14 Mr. Jesse stated that the City of Champaign indicated that he has inadequate infrastructure but he does not
15 agree. He said that he does not see how the City's determination that he has inadequate infrastructure could
16 be the basis for a protest because he has all of the infrastructure that he needs and the storage facility does
17 not need city water or sewer because it will not be utilized during the operation. He said that electricity is
18 already available on the subject property and the road commissioner has indicated that he has no concerns
19 regarding the traffic or visibility issues in regards to the by-pass over I-57. He said that the City of
20 Champaign indicated that there are other suitable locations within the City of Champaign's limits. He said
21 that he is sure that the City of Champaign is correct regarding other suitable locations for his facility but
22 those other locations are not the properties that he worked for 18 years to pay for like he did this one. He
23 said that there are new CVS or Walgreens Pharmacies popping up everywhere and those companies realize
24 that if their stores are not convenient the public will not patronize them and the self storage business is not
25 much different. He said that most people will attempt to find a self storage facility that is within three miles
26 from their home and they will rarely travel five miles from their home for a unit. He said that he understands
27 that the City of Champaign would prefer that he locates his self storage facility five miles north of his
28 present location so that it is located next to other existing storage facilities but it would not be good for him
29 or his customers because they would have to travel further to get to it.
30

31 Mr. Thorsland asked the Board if there were any questions for Mr. Jesse and there were none.
32

33 Mr. Thorsland asked if staff had any questions for Mr. Jesse and there were none.
34

35 Mr. Randol stated that during the last week he has driven by other existing self storage warehouse sites and a
36 location which is very similar to Mr. Jesse's proposed facility is on North Prospect and one-half mile north
37 of Olympian Drive. He said that the tract is a triangular piece of land that is not fenced and is located
38 adjacent to the interstate and he believes that Mr. Jesse's proposed facility will look a lot better than it does.
39

40 Mr. Hall stated that the ZBA approved the storage facility on North Prospect in 2003 or 2004.
41

1 Mr. Passalacqua stated that Mr. Jesse's business is currently spotless therefore he would expect that the
2 proposed facility would be operated in the same fashion.

3
4 Mr. Thorsland called John Hall to testify.

5
6 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum dated August 29, 2013, for
7 Cases 758-AM-13 and 759-S-13 to the Board for review and apologized for the volume of new information
8 tonight. He said that staff is obtaining more experience with map amendments and special use permits when
9 they are combined but there is a lot of coordination required and it takes staff longer to get the findings
10 prepared. He said that the memorandum for Case 758-AM-13 includes a letter from the Mayor of the City of
11 Champaign, the Council Bill 2013-138 and the Draft Finding of Fact and Final Determination. He said that
12 the memorandum points out that the Board has its work cut-out for them in making findings on Policies
13 5.1.3 and additional agricultural policies. He said that Policy 5.1.3 states as follows: "The County will
14 consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be
15 served by an available public sanitary sewer service plan as contiguous urban growth areas which should
16 develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the
17 Future Land Use Map." He said that pages 14 and 15 of the Finding of Fact for Case 758-AM-13, includes
18 the most important evidence available which is relevant to Policy 5.1.3 because the policy indicates that this
19 land should develop in conformance with the relevant municipal comprehensive plans. He said that it would
20 be very difficult to say anything different except that now we have a good example of why that might be a
21 problem. He said that page 15 includes all of the evidence relevant to Policy 5.1.3 and we review how this is
22 not an ideal farming parcel, which is maybe why it had a different business upon it for the last 38 years and it
23 is in the CUGA. He said that the City of Champaign Future Land Use Map identifies this area as "New
24 Neighborhood" in the Tier 2 Development meaning that in the future it will be ready for residential
25 development. He noted that if anyone else has spent many hours on the City of Champaign's website
26 attempting to obtain an understanding of the City's plan, personally he would like to have a nice printed
27 document, regardless of the length, to put on his desk so that he could flip from page to page. He said that
28 he found the City of Champaign's plan extremely difficult to get a good handle on which is not like the City
29 of Champaign's 1992 Plan which was an old-fashioned printed document that had everything in one handy
30 file. He said that the City of Champaign has done a lot of work on their planning and even though this site
31 has relatively poor access it is right next to the interstate and has a major drainage ditch that cuts it off from
32 the rest of the land nearby the City of Champaign believes that it would be good for residential. He said that
33 in the City of Champaign's Plan they discuss neighborhood and in their plan a neighborhood always has
34 some amount of commercial and yet it is not indicated on the land use plan nor is the existing commercial
35 indicated on their land use plan.

36
37 Mr. Hall stated that paragraph #15.A.(1)(f) on page 15 states the following: The County should not blindly
38 follow Policy 5.1.3 if it appears that a municipal plan ignores existing rural businesses and that appears to be
39 the situation in this instance. The subject property has been used for various business uses for nearly 40
40 years and two previous Special Use Permits have been authorized on the subject property. The subject
41 property may have been overlooked when the City of Champaign developed its Future Land Use Map

1 because there is no evidence to suggest that a survey of existing rural land uses was conducted. Mr. Hall
2 stated the Mr. Kass has been working with Jeff Marino, Planner II, City of Champaign, and Mr. Marino has
3 not provided anything on existing rural land uses. Mr. Hall distributed a handout from the City of
4 Champaign's Comprehensive Plan regarding the growth area analysis, Growth Area E, and Jesse Heating
5 and Air Conditioning is not called out on this map of rural land and apparently the City of Champaign
6 thought that it was part of the 80 acre Wilson tract. He said that this is all that County staff can find to the
7 extent that the City of Champaign took this existing rural business into account.
8

9 Mr. Hall stated that item #15.A.(1)(g) indicates the following: The proposed self-storage warehouses will
10 put the property to greater use, but not substantially different from what the property has been used for in the
11 past. Self-storage warehouses are facilities that may be utilized by residential customers. Mr. Hall stated
12 that at one point we had language which said that this is approximately the same thing as the neighborhood
13 plan that the City of Champaign had even though the City doesn't consider it that and this actually seemed to
14 be a better way to deal with the fact that if we had this policy and literally followed it we would have to do
15 whatever the City of Champaign recommends. He said that he is sure that this is not how the County Board
16 would want the ZBA to look at these types of things. He said that this is the only policy that is specific to the
17 difference between the municipal plan and the County plan and this issue comes up again during the review
18 of the *LaSalle* factors on page 21 and then again on page 22 during the review of the *Sinclair* factors. He
19 said that item #21.H states that the following: *Sinclair* factor: The extent to which the use conforms to the
20 municipality's comprehensive planning. He said that paragraph 21.H(1) indicates that a letter from Jeff
21 Marino, Planner II, City of Champaign, stated that the subject property is identified on the Future Land Use
22 Map as "New Neighborhood" in the Tier 2 Development meaning that in the future it will be ready for
23 residential development. Mr. Marino also indicated that the City of Champaign would protest any rezoning
24 case to allow self-storage warehouses on the subject property because the use conflicts with the City's
25 Comprehensive Plan. He said that paragraph 21.H(2) discusses the City of Champaign's protest and
26 paragraph 21.H(3) includes the same text from #15.A.(1)(f) on page 15 and the same considerations are
27 relevant but the Board may want it to say something different.
28

29 Mr. Hall stated that the other decision points in the map amendment are related to Goal 4, Agriculture. He
30 said that Objective 4.2 states that Champaign County will require that each discretionary review
31 development will not interfere with agricultural operations. He said that at a staff level we believe that this
32 use will not interfere but it isn't like staff has any specific thing to point to therefore it is better to have the
33 Board decide what they believe works best there and the same goes for Objective 4.3. He said that
34 personally he believes that the subject property is immanently suitable and he would go as far as to say that it
35 is ideally suited for the proposed use but that is a pretty subjective analysis therefore it would be better for
36 the Board to make their decision. He said that whatever the Board decides for Objectives 4.2 and 4.3 will
37 also determine what should be chosen for Policy 4.1.6. He said that there will be three objectives under
38 Goal 4 which would give the Board the overall decision for Goal 4 therefore the Board has a lot of decision
39 points and probably more than what can be worked through tonight.
40

41 Mr. Thorsland stated that perhaps the word "blindly" could be replaced with "strictly" in #15.A.(1)(f). He

1 said that he would like it to state as follows: The County should not strictly follow Policy 5.1.3 when it
2 appears that a municipal plan ignores existing rural businesses and that appears to be the situation in this
3 instance. He said that prior to the meeting he constructed a draft response as to why this is necessary for the
4 public convenience. He said that at the prior meeting there was discussion about Growth Area E and
5 infrastructure therefore he drafted the following: the business would serve the current and future residents of
6 the Growth Area E, "New Neighborhood" as defined by the City of Champaign. The location of the
7 business would reduce road miles needed to utilize the facility, need little sewer support as compared to
8 homes, and these two considerations were indicated as challenges in this area. He said that the City of
9 Champaign points out in their own handout that challenges in the area are sewer ability and transportation
10 and the City of Champaign's memo discusses that the business is located on an oiled and chipped road but at
11 the same time they have approved, but not built, 1,646 homes. He said that if the road is poor then why
12 would the City of Champaign desire to place 1,646 homes there to house over 3,300 people and if they do
13 those residents will probably want the ability to obtain additional storage. He said that Mr. Jesse is
14 absolutely correct in stating that people desire a self-storage unit close to their home and not in a location
15 where they have to drive 30 minutes to get to it.

16
17 Mr. Passalacqua stated that storage facility that is located in the middle of Savoy is a perfect example. He
18 said that such facilities will keep boats and RVs being parked in front of homes and in driveways.

19
20 Mr. Thorsland stated that most subdivisions, new or existing, would have a by-law in their covenants which
21 would restrict the parking of boats and RVs in the driveways. He said that the petitioner, staff and the City
22 of Champaign all touched upon this same issue.

23
24 Mr. Passalacqua stated that Mr. Jesse's property is not in a location that is conducive to being in the
25 expansion of Champaign for at least fifteen or twenty years.

26
27 Mr. Thorsland stated that currently there are subdivisions in the Plan that are unfinished therefore he
28 personally believes that the City of Champaign's protest has very little traction at the County Board level.

29
30 Mr. Hall stated that the new memorandum for Case 759-S-13 includes proposed special conditions. He read
31 proposed Special Condition E. as follows: Regarding the timing of construction and establishment of the
32 proposed Special Use: (1) The Special Use Permit shall be void if the construction of the proposed Self-
33 Storage Warehouses has not begun within 5 years of the date of authorization of Case 759-S-13; and (2) The
34 Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage Warehouse
35 on the subject property after 9 years of the date of authorization of Case 759-S-13 and all construction must
36 be completed within 10 years of the date of authorization of Case 759-S-13. Mr. Hall stated that the dates
37 included in E.2. are all subject to debate but one way to deal with the City of Champaign's concerns is to try
38 to get these things built within a reasonable timeframe and not let it be dragged out too long so that when
39 this area is finally developed no one can say that they did not know that there was a self-storage warehouse
40 there. He said that the special condition must be something that Mr. Jesse will accept and that won't hurt his
41 business too much and of course the Board may not believe that such a condition is even necessary but this is

1 staff's first attempt with these special conditions. He said that many times staff overlooks "sunset clauses"
2 for special conditions but this is trying to deal with the concerns of the City of Champaign and the only way
3 that the City of Champaign thought they could deal with their concerns was to protest the map amendment.
4

5 Mr. Passalacqua stated that he understands that staff is trying to provide a safety net but the years indicated
6 are based on speculation as to how fast the area will grow. He said that it is his understanding that Mr. Jesse
7 would like to begin construction tomorrow if the cases are approved. He said that it could be twenty years
8 before the area is developed further.
9

10 Mr. Hall stated that some of the special conditions are proposed because Mr. Jesse has indicated that he is
11 going to do it and the security measures that Mr. Jesse has indicated that he is going to take will help with
12 the assessment under criteria #8 which deals with injury to the district. He said that if it is something that
13 helps but it isn't a specific requirement of the Ordinance it really needs to be made a special condition
14 therefore Mr. Jesse needs to be absolutely certain that he wants to have a security gate, cameras, etc. He said
15 that if Mr. Jesse does not want them or if the Board thinks ultimately that those things are nice but they are
16 not necessary then those items should not be made a special condition.
17

18 Mr. Hall stated that he believes that a special condition is necessary for the drainage district easement
19 because ten years from now the people that are left answering questions will not know about a drainage
20 district easement.
21

22 Mr. Hall stated that staff has proposed a height limit as a proposed special condition. He said that the B-1
23 District may be the only district which does not have a height limit. He said that staff does not believe that
24 Mr. Jesse is going to build buildings which are taller than 35 feet but it is a special condition which is
25 recommended. He said that 35 feet is the maximum height allowed in the residential districts and the AG-1
26 District has a height of 50 feet and Mr. Jesse is not going to be anywhere near either of those heights with his
27 proposed buildings but as with any zoning case things may change before the buildings are built or the
28 property may be under different ownership.
29

30 Mr. Passalacqua asked Mr. Hall if he was discussing average height.
31

32 Mr. Hall stated yes.
33

34 Mr. Hall stated that the last special condition reiterates his understanding of the way that this is going to
35 work because the only two types of uses that are being authorized are a self-storage warehouse and a
36 contractor's facility and there cannot be any other combination of uses on the subject property. He said that
37 if the self-storage facility does not get built and the contractor's facility ceases to operate anything in the B-1
38 District, any single use allowed by-right, could be located there. He said that staff believes that the review of
39 by-right uses, indicated in the beginning of the Finding of Fact, does not pose any significant problem
40 therefore proposed Special Condition I. clarifies that these are the only two uses that can be on the property
41 at the same time.

1

2 Mr. Hall stated that attached to the Supplemental Memorandum dated August 29, 2013, for Case 759-S-13 is
3 a letter for CUUATS, Champaign Urbana Urbanized Area Transportation Study, which documents that they
4 do not believe that the use is worthy of a traffic impact analysis. He said that also attached to the
5 memorandum is a letter from Jeff Tock, attorney for the Kaskaskia Drainage District that documents the
6 easement and a diagram from Mr. Jesse as to how he intends to maintain farm equipment access for the crop
7 production on the property and a detailed plan that specifically calls out the leach field is attached.

8

9 Mr. Hall stated that there are decision points required by the Board in the Summary of Evidence for Case
10 759-S-13. He said that item #7.G. on page 10 is related to Case 758-AM-13. He said that item #8.M. on
11 page 15 is another decision point which falls under the criteria about whether or not it will be injurious to the
12 district and this is talking about compatibility with adjacent uses and interfering with agricultural operations
13 and it also refers back to Case 758-AM-13. He said that item #9.G.(2) on page 19 is another decision point
14 which regards the preservation of the character of the district.

15

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

17

18 Mr. Passalacqua asked that since the property is located in the extra-territorial jurisdiction of the City of
19 Champaign if the ZBA recommends approval to the County Board could the City of Champaign, other than a
20 protest that may affect the outcome at the County Board, have the right to stop this project.

21

22 Mr. Hall stated no.

23

24 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to present
25 testimony regarding these two cases.

26

27 Mr. Thorsland called Keith Padgett to testify.

28

29 Mr. Keith Padgett, Champaign Township Highway Commissioner, stated that he spent 18-1/2 years with the
30 Urbana-Champaign Sanitary District and the closest sewer to the subject property is one and one-half miles
31 away. He said that there have been previous attempts to gain sewer in the area by Carle and they were
32 unsuccessful therefore until sewer availability gets closer it would be a lot to ask for Mr. Jesse to not be
33 allowed to do anything with his land until sewer was available.

34

35 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Padgett and there were none.

36

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

38

39 Mr. Hall stated that staff distributed updated land use and zoning maps for the case. He said that the original
40 maps did not adequately give the Board the sense of where the subject property is located being one mile
41 south of the Curtis Road interchange and one-half mile away from Willard Airport and less than one-half

1 mile away from the boundary of the City of Champaign. He said that this is not an average AG-1 location
2 out in the remote area away from an urbanized area but is basically in the thick of the urbanized area even
3 though there is not sewer and won't be any for a while and even when the sewer is available there are still
4 challenges posed by the subject property.

5
6 Mr. Thorsland asked Mr. Jesse if he has had time to read the proposed special conditions included in
7 tonight's memorandum for Case 759-S-13.

8
9 Mr. Jesse stated that he has read through the proposed special conditions and he has no issue with any of
10 those conditions.

11
12 Mr. Thorsland stated that the Board would like to review the findings for each case to make sure that they
13 are correct. He asked Mr. Jesse if any hardship would be imposed if the Board did not finish both cases
14 tonight.

15
16 Mr. Jesse stated he is anxious to get started but he understands that the Board has a lot of information before
17 them tonight and that these cases maybe continued to another meeting.

18
19 Mr. Thorsland stated that when a protest is involved the Board typically likes to make sure that the findings
20 are very good so that the County Board has a clear intent from the ZBA. He said that the Board will
21 continue the cases as soon as possible and unfortunately that the September 12th meeting has been cancelled.

22
23 Mr. Hall stated that there are no rules against reinvigorating the meeting if required. He said that if the
24 Board agrees staff is comfortable with continuing this case to September 12th.

25
26 Mr. Thorsland asked the Board if they would be interested in reinvigorating the meeting on September 12th.

27
28 Mr. Passalacqua stated that he has no problem with a meeting on September 12th but he would like to
29 complete as much as possible tonight. He said that the petitioner has provided fantastic information for the
30 Board's review.

31
32 Mr. Thorsland stated that he wants to make sure that the work on Policy 5.1.3 is complete.

33
34 Mr. Passalacqua asked why the September 12th meeting was cancelled.

35
36 Mr. Thorsland stated that Mr. Kass was unavailable for that meeting.

37
38 Mr. Passalacqua stated that he believes that the Board has enough information tonight to address the City of
39 Champaign's protest. He said that he does not mean to rush these cases but the Board does not normally
40 receive this much good information.

41

1 Mr. Thorsland agreed. He thanked Mr. Jesse for coming before the Board before he began construction and
2 presenting a very good package.
3

4 Mr. Passalacqua stated that Mr. Jesse's project is a no-brainer when he thinks about people protesting the
5 project based upon the road and traffic and being injurious neighborhood and he thinks about driving past
6 Curtis Orchard between now and the first snow fall. He said that he believes that the subject property is
7 ideally suited for the proposed use and the Board owes it to Mr. Jesse to move forward as much as possible.
8

9 Mr. Thorsland stated that the Board can work through a lot of the findings tonight. He said that he is
10 available for a meeting on September 12th and asked the rest of the Board if they were available as well.
11

12 The Board indicated that they would be available for a meeting on September 12th.
13

14 Mr. Thorsland stated that if the Board does decide to hold the September 12th meeting Mr. Jesse's cases will
15 be the only cases on the agenda.
16

17 Mr. Thorsland stated that the Board will begin with the Finding of Fact for Case 758-AM-13. He said that
18 item #11 indicates that the proposed zoning will NOT IMPEDE the achievement of Goal 1. He asked the
19 Board if they agreed with item #11.
20

21 The Board agreed.
22

23 Mr. Thorsland stated that item #12 indicating that the proposed rezoning will NOT IMPEDE the
24 achievement of Goal 2. He asked the Board if they agreed with item #12.
25

26 The Board agreed.
27

28 Mr. Thorsland stated that item #13 indicates that the proposed rezoning will NOT IMPEDE the achievement
29 of Goal 3.
30

31 Mr. Passalacqua stated that he believes that the proposed rezoning ACHIEVES prosperity and economic
32 growth.
33

34 Mr. Thorsland asked the Board if they agreed to change item #13 to the following: The proposed rezoning
35 will HELP ACHIEVE Goal 3.
36

37 The Board agreed.
38

39 Mr. Thorsland stated that item #14 requires a decision from the Board. He read item 14, regarding Goal 4,
40 as follows: Champaign County will protect the long term viability of agriculture in Champaign County and
41 its land resource base. Goal 4 has 9 objectives and 22 policies. The proposed WILL/WILL NOT HELP

1 ACHIEVE Goal 4. He said that the Board should go through all of the decision points related to Goal 4
2 prior to deciding item #14 overall.

3
4 Mr. Hall stated that the Board could work from the Summary Finding of Fact because staff has reformatted
5 it. He said that the Summary Finding of Fact could work as a guide but it is only a summary.

6
7 Mr. Thorsland stated that item #14.A. indicates that the proposed rezoning WILL/WILL NOT HELP
8 ACHIEVE Objective 4.1. He said that he believes that the proposed rezoning WILL HELP ACHIEVE
9 Objective 4.1 and both testimony and evidence will point to that determination.

10
11 Mr. Passalacqua stated that the 80 acres was already fragmented whenever the eleven acres was sold off of it
12 years ago and every point made in item #14.A.(1) has been addressed.

13
14 Mr. Hall stated that the important thing is that Objective 4.2 is the one dealing with conflicts with agriculture
15 therefore the Board cannot decide Policy 4.1.6 until it decides Objective 4.2. He said that Objective 4.3
16 deals with suitability of the site and in recent cases the Board addressed both Objectives 4.2 and 4.3 and then
17 went back and addressed Policy 4.1.6.

18
19 Mr. Thorsland asked Mr. Hall if there was any reason why the Board could not go to page 14 and then work
20 backwards through all of Goal 4.

21
22 Ms. Capel stated that the Board could use the Summary Finding of Fact.

23
24 Mr. Hall stated that he would suggest that the Board begins on page 10 and work through Objective 4.2.

25
26 Mr. Thorsland stated that Policy 4.2.1. states the following: "The County may authorize a proposed business
27 or other non-residential discretionary review development in a rural area if the proposed development
28 supports agriculture or involves a product or service that is better provided in a rural area than in an urban
29 area." He said that the Board needs to determine the following decision point: The proposed rezoning
30 WILL/WILL NOT HELP ACHIEVE Policy 4.2.1 because based on evidence, the proposed Special Use in
31 related Case 759-S-13 WILL/WILL NOT interfere with agricultural operations and is a service which is
32 appropriate for the rural area and therefore IS/IS NOT a service better provided in a rural area than in an
33 urban area. He said that there is evidence of how access will be allowed to continue crop production on a
34 portion of the property. He said that a portion of the property is located in the Contiguous Urban Growth
35 Area and there are people who need storage who are effectively rural while at the same time will become less
36 rural.

37
38 Mr. Passalacqua stated that he will defer to Mr. Jesse's testimony indicating that people would like to have
39 self-storage availability within three miles of their home.

40
41 Mr. Thorsland indicated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1 because based on

1 evidence, the proposed Special Use in related Case 759-S-13 WILL NOT interfere with agricultural
2 operations and is a service which is appropriate for the rural area and therefore IS a service better provided in
3 a rural area than in an urban area. He said that the proposed rezoning WILL HELP ACHIEVE Objective 4.2.
4

5 Mr. Thorsland stated that Policy 4.2.2 states, "The County may authorize discretionary review development
6 in a rural area if the proposed development: a. is a type that does not negatively affect agricultural activities;
7 or b. is located and designed to minimize exposure to any negative affect caused by agricultural activities;
8 and c. will not interfere with agricultural activities or damage or negatively affect the operation of
9 agricultural drainage systems, rural roads, or other agriculture-related infrastructure." The proposed
10 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.2 because based on the evidence, the proposed
11 Special Use in related Case 759-S-13 DOES/DOES NOT negatively affect agricultural activities or IS/IS
12 NOT located and designed to minimize exposure to negative effects of agricultural activities, and
13 WILL/WILL NOT interfere with agricultural activities.
14

15 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.2 because based on
16 the evidence, the proposed Special Use in related Case 759-S-13 DOES NOT negatively affect agricultural
17 activities or IS located and designed to minimize exposure to negative effects of agricultural activities, and
18 WILL NOT interfere with agricultural activities.
19

20 Mr. Thorsland stated that Objective 4.3 states, "Champaign County will require that each discretionary
21 review development is located on a suitable site." The proposed rezoning WILL/WILL NOT HELP
22 ACHIEVE Objective 4.3. because of the following: Policy 4.3.2 states, "On best prime farmland, the
23 County may authorize a discretionary review development provided the site with proposed improvements is
24 well-suited overall for the proposed land use." The proposed rezoning WILL/WILL NOT HELP ACHIEVE
25 Policy 4.3.2.
26

27 Mr. Passalacqua asked if the subject property has a LESA score.
28

29 Mr. Kass stated that the Natural Resources Report indicated that the site has an LE of 98 but they were using
30 the old numbers therefore the actual LE 100 which is best prime farmland.
31

32 Mr. Passalacqua asked if since the site is configured in a difficult shape and access is difficult due to the
33 drainage ditch, does that not take away from the soils.
34

35 Mr. Kass stated no.
36

37 Mr. Thorsland recommended the following: The proposed rezoning WILL HELP ACHIEVE Objective 4.3.
38 because of the following: Policy 4.3.2 states, "On best prime farmland, the County may authorize a
39 discretionary review development provided the site with proposed improvements is well-suited overall for
40 the proposed land use." The proposed rezoning WILL HELP ACHIEVE Policy 4.3.2.
41

1 Mr. Thorsland stated that Policy 4.3.3 states, "The County may authorize a discretionary review
2 development provided that existing public services are adequate to support the proposed development
3 effectively and safely without undue public expense." The proposed rezoning WILL/WILL NOT HELP
4 ACHIEVE Policy 4.3.3.

5
6 Mr. Hall stated that Mr. Kass has tried to contact the fire protection district to obtain comments and each
7 time he has been told that comments are forthcoming but none have been received to date. Mr. Hall stated
8 that the lack of these comments would be one benefit of continuing the case because it would give staff one
9 last chance in obtaining those comments.

10
11 Mr. Passalacqua stated that in comparison to Curtis Orchard this facility will have minimum traffic impact
12 and exposure.

13
14 Mr. Hall stated that Mr. Passalacqua is correct but we are talking about several hundred storage units in
15 which case the buildings are only 20 foot apart and he would be very surprised if the fire protection district
16 would want to fight a fire between two buildings that are 20 feet apart although on the other hand they
17 haven't said that they don't want to.

18
19 Mr. Randol stated that it is not uncommon for storage units to be 20 or 25 feet apart and are not equipped
20 with sprinkler systems.

21
22 Mr. Passalacqua stated that unlike the self-storage facility in Savoy this facility is not located in the middle
23 of town.

24
25 Mr. Thorsland asked the Board if they were ready to make a determination regarding Policy 4.3.3.

26
27 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3.

28
29 Mr. Thorsland stated that Policy 4.3.4 states, "The County may authorize a discretionary review
30 development provided that existing public infrastructure, together with proposed improvements, is adequate
31 to support the proposed development effectively and safely without undue public expense." The proposed
32 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.4.

33
34 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.4.

35
36 Mr. Thorsland stated that Policy 4.3.5 states, "On best prime farmland, the County will authorize a business
37 or other non-residential use only if: a. It also serves surrounding agricultural uses or an important public
38 need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise
39 appropriate in a rural area and the site is very well suited to it." The proposed rezoning WILL/WILL NOT
40 HELP ACHIEVE Policy 4.3.5.

1 Mr. Passalacqua stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5.

2
3 Mr. Thorsland stated that staff recommends that the proposed amendment WILL NOT IMPEDE the
4 achievement of Objectives 4.6.4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.3, 4.2.4, 4.6.1,
5 4.6.2, and 4.9.1. Objectives 4.4, 4.5, and 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are NOT RELEVANT to the
6 proposed amendment. He asked the Board if they agreed to staff's recommendation and the Board agreed.

7
8 Mr. Thorsland stated that the Board should now return to item #14.A. and make a determination for
9 Objective 4.1 and Policy 4.1.6. Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE
10 Objective 4.1 and Policy 4.1.6 and the Board agreed.

11
12 Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Goal 4 and the Board
13 agreed.

14
15 Mr. Thorsland stated that Goal 5 states as follows: Champaign County will encourage urban development
16 that is compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said
17 that Goal 5 has 3 objectives and 15 policies. The proposed amendment WILL/WILL NOT HELP ACHIEVE
18 Goal 5 for the following reasons: A. Objective 5.1 states, Champaign County will strive to ensure that the
19 preponderance of population growth and economic development is accommodated by new urban
20 development in or adjacent to existing population centers." The proposed rezoning WILL/WILL NOT
21 HELP ACHIEVE Objective 5.1 because of the following: (1) Policy 5.1.3 states, "The County will consider
22 municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by
23 an available public sanitary sewer service plan as contiguous growth areas which should develop in
24 conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land
25 Use Map." The proposed rezoning WILL/WILL NOT HELP ACHIEVE Objective 5.1.3. He said the Board
26 has subparagraph (f) which he requested the first sentence to be revised to the following: The County should
27 not strictly follow Policy 5.1.3 when it appears that a municipal plan ignores existing rural businesses and
28 that appears to be the situation in this instance.

29
30 Ms. Capel suggested that subparagraph (f) be revised as follows: The County should consider evidence
31 carefully as it relates to Policy 5.1.3 especially if it appears that a municipal plan ignores existing rural
32 businesses.

33
34 Mr. Hall asked Ms. Capel to explain what the County should do after it carefully considers.

35
36 Mr. Kass stated that perhaps subparagraph (f) should be revised as follows: The County should not strictly
37 adhere to Policy 5.1.3. when it appears that a municipal plan ignores existing rural businesses.

38
39 Mr. Passalacqua asked Mr. Thorsland why he had an issue with staff's recommendation because he feels that
40 the word "blindly" has gravity for this paragraph.

- 1 Mr. Thorsland stated that he spends a lot of time dealing with people who are very sensitive with words of
2 confrontation and the word “blindly” is a word of confrontation. He said that he is trying to make it very
3 clear.
4
- 5 Mr. Hall stated that he agrees with Mr. Thorsland and that the word “blindly” should be replaced with the
6 word “strictly.”
7
- 8 Mr. Thorsland stated that the ZBA spends more time on these things than anywhere else because this is the
9 public hearing. He asked Mr. Passalacqua if his heart is set on the word “blindly.”
10
- 11 Mr. Passalacqua stated no, but he believes that it is the right word because it indicates that the ZBA should
12 not generically just apply it because not every situation is the same.
13
- 14 Mr. Thorsland asked Mr. Passalacqua if he would be okay with replacing the word “blindly” with “strictly.”
15
- 16 Mr. Passalacqua stated yes. He said that Ms. Capel’s recommendation sounded good as well.
17
- 18 Ms. Capel stated that she was just attempting to indicate subparagraph (f) in a positive way instead of a
19 negative way.
20
- 21 Mr. Passalacqua stated that perhaps we should say that the County should not simply apply Policy 5.1.3 if it
22 appears that a municipal ignores existing rural businesses.
23
- 24 Mr. Hall stated that he will attempt to incorporate everyone’s concerns with the following: The County
25 should consider evidence carefully as it relates to Policy 5.1.3 and should not strictly follow Policy 5.1.3
26 when it appears that a municipal plan ignores existing rural businesses and that appears to be the situation in
27 this instance.
28
- 29 Mr. Thorsland agreed with Mr. Hall’s text. He said that this text should be corrected throughout.
30
- 31 Mr. Kass stated that Item #22.H(3) is the second location where the text should be revised in Case 758-AM-
32 13.
33
- 34 Mr. Thorsland asked the Board if they agreed with Mr. Hall’s revised text and the Board agreed.
35
- 36 Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 5.1.3.
37
- 38 Mr. Thorsland stated that Policy 5.1.4 states the following: The County may approve discretionary
39 development outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas
40 only if: a. the development is consistent with the municipal comprehensive plan and relevant municipal
41 requirement; and b. the site is determined to be well-suited overall for the development if on best prime

1 farmland or the site is suited overall, otherwise and c. the development is generally consistent with all
2 relevant LRMP objective and policies” He said that staff has recommended that the proposed rezoning is
3 NOT DIRECTLY RELEVANT to Policy 5.1.4.
4

5 Mr. Passalacqua asked if new evidence should be added after 15.A(2)(a) since there is a protest from the
6 municipal ETJ.
7

8 Mr. Thorsland stated that our newly modified text in 15.A.(1)(f) and 22.H.(3) is part of that and the Board
9 can indicate the lack of need for sewer, low traffic count, it will serve the neighborhood and existing
10 businesses in the area. He asked the Board if they agreed with staff’s recommendation for Policy 5.1.4 and
11 the Board indicated that they agreed.
12

13 Mr. Thorsland stated that staff has recommended that the proposed rezoning will HELP ACHIEVE
14 Objective 5.3, Policy 5.3.1, and Policy 5.3.2. He said that staff has recommended that the proposed
15 amendment WILL NOT IMPEDE Objective 5.2 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9,
16 5.2.1, 5.2.2, 5.2.3, and 5.3.3.
17

18 Ms. Capel stated that the proposed amendment will HELP ACHIEVE Goal 5.
19

20 Mr. Thorsland stated that Goal 6 states the following: Champaign County will ensure protection of the
21 public health and public safety in land resource management decisions. He said that there are no decision
22 points for the Board. He said that staff has recommended that the proposed rezoning will HELP ACHIEVE
23 Goal 6, Objective 6.1, and Policy 6.1.3 and that the proposed amendment WILL NOT IMPEDE the
24 achievement of policies 6.1.1, 6.1.2, and 6.1.4. He said that staff also recommends that Objectives 6.2, 6.3,
25 and 6.4 and Policies 6.2.1, 6.2.2 and 6.2.3 are NOT RELEVANT to the proposed amendment. He asked the
26 Board if they agreed with staff’s recommendations and the Board agreed.
27

28 Mr. Thorsland stated that Goal 7 states as follows: Champaign County will coordinate land use decisions in
29 the unincorporated area with the existing and planned transportation infrastructure and services. He said that
30 staff has recommended that the proposed rezoning will HELP ACHIEVE Goal 7, Objective 7.1, Policy 7.1.1
31 and that the proposed amendment WILL NOT IMPEDE the achievement of Objective 7.2 and Policies 7.2.1,
32 7.2.2, 7.2.3, 7.2.4, 7.2.5, and 7.2.6. He asked the Board if they agreed to staff’s recommendations and the
33 Board agreed.
34

35 Mr. Thorsland stated that Goal 8 states as follows: Champaign County will strive to conserve and enhance
36 the County’s landscape and natural resources and ensure their sustainable use. He said that staff has
37 recommended that the proposed rezoning will NOT IMPEDE the achievement of Goal 8. He asked the
38 Board if they agreed with staff’s recommendation and the Board agreed.
39

40 Mr. Thorsland stated that Goal 9 states as follows: Champaign County will encourage energy conservation,
41 efficiency, and the use of renewable energy sources. He said that staff recommends that the proposed

1 rezoning is NOT RELEVANT to Goal 9.

2

3 Mr. Passalacqua stated that the proposed rezoning will HELP ACHIEVE Goal 9 because of Mr. Jesse's
4 geothermal system.

5

6 Mr. Thorsland stated that the facility will conserve energy because it will be located in close proximity to its
7 customers.

8

9 Mr. Hall stated that under Objective 9.1, Reduce Greenhouse Gases, Policy 9.1.1 indicates that the County
10 will promote land use patterns, site design standards and land management practices that minimize the
11 discharge of greenhouse gases. He said that anything that supports compact and contiguous would
12 technically be related to that and Policy 9.1.2 discusses energy efficient building design standards, Policy
13 9.1.3 discusses minimizing the discharge of greenhouse gases from its own facilities and operations. He said
14 that Objective 9.2 discusses energy efficient building design standards although Champaign County does not
15 enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1) therefore Objective 9.2 is
16 not relevant. He said that Objectives 9.3, 9.4 and 9.5 are also not relevant. He said that Goal 9.1.1 may be
17 relevant but the Board may recall that on Goal 3 the Board was so firmly convinced that the proposed
18 rezoning would help achieve prosperity even though it didn't relate to any objective or policy.

19

20 Mr. Passalacqua stated that he likes to add things to support the request when there is a protest involved. He
21 said that Mr. Jesse is a heating and cooling contractor therefore he will obviously use energy efficient
22 equipment, especially when he has to foot the bill.

23

24 Mr. Hall asked Mr. Passalacqua if he would like staff to restate Policy 9.1.1 as follows: The County will
25 promote land use patterns, site design standards and land management practices that minimize the discharge
26 of greenhouse gases. He said that this use is close to a future large residential area and having the facility
27 this close will help promote Policy 9.1.1.

28

29 Mr. Passalacqua stated that any positive inserts will help with the case with the protest.

30

31 Mr. Thorsland stated that new text will be inserted for Policy 9.1.1 for the Board's review at the next
32 meeting.

33

34 Mr. Thorsland stated that Goal 10 states the following: Champaign County will promote the development
35 and preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that
36 staff recommends that the proposed rezoning will NOT IMPEDE the achievement of Goal 10. He asked the
37 Board if they agreed to staff's recommendation for Goal 10 and the Board agreed.

38

39 Mr. Thorsland stated that item 21.E(2) is in regards to the *LaSalle* factor. He said that the decision point for
40 the Board is as follows: Based on the discussion of suitability under Items 14.C. and 15 above, the subject
41 property IS/IS NOT SUITABLE for the proposed zoned purpose which is self storage warehouses and an

1 existing contractors facility.

2
3 Mr. Thorsland recommended that the subject property IS SUITABLE and the Board agreed.

4
5 Mr. Thorsland noted that item 22.H(3) should be revised to indicate the new text included in item 15.A(2).

6
7 Mr. Thorsland stated that staff recommends that the proposed amendment will HELP ACHIEVE the purpose
8 of the Zoning Ordinance and the Board agreed.

9
10 **Summary Finding of Fact for Case 758-AM-13:**

11
12 From the documents of record and the testimony and exhibits received at the public hearing conducted on
13 July 25, 2013 and August 29, 2013, the Zoning Board of Appeals of Champaign County finds that:

- 14
15 1. Regarding the effect of the proposed amendment on the Land Resource Management Plan
16 (LRMP):
 - 17 A. **Regarding Goal 4:**
 - 18 • Objective 4.3 requiring any discretionary development to be on a suitable site
19 because it *WILL HELP ACHIEVE* the following:
 - 20 • Policy 4.3.5 requiring that a business or non-residential use on best prime
21 farmland only if it serves surrounding agriculture and is appropriate in a
22 rural area (see Item 14.C.(4)).
 - 23 • Policy 4.3.4 requiring existing public infrastructure be adequate to support
24 the proposed development effectively and safely without undue public
25 expense (see Item 14.C.(3)).
 - 26 • Policy 4.3.3 requiring existing public services be adequate to support the
27 proposed development effectively and safely without undue public expense
28 (see Item 14.C.(2)).
 - 29 • Policy 4.3.2 requiring a discretionary development on best prime farmland to
30 be well-suited overall (see Item 14.C.(1)).
 - 31
32 • Objective 4.2 requiring discretionary development to not interfere with
33 agriculture because it *WILL HELP ACHIEVE* the following:
 - 34 • Policy 4.2.2 requiring discretionary development in a rural area to not
35 interfere with agriculture or negatively affect rural infrastructure (see Item
36 14.B.(2)).
 - 37 • Policy 4.2.1 requiring a proposed business in a rural area to support
38 agriculture or provide a service that is better provided in the rural area (see
39 Item 14.B.(1)).
 - 40
41 • Objective 4.1 requiring minimization of the fragmentation of farmland,
42 conservation of farmland, and stringent development standards on best

- 1 **prime farmland** because it *WILL HELP ACHIEVE* the following:
- 2 • Policy 4.1.6 **requiring that the use, design, site and location are consistent**
- 3 **with policies regarding suitability, adequacy of infrastructure and public**
- 4 **services, conflict with agriculture, conversion of farmland, and disturbance**
- 5 **of natural areas (see Item 14.A.(1)).**
- 6
- 7 • Based on achievement of the above Objectives and Policies and because it will
- 8 either not impede or is not relevant to the other Objectives and Policies under this
- 9 goal, the proposed map amendment *WILL HELP ACHIEVE* **Goal 4**
- 10 **Agriculture.**
- 11
- 12 **B. Regarding Goal 5:**
- 13 • Objective 5.3 **requiring County opposition to new urban development unless**
- 14 **adequate infrastructure and public services are provided** because it will
- 15 *HELP ACHIEVE* the following:
- 16 • Policy 5.3.2 **require that new urban development be adequately served by**
- 17 **public infrastructure without undue public expense (Item 15.B.(2)).**
- 18 • Policy 5.3.1 **require that new urban development be adequately served by**
- 19 **public services without undue public expense (Item 15.B.(1)).**
- 20
- 21 • Objective 5.1 **ensures that the population growth and economic development**
- 22 **is accommodated by new urban development in or adjacent to existing**
- 23 **population centers** because it *WILL HELP ACHIEVE* the following:
- 24 • Policy 5.1.3 **consider municipal ETJ areas that are served or that are planned**
- 25 **to be served by sanitary sewer as contiguous urban growth areas (Item**
- 26 **15.A.(1)).**
- 27
- 28 • Based on achievement or non-achievement of the above Objectives and Policies
- 29 and because it will either not impede or is not relevant to the other Objectives and
- 30 Policies under this goal, the proposed map amendment *WILL HELP ACHIEVE*
- 31 **Goal 5 Urban Land Use.**
- 32
- 33 **C. Regarding Goal 6:**
- 34 • Objective 6.1 **ensuring that development does not endanger public health or**
- 35 **safety** because it will *HELP ACHIEVE* the following:
- 36 • Policy 6.1.3 **preventing nuisances created by light and glare to limit excessive**
- 37 **night lighting.**
- 38
- 39 • Based on achievement of the above Objectives and Policies and because it will
- 40 either not impede or is not relevant to the other Objectives and Policies under this
- 41 goal, the proposed map amendment will *HELP ACHIEVE* **Goal 6 Public Health**
- 42 **and Public Safety (see Item 16.A.(1)).**

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D. **Regarding Goal 7:**

- Objective 7.1 considers traffic impact in land use decisions because it will *HELP ACHIEVE* the following:
- Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation.
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE Goal 7 Transportation (see Item 17.A.(1))*.

Mr. Kass stated that there is a change for the Summary Finding of Fact. He said that Goal 9 will become item E. and F. will be stricken and existing item E. will become new item F. and the rest will be renumbered.

Mr. Hall stated that Goal 3 will be moved up to WILL HELP ACHIEVE.

Mr. Thorsland requested that the changes to the Summary of Evidence be reflected in the revised Summary of Evidence at the next meeting.

F. 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 8 Natural Resources**
- **Goal 10 Cultural Amenities**

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

- **Goal 9 Energy Conservation**

G. Overall, the proposed map amendment *WILL HELP ACHIEVE* the Land Resource Management Plan.

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 existing heating and cooling services they offer and the proposed self-storage warehouses.
- The subject property is suitable for the existing and proposed businesses.

3. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the

1 **Zoning Ordinance** because:

- 2 • Establishing the B-1 District at this location will help lessen and avoid congestion in the
3 public streets (Purpose 2.0 (c) see Item 22.C.).

- 4
5 • Establishing the B-1 District at this location will help classify, regulate, and restrict the
6 location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 22.I.).

7
8 4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:

- 9 • Approval of the amendment would allow the current business activities to continue and
10 allow the proposed activities to be constructed subject to related Case 759-S-13.

11
12
13 Mr. Thorsland asked staff if there were any additions to the Documents of Record.

14
15 Mr. Kass stated that the new land use map, zoning map and the handout needs to be added to the
16 Documents of Record.

17
18 Mr. Thorsland stated that the Board will receive a new Draft Finding of Fact at the next meeting.

19
20 Mr. Thorsland stated that the Board will now move to the Draft Summary of Evidence for Case 759-S-
21 13. He said that item 7.G. on page 10 is the first decision point for the Board. He read item 7.G. as
22 follows: The evidence in related Case 758-AM-13 established that the proposed Special Use IS/IS NOT
23 a service better provided in a rural area than in an urban area. Mr. Thorsland stated that the Board has
24 determined that it IS.

25
26 Mr. Thorsland stated that item #8.M on page 15 is the next decision point for the Board. He read item
27 8.M. as follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the
28 evidence in related Case 758-AM-13 established that the proposed Special Use WILL/WILL NOT
29 interfere with agricultural operations and the subject site IS/IS NOT suitable for the proposed Special
30 Use.

31
32 Mr. Passalacqua stated that the proposed Special Use WILL be compatible with adjacent uses because
33 the evidence in related Case 758-AM-13 established that the proposed Special Use WILL NOT interfere
34 with agricultural operations and the subject site IS suitable for the proposed Special Use.

35
36 Mr. Thorsland stated that the last decision point for the Board for this case is item #9.G.(2) on page 19.
37 He read item #9.G.(2) as follows: Compatibility of the proposed Special Use with surrounding
38 agriculture was evaluated in related Case 758-AM-13 under review of Land Resource Management Plan
39 Objective 4.2 regarding interference with agricultural operations and the Zoning Board of Appeals found
40 the proposed Special Use WILL/WILL NOT interfere with agricultural operations.

1 Mr. Palmgren stated that Compatibility of the proposed Special Use with surrounding agriculture was
2 evaluated in related Case 758-AM-13 under review of Land Resource Management Plan Objective 4.2
3 regarding interference with agricultural operations and the Zoning Board of Appeals found the proposed
4 Special Use WILL NOT interfere with agricultural operations.
5

6 Mr. Thorsland stated that he would like to stop at this point so that the Board and Mr. Jesse can fully
7 review the special conditions.
8

9 Mr. Hall asked the Board if they had any additional thoughts regarding the time limits.
10

11 Mr. Thorsland stated that he had made a note regarding the special conditions and which conditions he
12 had questions about. He said that he was concerned about proposed Special Conditions E and F.
13

14 Mr. Passalacqua stated that perhaps the Board should ask Mr. Jesse about his design for security. He
15 said that security would be a good selling point for a self-storage facility and it may be in his plan
16 already. He said that most existing self-storage facilities have security cameras.
17

18 Mr. Thorsland read proposed Special Condition F. as follows:

- 19 (1) The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has
20 submitted a security plan for the subject property indicating the number and locations of
21 all security cameras and all other security features (lighting, fencing, etc.)
- 22 (2) The Zoning Administrator shall not authorize a Zoning Use Permit until written
23 documentation has been provided from the petitioner that the relevant fire protection
24 district will have access through the security gate at all times.
25

26 The special condition stated above is necessary to ensure the following:
27 That the petitioner provides adequate security measures and provides access to
28 appropriate public safety agencies.
29

30 Mr. Thorsland asked why Mr. Jesse would want to indicate the location of all of his security cameras for
31 the public record. He said that the documentation would be available on the Champaign County
32 website.
33

34 Mr. Jesse stated that he plans on installing security cameras either way. He said that he had not thought
35 about the point that Mr. Thorsland made about the public record.
36

37 Mr. Hall stated that perhaps staff got carried away with the text of the special condition. He said that
38 since the testimony from Mr. Jesse is that he does plan to install security cameras therefore staff must
39 document that there are security cameras prior to the issuance of a Zoning Compliance Certificate.
40

41 Mr. Thorsland said that perhaps the special condition could read as follows: The Zoning Administrator

1 shall not authorize a Zoning Use Permit until the petitioner has submitted a security plan.
2

3 Mr. Passalacqua stated that a security plan could consist of a light. He said that he agrees with Mr.
4 Thorsland in that Mr. Jesse does not need to submit a print which indicates the location of each and
5 every security camera. Mr. Passalacqua stated that Mr. Jesse has testified that he is going to install
6 security cameras therefore the Board could receive some sort of satisfactory detail but he really does not
7 believe that someone is going to sit and research the website for such information.
8

9 Mr. Jesse stated that his intent is that when people enter the front office they will see security monitors
10 covering the entire area. He said that when the clients realize that the security monitors are present they
11 will feel safe and know that their storage lockers are being monitored.
12

13 Mr. Thorsland asked Mr. Jesse if he is comfortable with proposed special condition indicated that the
14 Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has submitted a
15 security plan.
16

17 Mr. Hall stated that he believes that it would adequate to verify that there are security cameras prior to
18 the issuance of Zoning Compliance Certificate.
19

20 Mr. Jesse agreed.
21

22 Mr. Passalacqua asked Mr. Jesse if there would be motor homes or trucks, etc. which are over 12 feet six
23 inches in height stored in the units therefore he does not intend to build a 40 foot tall building.
24

25 Mr. Jesse stated that the motor home storage side walls are 14 feet to the eave and it has a 3/12 pitch
26 roof therefore they won't be anywhere close to the maximum of 35 feet.
27

28 Mr. Thorsland stated that the Board needs to work on proposed special condition E. and F. and the Board
29 needs to read the other proposed special conditions carefully prior to the next meeting. He said that
30 Special Condition E. reads as follows: (1)The Special Use Permit shall be void if the construction of the
31 proposed Self-Storage Warehouses has not begun within 5 years of the date of authorization of Case
32 759-S-13; and (2) The Zoning Administrator shall not authorize a Zoning Use permit for construction of
33 a Self-Storage Warehouse on the subject property after 9 years of the date of authorization of Case 759-
34 S-13 and all construction must be completed within 10 years of the date of authorization of Case 759-S-
35 13.
36

37 Mr. Hall stated that E.(2) is the critical condition and E.(1) is not really necessary because it is not
38 germane to this issue of not letting the property go too long before the Self-Storage facility is
39 established. He said that after further reflection he sees no reason to have E.(1) therefore it can be
40 stricken.
41

1 Mr. Thorsland asked the Board if they agreed to strike proposed Special Condition E.(1).

2
3 Mr. Passalacqua stated that he thought that the plan indicated Phase 1, Phase 2 and Phase 3 therefore in
4 10 years all of the phases needed to be completed and if Mr. Jesse wanted to construct yet another
5 building he would need to return to the ZBA for approval.

6
7 Mr. Hall stated that alternatively if all of the phases are not completed by that time Mr. Jesse will not be
8 able to construct them without another Special Use Permit.

9
10 Mr. Jesse stated that he does not have a problem with the special conditions because the entire project is
11 market driven therefore he needs to rent out the first phase before he can build the next phase. He said
12 that hopefully in 10 years he will have all of the phases completed.

13
14 Mr. Thorsland asked the Board if they should extend the time period.

15
16 Mr. Passalacqua stated that the Board is speculating at that number and testimony has been received that
17 sewer availability is not likely in the near future. He said that the Board should do whatever they can to
18 keep the petitioner from having to come before the Board again if they don't get the phases completed
19 within the time period.

20
21 Mr. Thorsland stated that an extended time would keep the petitioner from having to come back before a
22 new Board and hashing through this again.

23
24 Mr. Hall stated that during this time period some of the residential area may be completed.

25
26 Mr. Thorsland asked the Board if they desired to extend the time period for completion to perhaps 15
27 years.

28
29 Mr. Randol asked if the petitioner intends to fill the entire 11 acres with self storage units.

30
31 Mr. Jesse stated that the plans that he has submitted to the Board indicates the entire project.

32
33 Mr. Thorsland stated that the site plan is excellent but staff always reminds the petitioner that they
34 should indicate everything that they may want to do in the future so that they do not need to return to the
35 Board for approval.

36
37 Mr. Jesse stated that as far as he is concerned everything intended for the property is indicated on the site
38 plan.

39
40 Ms. Capel stated that proposed Special Condition E.(2) should be revised to indicate the following: The
41 Zoning Administrator shall not authorize a Zoning Use Permit for construction of a Self-Storage

1 Warehouse on the subject property after 14 years of the date of authorization of Case 759-S-13 and all
2 construction must be completed within 15 years of the date of authorization of Case 759-S-13.

3
4 Mr. Jesse agreed to the revision.

5
6 Mr. Hall clarified that proposed Special Condition E.(1) has been stricken and revised E.(2) will become
7 proposed Special Condition E.

8
9 Mr. Thorsland stated that he would like to stop at this point so that Mr. Jesse can take the time to review
10 the other proposed special conditions.

11
12 Mr. Hall asked the Board if they would like to see the completely revised Finding of Fact for the map
13 amendment and a complete Summary of Evidence for the Special Use. He said that no changes were
14 made to the Summary of Evidence for the Special Use other than the revised conditions.

15
16 Mr. Thorsland stated that the Summary of Evidence for the Special Use is fine but he would like to see a
17 revised version of the Finding of Fact for the map amendment.

18
19 Mr. Jesse asked the Board if it would be beneficial if he would go back and redraw the site plan indicating that
20 the buildings would be 25 feet apart rather than the 20 foot separation.

21
22 Mr. Thorsland stated that staff has testified that they have made several attempts to contact the fire
23 protection district and obtain comments regarding the facility but have not received any comments to
24 date.

25
26 Mr. Hall stated that staff will attempt to contact the fire chief and if he has a concern then staff would
27 want it reflected in the plan. He said that if the plan is redrawn he would like the drainage district
28 easement indicated because currently it is not. He said that there is plenty of text making it clear that
29 there is a drainage district easement but when someone pulls the plan out in the future he would like the
30 easement indicated on the plan.

31
32 Mr. Jesse stated that he will have the site plan redrawn indicating those two changes.

33
34 Mr. Passalacqua stated that such a change will not be cheap because five feet of additional concrete will
35 be expensive. He asked Mr. Jesse if people will be backing boats, etc. into the units.

36
37 Mr. Jesse stated that Mr. Passalacqua is correct. He said that the two buildings that are being discussed
38 will not house any boats.

39
40 Mr. Thorsland entertained a motion to reinstate the September 12, 2013, meeting.
41

1 **Ms. Capel moved, seconded by Mr. Palmgren to reinstate the September 12, 2013, meeting. The**
2 **motion carried by voice vote.**
3

4 Mr. Thorsland entertained a motion to continue Cases 758-AM-13 and 759-S-13 to the September 12,
5 2013, meeting.
6

7 **Mr. Passalacqua moved, seconded by Mr. Randol to continue Cases 758-AM-13 and 759-S-13 to**
8 **the September 12, 2013, meeting. The motion carried by voice vote.**
9

10 Ms. Capel stated that the description of Case 758-AM-13 needs to be corrected on the face page of the
11 Finding of Fact.
12

13 **6. New Public Hearings**

14
15 None
16

17 **7. Staff Report**

18
19 Mr. Hall informed the Board that the County Board took action on Case 687-AM-11 and the final vote was
20 19 to deny and 3 to override.
21

22 Mr. Passalacqua asked if the vote was based upon the new evidence that was presented to the Board.
23

24 Mr. Hall stated that the new evidence did not play any part in the decision and it possibly hurt the case.
25

26 Mr. Hall stated that the Sangamon Valley case was placed upon the consent agenda.
27

28 Mr. Kass stated that staff has received one new case for the docket.
29
30

31 **8. Other Business**
32

33 Mr. Hall reminded the Board they need to send an RSVP for the Citizen Planner's Workshop if they intend
34 to attend.
35

36 **9. Audience Participation with respect to matters other than cases pending before the Board**
37

38 None
39

40 **10. Adjournment**
41

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

2
3 **Mr. Passalacqua moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by**
4 **voice vote.**

5
6 The meeting adjourned at 8:51 p.m.

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11 Respectfully submitted

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16 Secretary of Zoning Board of Appeals

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GOALS, OBJECTIVES AND POLICIES

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

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

Background

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

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

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

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

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

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

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

LRMP Goals

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

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

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

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

Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives**Objective 2.1 Local and Regional Coordination**

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

Objective 2.2 Information Sharing

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

Goal 2 Objectives and Policies**Objective 2.1 Local and Regional Coordination**

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

Policy 2.1.1

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

Policy 2.1.2

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

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

Policy 2.1.3

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

continued

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Policy 4.1.1

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

Policy 4.1.2

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

Policy 4.1.3

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

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

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

Policy 4.1.5

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

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

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

then,

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

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

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

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

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

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

Policy 5.1 5

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

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

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2 2

The County will:

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

Policy 5.2.3

The County will:

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

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

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

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

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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

Objective 8.9 Natural Resources Assessment System

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

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

Policy 8.6.5

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

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

Objective 8.8 Air Pollutants

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

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

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

Objective 8.9 Natural Resources Assessment System

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

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

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

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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

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

APPENDIX 10

DEFINED TERMS ¹

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

best prime farmland

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

by right development

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

contiguous urban growth area

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

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

discretionary development

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

discretionary review

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

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

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

discretionary review (continued)

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

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

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

parks and preserves

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

pre-settlement environment

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

public infrastructure

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

public services

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

rural

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

site of historic or archeological significance

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

suited overall

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

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

well-suited overall

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

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

urban development

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

urban land

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

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

urban land use

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

CASE NO. 762-AM-13

PRELIMINARY MEMORANDUM

October 11, 2013

Petitioners: **Edgar Busboom**

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

Site Area: **1.2 acre portion of a 4
acre lot**

Time Schedule for Development: **Prior to
November 25, 2013**

Prepared by: **Andy Kass**
Associate Planner

John Hall
Zoning Administrator

Request: **Amend the Zoning
Map to change the zoning
district designation from the B-
5 Central Business Zoning
District to the R-1 Single
Family Residence Zoning
District.**

Location: **A 1.2 acre portion of a
4 acre lot located in the
Southeast Corner of the
Southeast Quarter of the
Southeast Quarter of Section 28
of Compromise Township and
commonly known as the house
and buildings at 2501 CR
2100E, Thomasboro.**

BACKGROUND

The petitioner requests to rezone 1.2 acres of a 4 acre lot in order to bring the residential use of the subject property into conformance. Currently the subject property is split zoned B-5 Central Business District and R-1 Single Family Residence District. The subject property has been zoned this way since the adoption of zoning and was formerly the site of a grocery store. The grocery store has been closed since the 1970s and has been in residential use since then. The area of the existing home is zoned B-5, which prohibits new residential use as the principal use. The petitioner leases the home on the subject property and now wishes to sell the subject property. The prospective buyer intends to demolish the existing home and buildings on the subject property and construct a new home in the same general area of the existing home. Without the rezoning a new home cannot be built on the subject property as a principal use.

The area being proposed for rezoning will be contiguous with the adjacent R-1 District to the north and will be large enough to accommodate a new septic system and meet all other Zoning Ordinance requirements. The subject property is considered best prime farmland with an LE of 100. Approximately .40 acre of the area proposed to be rezoned is in agricultural production. The remaining portion (2.8 acres) of the 4 acre lot will remain in agricultural production.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Compromise Township has a plan commission. The Commission has been notified and has protest rights.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	B-5 Central Business
	----- Agriculture	R-1 Single Family
North	Agriculture	R-1 Single Family
East	Agriculture	R-1 Single Family
West	Residential	B-5 Central Business
	----- Agriculture	
South	School (Prairieview – Ogden)	R-1 Single Family

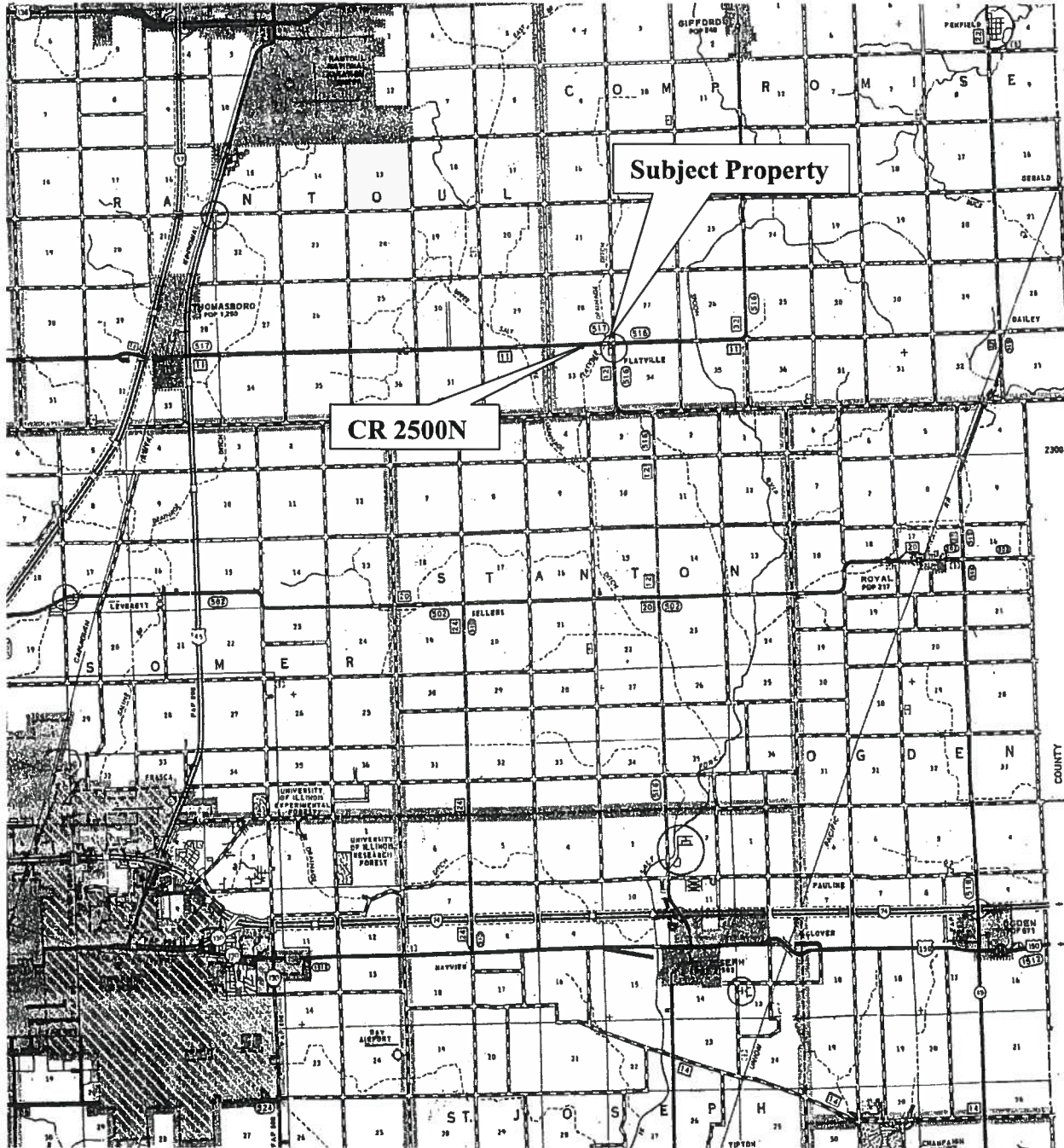
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Visit Photos (included separately)
- C LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- D Draft Finding of Fact and Final Determination (included separately)

ATTACHMENT A. LOCATION MAP

Case: 762-AM-13

October 11, 2013



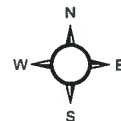
Champaign
County
Department of
**PLANNING &
ZONING**

Land Use Map
Case 762-AM-13
October 11, 2013



 Subject Property

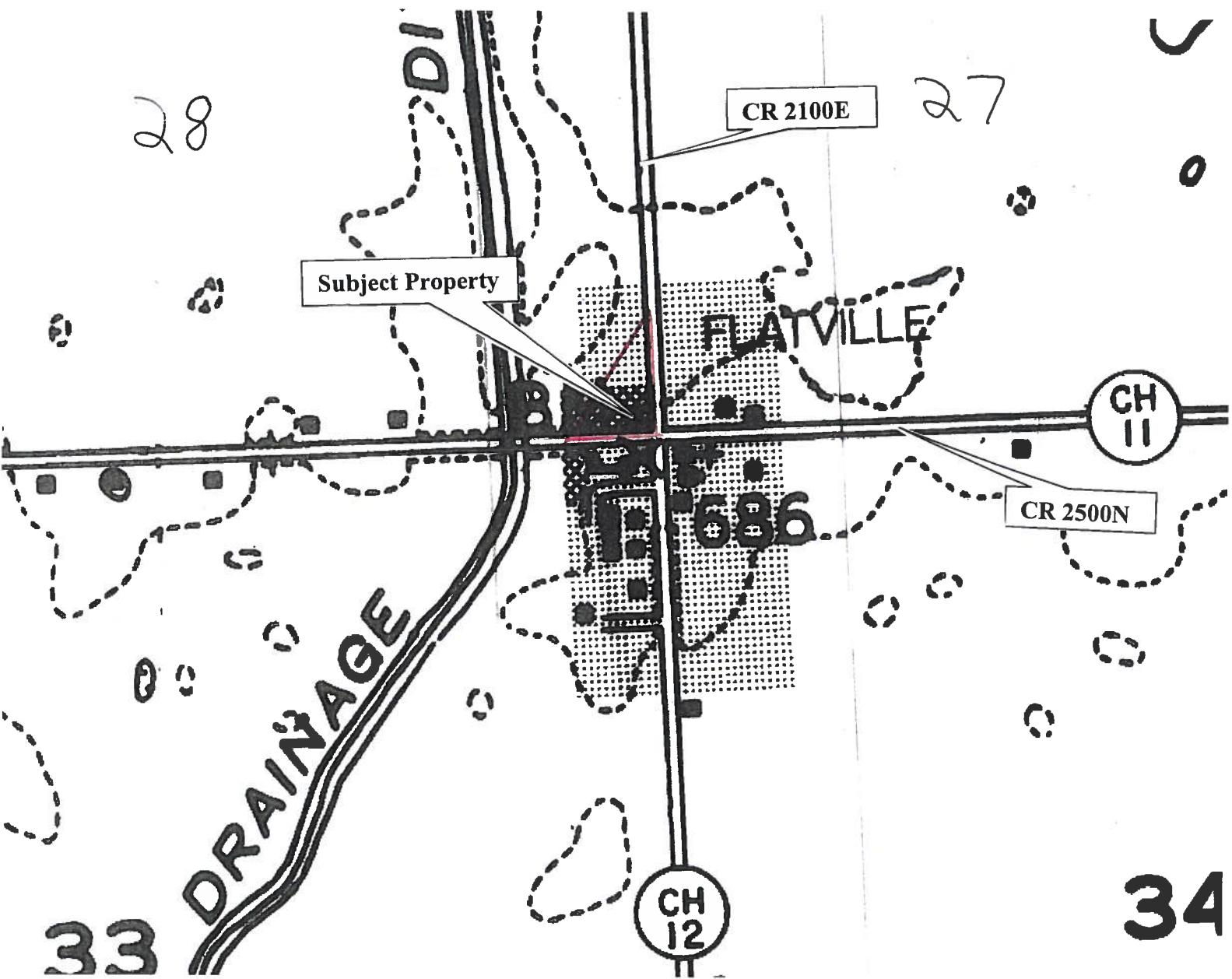
1 inch = 800 feet



ATTACHMENT A. ZONING MAP

Case: 762-AM-13

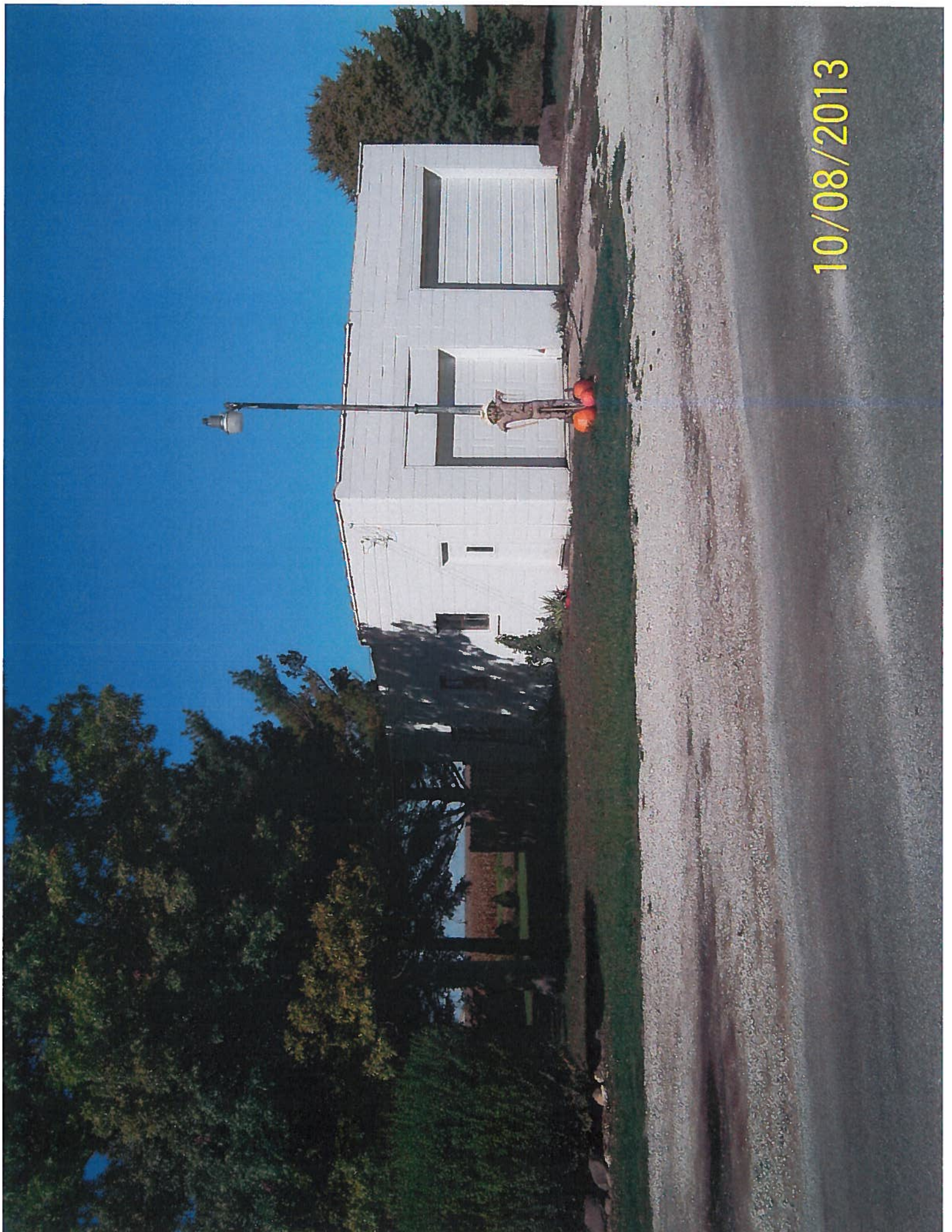
October 11, 2013



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



10/08/2013



10/08/2013



10/08/2013



10/08/2013



10/08/2013



10/08/2013



10/08/2013

PRELIMINARY DRAFT

762-AM-13

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

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

Date: **October 17, 2013**

Petitioner: **Edgar Busboom**

Request: **Amend the Zoning Map to change the zoning district designation from the B-5 Central Business Zoning District to the R-1 Single Family Residence Zoning District.**

Table of Contents

Finding of Fact.....	2-22
Case 762-AM-13 Summary Finding of Fact	23-25
Documents of Record	26
Case 762-AM-13 Final Determination.....	27

PRELIMINARY DRAFT

FINDING OF FACT

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

1. The petitioner Edgar Busboom, 2106 CR 2500N, Thomasboro, owns the subject property.
2. The subject property is a 1.2 acre portion of a 4 acre lot located in the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 28 of Compromise Township and commonly known as the house and buildings at 2501 CR 2100E, Thomasboro.
3. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Compromise Township has a plan commission. The Commission has been notified and has protest rights.
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:

“It was zoned B-5 when zoning was adopted to accommodate grocery store. The grocery store closed in the mid 1970s and is now a house.”

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

“If we want to rebuild or build an accessory building, we could not do it in B-5.”

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 B-5 Central Business and R-1 Single Family Residence and is in residential use. A portion of the property is also in agricultural production.
 - 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 R-1 Single Family Residence, and is in agricultural production.
 - (2) Land on the south is zoned R-1 Single Family Residence, and is in use for educational purposes (Prairieview – Ogden).
 - (3) Land west of the subject property is zoned B-5 Central Business District, and is in agricultural production.
 - (4) Land east of the subject property is zoned R-1 Single Family Residence, and is in agricultural production.

7. Previous zoning cases in the vicinity are the following:
A. There are no previous zoning cases in the vicinity.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The B-5, Central Business DISTRICT is intended to provide for needs of a larger consumer population than served by the Neighborhood Business DISTRICT and is located generally in the business DISTRICTS of the unzoned municipalities in the COUNTY.
 - (2) The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The B-5 District is generally located throughout the county in the business DISTRICTS of the unzoned municipalities in the COUNTY.
 - (2) The R-1 District is generally located in non-urban and developing areas where community facilities can be made readily available.
- 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 113 types of uses authorized by right in the B-5 District and there are 10 types of uses authorized by right in the R-1 District:
 - (a) The following 103 uses are authorized by right in the B-5 District and are not authorized at all in the R-1 District:
 - MULTI-FAMILY DWELLING;
 - Minor RURAL SPECIALTY BUSINESS;
 - Commercial Greenhouse;
 - Greenhouse (not exceeding 1,000 sq. ft.);
 - Garden Shop;
 - Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - PARKING GARAGE or LOT;
 - Radio or Television Station;
 - Telegraph Office;
 - Railway Station;
 - MOTOR BUS Station;

PRELIMINARY DRAFT

- Truck Terminal;
- Barber Shop;
- Beauty Shop;
- Reducing Salon;
- Dressmaking Shop;
- Dry-cleaning ESTABLISHMENT;
- Laundry and/or dry-cleaning pick-up;
- Millinery Shop;
- Self-service Laundry;
- Shoe Repair Shop;
- Tailor and Pressing Shop;
- Diaper Service ESTABLISHMENT;
- Clothing Repair and Storage;
- Mortuary or Funeral Home;
- Medical and Dental CLINIC;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Roadside Produce Sales Stand;
- Farm Equipment Sales and Service;
- Feed and Grain (sales only);
- Banks, Savings and Loan Associations;
- Insurance and Real Estate Offices;
- Business Office;
- Professional Office;
- Vocational, Trade or Business SCHOOL;
- Meat and Fish Market;
- Restaurant (indoor service only);
- Supermarket or Grocery Store;
- Drive-In Restaurant;
- Tavern or Nightclub;
- Bakery (less than 2,500 sq. ft.);
- Dairy Store;
- Delicatessen;
- Confectionary Store;
- Retail Liquor Store;
- Locker, Cold Storage for Individual Use;
- AUTOMOBILE, Truck, Trailer and Boat Salesroom (all indoors);
- AUTOMOBILE or Trailer Sales area (open lot);
- Major AUTOMOBILE Repair (all indoors);
- Minor AUTOMOBILE Repair (all indoors);
- Gasoline Service Station;

- AUTOMOBILE Washing Facility;
- Automotive Accessories (new);
- Building Materials Sales (excluding concrete or asphalt mixing);
- Hardware Store;
- Electrical or Gas Appliance Sales and Service;
- Department Store;
- Apparel Shop;
- Shoe Store;
- Jewelry Store;
- Stationary – Gift Shop – Art Supplies;
- Florist;
- Newsstand – Bookstore;
- Tobacconist;
- Variety – Drygoods Store;
- Music Store;
- Drugstore;
- Photographic Studio and Equipment Sales and Service;
- Furniture Store – Office Equipment Sales;
- Antique Sales and Service;
- Used Furniture Sales and Service;
- Pet Store;
- Bicycle Sales and Service;
- Fuel Oil, Ice, Coal, Wood (sales only);
- Monument Sales (excludes stone cutting);
- Pawn Shop;
- Sporting Goods Sales and Service;
- Heating, Ventilating, Air Conditioning Sales and Service;
- Lawnmower Sales and Service;
- Bait Sales;
- Billiard Room;
- Bowling Alley;
- Dancing Academy or Hall;
- Lodge or Private Club;
- Outdoor Commercial Recreational Enterprise (except amusement park);
- Indoor THEATER;
- Commercial Fishing Lake;
- Wholesale Business;
- Warehouse;
- Auction House (non-animal);
- Christmas Tree Sales Lot;
- OFF-PREMISES SIGN;

PRELIMINARY DRAFT

- Contractors Facilities (with no Outdoor STORAGE nor Outdoor OPERATIONS);
 - AGRICULTURE DRAINAGE CONTRACTOR FACILITY (WITH NO Outdoor STORAGE and/or OPERATIONS);
 - SMALL SCALE METAL FABRICATING SHOP;
 - Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing;
 - Bookbinding;
 - Motion Picture Production Studio;
 - Non-Profit or Governmental Educational and Research Agencies; and
 - SIGNS and Advertising Display Manufacturing
- (b) The following 7 uses are authorized by right in both the B-5 District and R-1 District:
- SINGLE-FAMILY DWELLING (only permitted in B-5 if existed prior to 10/1/1973);
 - SUBDIVISION(s) totaling three LOTS or less;
 - SUBDIVISION(s) totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - AGRICULTURE;
 - Church, Temple or church related TEMPORARY USES on church PROPERTY;
 - Public Park or Recreational Facility;
 - TEMPORARY USES
- (c) The following 3 uses are authorized by right in the R-1 District and not at all in the B-5 District:
- Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - Country Club or Golf Course;
 - Country Club Clubhouse;
- (d) The following 6 uses are authorized by right in the B-5 District but require a Special Use Permit in the R-1 District:
- Municipal or GOVERNMENT BUILDING;
 - Township Highway Maintenance Garage;
 - Police Station or Fire Station;
 - Library, Museum or Gallery;
 - Telephone Exchange;
 - Private Kindergarten or Day Care Facility;
- (2) There are 13 types of uses authorized by Special Use Permit (SUP) in the B-5 District and 12 types of uses authorized by SUP in the R-1 District:

- (a) The following 2 uses may be authorized by SUP in the both the B-5 District and R-1 District:
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right; and
 - Electrical Substation

- (b) The following 11 uses may be authorized by Special Use Permit in the B-5 District and not at all in the R-1 District:
 - HOTEL - with no more than 15 lodging units;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in HEIGHT;
 - HOSPITAL;
 - Artists Studio;
 - Amusement Park;
 - Stadium or Coliseum;
 - VETERINARY HOSPITAL;
 - Self-storage Warehouses, providing heat and utilities to individual units;
 - Self-storage Warehouses, not providing heat and utilities to individual units;
 - Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS); and
 - AGRICULTURE DRAINAGE CONTRACTOR FACILITY (WITH Outdoor STORAGE and/or OPERATIONS);

- (c) The following 4 uses may be authorized by SUP in the R-1 District and not at all in the B-5 District:
 - TWO-FAMILY DWELLING;
 - Residential PLANNED UNIT DEVELOPMENT;
 - Artificial Lake of 1 or more acres; and
 - Riding Stable

D. Regarding the logic of the proposed rezoning:

- (1) The R-1 District is a less intensive District than the B-5 District and the types of uses authorized in the R-1 District are less problematic for this location without either public water or public sewer, than are the uses authorized in the B-5 District.

- (2) The proposed lot area of 1.2 acres exceeds the minimum area required in Section 4.3.4 for lots without either public water or public sewer.

- (3) The proposed rezoning is consistent with the adjacent R-1 zoning.

PRELIMINARY DRAFT

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

REGARDING LRMP GOALS & POLICIES

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

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

Goal 1 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)

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

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

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

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

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

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

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

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

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

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

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

- (1) 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 for the following reasons:

- (a) The subject property is already in residential use. The current commercial zoning of the property allows many more and intensive uses than the proposed zoning district.
- (b) Approximately .40 acre of farmland that is currently in production is being proposed to be rezoned. The remaining .80 acre of the proposed area to be rezoned was previously converted from agricultural production to residential use. The remaining 2.8 acres of the subject property will remain in agricultural production.
- (2) Policy 4.1.6 states, “**Provided that the use, design, site and location are consistent with County policies regarding:**
- i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**

PRELIMINARY DRAFT

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

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

- (a) The subject property consists entirely of Drummer Silty Clay Loam (152A) with an LE of 100 and is considered best prime farmland.
- (b) Approximately .40 acre of farmland that is currently in production is being proposed to be rezoned. The remaining .80 acre of the proposed area to be rezoned was previously converted from agricultural production to residential use. The remaining 2.8 acres of the subject property will remain in agricultural production.
- (c) Achievement of Policy 4.1.6 requires achievement of related Objectives 4.2 and 4.3.
- (3) The proposed amendment **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.

- B. Objective 4.2 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 4.2.2 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 existing building on the subject property has existed since the adoption of zoning. At one time the building was a grocery store and was then converted to a residential use.
 - (b) The R-1 District is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
 - (c) The proposed rezoning will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure and is consistent with the adjacent R-1 zoning.
- (2) The proposed amendment *WILL NOT IMPEDE* the achievement of Policies 4.2.1, 4.2.3, 4.2.4.

- C. Objective 4.3 states, **“Champaign County will require that each discretionary review development is located on a suitable site.”**

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

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

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

- (a) The subject property consists entirely of Drummer Silty Clay Loam (152A) with an LE of 100 and is considered best prime farmland.
- (b) The relatively small size and triangular shape of the property are not conducive to production row-crop agriculture as the principal use and the subject property has been the site of business use, residential, and agriculture since the adoption of zoning.
- (c) The R-1 District is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- (d) The proposed rezoning will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or

PRELIMINARY DRAFT

other agriculture-related infrastructure and is consistent with the adjacent R-1 zoning.

- (e) The subject property is not served by sanitary sewer, but there is an existing septic system that serves the existing home. If the existing home is demolished it is likely that a new septic system will need to be installed and the proposed lot area of 1.2 acres exceeds the minimum area required in Section 4.3.4 for lots without either public water or public sewer.
- (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 7 miles from the Gifford Fire Protection District Station. The fire protection district was notified of the case and no comments have been received.
- (b) The proposed rezoning will not create an additional demand for public services compared to the existing use.
- (3) Policy 4.3.4 states, **“The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

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

- (a) The subject property has access to CR 2100E. CR 2100E is an oil and chip road that is approximately 20 feet in width that has adequate capacity for the proposed use. Access to County Highway 11 (CR 2500N) is adjacent to the subject property.
- (b) All relevant highway authorities were notified of this case and no comments have been received.
- (c) The proposed rezoning will not create any additional need for infrastructure compared to the existing use.
- (4) The proposed amendment **WILL NOT IMPEDE** the achievement of Policies, 4.3.1 and 4.3.5.

- D. The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.4, 4.6, 4.7, 4.8 and 4.9 and Policies 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objective 4.5 is **NOT RELEVANT** to the proposed amendment.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will *HELP ACHIEVE* Goal 5 for the following reasons:

A. Objective 5.1 states, **“Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.”**

The proposed rezoning will *HELP ACHIEVE* Objective 5.1 because of the following:

(1) Policy 5.1.2 states,

“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.”

The proposed rezoning will *HELP ACHIEVE* Policy 5.1.2 for the following reasons:

(a) The subject property is located at Flatville, an unincorporated settlement.

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

The proposed rezoning will *HELP ACHIEVE* Policy 5.1.5 for the following reasons:

(a) The subject property has been in residential use for several years and there is no evidence to suggest that agricultural activities will not continue to take place on adjacent land.

(3) Policy 5.1.6 states, **“to reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will encourage and, when deemed necessary, will require discretionary development to create a sufficient buffer between existing agricultural operations and the proposed urban development.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.1.6 for the following reasons:

(a) The subject property has been in residential use for several years and there is no evidence to suggest that a buffer between adjacent agricultural use is necessary,

PRELIMINARY DRAFT

but there are trees on the subject property that act as a natural buffer between the two different uses and CR 2100E and CR 2500NU act as buffers on the east and south sides of the property.

- (4) The proposed amendment **WILL NOT IMPEDE** the achievement of Policy 5.1.1 and Policies 5.1.3, 5.1.4, 5.1.7, 5.1.8, and 5.1.9 are **NOT RELEVANT** to the proposed rezoning.

B. Objective 5.2 states, **“When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”**

The proposed rezoning will **HELP ACHIEVE** Objective 5.2 because of the following:

- (1) Policy 5.2.1 states, **“The County will encourage the reuse and redevelopment of older and vacant properties within urban land when feasible.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.2.1 for the following reasons:

- (a) The proposed rezoning will allow the petitioner to sell the property to a buyer who intends to demolish the existing home on the property and build a new home. The current zoning of the subject property prohibits residential development.
- (b) The subject property has been zoned B-5 since the adoption of zoning and was formerly the site of a grocery store, but the store has been closed for many years and has been in residential use since then.

- (2) Policy 5.2.2 states, **“The County will:**
- a. ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 5.2.2 for the following reasons:

- (a) The subject property consists entirely of Drummer Silty Clay Loam (152A) with an LE of 100 and is considered best prime farmland.
- (b) Approximately .40 acre of farmland that is currently in production is being proposed to be rezoned. The remaining .80 acre of the proposed area to be rezoned has previously been converted from agricultural production to residential use.
- (3) The proposed amendment **WILL NOT IMPEDE** the achievement of Policy 5.2.3.

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

The proposed rezoning will *HELP ACHIEVE* Objective 5.3 because of the following:

- (1) Policy 5.3.1 states, “The County will:
- a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.1 for the following reasons:

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 7 miles from the Gifford Fire Protection District Station. The fire protection district was notified of the case and no comments have been received.
- (2) Policy 5.3.2 states, “The County will:
- a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 5.3.2 because of the following:

- (a) The subject property has access to CR 2100E. CR 2100E is an oil and chip road that is approximately 20 feet in width that has adequate capacity for the proposed use. Access to County Highway 11 (CR 2500N) is adjacent to the subject property.
 - (b) All relevant highway authorities were notified of this case and no comments have been received.
 - (c) The subject property is not serviced by sanitary sewer or a public water supply.
- (3) The proposed amendment *WILL NOT IMPEDE* the achievement of Policy 5.3.3.

PRELIMINARY DRAFT

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

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

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

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

The proposed rezoning will *HELP ACHIEVE* Objective 6.1 because of the following:

- (1) Policy 6.1.1 states, “**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.**”

The proposed rezoning will *HELP ACHIEVE* Policy 6.1.1 for the following reasons:

- (a) The area proposed to be rezoned meets all minimum lot location requirements for residential development and provides adequate area for a new wastewater system.
- (2) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning will *HELP ACHIEVE* Policy 6.1.2 for the following reasons:

- (a) All new wastewater systems must receive a permit from the Champaign County Health Department to ensure that the proposed system will be adequate to treat the wastewater.
- (3) The proposed amendment *WILL NOT IMPEDE* the achievement of Policies 6.1.3 and 6.1.4.

- B. The proposed amendment *WILL NOT IMPEDE* the achievement of Objectives 6.3 and 6.4. Objective 6.2 and Policies 6.2.1, 6.2.2, and 6.2.3 are *NOT RELEVANT* to the proposed amendment.

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

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

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

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

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

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

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

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

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

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

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

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

GENERALLY REGARDING THE LaSalle Factors

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

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

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

PRELIMINARY DRAFT

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	B-5 Central Business
	----- Agriculture	R-1 Single Family
North	Agriculture	R-1 Single Family
East	Agriculture	R-1 Single Family
West	Residential	B-5 Central Business
	----- Agriculture	
South	School (Prairieview – Ogden)	R-1 Single Family

- 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 the subject property, the requested map amendment may have some positive effect or else the landowner would not have submitted the petition for the rezoning.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
 - (2) The proposed rezoning should not have a negative effect on the public health, safety, and welfare and therefore, denying the request to rezone the property will not promote public health, safety, or welfare.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
- (1) There is no particular gain to the public as a result of the proposed rezoning, but it would allow the petitioner to sell the property and would allow the buyer to construct a new home on the subject property.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The subject property is suitable for the current and proposed zoned purposes.

- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The B-5 District was planned in 1973, and is intended to provide for needs of a larger consumer population than served by the Neighborhood Business DISTRICT and is located generally in the business DISTRICTS of the unzoned municipalities in the COUNTY.
 - (2) The R-1 District was planned in 1973, and is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
 - (3) Approximately 80% of the subject property is currently in agricultural production even though the property is less than 5 acres in area and is triangular shaped and not conducive to production row-crop agriculture.
 - (4) Approximately 2.8 acres (approximately 70%) of the subject property is not proposed to be rezoned and will remain in agricultural production.
- G. **Sinclair factor: The need and demand for the use.**
There is apparently demand for this residential property and this proposed rezoning will rezone only 10% of the subject property (.40 acre) that is currently in agricultural production.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
Based on the review of LRMP Goals, and Objectives in Items 10 through 19 of this Finding of Fact, the proposed rezoning is in general conformance with the Land Resource Management Plan Goals, Objectives, and Policies.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.
 - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

PRELIMINARY DRAFT

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

- (a) The proposed amendment is directly related to this purpose because rezoning the portion of the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- 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 directly related to this purpose because rezoning the portion of the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- 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.

- (a) The proposed amendment is directly related to this purpose because rezoning the portion of the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

- 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.

- (a) The proposed amendment is directly related to this purpose because rezoning the portion of the property will bring the existing residential use into compliance and will allow a new dwelling to be built on the property.

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

The proposed amendment is not directly related to this purpose.

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

- (a) The subject property is triangular in shape and not conducive to row crop production.

PRELIMINARY DRAFT

(b) Approximately 2.8 acres of farmland will remain in production.

- 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

22. Regarding proposed special conditions of approval:

No Special Conditions of Approval are proposed at this time.

SUMMARY FINDING OF FACT

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

1. Regarding the effect of the proposed amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 4:**
 - Objective 4.3 requiring any discretionary development to be on a suitable site because it will *HELP ACHIEVE* the following:
 - Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(3)).
 - Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.C.(2)).
 - Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
 - Objective 4.2 requiring discretionary development to not interfere with agriculture because it will *HELP ACHIEVE* the following:
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(1)).
 - Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will *HELP ACHIEVE* the following:
 - Policy 4.1.6 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 13.A.(2)).
 - 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 13.A.(1)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 4 Agriculture.
 - B. **Regarding Goal 5:**
 - Objective 5.3 requiring County opposition to new urban development unless adequate infrastructure and public services are provided because it will *HELP ACHIEVE* the following:
 - Policy 5.3.2 require that new urban development be adequately served by public infrastructure without undue public expense (Item 14.C.(2)).
 - Policy 5.3.1 require that new urban development be adequately served by public services without undue public expense (Item 14.C.(1)).
 - Objective 5.2 encourage any urban development to demonstrate good stewardship of natural resources because it will *HELP ACHIEVE* the following:

PRELIMINARY DRAFT

- Policy 5.2.2 ensure that urban development on best prime farmland is efficiently designed to avoid unnecessary conversion and encourage other jurisdictions to do the same (Item 14.B.(2)).
- Policy 5.2.1 encourage the reuse and redevelopment of older and vacant properties within urban land (Item 14.B.(1)).
- 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 5.1.6 reduce the occurrence of agricultural land use and non-agricultural land use conflicts (Item 14.A.(3)).
 - Policy 5.1.5 encourage urban development to recognize and provide for the right of agricultural activities on adjacent land (Item 14.A.(2)).
 - Policy 5.1.2 encourage compact and contiguous development within or adjacent to unincorporated settlements or villages without a comprehensive plan (Item 14.A.(1)).
- Based on achievement or non-achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 5 Urban Land Use.

C. Regarding Goal 6:

- Objective 6.1 ensuring that development does not endanger public health or safety because it will *HELP ACHIEVE* the following:
 - Policy 6.1.2 ensure that wastewater disposal and treatment will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).
 - Policy 6.1.1 establishing minimum lot dimensions for rural residential development to provide adequate area for wastewater systems (see Item 15.A.(1)).
- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will *HELP ACHIEVE* Goal 6 Public Health and Public Safety.

E. 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 7 Transportation
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

G. Overall, the proposed map amendment will *HELP ACHIEVE* the Land Resource Management Plan.

2. The proposed Zoning Ordinance map amendment *IS* consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - The amendment will allow the subject property to be redeveloped
 - The subject property is suitable for the existing and proposed use.
 - The proposed amendment minimizes the amount of agricultural land from being rezoned.
3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE the purpose of the Zoning Ordinance*** because:
 - Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 21.I.).
 - Establishing the B-1 District at this location will help 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 (Purpose 2.0 (j) see Item 21.J.).
 - Establishing the B-1 District at this location will help fix regulations and standards to which buildings, structures, or uses therein shall conform (Purpose 2.0 (i) see Item 21.K.).
 - Establishing the B-1 District at this location will help prohibit uses, buildings, or structures incompatible with the character of such districts (Purpose 2.0 (i) see Item 21.L.).
 - Establishing the B-1 District at this location will help protect the most productive farmland from unplanned intrusions of urban uses (Purpose 2.0 (i) see Item 21.N.).
4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:
 - The subject property has been zoned as it is since 1973 and the commercial zoning of the property is no longer necessary.

DOCUMENTS OF RECORD

1. Application for Map Amendment received August 26, 2013
2. Legal Description received October 10, 2013
3. Preliminary Memorandum dated October 11, 2013, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Visit Photos
 - C LRMP Goal, Objectives, Policies, and Appendix of Defined Terms
 - D Draft Finding of Fact and Final Determination

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 762-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