

# CASES 936-AM-19, 937-S-19 & 938-V-19

PRELIMINARY MEMORANDUM

MAY 9, 2019

**Petitioners:** Jeff and Jolene Gensler

## Case 938-AM-19

**Request:** Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a two-family dwelling as a proposed Special Use in related Zoning Case 937-S-19, and subject to the requested variance in related zoning case 938-V-19.

## Case 937-S-19

**Request:** Authorize the construction and use of an existing unauthorized two-family dwelling as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 936-AM-19 and subject to the requested variance in related Zoning Case 938-V-19.

## Case 938-v-19

**Request:** Part A. Authorize a variance from Section 5.3 of the Zoning Ordinance for an existing principal structure with a side yard of 2.5 feet and a rear yard of 2.5 feet in lieu of the minimum required 15 feet side yard and 25 feet rear yard that is also the subject of related cases 936-AM-19 and 937-S-19.

Part B. Authorize a variance from Section 4.3.4 B. for a lot size of 25,950 feet in lieu of the minimum lot area of 30,000 square feet for a lot with two dwelling units that is also the subject of related cases 936-AM-19 and 937-S-19.

**Location:** A 0.69 acre tract in the Northwest Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and commonly known as the farmstead with an address of 2740 CR 1400E, Rantoul.

**Site Area:** 0.69 acre (29,669 square feet) including road right-of-way; 0.6 acre (25,950 square feet) excluding right-of-way

**Time Schedule for Development:** Already in use

**Prepared by:** **Susan Burgstrom**, Senior Planner  
**John Hall**, Zoning Administrator

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## BACKGROUND

In 2010, the petitioners constructed an unauthorized addition to a detached garage that was approved in 1978. Case 316-V-78 approved on August 24, 1978, allowed a variance for 2.5 foot side and rear yards for that garage. The 2010 addition linked the main residence to the expanded garage, making the garage part of the principal structure rather than an accessory structure. The petitioners also constructed a mother-in-law suite in the garage, effectively creating a second dwelling on the property. They built the mother-in-law suite for Mrs. Gensler's mother, who is disabled and needs assistance. The main residence has stairs leading to the bedrooms that her mother cannot manage. The petitioners sought an affordable alternative to an assisted living facility.

Current zoning does not allow a two-family dwelling in the AG-1 Agriculture Zoning District. A two-family dwelling is allowed via Special Use Permit in the AG-2 District. The petitioners seek to rezone to AG-2 and have requested a Special Use Permit in order to keep the two dwellings.

When the accessory garage became part of the principal structure, a new variance was needed for the 2.5 feet side and rear yards (Variance Part A).

When the petitioners added the second dwelling, they unknowingly increased the minimum required lot size, and the 0.69 acres is less than the minimum required (Variance Part B).

The 0.69-acre lot was created in 1974 and recorded in 1980. A minimum 1-acre lot size (excluding road right-of-way) has been required in the AG-1 Zoning District since the adoption of the Zoning Ordinance on October 10, 1973, making the lot illegal for zoning purposes. If approved, the proposed rezoning to AG-2 in case 936-AM-19 will reduce the minimum lot size to 20,000 square feet and the minimum lot width to 100 feet, which would remedy the illegal status without requiring an additional variance for minimum lot size and minimum lot width. However, variance Part B in related case 938-V-19 would still be needed for the increased lot size due to the second dwelling. See Item 2 in the Finding of Fact for Case 936-AM-19 for more information.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture	AG-1 Agriculture
West	Agriculture with farmstead	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village. The Rantoul Comprehensive Plan Map adopted on February 14, 2006 and amended on March 11, 2008 shows the subject property in the “Industrial or Commercial” future land use.

The subject property is located within Rantoul Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township Plan Commission has been notified of this case.

## BEST PRIME FARMLAND AND LESA RATING

Land Evaluation and Site Assessment (LESA) analysis was completed for the subject property. Regarding the LE score, soils are considered Best Prime Farmland, with an average LE score of 91. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 145 out of 200 points, for an overall LESA score of 236. This falls under the second highest protection rating in LESA, which is “high rating for protection.”

The garage addition did not take any land out of production. However, grass on the east side of the garage has increased from 16 feet to 20 feet of grass as shown in the 2008 and 2017 aerial photography. The petitioners’ two propane tanks sit on the grass on the east side, which is not on their land. The grass on the north side has increased from 12 feet to 20 feet as well. This would suggest that the residential use is removing land from

agricultural production, and it is not clear if this is the desire of the adjacent landowner who owns all but 2.5 feet of that grass area. In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.

**SEPTIC SYSTEM INFORMATION**

The subject property residence has a septic system, but no permit is on file with Champaign-Urbana Public Health District, so its age, capacity, and exact location are unknown. Susan Burgstrom asked Michael Flanagan with the Champaign-Urbana Public Health District if the new bedroom and bathroom would require a septic system. In an email received April 29, 2019, Mr. Flanagan stated, “All waste from kitchens and bathrooms are required to be disposed of in either a municipal or private sewage system. If they would have tied their new plumbing into the existing system, according to our rules they are not out of compliance, however, I do counsel people who bring that idea to me to consider updating the old, or installing a new system that meets current code and size requirements for the additional bedroom. If it is an addition of a second kitchen and bathroom but no additional bedroom, than the sizing requirements would not have changes. Illinois sizes septic system based on number of bedrooms. No consideration is given for number of plumbing fixtures in a residence.” The petitioner told Ms. Burgstrom that they will have a septic company come out to look at the system to see if they find any issues and to try to determine its capacity.

The decision points listed for Goal 6 below are based upon the septic system information currently available.

**DECISION POINTS**

P&Z Staff have made recommendations on many items in the Finding of Fact for the map amendment, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. There are other decision points, denoted by text in **{BOLD PARENTHESSES}**, which need to be considered and decided upon by the Board.

The following decision points can be found in the Finding of Fact for Case 924-AM-19. Please discuss them in the following order because some decision points are based on others:

<u>Decision points for Goal 6: Public Health and Safety</u>		<u><b>HELP ACHIEVE?</b></u>
• Objective 6.1		
○ Policy 6.1.2	Item 15.A.(1), page 15 of 27	WILL / WILL NOT
○ Objective 6.1 (overall)	Item 15.A., page 15 of 27	WILL / WILL NOT
• <b>Goal 6 (overall)</b>	<b>Item 15, page 15 of 27</b>	WILL / WILL NOT

**PROPOSED SPECIAL CONDITIONS**

The following are proposed special conditions for Case 936-AM-19:

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

The special condition stated above is required to ensure the following:  
**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

- B. **The Map Amendment is contingent upon approval of Cases 937-S-19 and 938-V-19.**

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

**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**

The following are proposed special conditions for Case 937-S-19:

- A. **The petitioner shall apply for a Zoning Use Permit within 30 days of approval of rezoning Case 936-AM-19, to include any unauthorized existing structures, and pay associated permit fees for the existing structures.**

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

**That all structures on the subject property have the required Zoning Use Permits.**

- B. **The Special Use Permit is contingent upon approval of Case 936-AM-19.**

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

**That the Special Use is consistent with Part 13.2.1 the Zoning Ordinance and ZBA recommendations.**

The following is a proposed special condition for Case 937-S-19:

- A. **The Variance is contingent upon approval of Case 936-AM-19.**

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

**That the variance is consistent with Part 13.2.1 of the Zoning Ordinance.**

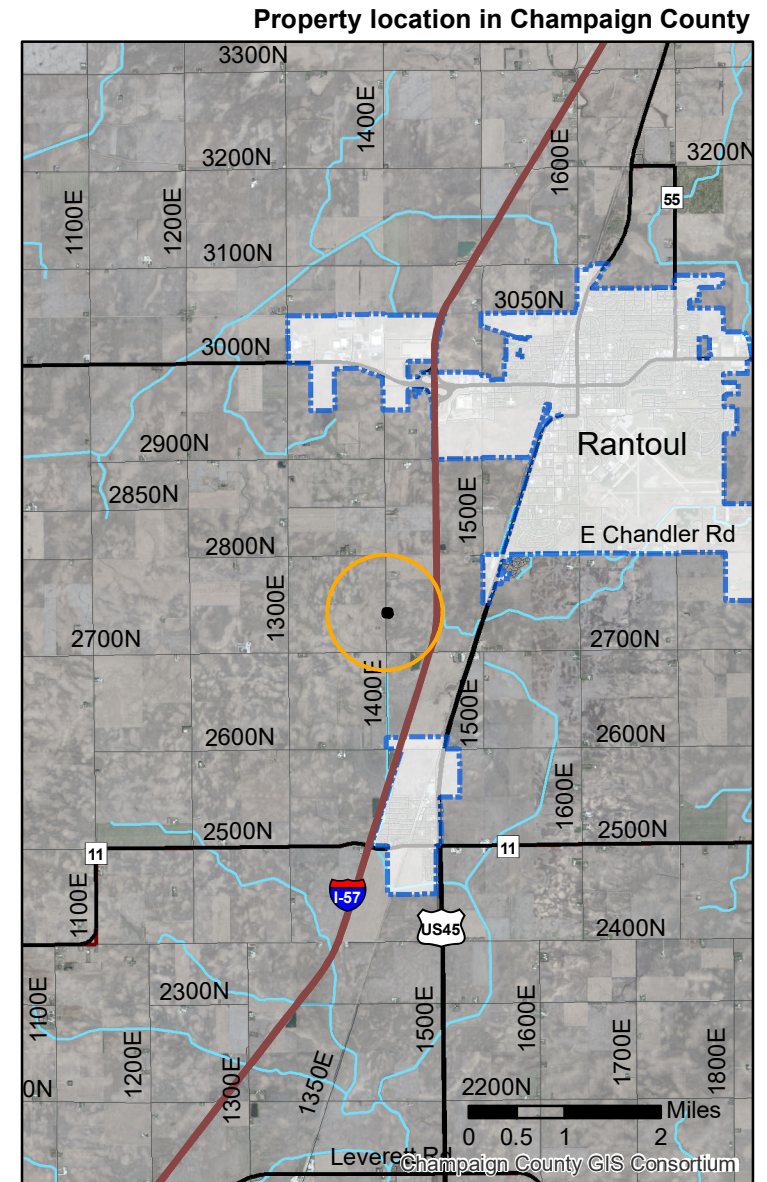
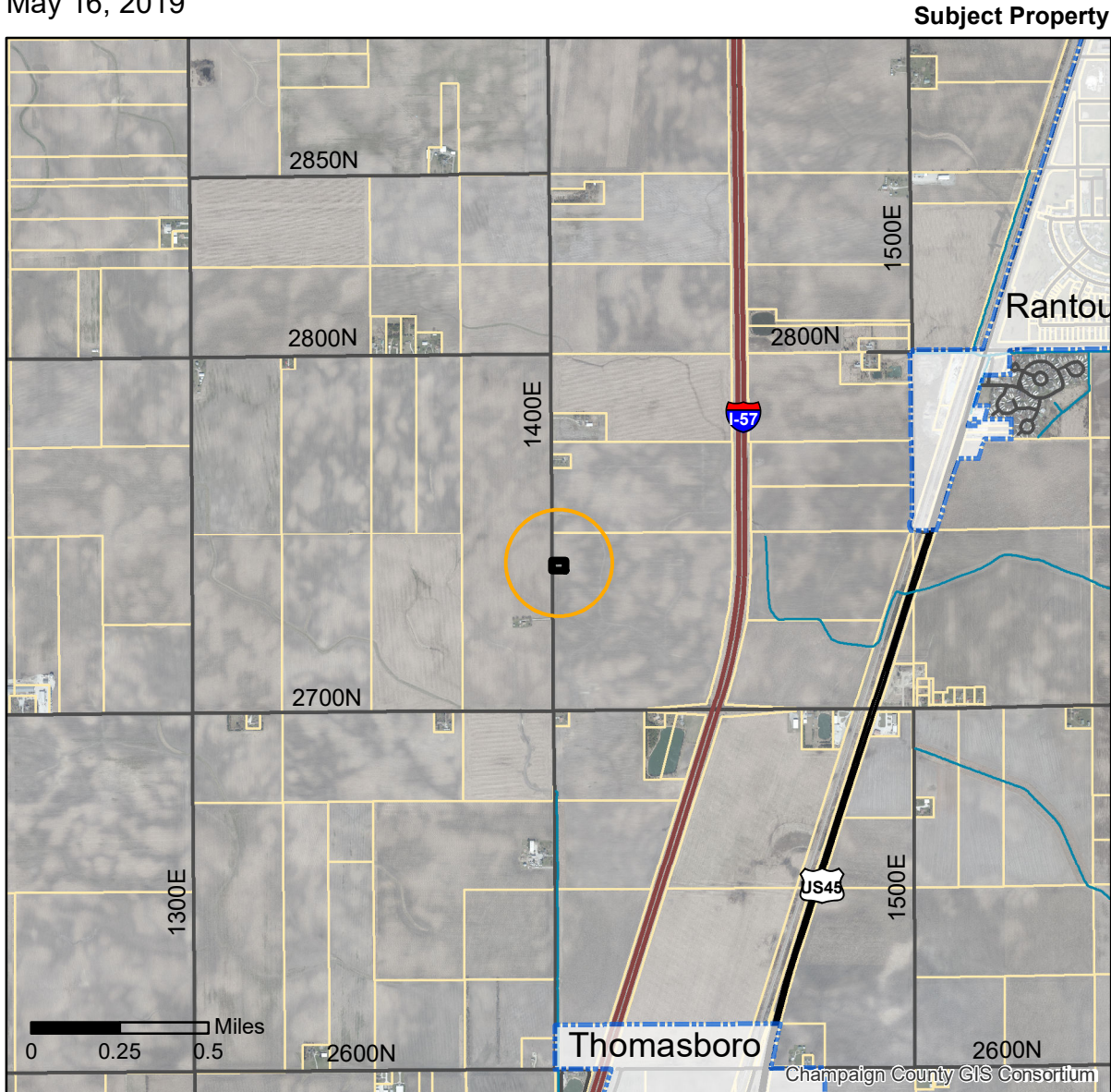
#### ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 1, 2019
- C Approved Site Plan from Case 315-V-78
- D Aerial photography from 2017 and 2008
- E LRMP Land Use Goals, Objectives, and Policies
- F LRMP Appendix of Defined Terms
- G Right to Farm Resolution 3425
- H Inquiry Letter from P&Z Department dated February 22, 2019
- I Email from Michael Flanagan, C-U Public Health District, received April 29, 2019
- J Emails from Jolene Gensler received April 30, 2019 and May 8, 2019
- K Letter from Erin Bush, Champaign County Soil and Water Conservation District  
(to be distributed as handout)
- L Land Evaluation and Site Assessment Score Worksheet dated April 25, 2019
- M Site Visit Photos taken April 29, 2019
- N Finding of Fact, Summary Finding of Fact, and Final Determination for Case 936-AM-19 dated May 16, 2019
- O Summary of Evidence, Finding of Fact, and Final Determination for Cases 937-S-19 and 938-V-19 dated May 16, 2019








# Location Map

Cases 936-AM-19, 937-S-19, and 938-V-19  
May 16, 2019



## Legend

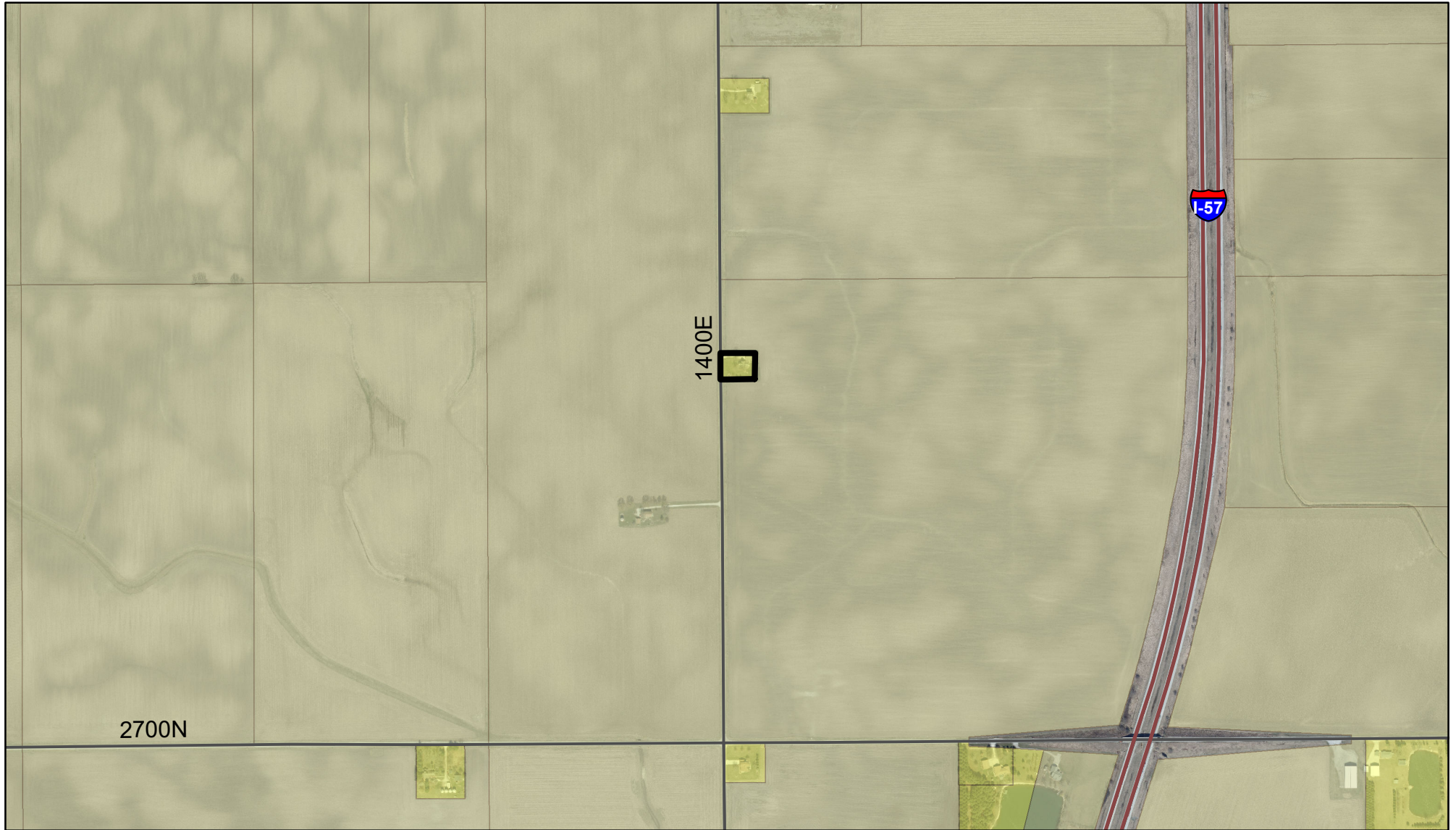
-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streams
-  Streets





# Land Use Map

Cases 936-AM-19, 937-S-19, and 938-V-19  
May 16, 2019



## Legend

-  Subject Property
-  Residential
-  Streets
-  Agriculture

0 205 410 820 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

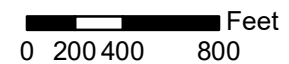
Cases 936-AM-19, 937-S-19, and 938-V-19  
May 16, 2019

Cases 936-AM-19/937-S-19/938-V-19, ZBA 05/16/19  
Attachment A Page 3 of 3



## Legend

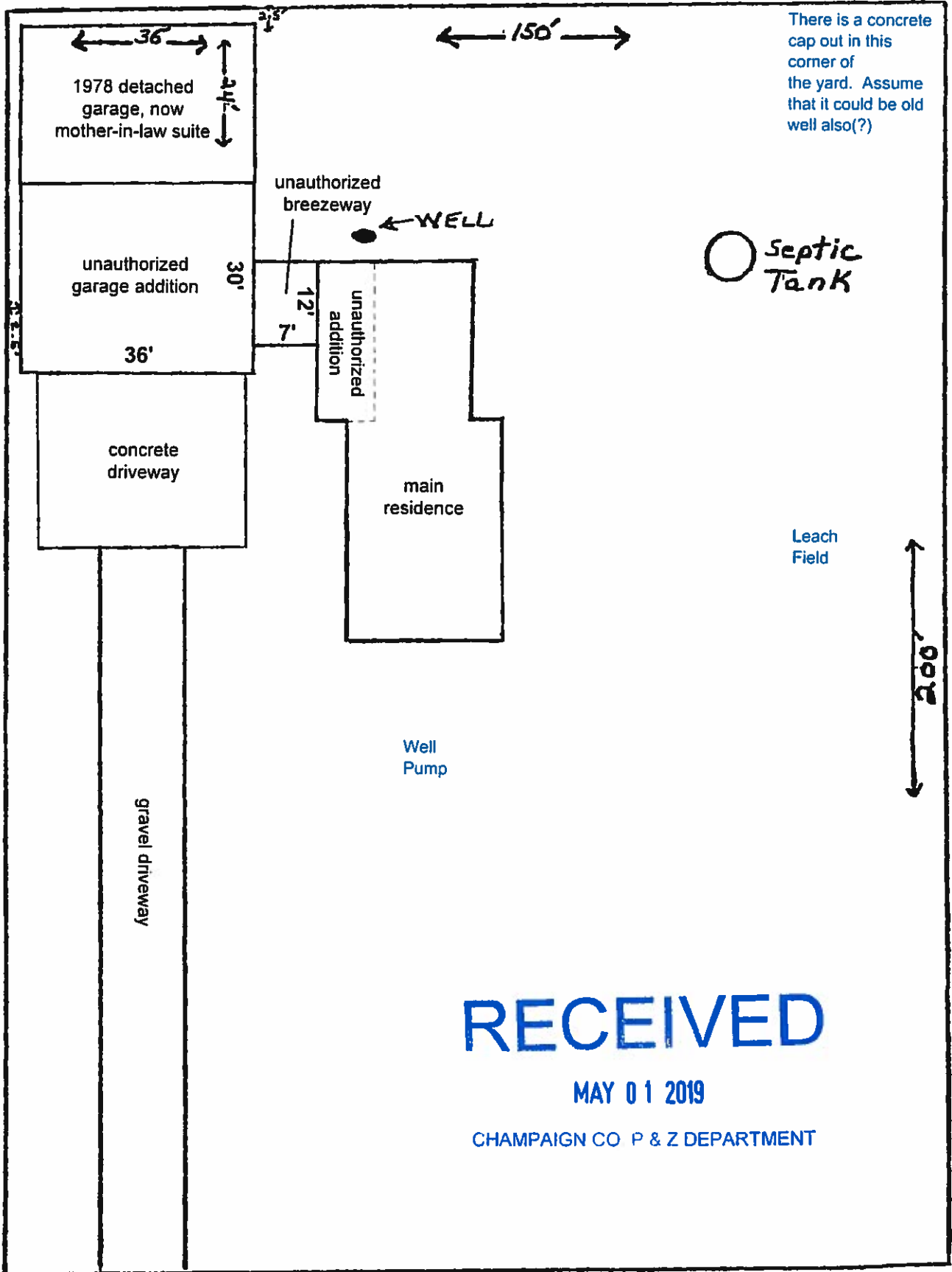
 Subject Property

 Feet  
0 200 400 800



Champaign County  
Department of  
PLANNING &  
ZONING

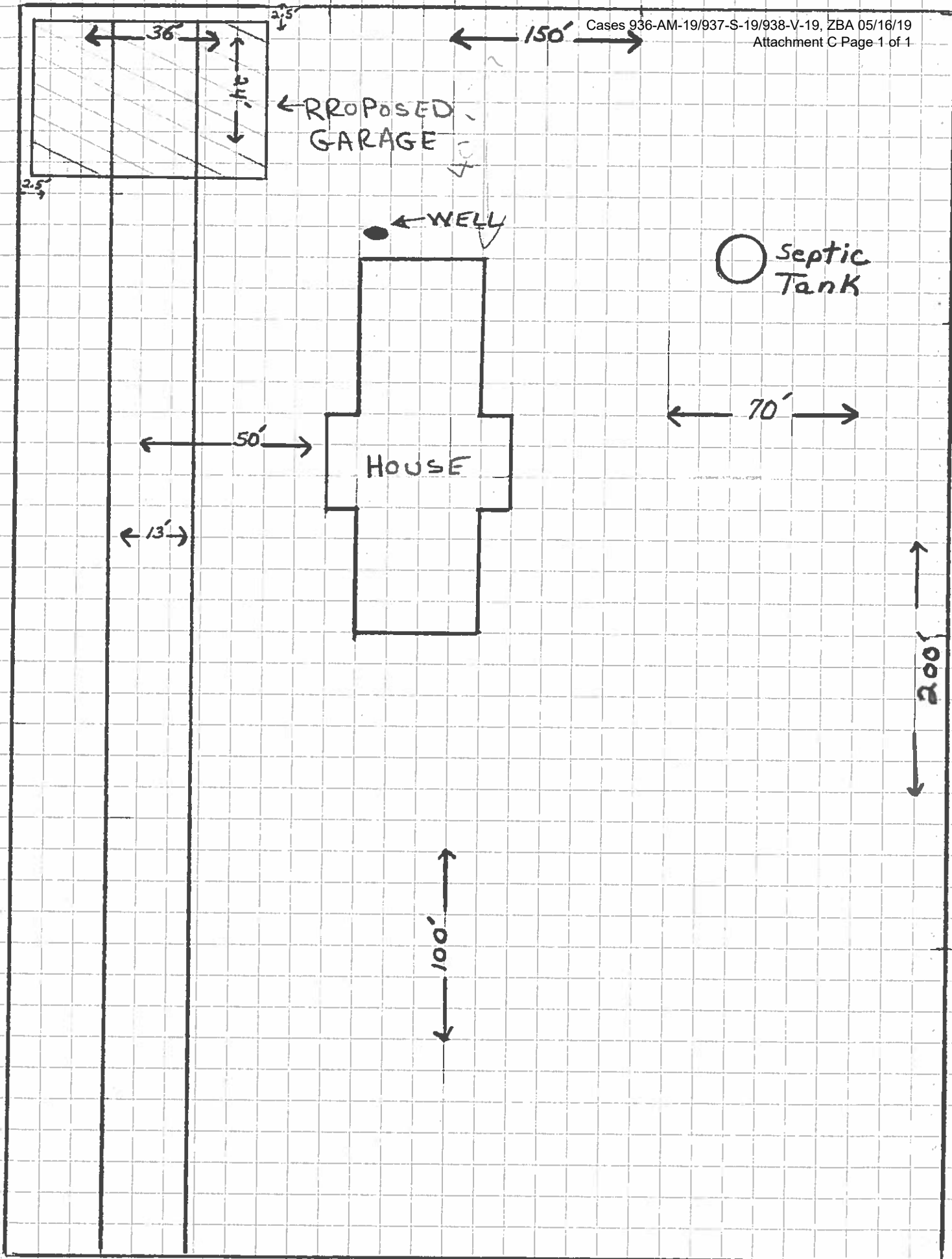
2 Propane tanks sitting on East Side of House



RECEIVED

MAY 01 2019

CHAMPAIGN CO P & Z DEPARTMENT

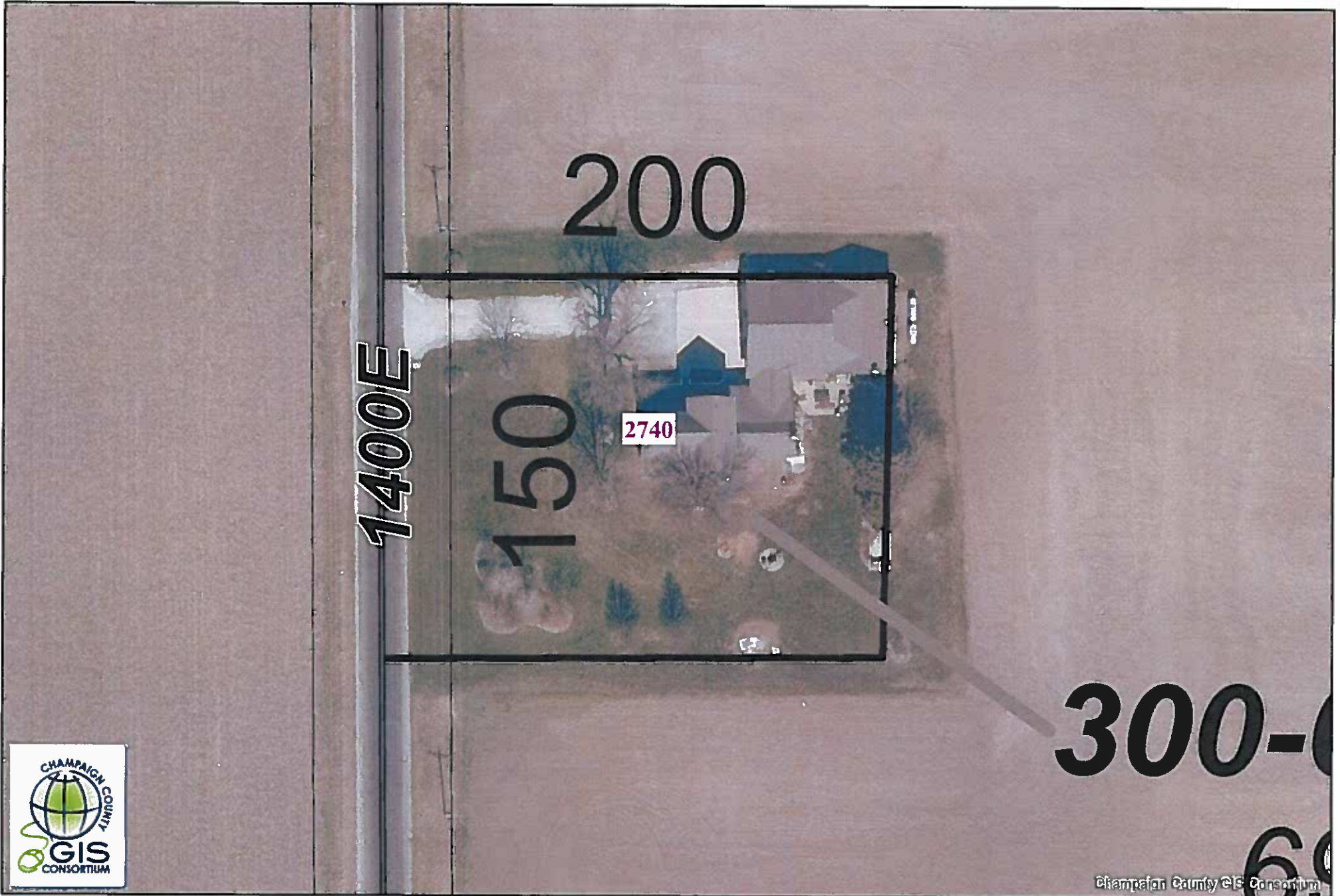


← N

Rising Road

1 □ = 5'





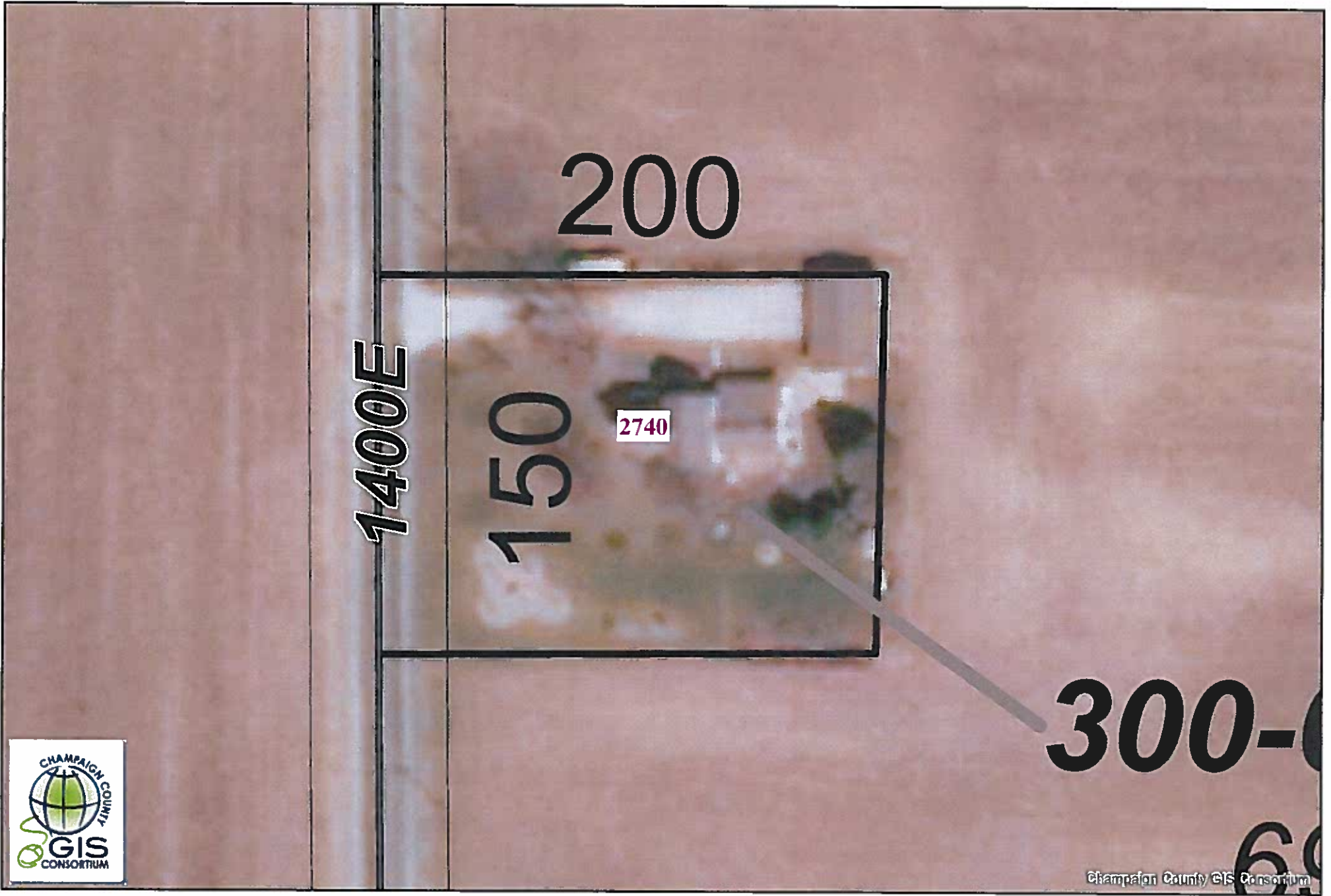
Champaign County GIS Consortium

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Feet

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Feet

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Champaign County GIS Consortium







## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### LRMP Goals

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

### 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.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

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

### Goal 1 Objectives and Policies

#### **Objective 1.1** Guidance on Land Resource Management Decisions

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

#### **Objective 1.2** Updating Officials

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

##### **Policy 1.2.1**

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

#### **Objective 1.3** Incremental Updates

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

##### **Policy 1.3.1**

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

#### **Objective 1.4** Comprehensive Updates

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

##### **Policy 1.4.1**

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

##### **Policy 1.4.2**

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

### Goal 2 Governmental Coordination

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

#### **Goal 2 Objectives**

##### **Objective 2.1** Local and Regional Coordination

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

##### **Objective 2.2** Information Sharing

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



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### 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.

##### **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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### 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.

##### **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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### 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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **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.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 5 Objectives and Policies

#### **Objective 5.1** Population Growth and Economic Development

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

##### **Policy 5.1.1**

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

##### **Policy 5.1.2**

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

##### **Policy 5.1.3**

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

##### **Policy 5.1.4**

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

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

##### **Policy 5.1.5**

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

##### **Policy 5.1.6**

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

##### **Policy 5.1.7**

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

##### **Policy 5.1.8**

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

##### **Policy 5.1.9**

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

*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.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 6 Public Health and Public Safety

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

#### Goal 6 Objectives

##### **Objective 6.1** Protect Public Health and Safety

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

##### **Objective 6.2** Public Assembly Land Uses

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

##### **Objective 6.3** Development Standards

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

##### **Objective 6.4** Countywide Waste Management Plan

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

#### Goal 6 Objectives and Policies

##### **Objective 6.1** Protect Public Health and Safety

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

###### **Policy 6.1.1**

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

###### **Policy 6.1.2**

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

###### **Policy 6.1.3**

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

###### **Policy 6.1.4**

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

##### **Objective 6.2** Public Assembly Land Uses

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

###### **Policy 6.2.1**

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



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Policy 7.2.3

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

### Policy 7.2.4

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

### Policy 7.2.5

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

### Policy 7.2.6

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

## Goal 8 Natural Resources

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

### Goal 8 Objectives

#### Objective 8.1 Groundwater Quality and Availability

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

#### Objective 8.2 Soil

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

#### Objective 8.3 Underground Mineral and Energy Resource Extraction

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

#### Objective 8.4 Surface Water Protection

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

#### Objective 8.5 Aquatic and Riparian Ecosystems

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

#### Objective 8.6 Natural Areas and Habitat

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

#### Objective 8.7 Parks and Preserves

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

#### Objective 8.8 Air Pollutants

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



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **Objective 8.9** Natural Resources Assessment System

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

### **Goal 8 Objectives and Policies**

#### **Objective 8.1** Groundwater Quality and Availability

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

##### **Policy 8.1.1**

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

##### **Policy 8.1.2**

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

##### **Policy 8.1.3**

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

##### **Policy 8.1.4**

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

##### **Policy 8.1.5**

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

##### **Policy 8.1.6**

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

##### **Policy 8.1.7**

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

##### **Policy 8.1.8**

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

##### **Policy 8.1.9**

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

#### **Objective 8.2** Soil

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



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### 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.



## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### **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.





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 9 Energy Conservation

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

#### Goal 9 Objectives

##### **Objective 9.1** Reduce Greenhouse Gases

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

##### **Objective 9.2** Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

##### **Objective 9.3** Land Use and Transportation Policies

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

##### **Objective 9.4** Reuse and Recycling

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

##### **Objective 9.5** Renewable Energy Sources

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

#### Goal 9 Objectives and Policies

##### **Objective 9.1** Reduce Greenhouse Gases

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

###### **Policy 9.1.1**

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

###### **Policy 9.1.2**

The County will promote energy efficient building design standards.

###### **Policy 9.1.3**

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

##### **Objective 9.2** Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

###### **Policy 9.2.1**

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

###### **Policy 9.2.2**

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

##### **Objective 9.3** Land Use and Transportation Policies

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

##### **Objective 9.4** Reuse and Recycling

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

##### **Objective 9.5** Renewable Energy Sources

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





## Champaign County Land Resource Management Plan Goals, Objectives and Policies

### Goal 10 Cultural Amenities

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

#### Goal 10 Objective

##### **Objective 10.1** Cultural Amenities

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

#### Goal 10 Objectives and Policy

##### **Objective 10.1** Cultural Amenities

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

##### **Policy 10.1.1**

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



## APPENDIX: LRMP DEFINED TERMS

*The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy, as amended. Terms already available in the Zoning Ordinance Definitions have been removed.*

### **Contiguous Urban Growth Area (CUGA)**

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 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 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.

### **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.

**RESOLUTION NO. 3425**

**A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY**

**WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and**

**WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and**

**WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:**


- 1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**
- 2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**
- 3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

RESOLUTION NO. 3425

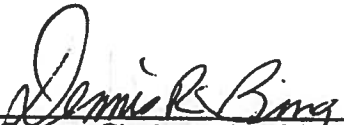
Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24<sup>th</sup> day of  
May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:

  
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

February 22, 2019

**FILE COPY**

Champaign  
County  
Department of

Jeffrey Gensler  
2740 County Road 1400E  
Rantoul, IL 61866

**PLANNING &  
ZONING**

493-2970  
Jolene

RE: Construction of an addition to a single family home at 2740 County Road 1400E,  
Rantoul, Illinois  
PIN: 20-09-16-300-004

in 3/7/19

Joek SUP  
MAP Amend  
Urban & ZUPA

Brookens

Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

Dear Mr. Gensler:

(217) 384-3708

During an inquiry on your property, staff noted that an addition had been constructed to an existing detached garage connecting it to an existing single family home without first submitting a Land Disturbance and Zoning Use Permit Application (LDZUPA), with fees, to our office *and* having that LDZUPA reviewed *and* approved. From our research we have determined that you purchased the property in 2003 and the construction took place between 2008 and 2011. Please see the enclosed 2008 and 2011 aerial photographs.

Section 9.1.2 of the Champaign County Zoning Ordinance requires that a Land Disturbance and Zoning Use Permit be obtained from the Zoning Administrator before starting to construct or erect a new structure or to extend any structure.

The construction appears to be in line with the existing detached garage which is 2.5 feet from the side and rear property lines. A Variance was granted in 1988 for that structure because the minimum side and rear yards for detached structures in the AG-1, Agriculture Zoning District is 10 feet. Extending the side yard for the construction of the addition also required a Variance because the variance was granted for the dimensions of the detached garage, not for the entire length of the property. Since the addition to the detached garage is also connected to the existing house, the minimum side and rear yard must meet the requirements for a principal structure. The district minimums are 15 feet for the side yard and 25 feet for the rear yard. A Variance must be granted for a larger side and rear yard than what was previously granted.

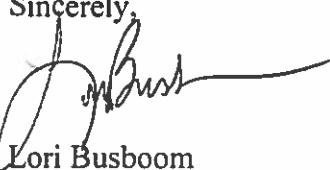
It was also brought to our attention that the addition may have been constructed as a mother-in-law or guest suite with a kitchen, bathroom, living area and bedroom(s). Section 4.2.1C. of the Champaign County Zoning Ordinance states that it shall be unlawful to erect or establish more than one main or principal structure or building per lot or more than one principal use per lot in the AG-1, Agriculture zoning districts. In addition, Section 5.2 of the Champaign County Zoning Ordinance prohibits a duplex in the AG-1, Agriculture Zoning District.

If there is a mother-in-law or guest suite in the addition, it must be decommissioned, i.e., remove either the kitchen or the bathroom facilities. You have the option to request a Map Amendment to change the zoning district to one that would allow a duplex and also request a Special Use Permit in order to keep the suite intact. *Approval of these requests are not guaranteed.* If this is something you would like to pursue, you should make an appointment with our Planner, Susan Burgstrom.

Section 10.2 of the Champaign County Zoning Ordinance states that any violation of the Ordinance could result in a fine of \$500 per day that the violation continues. While this letter is not a formal violation notification, I want you to be aware of the penalties that could result if you fail to submit a completed Land Disturbance and Zoning Use Permit and Variance, along with the appropriate fees, to our office **by no later than March 11, 2019**. Failure to submit the application and fees will result in formal notification that a violation is occurring on your property.

I have enclosed a LDZPA, Zoning District handout, Fee Schedule, and a Variance application with an informational letter, as well as the aforementioned aerial photographs. **Please complete and submit the application along with the required fees on or before March 11, 2019.**

If you have any questions or if we may be of any assistance to you in pursuit of this matter, please feel free to contact our office at 384-3708.

Sincerely,  
  
Lori Busboom  
Planning & Zoning Technician

enclosures: Land Disturbance and Zoning Use Permit Application; AG-1 Zoning District summary; Fee Schedule; Variance application with informational letter; aerial photographs of subject property

**Susan Burgstrom**

---

**From:** Michael Flanagan <mflanagan@c-uphd.org>  
**Sent:** Monday, April 29, 2019 10:49 AM  
**To:** Susan Burgstrom  
**Subject:** RE: septic system on property?

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

All waste from kitchens and bathrooms are required to be disposed of in either a municipal or private sewage system. If they would have tied their new plumbing into the existing system, according to our rules they are not out of compliance, however, I do counsel people who bring that idea to me to consider updating the old, or installing a new system that meets current code and size requirements for the additional bedroom. If it is an addition of a second kitchen and bathroom but no additional bedroom, than the sizing requirements would not have changes. Illinois sizes septic system based on number of bedrooms. No consideration is given for number of plumbing fixtures in a residence.

Michael Flanagan, LEHP  
Environmental Program Coordinator

Champaign-Urbana Public Health District  
201 W. Kenyon Road  
Champaign, IL 61820

Office: (217) 531-2908  
Fax: (217) 373-7905  
24/7 Answering service: (217) 352-7961  
KD9JMF

[mflanagan@c-uphd.org](mailto:mflanagan@c-uphd.org)  
[www.c-uphd.org](http://www.c-uphd.org)

**RECEIVED**

**APR 29 2019**

CHAMPAIGN CO. P & Z DEPARTMENT



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Any other use of the email or attachments by you are strictly prohibited.



**Susan Burgstrom**

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**From:** D Jolene Gensler <jogensler@gmail.com>  
**Sent:** Tuesday, April 30, 2019 8:38 AM  
**To:** Susan Burgstrom  
**Subject:** Re: septic system information

Great to hear about possibly not having to decommission the bedroom. :) I will get a septic cleaning set up asap.

Will be in touch. Thank you!

On Tue, Apr 30, 2019, 8:09 AM Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:

Hi Jolene,

We generally see a recommendation to get a septic system cleaned out every few years, so getting someone out there to do that and let you know its condition and if they can, capacity and age, might be a good idea.

I doubt the ZBA is going to make you decommission a bedroom because of the septic. I know they will be curious about whatever septic information you can provide, if you choose to do so.

Thanks,  
Susan

**From:** D Jolene Gensler <[jogensler@gmail.com](mailto:jogensler@gmail.com)>  
**Sent:** Tuesday, April 30, 2019 7:42 AM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** Re: septic system information

Hi Susan. Unfortunately, I don't have any information on the septic. You had mentioned that you would check to see if I could submit something from a septic cleaning company about the estimated size. Should I go ahead and order that service?

Also, the public health guy, Mike(?) mentioned that they were usually built to accommodate the number of bedrooms in the house at the time of installation, which would have been 3. As I understand, the in law suite would be considered a 4th bedroom. If that is the case, then we will remove the closet from the 3rd bedroom in original house because it barely fits a twin bed anyway and we don't use it as a bedroom. Without the closet, it can't be considered a bedroom. My understanding is that a room has to have a window and a closet to be a bedroom for appraisal purposes.

Please let me know what you think.

Thanks a million, Susan.

Have a great day!  
Jolene

**RECEIVED**

**APR 30 2019**

CHAMPAIGN CO. P & Z DEPARTMENT

On Mon, Apr 29, 2019, 10:45 AM Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote

Hi Jolene,

Could you please send me any information you have on your septic system? Also, did you install a new septic system when you added the mother-in-law suite?

Thanks,  
Susan

**Susan Burgstrom**, AICP  
Senior Planner  
Champaign County Department of Planning & Zoning  
1776 East Washington Street  
Urbana, IL 61802

P: 217-384-3708  
F: 217-819-4021

## Susan Burgstrom

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**From:** D Jolene Gensler <jogensler@gmail.com>  
**Sent:** Tuesday, May 7, 2019 10:27 PM  
**To:** Susan Burgstrom  
**Subject:** Re: Septic

Hi Susan. FYI septic people are coming this Friday. Also, I spoke to, the land owner, Mr. Anderson today. He said he received paperwork in the mail. He plans to attend the meeting next week and will not be protesting our requests. Additionally, he is not willing to sell any land.

Thank you, again, for everything. :)

P.S. did you get the letter from Erin Bush that she said she was going to issue?

On May 2, 2019 8:09 AM, "D Jolene Gensler" <jogensler@gmail.com> wrote:

Great, thank you.

On Thu, May 2, 2019, 8:05 AM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

It would be good to know the volume and if they see any issues.

Thanks!

Susan

**From:** D Jolene Gensler <jogensler@gmail.com>  
**Sent:** Thursday, May 2, 2019 8:02 AM  
**To:** Susan Burgstrom <sburgstrom@co.champaign.il.us>  
**Subject:** Septic

Hi Susan.

Before they come out. I just want to confirm the type of information that you are looking for. Do you just need the estimated size of it, as in the volume that it will hold?

Thank you,  
Jolene

RECEIVED

MAY 08 2019

CHAMPAIGN CO P & Z DEPARTMENT

**Attachment K:  
Letter from Erin Bush, Champaign County Soil and Water Conservation District  
To be distributed as a handout**

**SITE ASSESSMENT (SA) WORKSHEET**

<b>1</b>	What size is the subject site?	More than 25 acres	10 points	_____
		20.1 to 25 acres	8 points	
		15.1 to 20 acres	6 points	
		10.1 to 15 acres	4 points	
		5.01 to 10 acres	2 points	
		5 acres or less	0 points	

**Factor 1** considers that the size of the subject site has an impact on its long-term viability for agricultural purposes. The factor recognizes that the predominant row crop form of agriculture is generally more efficiently farmed on larger sites.

**Scoring Factor 1:** Determine the area of the subject site based on current Champaign County Assessor Office tax parcel size data or on a legal description of the subject site.

<b>2a</b>	Is the subject site Best Prime Farmland?	Yes	30 points	_____
		No	0 points	

**Factor 2a** assigns value to a subject site if it is designated as Best Prime Farmland, consistent with the *Champaign County Land Resource Management Plan* goals, objectives and policies.

An estimated 96.6% of the County consists of Prime Farmland soils. “Best Prime Farmland” is a subset of Prime Farmland soils identified by Champaign County in order to differentiate among Prime Farmland soils. The definition of ‘Best Prime Farmland’ is provided in the *Champaign County Zoning Ordinance*.

**Scoring Factor 2a:** Refer to the LE score of the subject site and to the “Best Prime Farmland” definition in the *Champaign County Zoning Ordinance*.

<b>2b</b>	If the subject site is Best Prime Farmland, which one of the following statements is correct:	10 points	_____
	(1) The subject site is 15% or less of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 0 points)		
	(2) The subject site is larger than 15% of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 10 points)		
	(3) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is 25 acres or less. (Yes 0 points )		
	(4) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is larger than 25 acres. (Yes 10 points)		

**Factor 2b** assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

**Scoring Factor 2b:** Review subject site size and configuration based on Champaign County parcel identification tax maps for the year 2004 (also referred to as the 27<sup>th</sup> Edition of the Champaign County tax map atlas).

**SITE ASSESSMENT (SA) WORKSHEET**

<b>2c</b>	<p>If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct:</p> <p>(1) The subject site is larger than 25 acres. (Yes 10 points)</p> <p>(2) All of the following statements are true:</p> <p style="margin-left: 20px;">i. The subject site is part of a larger parcel that existed on April 12, 2011.</p> <p style="margin-left: 20px;">ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use.</p> <p style="margin-left: 20px;">iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres. (Yes 10 points)</p> <p>(3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)</p>		
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**Factor 2c** assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

This factor awards 10 points to a subject site if it would result in conversion of more than 25 acres of Prime Farmland, or if the subject site would cumulatively contribute to the conversion of more than 25 acres of Prime Farmland on a larger parcel existing as of April 12, 2011.

**Scoring Factor 2c:** Assess whether the soils on the subject site are comprised of at least 51% Prime Farmland based on the 'Farmland Classification' column of Table A in Appendix A.

Review the lot size and configuration based on Champaign County parcel identification tax maps and digital orthophotography as of April 12, 2011. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.)

<b>3</b>	Is the subject site located within the Contiguous Urban Growth Area?	no yes	40 points 0 points	_____
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**Factor 3** is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

The 'Land Use Management Areas Map' of the *Champaign County Land Resource Management Plan* specifies the location of the 'Contiguous Urban Growth Area' (CUGA). CUGA is land designated for non-agricultural land use, and consists of:

- 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 (within approximately five years);
- 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 (within approximately five years); or
- land surrounded by incorporated land or other urban land within the County.

**Scoring Factor 3:** Review the CUGA boundaries of the current *Champaign County Land Resource Management Plan* "Land Use Management Map".

**If the subject site is located within the CUGA, skip the remaining SA Factor questions and indicate a total SA score for only SA Factors 1, 2 and 3 at the end of the SA Worksheet.**

**SITE ASSESSMENT (SA) WORKSHEET**

**Continue to answer the following SA Factor questions only if the subject site is located outside the CUGA . . .**

<b>4</b>	Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture.	91 to 100% of perimeter	20 points	
		81 to 90% of perimeter	18 points	
		71 to 80% of perimeter	16 points	
		61 to 70% of perimeter	14 points	
	a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture that existed on April 12, 2011.	51 to 60% of perimeter	12 points	
		41 to 50% of perimeter	10 points	
		31 to 40% of perimeter	8 points	
		21 to 30% of perimeter	6 points	
		11 to 20% of perimeter	4 points	
		1 to 10% of perimeter	2 points	
	b) If the subject site is less than 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture.	none	0 points	

**Factor 4** assesses the amount of the perimeter of the subject site that is adjacent to parcels that have the principal use of agriculture. The assessment is made based on principal use of each parcel that is adjacent to the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

Additionally, for a subject site that is Best Prime Farmland and/or at least 51% Prime Farmland, Factor 4 includes the provision to not recognize any adjacent non-agricultural principal use established after a set date of April 12, 2011 (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.) This measure is intended to partially address the problem referred to as ‘creeping effect’ whereby case-by-case land use decisions may lower LESA scores on nearby sites, thereby justifying more land conversion decisions.

More points are assigned to a subject site that is surrounded by parcels with the principal use of agriculture.

**Scoring Factor 4:** Measure the perimeter of the subject site adjacent to parcels with a principal use of agriculture.

Defined terms relevant to the scoring of this factor include:

**AGRICULTURE:** The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

**PRINCIPAL USE:** As used in the *Champaign County Zoning Ordinance*, the main purpose for which land is designed, arranged, intended, or for which it is or may be occupied or maintained. (The primary purpose of a lot may not necessarily be the largest use on the lot in terms of the area of the lot that is occupied by that use and it may not necessarily be the use that generates the most income for the person who owns or resides on the lot.)

**SITE ASSESSMENT (SA) WORKSHEET**

**Guidelines for measuring perimeter of subject site adjacent to parcels with principal use of agriculture:**

Adjacent property is property that touches or that is directly across a street, highway or interstate right-of-way or a rail road right-of-way from a subject site.

Measure the perimeter of the subject site that is adjacent to parcels that have a principal use of agriculture. Parcels with a principal use of agriculture are generally as follows:

- a. Any parcel that is 35 acres or larger whether or not there is a dwelling, with the exceptions noted below.
- b. Parcels that are less than 35 acres in area and that either have a farm dwelling or have no dwelling, with the exceptions noted below.
- c. Exceptions to the above are the following:
  - (1) Any parcel that is inside an incorporated municipality.
  - (2) Any parcel that is zoned Residential, Business, or Industrial on the Champaign County Zoning Map and contains a non-agricultural principal use.
  - (3) Any parcel or portion of a parcel on which a Special Use has been approved by the County except for a Rural Specialty Business or greenhouse.
  - (4) Institutional land that is not specifically used for production agriculture such as land owned by the University of Illinois but not in agricultural production or land owned by the Champaign County Forest Preserve District that is not in agricultural production.
  - (5) Any parcel or portion of a parcel considered as nonconforming use, as defined in the *Champaign County Zoning Ordinance*.

<b>5</b>	Distance from the subject site to the nearest city or village limits.	more than 3 miles	15 points	_____
		1.51 to 3 miles	10 points	
		within 1.5 miles	5 points	
		adjacent	0 points	

**Factor 5** awards higher points the further a subject site is from a city or village. Factor 5 is based on the general assumption that the further the subject site is from a municipality, the less chance there is of a nearby land use or development that would conflict with the agricultural land use of that subject site.

**Scoring Factor 5:** Measure outward from the property lines of the subject site to the nearest municipal boundary.

<b>6</b>	The highest percentage of the subject site in agricultural production in any of the last 5 years.	80 to 100%	15 points	_____
		60 to 79%	11 points	
		40 to 59%	7 points	
		20 to 39%	3 points	
		less than 20%	0 points	

**Factor 6** is intended to serve as a general indicator of the agricultural viability of a subject site.

**Scoring Factor 6:** Based on the most recent five years of annual digital orthophotography, estimate the highest percentage of area of the subject site in agricultural production. To obtain accurate information, the scoring of Factor 6 may additionally require a field site inspection, windshield survey of the subject site, or landowner interview.

Defined terms relevant to the scoring of this factor include:

**AGRICULTURAL PRODUCTION:** The growing, harvesting, and storing of crops and the keeping, raising, and feeding of livestock or poultry and the buildings and land used in those activities, including:



**SITE ASSESSMENT (SA) WORKSHEET**

- any farm dwelling,
- land taken out of production for purposes of government-sponsored agricultural programs, or
- land being used productively, such as woodlands for which there is a plan for managing the timber.

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

**Guidelines for estimating percentage of subject site in agricultural production in any of the last 5 years**

Based on review of digital orthophotography of the subject site for the most recent five years,

- a. If there is no structure on the subject site and the subject site appears to be in crop land, then count the entire subject site as in agricultural production.
- b. If only a street or road improvement is present on the subject site, and no wooded area is present on the subject site, then count the entire subject site as in agricultural production.
- c. Unless information is available to indicate otherwise,
  - (1) If the subject site is 35 acres or larger and has both a dwelling and what appears to be crop land, then count the entire site as agricultural production.
  - (2) If the subject site is less than 35 acres and has both a dwelling and what appears to be crop land, then count all of the subject site-- except for one acre, inclusive of the dwelling – as in agricultural production. The one acre will be assumed to contain the well, septic system, and any non-agricultural outbuildings.
- d. A part of the subject site that appears not to be crop land may be counted as in agricultural production only provided the landowner indicates that part of the subject site was or is not in production due to participation in a government-sponsored agricultural program, or due to implementation of a crop management plan.

<b>7</b>	Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation-Recreation within 1 mile of subject site.	91 to 100%	10 points	
		81 to 90%	9 points	
		71 to 80%	8 points	
		61 to 70%	7 points	
		51 to 60%	6 points	
		41 to 50%	5 points	
		31 to 40%	4 points	
		21 to 30%	3 points	
		11 to 20%	2 points	
		1 to 10%	1 points	
none	0 points			

**Factor 7** measures the amount of land in the one-mile area surrounding the subject site zoned AG-1 Agriculture, AG-2 Agriculture, or CR Conservation-Recreation. These are the rural zoning districts within the County.

More points are assigned to a higher percentage of land zoned AG-1, AG-2, or CR within one mile of the subject site because:

- rural zoning districts are intended for agricultural land uses, and
- land within these districts is subject to use restrictions and limits on the density and location of non-agricultural land uses.

**Scoring Factor 7:** Measure the area zoned AG-1, AG-2, and CR outward one mile from the property lines of the subject site.

**SITE ASSESSMENT (SA) WORKSHEET**

<b>8</b>	Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture.	91 to 100%	20 points	
		81 to 90%	18 points	
		71 to 80%	16 points	
	a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture that existed on April 12, 2011.	61 to 70%	14 points	
		51 to 60%	12 points	
		41 to 50%	10 points	
		31 to 40%	8 points	
		21 to 30%	6 points	
		11 to 20%	4 points	
	b) If the subject site is less than 51% Prime Farmland, the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture.	1 to 10%	2 points	
		none	0 points	

**Factor 8** is a major indicator of the agricultural character of the general area, based on the assumption that areas in the County dominated by agriculture are generally more viable for farm purposes. The assessment is made based on the principal use of parcels located within one mile of the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

Additionally, for a subject site that is Best Prime Farmland and/or at least 51% Prime Farmland, Factor 8 includes the provision to not recognize any non-agricultural principal use established after a set date of April 12, 2011 within one mile of the subject site except for development that has been annexed by a municipality. (April 12, 2011 is the date of the annual digital orthophotography available for the year 2011.) This measure is intended to partially address the problem referred to as 'creeping effect' whereby case-by-case land use decisions may lower LESA scores on nearby sites, thereby justifying more land conversion decisions.

More points are assigned to a subject site with a greater percentage of area within one mile consisting of parcels with the principal use of agriculture.

**Scoring Factor 8:** Estimate the area of land within a one-mile distance outward from the property lines of the subject site that consists of parcels with the principal use of agriculture.

The defined terms shown below generally form the basis on which this factor is scored:

**AGRICULTURE:** The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

**FARM DWELLING:** A dwelling occupied by a farm owner or operator, tenant farm worker, or hired farm worker. (In Champaign County, it is generally assumed that a dwelling located on a lot that is 35 acres or larger is a farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates otherwise.)

**PRINCIPAL USE:** As used in the *Champaign County Zoning Ordinance*, the main purpose for which land is designed, arranged, intended, or for which it is or may be occupied or maintained. (The primary purpose of a lot may not necessarily be the largest use on the lot in terms of the area of the lot that is occupied by that use and it may not necessarily be the use that generates the most income for the person who owns or resides on the lot.)

**SITE ASSESSMENT (SA) WORKSHEET**

**Guidelines for estimating area within one mile of subject site consisting of parcels with principal use of agriculture:**

Generally identify parcels with a principal use of agriculture as follows:

- a. Any parcel that is 35 acres or larger whether or not there is a dwelling, with the exceptions noted below.
- b. Parcels that are less than 35 acres in area and that either have a farm dwelling or have no dwelling, with the exceptions noted below.
- c. Exceptions to the above are the following:
  - (1) Any parcel that is inside an incorporated municipality.
  - (2) Any parcel that is zoned Residential, Business, or Industrial on the Champaign County Zoning Map and contains a non-agricultural principal use.
  - (3) Any parcel or portion of a parcel on which a Special Use has been approved by the County, except for a Rural Specialty Business or greenhouse.
  - (4) Institutional land that is not specifically used for production agriculture such as land owned by the University of Illinois but not in agricultural production, or land owned by the Champaign County Forest Preserve District that is not in agricultural production.
  - (5) Any parcel or portion of a parcel considered as nonconforming use, as defined in the *Champaign County Zoning Ordinance*.

<b>9</b>	What is the distance from the subject site to the nearest 10 non-farm dwellings?	more than 1 mile	20 points	
		0.76 to 1 mile	18 points	
		0.51 to 0.75 mile	16 points	
		0.26 to 0.50 mile	14 points	
		0.01 to 0.25 mile	12 points	
		adjacent	0 points	

**Factor 9** considers the proximity of the nearest 10 non-farm dwellings as a general indicator of an existing land use incompatibility with production agriculture and an incompatibility with livestock facilities vis-a-vis the *Illinois Livestock Management Facilities Act (510 ILCS 77/ et seq.)*

In Champaign County, it is generally assumed that a dwelling located on a lot less than 35 acres is a non-farm dwelling, unless information provided as part of the public record to the Zoning Board of Appeals indicates that a dwelling is part of on-site agricultural operations or otherwise qualifying as a farm dwelling.

The defined term for Non-Farm Dwelling is shown below:

NON-FARM DWELLING: A dwelling that is not occupied by a farm owner or operator, tenant farm worker, or hired farm worker.

**Scoring Factor 9:** Measure the linear distance outward from the closest point on the property line of the subject site to the façade of the tenth nearest non-farm dwelling.

**SITE ASSESSMENT (SA) WORKSHEET**

<b>10</b>	a) How close is the subject site to a known livestock management facility of 400 or more animal units?  <i>Answer Parts b or c) <u>only</u> if the subject site is more than 1 mile from a known livestock management facility of 400 or more animal units.</i>	adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile	10 points 9 points 8 points 7 points n/a	_____
	b) How close is the subject site to a known livestock management facility of 200 - 399 animal units?  <i>Answer Part c) <u>only</u> if the subject site is more than 1 mile from a known livestock management facility of 200-399 animal units.</i>	adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile	7 points 6 points 5 points 4 points n/a	
	c) How close is the subject site to a known livestock management facility of 50 – 199 animal units?	adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile	4 points 3 points 2 points 1 point 0 points	

**Factor 10** is a measure of the compatibility of the subject site for continued agricultural use based on its proximity to an existing nearby livestock management facility. More points are assigned to a subject site in closer proximity to a known livestock management facility.

**Scoring Factor 10:** A response may be based on data available from the Livestock Management Facilities Program, Illinois Department of Agriculture, actual site inspection, and/or landowner interview. The maximum points possible for this factor is 10 points.

This is a 3-part factor. Part a) measures proximity of a subject site to a livestock management facility of 400 or more animal units. If the subject site is located more than one mile from such facility, then respond to Part b). Part b) measures proximity of a subject site to a livestock management facility of 200-399 animal units. If the subject site is located more than one mile from such facility, then respond to Part c).

<b>SA Total Score</b>	_____
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**CALCULATING THE TOTAL LESA SCORE**

The total LESA score is the sum of the LE points and SA points for a particular site or parcel. The maximum total LESA score possible for a site is 300 points.\*

LE Total	_____
SA Total	_____
Total LESA Score	_____

The higher the total LESA score, the more highly rated the subject site or parcel is to be protected for continued agricultural use. The total LESA score of a site signifies a rating for protection of the subject site or parcel as follows:

251 – 300	very high rating for protection
226 – 250	high rating for protection
151 – 225	moderate rating for protection
150 or below	low rating for protection

The maximum LE score possible for a site is 100 points.  
The maximum SA score possible for a site is 200 points.

### 936-AM-19, 937-S-19 & 938-V-19 Site Images



From CR1400E facing east



From driveway facing south



**936-AM-19, 937-S-19 & 938-V-19 Site Images**



**From driveway facing east**



**From back of north side yard facing west**



### 936-AM-19, 937-S-19 & 938-V-19 Site Images



North side yard, facing southeast



Rear yard, facing south



### 936-AM-19, 937-S-19 & 938-V-19 Site Images



From CR 1400E facing east



From CR 1400E facing north



**PRELIMINARY DRAFT**

**936-AM-19**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of**

**Champaign County Zoning Board of Appeals**

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

Date: ***{May 16, 2019}***

Petitioners: **Jeff and Jolene Gensler**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to allow a two-family dwelling as a proposed Special Use in related Zoning Case 937-S-19, and subject to the requested variance in related zoning case 938-V-19.**

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 16, 2019**, the Zoning Board of Appeals of Champaign County finds that:

*(Note: asterisk indicates items of evidence that are identical to evidence in Case 937-S-19)*

- \*1. Petitioners Jeff and Jolene Gensler own the subject property.
- \*2. The subject property is a 0.69 acre tract in the Northwest Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and commonly known as the farmstead with an address of 2740 CR 1400E, Rantoul.
  - \*A. The 0.69-acre (29,669 square feet) lot was created in 1974 and recorded in 1980.
    - \*(1) A minimum 1-acre lot size, excluding road right-of-way, has been required in the AG-1 Zoning District since the adoption of the Zoning Ordinance on October 10, 1973, making the lot illegal for zoning purposes. The lot size excluding right-of-way is 0.6 acre (25,950 square feet).
    - \*(2) The August 24, 1978 minutes for variance case 316-V-78 stated the following (information in parentheses added by Susan Burgstrom): “Mr. Coffin (owner of the subject property at the time) stated the lot was platted about 3 years ago (prior to his purchase of the land)...Ms. Regnier stated that when Mr. Harris sold this lot in 1974 (to Mr. Coffin) he created an illegal lot which did not conform to the Ordinance requirement of 200 feet in width.”
      - \*a. There was no further discussion of the illegal lot during the meeting. The ZBA did not require nor correct the illegal lot during this zoning case, despite their knowledge that it existed, and they approved the variances for the side and rear yard anyway.
    - \*(3) If approved, the proposed rezoning to AG-2 in case 936-AM-19 will reduce the minimum lot size to 20,000 square feet and the minimum lot width to 100 feet, which would remedy the illegal status without requiring an additional variance for minimum lot size and minimum lot width. However, variance Part B in related case 938-V-19 for the increased lot size due to the second dwelling would still be needed.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - (1) The Rantoul Comprehensive Plan Map adopted on February 14, 2006 and amended on March 11, 2008 shows the subject property in the “Industrial or Commercial” future land use.
  - \*B. The subject property is located within Rantoul Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township Plan Commission has been notified of this case.

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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: **“Existing garage was converted to create a 2<sup>nd</sup> dwelling to provide living space for displaced, disabled, elderly parents. Owner unaware of AG-1 restrictions limiting lot to 1 dwelling. Conversion of space allows owners to provide affordable housing, on-site living assistance, transportation, as needed, and convenient central location in relation to health care facilities, shopping, etc. for elderly parents.”**
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the rezoning, the petitioners stated the following: **“Please see above.”**

**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 zoned AG-1 Agriculture and is residential in use.
  - \*B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production with scattered farmsteads.
- \*7. Regarding the site plan:
  - \*A. The floor plan received on April 2, 2019, provides the following existing features:
    - \* (1) A 1,895 square foot house single-family residence constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
    - \* (2) A 36 feet by 24 feet detached garage constructed under ZUPA #216-78-01 with an approved variance for a 2.5 feet side yard and rear yard in Case 316-V-78 was expanded without authorization into a 36 feet by 54 feet garage sometime in 2010. The garage includes the following:
      - \*a. An unauthorized 12 feet by 7 feet breezeway connecting the garage to the main house;
      - \*b. An 864 square feet “mother-in-law suite” with living room, kitchen, bedroom, and bathroom;
      - \*c. An 8 feet 7 inch by 24 feet unauthorized addition to the main house that completes the connection to the breezeway; and
      - \*d. A 1,080 square feet garage.
  - \*B. The Site Plan received May 1, 2019, is an updated version of the 1978 site plan for zoning case 316-V-78 approved on August 24, 1978, and provides the following additional information:
    - \* (1) The property has a well pump on the west side of the house; the 1978 site plan noted a well on the east side of the residence, but this has apparently been capped. The petitioner notes that there is another cap in the southeast corner of the property that is presumably another well.
    - \* (2) There are two propane tanks east of the garage, slightly east of the subject property.

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- \* (3) The original 1978 site plan showed a septic tank on the south end, and the petitioner notes a leach field west of that. The petitioner stated that she is contacting a septic company to try to get more information about the system.
- \*C. There is one zoning permit for the subject property:
  - \* (1) ZUPA #216-78-01 was approved on August 28, 1978 to construct a detached accessory garage.
- \*D. There is one previous zoning case for the subject property:
  - \* (1) Case 316-V-78 was approved on August 24, 1978 to allow a variance for a 2.5 feet side yard and 2.5 feet rear yard for the detached garage constructed under ZUPA #216-78-01.

***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 AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
    - \* (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The AG-1 District is generally located throughout the county in areas that have not been placed in any other Zoning Districts.
    - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
    - (3) The subject property is approximately 0.98 mile west of the Village of Rantoul.
  - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
    - (1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
      - a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
        - (a) Single family dwelling;
        - (b) Subdivisions totaling three lots or less;
        - (c) Agriculture, including customary accessory uses;
        - (d) Roadside stand operated by farm operator;
        - (e) Minor rural specialty business;

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- (f) Plant nursery;
  - (g) Township Highway maintenance garage;
  - (h) Christmas tree sales lot;
  - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
  - (j) Off-premises sign along federal highways except interstate highways; and
  - (k) Temporary uses.
- b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
- (a) Country club or golf course, and
  - (b) Commercial breeding facility.
- c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 54 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 36 types of uses authorized by SUP in the AG-2 District:
- a. The following 43 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
    - (a) Hotel – no more than 15 lodging units;
    - (b) Residential Planned Unit Development;
    - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
    - (d) Major rural specialty business;
    - (e) Artificial lake of 1 or more acres;
    - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
    - (g) Elementary school, Jr. High school, or High school;
    - (h) Church, temple, or church related temporary uses on church property;
    - (i) Municipal or government building;
    - (j) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (k) Penal or correctional institution;
    - (l) Police station or fire station;
    - (m) Library, museum or gallery;
    - (n) Public park or recreational facility;
    - (o) Sewage disposal plant or lagoon;
    - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
    - (q) Radio or television station;
    - (r) Electrical substation;
    - (s) Telephone exchange;
    - (t) Residential airports;
    - (u) Restricted landing areas;
    - (v) Heliport-restricted landing areas;

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- (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
  - (x) Livestock sales facility and stockyards;
  - (y) Slaughter houses;
  - (z) Grain storage elevator and bins;
  - (aa) Riding stable;
  - (bb) Commercial fishing lake;
  - (cc) Cemetery or crematory;
  - (dd) Pet cemetery;
  - (ee) KENNEL;
  - (ff) Veterinary hospital;
  - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
  - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
  - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
  - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
  - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
  - (ll) Small scale metal fabricating shop;
  - (mm) Gas turbine peaker;
  - (nn) Big wind turbine tower (1-3 big wind turbine towers);
  - (oo) Photovoltaic solar farm (requires SUP approval by County Board);
  - (pp) Sawmills and planing mills, and related activities; and
  - (qq) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).
- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) **Two family dwelling;**
  - (b) Home for the aged;
  - (c) Nursing home;
  - (d) Travel trailer camp;
  - (e) Commercial greenhouse;
  - (f) Greenhouse (not exceeding 1,000 square feet);
  - (g) Garden shop;
  - (h) Water treatment plant;
  - (i) Public fairgrounds;
  - (j) Motor bus station;
  - (k) Truck terminal;
  - (l) Railroad yards and freight terminals;
  - (m) Airport;

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- (n) Heliport/helistops;
  - (o) Mortuary or funeral home;
  - (p) Roadside produce sales stand;
  - (q) Feed and grain (sales only);
  - (r) Artist studio;
  - (s) Residential recovery center;
  - (t) Antique sales and service;
  - (u) Amusement park;
  - (v) Resort or organized camp;
  - (w) Bait sales;
  - (x) Country club clubhouse;
  - (y) Lodge or private club;
  - (z) Outdoor commercial recreational enterprise (except amusement park);
  - (aa) Private indoor recreational development;
  - (bb) Public camp or picnic area;
  - (cc) Seasonal hunting or fishing lodge;
  - (dd) Stadium or coliseum;
  - (ee) Outdoor theatre;
  - (ff) Aviation sales, service or storage;
  - (gg) Self-storage warehouses, without heat/utilities to individual units;
  - (hh) Landscape waste processing facilities; and
  - (ii) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

9. The County Board adopted the *Champaign County Land Resource Management Plan* (LRMP) 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.”

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**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

10. LRMP Goal 1 is entitled "Planning and Public Involvement" and states:  
**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled "Governmental Coordination" and states:  
**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

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

12. LRMP Goal 3 is entitled "Prosperity" and states:  
**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

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

13. LRMP Goal 4 is entitled "Agriculture" and states:  
**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. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

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

Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning. 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:



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- \*a. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
  - \*b. The detached garage and its additions were all constructed on the existing homestead, so no farmland has been taken out of 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;**
  - iii. Minimizing conflict with agriculture;**
  - iv. Minimizing the conversion of farmland; and**
  - v. Minimizing the disturbance of natural areas; then**
- a) On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
  - b) On best prime farmland, the County may authorize non-residential discretionary development; or**
  - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- \*a. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
- \*b. The detached garage and its additions were all constructed on the existing homestead, so no farmland has been taken out of production.
- \*c. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 145 out of 200 points.
- \*d. The total LESA Score of 236 for the subject property receives the second highest protection rating in LESA, which is “high rating for protection.”
- \*e. Agricultural drainage should not be affected.
- f. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will *HELP ACHIEVE* Policy 4.3.2 regarding site suitability on best prime farmland.

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- g. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
  - h. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will either **HELP ACHIEVE** or will **NOT IMPEDE** Policies 4.2.2, 4.2.3, and 4.2.4 regarding minimizing conflict with agriculture.
  - i. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
    - (a) The subject property does not contain any natural areas.
    - (b) Additional information on natural resources is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).
  - j. No Natural Resources Report was required from the Champaign County Soil and Water Conservation District because the land was already developed and took no farmland out of production.
- (3) Policy 4.1.8 states, **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- \*a. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
  - \*b. The detached garage and its additions were all constructed on the existing homestead, so no farmland has been taken out of production.
  - \*c. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 145 out of 200 points.
  - \*d. The total LESA Score of 236 for the subject property receives the second highest protection rating in LESA, which is “high rating for protection.”
- B. Objective 4.2 is entitled **“Development Conflicts with Agricultural Operations”** and states, **“Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”**

Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed rezoning. The proposed rezoning will **NOT IMPEDE** 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:**

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- 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 **NOT IMPEDE** Policy 4.2.2 for the following reasons:

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because:
  - (a) The residential use has existed for decades with no complaints received regarding surrounding agricultural activities.
  - (b) There is a grass buffer between the residence and adjacent farmland in production.
- b. The proposed development in related Case 937-S-19 **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure because:
  - (a) Grass on the east side of the garage has increased from 16 feet to 20 feet wide as shown in the 2008 and 2017 aerial photography. The petitioners’ two propane tanks sit on the grass on the east side, which is not on their land. The grass on the north side has increased from 12 feet to 20 feet as well. This would suggest that the residential use is removing land from agricultural production, and it is not clear if this is the desire of the adjacent landowner who owns all but 2.5 feet of that grass area.
  - (b) In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.
  - (c) The residence is located on land that is not in crop production.
  - (d) Agricultural drainage should not be affected.
  - (e) No additional construction is proposed.
  - (f) Regarding traffic on rural roads:
    - \*i. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 1400E north of CR 2700N had an ADT of 250.
    - \*ii. The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and*

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*Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.

(i) The pavement surface of CR 1400E near the subject property is oil and chip. The pavement is about 18 to 20 feet wide.

\*iii. Traffic volumes are not expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:

\*i) A typical residence averages 10 vehicle trips per day.

\*ii) Two additional residents would not add significant traffic to the roads.

\*vi. The Rantoul Township Highway Commissioner was notified of this case, and no comments have been received.

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

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

- a. The Petitioners understand that this is a rural area where agricultural activities take place.
- b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.

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

The proposed rezoning will **NOT IMPEDE** Policy 4.2.4 for the following reasons:

- a. Grass on the east side of the garage has increased from 16 feet to 20 feet wide as shown in the 2008 and 2017 aerial photography. The petitioners’ two propane tanks sit on the grass on the east side, which is not on their land. The grass on the north side has increased from 12 feet to 20 feet as well. This would suggest that the residential use is removing land from agricultural production, and it is not clear if this is the desire of the adjacent landowner who owns all but 2.5 feet of that grass area.
- b. In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.

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

Objective 4.3 includes five subsidiary policies. Policies 4.3.1 and 4.3.5 are not relevant to the proposed rezoning. 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 because the proposed site **IS WELL SUITED OVERALL** for the development proposed in related Case 937-S-19 for the following reasons:

- \*a. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
- \*b. The detached garage and its additions were all constructed on the existing homestead.
  - (a) Grass on the east side of the garage has increased from 16 feet to 20 feet wide as shown in the 2008 and 2017 aerial photography. The petitioners’ two propane tanks sit on the grass on the east side, which is not on their land. The grass on the north side has increased from 12 feet to 20 feet as well. This would suggest that the residential use is removing land from agricultural production, and it is not clear if this is the desire of the adjacent landowner who owns all but 2.5 feet of that grass area.
  - (b) In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.
- \*c. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 145 out of 200 points.
- \*d. The total LESA Score of 236 for the subject property receives the second highest protection rating in LESA, which is “high rating for protection.”
- \*e. Agricultural drainage should not be affected.
- \*f. Regarding wastewater treatment and disposal on the subject property:
  - \*a) The subject property residence has a septic system.
  - \*b) Susan Burgstrom asked Michael Flanagan with the Champaign-Urbana Public Health District if the new bedroom and bathroom would require a septic system. In an email received April 29, 2019, Mr. Flanagan stated, “All waste from kitchens and bathrooms are required to be disposed of in either a municipal or private sewage

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system. If they would have tied their new plumbing into the existing system, according to our rules they are not out of compliance, however, I do counsel people who bring that idea to me to consider updating the old, or installing a new system that meets current code and size requirements for the additional bedroom. If it is an addition of a second kitchen and bathroom but no additional bedroom, than the sizing requirements would not have changes. Illinois sizes septic system based on number of bedrooms. No consideration is given for number of plumbing fixtures in a residence.”

\*(c) The petitioner told Ms. Burgstrom that they will have a septic company come out to look at the system to see if they find any issues and to try to determine its capacity.

g. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved, and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

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

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

a. The subject property is located approximately 3.5 road miles from the Thomasboro Fire Protection District station and 4.6 road miles from the Rantoul Fire Station. P&Z Staff sent notification of this case to the Thomasboro FPD Chief, and no comments have been received.

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

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

a. Regarding compliance with policies having to do with traffic impacts, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 regarding negative effects on rural roads.

D. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.” Objective 4.7 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

(1) A special condition has been added regarding Right to Farm Resolution 3425.

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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.**

The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

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. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment {**WILL / WILL NOT**} **HELP ACHIEVE** Goal 6 for the following reasons:

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

Objective 6.1 has four subsidiary policies. Policies 6.1.1, 6.1.3, and 6.1.4 do not appear to be relevant to the proposed rezoning. The proposed rezoning {**WILL / WILL NOT**} **HELP ACHIEVE** Objective 6.1 because of the following:

- (1) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning {**WILL / WILL NOT**} **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- a. Information regarding the subject property septic system can be found under Policy 4.3.2. The petitioner told Ms. Burgstrom that they will have a septic company come out to look at the system to see if they find any issues and to try to determine its capacity.

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. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **NOT IMPEDE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning will **NOT IMPEDE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning will **NOT IMPEDE** Policy 7.1.1 because:



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- \*a. The proposed two-family dwelling property will not cause a significant increase in traffic, although no traffic impact analysis has been done.
- \*b. The Rantoul Township Highway Commissioner was notified of this case, and no comments have been received.

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

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

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

Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, “**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.**”
  - a. The addition of one bedroom to a property will not cause a significant increase in demand for water.
  - b. The subject property is located over the Mahomet Aquifer.

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

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

- (1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Relative Value of at least 91 and includes land parcels with mixed soils that have a Land Evaluation score of 91 or greater as defined in the LESA.**”
  - \*a. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
  - \*b. The detached garage and its additions were all constructed on the existing homestead, so no farmland has been taken out of production.

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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

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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.**

The proposed amendment 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 nearby properties.

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture	AG-1 Agriculture
West	Agriculture with farmstead	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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

- (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) This is primarily an agricultural area; the 0.69-acre subject property was a farmstead for decades before it was split off from the agricultural land in 1980.
- (3) Regarding the effect of the proposed amendment on the value of nearby properties:
  - a. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.

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.

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- (2) If the petitioners are denied the map amendment and special use permit, the property can still be used as a single-family residence.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public would be insignificant because the types of uses that could be established are mostly low intensity due to the small lot size.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
  - (2) The subject property is adjacent to a rural road that was designed for fewer than 250 vehicles per day; the proposed special use would not increase traffic significantly.
- 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.** Regarding this factor:
- (1) The subject property is occupied and in residential use as zoned AG-1.
  - (2) Agricultural and residential uses surround the subject property, and there has been no significant development in the area.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The proposed Special Use Permit is for a two-family dwelling.
  - (2) The petitioners stated the following in their Map Amendment petition: **“Existing garage was converted to create a 2<sup>nd</sup> dwelling to provide living space for displaced, disabled, elderly parents. Owner unaware of AG-1 restrictions limiting lot to 1 dwelling. Conversion of space allows owners to provide affordable housing, on-site living assistance, transportation, as needed, and convenient central location in relation to health care facilities, shopping, etc. for elderly parents.”**
- H. **Sinclair factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
- (1) The subject property is within the 1.5-mile extraterritorial jurisdiction of the Village of Rantoul. The Rantoul Comprehensive Plan Map adopted on February 14, 2006 and amended on March 11, 2008 shows the subject property in the “Industrial or Commercial” future land use.
    - a. No industrial or commercial development has occurred in the vicinity of the subject property.
  - (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.

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**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- \*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.
    - \* (1) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements contingent upon approval of the variance requested in zoning case 938-V-19.
    - \* (2) The subject property is surrounded on three sides by agriculture.
  - \*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.
    - \* (1) The requested Map Amendment should not decrease the value of nearby properties.
    - \* (2) If the petitioners are denied the map amendment and special use permit, the property can still be used as a single-family residence.
  - \*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.
    - (1) Probable traffic impacts are reviewed under Policy 7.1.1.
      - \*a. The traffic generated by the proposed use will be insignificant.
  - \*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.
    - \* (1) The subject property is not located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0200D, effective date October 2, 2013.
    - \* (2) The proposed Special Use is exempt from the *Storm Water Management and Erosion Control Ordinance*.
  - \*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.
    - \* (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
    - \* (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  - \*F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and

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

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements contingent upon approval of the variance requested in zoning case 938-V-19.

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

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

- \*H. 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.
- \* (1) The petitioners were not aware that adding a “mother-in-law suite” would be in violation of the number of dwellings permitting in the AG-1 Zoning District.
- \* (2) This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.
- \*I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use in related Case 937-S-19 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

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- \*J. 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.

There are no natural features on the subject property.

- \*K. 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.

\* (1) The proposed Special Use in related Case 937-S-19 does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

\* (2) The proposed Special Use does not require additional public utilities or infrastructure.

- \*L. 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.

\* (1) No land would be removed from agricultural production.

\* (2) The proposed Special Use does not change the character of the subject property or its surroundings.

- \*M. 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 rezoning and Special Use will not hinder the development of renewable energy sources.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

22. Proposed Special Conditions of Approval:

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

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

- B. **The Map Amendment is contingent upon approval of Cases 937-S-19 and 938-V-19.**

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

**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**



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**DOCUMENTS OF RECORD**

1. Applications for Map Amendment, Special Use Permit, and Variance received April 2, 2019, with attachment:
  - A Floor Plan
2. Site Plan received May 1, 2019
3. Site plan from variance case 315-V-78 approved August 24, 1978
4. Aerial photography from 2017 and 2008
5. ZBA minutes from case 316-V-78 dated August 24, 1978
6. Inquiry Letter from P&Z Department dated February 22, 2019
7. Email from Michael Flanagan, C-U Public Health District, received April 29, 2019
8. Email from Jolene Gensler received April 30, 2019
9. Email from Jolene Gensler received May 8, 2019
10. Letter from Erin Bush, Champaign County Soil and Water Conservation District  
*(to be distributed as handout)*
11. Land Evaluation and Site Assessment Score Worksheet completed by staff on April 25, 2019
12. Preliminary Memorandum dated May 9, 2019, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received May 1, 2019
  - C Approved Site Plan from Case 315-V-78
  - D Aerial photography from 2017 and 2008
  - E LRMP Land Use Goals, Objectives, and Policies
  - F LRMP Appendix of Defined Terms
  - G Right to Farm Resolution 3425
  - H Inquiry Letter from P&Z Department dated February 22, 2019
  - I Email from Michael Flanagan, C-U Public Health District, received April 29, 2019
  - J Emails from Jolene Gensler received April 30, 2019 and May 8, 2019
  - K Letter from Erin Bush, Champaign County Soil and Water Conservation District  
*(to be distributed as handout)*
  - L Land Evaluation and Site Assessment Score Worksheet dated April 25, 2019
  - M Site Visit Photos taken April 29, 2019
  - N Finding of Fact, Summary Finding of Fact, and Final Determination for Case 936-AM-19 dated May 16, 2019
  - O Summary of Evidence, Finding of Fact, and Final Determination for Cases 937-S-19 and 938-V-19 dated May 16, 2019

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**SUMMARY FINDING OF FACT FOR CASE 936-AM-19**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 16, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
      - a. Policy 4.1.1, which states that 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 (see Item 13.A.(1)).
      - b. 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)).
      - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
    - (2) It will **NOT IMPEDE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
      - a. 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)).
      - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(2)).
      - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(3)).
    - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
      - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
      - b. 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)).

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- c. 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)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- B. Regarding Goal 6:
  - (1) It {**WILL / WILL NOT**} **HELP ACHIEVE** Objective 6.1 regarding public health and safety (see Item 15.A.(1)).
- C. Regarding Goal 8:
  - (1) It will **HELP ACHIEVE** Objective 8.1 requiring Champaign County to only approve discretionary development when there is a sufficient supply an adequate supply of water (see Item 17.A.(1)).
  - (2) It will **HELP ACHIEVE** Objective 8.2 requiring Champaign County to strive to conserve its soil resources (see Item 17.B.(1)).
- D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
  - Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 3 Prosperity
  - Goal 5 Urban Land Use
  - Goal 7 Transportation
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- E. 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:
  - A. This area has a mix of agricultural and residential land uses.
  - B. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
  - C. The gain to the public of the proposed rezoning would be insignificant because the types of uses that could be established are mostly low intensity due to the small lot size.
  - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

**PRELIMINARY DRAFT**

- E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the AG-2 District in this location will **NOT WORSEN** hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because the subject property is not in the flood hazard area and the proposed Special Use is exempt from the Storm Water Management and Erosion Control Ordinance (Purpose 2.0 (d), see Item 21.D.).
  - B. Establishing the AG-2 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the AG-2 District (Purpose 2.0 (i), see Item 21.G.).
  - C. Establishing the AG-2 District at this location **WILL NOT** impact the protection of natural features (Purpose 2.0 (o), see Item 21.J.).
  - D. Establishing the AG-2 District at this location **WILL NOT** change the agricultural nature or character of the area (Purpose 2.0 (q), see Item 21.L.).
  - E. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special conditions:
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**  
  
The special condition stated above is required to ensure the following:  
**Conformance with Land Resource Management Plan Policy 4.2.3.**
  - B. **The Map Amendment is contingent upon approval of Cases 937-S-19 and 938-V-19.**  
  
The special condition stated above is required to ensure the following:  
**That the Special Use is consistent with the Zoning Ordinance and ZBA recommendations.**

**Case 936-AM-19**  
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***PRELIMINARY DRAFT***

**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 recommends that:

The Zoning Ordinance Amendment requested in **Case 936-AM-19** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- B. **The Map Amendment is contingent upon approval of Cases 937-S-19 and 938-V-19.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**PRELIMINARY DRAFT**

**937-S-19 and 938-V-19**

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

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

Date: *{May 16, 2019}*

Petitioners: **Jeff and Jolene Gensler**

Request: **CASE 937-S-19**  
**Authorize the construction and use of an existing unauthorized two-family dwelling as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 936-AM-19 and subject to the requested variance in related Zoning Case 938-V-19**

- CASE 938-V-19**
- Part A. Authorize a variance from Section 5.3 of the Zoning Ordinance for an existing principal structure with a side yard of 2.5 feet and a rear yard of 2.5 feet in lieu of the minimum required 15 feet side yard and 25 feet rear yard that is also the subject of related cases 936-AM-19 and 937-S-19**
  
  - Part B. Authorize a variance from Section 4.3.4 B. for a lot size of 25,950 feet in lieu of the minimum lot area of 30,000 square feet for a lot with two dwelling units that is also the subject of related cases 936-AM-19 and 937-S-19**

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**PRELIMINARY DRAFT**

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 16, 2019**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. Petitioners Jeff and Jolene Gensler own the subject property.
- \*2. The subject property is a 0.69 acre tract in the Northwest Quarter of the Southwest Quarter of Section 16, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township and commonly known as the farmstead with an address of 2740 CR 1400E, Rantoul.
  - \*A. The 0.69-acre (29,669 square feet) lot was created in 1974 and recorded in 1980.
    - \*(1) A minimum 1-acre lot size, excluding road right-of-way, has been required in the AG-1 Zoning District since the adoption of the Zoning Ordinance on October 10, 1973, making the lot illegal for zoning purposes. The lot size excluding right-of-way is 0.6 acre (25,950 square feet).
    - \*(2) The August 24, 1978 minutes for variance case 316-V-78 stated the following (information in parentheses added by Susan Burgstrom): “Mr. Coffin (owner of the subject property at the time) stated the lot was platted about 3 years ago (prior to his purchase of the land)...Ms. Regnier stated that when Mr. Harris sold this lot in 1974 (to Mr. Coffin) he created an illegal lot which did not conform to the Ordinance requirement of 200 feet in width.”
      - \*a. There was no further discussion of the illegal lot during the meeting. The ZBA did not require nor correct the illegal lot during this zoning case, despite their knowledge that it existed, and they approved the variances for the side and rear yard anyway.
    - \*(3) If approved, the proposed rezoning to AG-2 in related case 936-AM-19 will reduce the minimum lot size to 20,000 square feet and the minimum lot width to 100 feet, which would remedy the illegal status without requiring an additional variance for minimum lot size and minimum lot width. However, variance Part B in case 938-V-19 for the increased lot size due to the second dwelling would still be needed.
- \*3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - \*A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
    - (1) The Rantoul Comprehensive Plan Map adopted on February 14, 2006 and amended on March 11, 2008 shows the subject property in the “Industrial or Commercial” future land use.
  - \*B. The subject property is located within Rantoul Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township Plan Commission has been notified of this case.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

- 4. Regarding land use and zoning on the subject property and in the vicinity of the subject property:

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

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- \*A. The subject property is zoned AG-1 Agriculture and is residential in use.
- \*B. Land surrounding the subject property is also zoned AG-1 Agriculture and is in agricultural production with some farmsteads.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan for the proposed Special Use:

- \*A. The floor plan received on April 2, 2019, provides the following existing features:
  - \* (1) A 1,895 square foot house single-family residence constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
  - \* (2) A 36 feet by 24 feet detached garage constructed under ZUPA #216-78-01 with an approved variance for a 2.5 feet side yard and rear yard in Case 316-V-78 was expanded without authorization into a 36 feet by 54 feet garage sometime in 2010. The garage includes the following:
    - \*a. An unauthorized 12 feet by 7 feet breezeway connecting the garage to the main house;
    - \*b. An 864 square feet “mother-in-law suite” with living room, kitchen, bedroom, and bathroom;
    - \*c. An 8 feet 7 inch by 24 feet unauthorized addition to the main house that completes the connection to the breezeway; and
    - \*d. A 1,080 square feet garage.
- \*B. The Site Plan received May 1, 2019, is an updated version of the 1978 site plan for zoning case 316-V-78 approved on August 24, 1978, and provides the following additional information:
  - \* (1) The property has a well pump on the west side of the house; the 1978 site plan noted a well on the east side of the residence, but this has apparently been capped. The petitioner notes that there is another cap in the southeast corner of the property that is presumably another well.
  - \* (2) There are two propane tanks east of the garage, slightly east of the subject property.
  - \* (3) The original 1978 site plan showed a septic tank on the south end, and the petitioner notes a leach field west of that. The petitioner stated that she is contacting a septic company to try to get more information about the system.
- \*C. There is one zoning permit for the subject property:
  - \* (1) ZUPA #216-78-01 was approved on August 28, 1978 to construct a detached accessory garage.
- \*D. There is one previous zoning case for the subject property:
  - \* (1) Case 316-V-78 was approved on August 24, 1978 to allow a variance for a 2.5 feet side yard and 2.5 feet rear yard for the detached garage constructed under ZUPA #216-78-01.

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**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a two-family dwelling in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “AREA, LOT” is the total area within the LOT LINES.
    - (2) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
      - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
      - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
      - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
    - (3) “BUFFER STRIP” is an area, PROPERTY, LOT or tract of land or portion thereof, either vacant or landscaped with SCREEN PLANTING as herein specified, which shall serve as a separating space between dissimilar USES or DISTRICTS.
    - (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
    - (5) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
    - (6) “DISCRETIONARY” is a term to describe a decision requiring the exercise of judgment, deliberation or decision on the part of the BOARD and GOVERNING BODY in the process of approving or disapproving a SPECIAL USE or a rezoning request.
    - (7) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.
    - (8) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

- (9) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
- (10) “DWELLING, SINGLE FAMILY” is a DWELLING containing one DWELLING UNIT.
- (11) “DWELLING, TWO-FAMILY” is a DWELLING containing two DWELLING UNITS with one DWELLING UNIT arranged on the same story or in stories above the other DWELLING UNIT.
- (12) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (13) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (14) “LOT LINES” are the lines bounding a LOT.
- (15) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (16) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (17) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (18) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways.
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (19) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
  - a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;

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- d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (20) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (21) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
- (22) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- (23) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (24) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Regarding authorization for a two-family dwelling in the Zoning Ordinance:
- (1) A two-family dwelling has always been authorized by right in the R-3 and R-4 Residential districts.
    - a. A two-family dwelling was later allowed as a Special Use in the AG-2, R-1, and R-2 districts with Resolution 1130, adopted on May 20, 1975 (Case 89-AT-75).
  - (2) There are no Standard Conditions for a two-family dwelling in Section 6.1.3 of the *Zoning Ordinance*.
- C. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:

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**Cases 937-S-19 and 938-V-19**

- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
  - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;



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- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- G. Regarding the proposed variance:
- (1) Minimum side yard and rear yard for a principal structure in the AG-2 Zoning District are established in Section 5.3 of the Zoning Ordinance as 15 feet and 25 feet, respectively.
  - (2) Minimum lot size for a lot created after October 10, 1973 is established in Section 4.3.4 B. of the Zoning Ordinance.

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

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
  - A. The Petitioner has testified on the application, **“Location allows parent to live with daughter in her own independent residence. Parent is not able to navigate the stairway at main house. Shower & bedrooms are located on second floor. This is the best option as assisted living is not an economical option. Located just outside**

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**Cases 937-S-19 and 938-V-19**

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**Rantoul and 12 miles north of Champaign Urbana where doctor appointments, dialysis, and grocery stores are easily accessed.”**

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

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, **“Home and proposed addition is located in country with no other housing within 1/8 to 1/4 mile of property, therefore, proposed addition will not cause any detriment to surrounding area or farmland.”**
- B. Regarding surface drainage:
- (1) The subject property is relatively flat. Storm water generally flows to the southeast.
- (2) Regarding the *Storm Water Management and Erosion Control Ordinance*:
- a. The proposed use is exempt from the SWMEC Ordinance.
- C. Regarding traffic in the subject property area:
- \* (1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR 1400E north of CR 2700N had an ADT of 250.
- \* (2) The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
- \*a. The pavement surface of CR 1400E near the subject property is oil and chip. The pavement is about 20 feet wide.
- \* (3) Traffic volumes are not expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:
- \*a. A typical residence averages 10 vehicle trips per day.
- \*b. Two additional residents would not add significant traffic to the roads.
- \* (4) The Rantoul Township Highway Commissioner was notified of this case, and no comments have been received.
- \*D. Regarding fire protection on the subject property, the subject property is 3.5 road miles from the Thomasboro Fire Protection District station. The Fire Chief was notified of this case, and no comments have been received.
- \*E. The subject property is not located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0200D, effective date October 2, 2013.

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- \*F. The soil on the subject property is Best Prime Farmland and consists of 56B Dana silt loam, and has an average Land Evaluation score of 91.
- \*G. Regarding wastewater treatment and disposal on the subject property:
  - \* (1) The subject property residence has a septic system, but there is no permit on file with the Champaign-Urbana Public Health District and no information available regarding its size, condition, or age.
  - \* (2) On April 29, 2019, Susan Burgstrom asked Michael Flanagan with the Champaign-Urbana Public Health District if the new bedroom/bathroom would require a septic system. In an email received April 29, 2019, Michael Flanagan with the Champaign-Urbana Public Health District stated, “All waste from kitchens and bathrooms are required to be disposed of in either a municipal or private sewage system. If they would have tied their new plumbing into the existing system, according to our rules they are not out of compliance, however, I do counsel people who bring that idea to me to consider updating the old, or installing a new system that meets current code and size requirements for the additional bedroom. If it is an addition of a second kitchen and bathroom but no additional bedroom, than the sizing requirements would not have changes. Illinois sizes septic system based on number of bedrooms. No consideration is given for number of plumbing fixtures in a residence.”
  - \* (3) The petitioner told Ms. Burgstrom that they will have a septic company come out to look at the system to see if they find any issues and to try to determine its capacity.
- H. Regarding neighborhood concerns:
  - (1) No comments have been received to date.
- I. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application: **“We are requesting an amendment from AG-1 to AG-2 to allow the second dwelling.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) Section 5.2: Table of Authorized Principal Uses authorizes a two-family dwelling by right in the R-3 and R-4 Residential districts and as a Special Use in the AG-2, R-1, and R-2 districts.

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**Cases 937-S-19 and 938-V-19**

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- C. The proposed Special Use is exempt from the *Storm Water Management and Erosion Control Ordinance*.
- D. Regarding the Special Flood Hazard Areas Ordinance:
  - (1) The subject property is not located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0200D, effective date October 2, 2013.
- E. Regarding the Subdivision Regulations:
  - (1) The subject property is located in the Village of Rantoul subdivision jurisdiction.
  - (2) The 0.69-acre lot was created in 1974 and recorded in 1980.
    - a. A minimum 1-acre lot size, excluding road right-of-way, has been required in the AG-1 Zoning District since the adoption of the Zoning Ordinance on October 10, 1973, making the lot illegal for zoning purposes.
    - b. The August 24, 1978 minutes for variance case 316-V-78 stated the following (information in parentheses added by Susan Burgstrom): “Mr. Coffin (owner of the subject property at the time) stated the lot was platted about 3 years ago (prior to his purchase of the land)...Ms. Regnier stated that when Mr. Harris sold this lot in 1974 (to Mr. Coffin) he created an illegal lot which did not conform to the Ordinance requirement of 200 feet in width.”
      - (a) There was no further discussion of the illegal lot during the meeting. The ZBA did not require nor correct the illegal lot during this zoning case, despite their knowledge that it existed, and they approved the variances for the side and rear yard anyway.
    - c. If approved, the proposed rezoning to AG-2 in related case 936-AM-19 will reduce the minimum lot size to 20,000 square feet and the minimum lot width to 100 feet, which will remedy the illegal status without requiring an additional variance for minimum lot size and minimum lot width. However, variance Part B in case 938-V-19 for the increased lot size due to the second dwelling would still be needed.

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

- 10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
  - A. Section 5.2: Table of Authorized Principal Uses authorizes a two-family dwelling as a Special Use in the AG-2 Agriculture Zoning District.
  - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
    - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 Agriculture DISTRICT and states as follows (capitalized words are defined in the Ordinance):

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The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- (2) The types of uses authorized in the AG-2 DISTRICT are in fact the types of uses that have been determined to be acceptable in the AG-2 DISTRICT. Uses authorized by Special Use Permit are acceptable uses in the DISTRICT provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- \* (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
    - \*a. This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements contingent upon approval of the variance requested in zoning case 938-V-19.
    - \*b. The subject property is surrounded on three sides by agriculture.
  - \* (2) 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.
    - \*a. The requested Special Use should not decrease the value of nearby properties.
    - \*b. If the petitioners are denied the map amendment and special use permit, the property can still be used as a single-family residence.
  - \* (3) 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.
    - \*a. The traffic generated by the proposed use will be insignificant.
  - \* (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
    - \*a. The subject property is not located within a Special Flood Hazard Area, per FEMA flood map Panel 17019C0200D, effective date October 2, 2013.
    - \*b. The proposed Special Use is exempt from the *Storm Water Management and Erosion Control Ordinance*.

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

- \* (5) 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.
  - \*a. In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
  - \*b. In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
  
- \* (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
  - a. Discussion of how the lot size and lot width will be brought into conformance by rezoning to the AG-2 District can be found under Item 9.E. above.
  - \*b. These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan would be in compliance with those requirements contingent upon approval of the variance requested in zoning case 938-V-19.
  
- \* (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

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

- \* (8) 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

***PRELIMINARY DRAFT***

in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

- \*a. The petitioners were not aware that adding a “mother-in-law suite” would be in violation of the number of dwellings permitting in the AG-1 Agriculture Zoning District.
- \*b. This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- \* (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- \* (10) 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.

There are no natural features on the subject property.

- \* (11) 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.

- \*a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- \*b. The proposed Special Use does not require additional public utilities or infrastructure.

- \* (12) 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.

- \*a. No land would be removed from agricultural production.

- \*b. The proposed Special Use does not change the character of the subject property or its surroundings.

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



**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

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The proposed rezoning and Special Use will not hinder the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
  - A. The Petitioner has testified on the application: “N/A.”
  - B. The existing use on the property is not a nonconforming use.

**RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
  - A. The Petitioner has testified on the application, **“Lot was grandfathered in at 0.69 acres where current conformance is one acre. This was only place to build due to leach fields, septic and well.”**
  - B. Regarding Part A of the variance, for 2.5 foot side and rear yards, the detached garage constructed in 1978 had a variance approved for 2.5 foot side and rear yards. The petitioners followed the existing lines to construct the unauthorized addition.
  - C. Regarding Part B of the variance, the 0.69-acre (29,669 square feet) lot was created on December 19, 1974, but was not a legal zoning lot until it was recorded on March 10, 1980.
    - (1) Without the road right-of-way, the lot size is reduced to 25,950 square feet.
    - (2) In 1980, the minimum area for a lot with no connected public water or sanitary sewer with one dwelling was 20,000 square feet, per Section 4.3.4 of the *Zoning Ordinance*.
    - (3) The petitioners added a second dwelling unit in 2010, although the lot size remained the same. The *Zoning Administrator* has taken a conservative approach in applying a 30,000 square feet minimum lot area in variance Part B by assuming that 20,000 square feet was the required minimum when the lot was created in 1980, but an additional 10,000 square feet is required for the addition of a second dwelling unit after September 21, 1993.
  - D. The petitioners constructed the addition and connected the garage to the main residence in order to provide an accessible living space for a disabled parent who needs assistance.

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

13. Generally regarding the *Zoning Ordinance* requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:

**PRELIMINARY DRAFT**

- A. The Petitioner has testified on the application, **“Variance sought to attach new structure to existing garage structure, which has already been granted a variance. This is the only practical area to build the new structure due to location of existing leach fields, septic, well, and buried utilities.”**
- B. Without Part A of the proposed variance for side and rear yards, the petitioners would have to demolish the addition to the detached garage approved in 1978, or would have to purchase additional land.
- C. Without Part B of the proposed variance for a minimum lot area of less than 30,000 square feet, the owners could not have a second residence, or would have to purchase additional land.
- D. In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.

***RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT***

- 14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No. Structures will be built on our property, but will not have appropriate amount of space between structure and property line per required specifications. All existing property surrounding this property is tilled farmland. Property was purchased approximately 14 years ago, and we have always maintained 20 to 25 feet of property beyond structure as part of our existing yard even though it’s not technically within our property line.”**
  - B. Discussion of how the lot size and lot width will be brought into conformance by rezoning to the AG-2 District can be found under Item 9.E. above.
  - C. The petitioners did not seek guidance on necessary construction approvals.
  - D. Regarding Part A of the variance, for 2.5 foot side and rear yards, the detached garage constructed in 1978 had a variance approved for 2.5 foot side and rear yards. The petitioners followed the existing lines to construct the unauthorized addition.
  - E. Regarding Part B of the variance, for a minimum lot area less than 30,000 square feet, the interpretation of Section 4.3.4 regarding minimum lot size was made after the February 22, 2019 letter from the P&Z Department.
  - F. Regarding both parts of the variance, the petitioners were not aware of the regulations until they received a letter from the P&Z Department, and applied for the necessary variance requests in a timely manner.

**PRELIMINARY DRAFT**

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The Petitioner has testified on the application, **“Granting this variance will allow us to build a garage that can be attached to the house, increasing the overall value and marketability of the residence.”**
  - B. Regarding Part A of the variance, for 2.5-foot side and rear yards in lieu of the minimum required 15 and 25 feet side and rear yards, the requested variance is 16.7% of the minimum required for the side yard, and 10% of the required rear yard, for a variance of 83.3% and 90%, respectively.
    - (1) Grass on the east side of the garage has increased from 16 feet to 20 feet wide as shown in the 2008 and 2017 aerial photography. The petitioners’ two propane tanks sit on the grass on the east side, which is not on their land. The grass on the north side has increased from 12 feet to 20 feet as well. This would suggest that the residential use is removing land from agricultural production, and it is not clear if this is the desire of the adjacent landowner who owns all but 2.5 feet of that grass area.
    - (2) In an email received May 8, 2019, Ms. Gensler stated that she spoke with the adjacent landowner, Mr. Anderson. She said that he will not protest their zoning requests, and he is not willing to sell any land.
  - C. Regarding Part B of the variance, for a minimum lot area less than 30,000 square feet, the requested variance is 86.5% of the minimum required, for a variance of 13.5%.
    - (1) Should the rezoning to AG-2 be approved in Case 936-AM-19, the required minimum lot size will be reduced to 20,000 square feet, and the variance will no longer be required.
  - D. Regarding Part A of the variance, for side and rear yards, the Zoning Ordinance does not clearly state the considerations that underlie the side and rear yard requirements. In general, the yards are presumably intended to ensure the following:
    - (1) Adequate light and air: The subject property is surrounded by agriculture on all four sides, and the nearest residence is 1/8 mile away.
    - (2) Separation of structures to prevent conflagration: The subject property is 3.5 road miles from the Thomasboro Fire Protection District and the nearest residence is 1/8 mile away.
    - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
  - E. Regarding Part B of the variance, for minimum lot area:
    - (1) The County reviewed the minimum lot area requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system.

*PRELIMINARY DRAFT*

- (2) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area requirement, other considerations are as follows:
  - a. Adequate light and air: The subject property is surrounded by agriculture on all four sides, and the nearest residence is 1/8 mile away.
  - b. Separation of structures to prevent conflagration: The subject property is 3.5 road miles from the Thomasboro Fire Protection District and the nearest residence is 1/8 mile away.
  - c. Aesthetics may also play a part in the minimum lot area requirement.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application: **“Being in the country, the closest neighbors are approximately 1/8 to 1/4 of a mile away, so we don’t anticipate the variance being injurious to the neighborhood. Property was purchased approximately 14 years ago, and we have always maintained 20 to 25 feet of property beyond structure as part of our existing yard even though it’s not technically within our property line. Improvements to our property will also help improve the general marketability of nearby residential properties.”**
  - B. The subject property residence has a septic system, but there is no permit on file with the Champaign-Urbana Public Health District and no information available regarding its size, condition, or age. The petitioner told Ms. Burgstrom that they will have a septic company come out to look at the system to see if they find any issues and to try to determine its capacity.
  - C. The Rantoul Township Road Commissioner has been notified of this variance and no comments have been received.
  - D. The Thomasboro Fire Protection District has been notified of this variance and no comments have been received.
  - E. The nearest building on neighboring property is a house that is approximately 850 feet southwest of the subject property on the west side of CR 1400E.

*GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE*

17. Generally regarding any other circumstances that justify the Variance:
  - A. The Petitioner has testified on the application: **“New garage has been attached to old garage, which was already granted a variance. Location of new structure was the only place to build due to location of leach fields, septic, well, and other underground utilities. Old garage now serves as suite for elderly parent to live in. Location of new**

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

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**garage allows for parent to have attached garage for indoor parking to accommodate disability issues and provides shelter from inclement weather.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

18. Regarding proposed special conditions of approval for the Special Use:

- A. **The petitioner shall apply for a Zoning Use Permit within 30 days of approval of rezoning Case 936-AM-19, to include any unauthorized existing structures, and pay associated permit fees for the existing structures.**

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

**That all structures on the subject property have the required Zoning Use Permits.**

- B. **The Special Use Permit is contingent upon approval of Case 936-AM-19.**

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

**That the Special Use is consistent with Part 13.2.1 the Zoning Ordinance and ZBA recommendations.**

19. Regarding proposed special conditions of approval for the Variance:

- A. **The Variance is contingent upon approval of Case 936-AM-19.**

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

**That the variance is consistent with Part 13.2.1 of the Zoning Ordinance.**

**DOCUMENTS OF RECORD**

1. Applications for Map Amendment, Special Use Permit, and Variance received April 2, 2019, with attachment:
  - A Floor Plan
2. Site Plan received May 1, 2019
3. Site plan from variance case 315-V-78 approved August 24, 1978
4. Aerial photography from 2017 and 2008
5. ZBA minutes from case 316-V-78 dated August 24, 1978
6. Inquiry Letter from P&Z Department dated February 22, 2019
7. Email from Michael Flanagan, C-U Public Health District, received April 29, 2019
8. Email from Jolene Gensler received April 30, 2019
9. Email from Jolene Gensler received May 8, 2019
10. Letter from Erin Bush, Champaign County Soil and Water Conservation District  
*(to be distributed as handout)*
11. Land Evaluation and Site Assessment Score Worksheet completed by staff on April 25, 2019
12. Preliminary Memorandum dated May 9, 2019, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received May 1, 2019
  - C Approved Site Plan from Case 315-V-78
  - D Aerial photography from 2017 and 2008
  - E LRMP Land Use Goals, Objectives, and Policies
  - F LRMP Appendix of Defined Terms
  - G Right to Farm Resolution 3425
  - H Inquiry Letter from P&Z Department dated February 22, 2019
  - I Email from Michael Flanagan, C-U Public Health District, received April 29, 2019
  - J Emails from Jolene Gensler received April 30, 2019 and May 8, 2019
  - K Letter from Erin Bush, Champaign County Soil and Water Conservation District  
*(to be distributed as handout)*
  - L Land Evaluation and Site Assessment Score Worksheet dated April 25, 2019
  - M Site Visit Photos taken April 29, 2019
  - N Finding of Fact, Summary Finding of Fact, and Final Determination for Case 936-AM-19 dated May 16, 2019
  - O Summary of Evidence, Finding of Fact, and Final Determination for Cases 937-S-19 and 938-V-19 dated May 16, 2019

**PRELIMINARY DRAFT**

**FINDINGS OF FACT FOR CASE 937-S-19**

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **937-S-19** held on **May 16, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
  - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
  - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses *{because\*}*:
  - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - e. Public safety will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* *{because\*}*:
  - g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements *{because\*}*:
  - h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because\*}*:
  - i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because\*}*:

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

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

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
  - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
  - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.



**PRELIMINARY DRAFT**

- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
- A. **The petitioner shall apply for a Zoning Use Permit within 30 days of approval of rezoning Case 936-AM-19, to include any unauthorized existing structures, and pay associated permit fees for the existing structures.**  
  
The special condition stated above is required to ensure the following:  
**That all structures on the subject property have the required Zoning Use Permits.**
  - B. **The Special Use Permit is contingent upon approval of Case 936-AM-19.**  
  
The special condition stated above is required to ensure the following:  
**That the Special Use is consistent with Part 13.2.1 the Zoning Ordinance and ZBA recommendations.**

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**  
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**FINDINGS OF FACT FOR CASE 938-V-19**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **938-V-19** held on **May 16, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

A. **The Variance is contingent upon approval of Case 936-AM-19.**

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

**That the variance is consistent with Part 13.2.1 of the Zoning Ordinance.**

**PRELIMINARY DRAFT**

**FINAL DETERMINATION FOR CASE 937-S-19**

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

The Special Use requested in Case **937-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Jeff and Jolene Gensler**, to authorize the following as a Special Use on land in the AG-2 Agriculture Zoning District:

**Authorize the construction and use of an existing unauthorized two-family dwelling as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 936-AM-19 and subject to the requested variance in related Zoning Case 938-V-19.**

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

- A. The petitioner shall apply for a Zoning Use Permit within 30 days of approval of rezoning Case 936-AM-19, to include any unauthorized existing structures, and pay associated permit fees for the existing structures.**
- B. The Special Use Permit is contingent upon approval of Case 936-AM-19.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

**PRELIMINARY DRAFT**

**Cases 937-S-19 and 938-V-19**

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**FINAL DETERMINATION FOR CASE 938-V-19**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **938-V-19** are hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Jeff and Jolene Gensler**, to authorize the following variance in the AG-2 Agriculture Zoning District:

**Part A. Authorize a variance from Section 5.3 of the Zoning Ordinance for an existing principal structure with a side yard of 2.5 feet and a rear yard of 2.5 feet in lieu of the minimum required 15 feet side yard and 25 feet rear yard that is also the subject of related cases 936-AM-19 and 937-S-19.**

**Part B. Authorize a variance from Section 4.3.4 B. for a lot size of 25,950 feet in lieu of the minimum lot area of 30,000 square feet for a lot with two dwelling units that is also the subject of related cases 936-AM-19 and 937-S-19.**

*{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }*

**A. The Variance is contingent upon approval of Case 936-AM-19.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date