

CASES 223-AM-26, 224-S-26 & 225-V-26

PRELIMINARY MEMORANDUM

October 8, 2026

Petitioners: Matthew & Stephanie Owens

Request:

CASE 223-AM-26

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 truck terminal for a solid waste hauling business as a Special Use in related Zoning Case 224-S-26.

CASE 224-S-26

Authorize a Special Use Permit to allow a truck terminal for a solid waste hauling business on the property that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the Current AG-1 Agriculture Zoning District in the related zoning case 223-AM-26 with the following waiver:

Authorize a waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

CASE 225-V-26

Authorize a variance for the use of an existing storage shed with a rear yard of 2 ft. in lieu of the required 10 ft. per Section per Section 7.2.1 of the Zoning Ordinance.

Location: A 5-acre lot in the northeast quarter of the northeast quarter of Section 34, Township 22 North, Range 10 East of the Third Principal Meridian in Harwood Township, commonly known as the property with an address of 2179 CR 3100N, Gifford.

Site Area: 5.0 acres

Time Schedule for Development: Currently in use

Prepared by: **Charlie Campo**, Senior Planner
John Hall, Zoning Administrator
Trevor Partin, Associate Planner

BACKGROUND

The petitioners reside on the property and operate Owens Disposal, a small solid waste hauling business from the subject property. The petitioners have been operating from this location since 2024. The petitioners contacted the Department of Planning and Zoning about bringing the property into conformance with the Zoning Ordinance. The Department informed the petitioner that they would need to rezone the property to AG-2 Agriculture and apply for a Special Use Permit to allow a truck terminal for the waste hauling business. During the review of the property, it was noted that a 60x80 ft. storage building was constructed on the property that is located less than the required 10 feet from the rear property line. The petitioners submitted applications for a Zoning Map amendment, Special Use Permit and a Variance.

A waiver is requested from Section 5.2: Table of Authorized Principal Uses that states that Truck Terminals can be established with a Special Use Permit in the AG-2 Agriculture Zoning District. Standard Conditions for the Truck Terminal Special Use require a 6 feet tall wire mesh fence surrounding the Truck Terminal.

EXTRATERRITORIAL JURISDICTION

The subject property is located within one and one-half miles of the Village of Gifford, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.

The subject property is located within Harwood Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Existing Residential and Truck Terminal for Waste Hauling Business	AG-1 Agriculture (Proposed rezoning to AG-2 Agriculture)
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PUBLIC COMMENTS

Notices about the case were sent to surrounding landowners, Village of Gifford, Harwood Township, Gifford Fire Protection District and Dillsburg Special Drainage District and no comments have been received.

DECISION POINTS FOR 223-AM-26

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 PARENTHESES}**, 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 223-AM-26. Please discuss them in the following order because some decision points are based on others:

Decision points for Goal 6: Public Health and Safety

- Objective 6.1
 - Policy 6.1.2 Item 17.A.(2), page 13 of 26
 - Objective 6.1 (overall) Item 17.A., page 13 of 26
- **Goal 6 (overall)** **Item 17, page 13 of 26**

HELP ACHIEVE?

WILL / WILL NOT
WILL / WILL NOT
WILL / WILL NOT

Decision points for Goal 8: Natural Resources

HELP ACHIEVE?

- | | | |
|---------------------------|------------------------------|-----------------|
| • Objective 8.1 | | |
| ○ Policy 8.1.1 | Item 19.A.(1), page 14 of 26 | WILL / WILL NOT |
| ○ Policy 8.1.7 | Item 19.A.(2), page 14 of 26 | WILL / WILL NOT |
| ○ Objective 8.1 (overall) | Item 19.A., page 14 of 26 | WILL / WILL NOT |
| • Goal 8 (overall) | Item 19, page 14 of 26 | WILL / WILL NOT |

PROPOSED SPECIAL CONDITIONS FOR 223-AM-26

- 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.

PROPOSED SPECIAL CONDITIONS FOR 224-S-26

- A. **A Zoning Use Permit and applicable fees shall be required for any future construction on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 223-AM-26 by the County Board and 224-S-26 by the Zoning Board of Appeals**

The above special condition is required to ensure the following:

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- D. **If required by the Storm Water Management and Erosion Control Ordinance, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Change of Use application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

- E. **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.

- F. **Garbage or debris shall not be stored in vehicles or containers or allowed to accumulate on the property.**

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

Conformance with the Champaign County Nuisance Ordinance.

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

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

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

- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition of the International Building Code and (B) the current edition of the National Electrical Code.**

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

New commercial buildings shall be in conformance with Public Act 103-0510.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B 2026 Annotated Aerial Photo
- C Site Plan received August 8, 2026
- D LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- E LRMP Appendix of Defined Terms (on ZBA meetings website)
- F 1973 and 2023 Historic Aerials
- G Site Photos
- H Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 223-AM-26 dated October 15, 2026
- I Draft Summary of Evidence, Finding of Fact, and Final Determination for Cases 224-S-26 and 225-V-26 dated October 15, 2026

Location Map

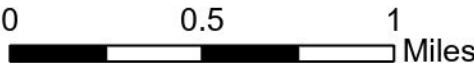
Case 223-AM-26, 224-S-26 & 225-V-26

October 15, 2026

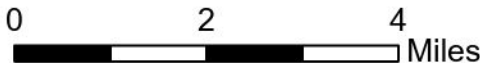
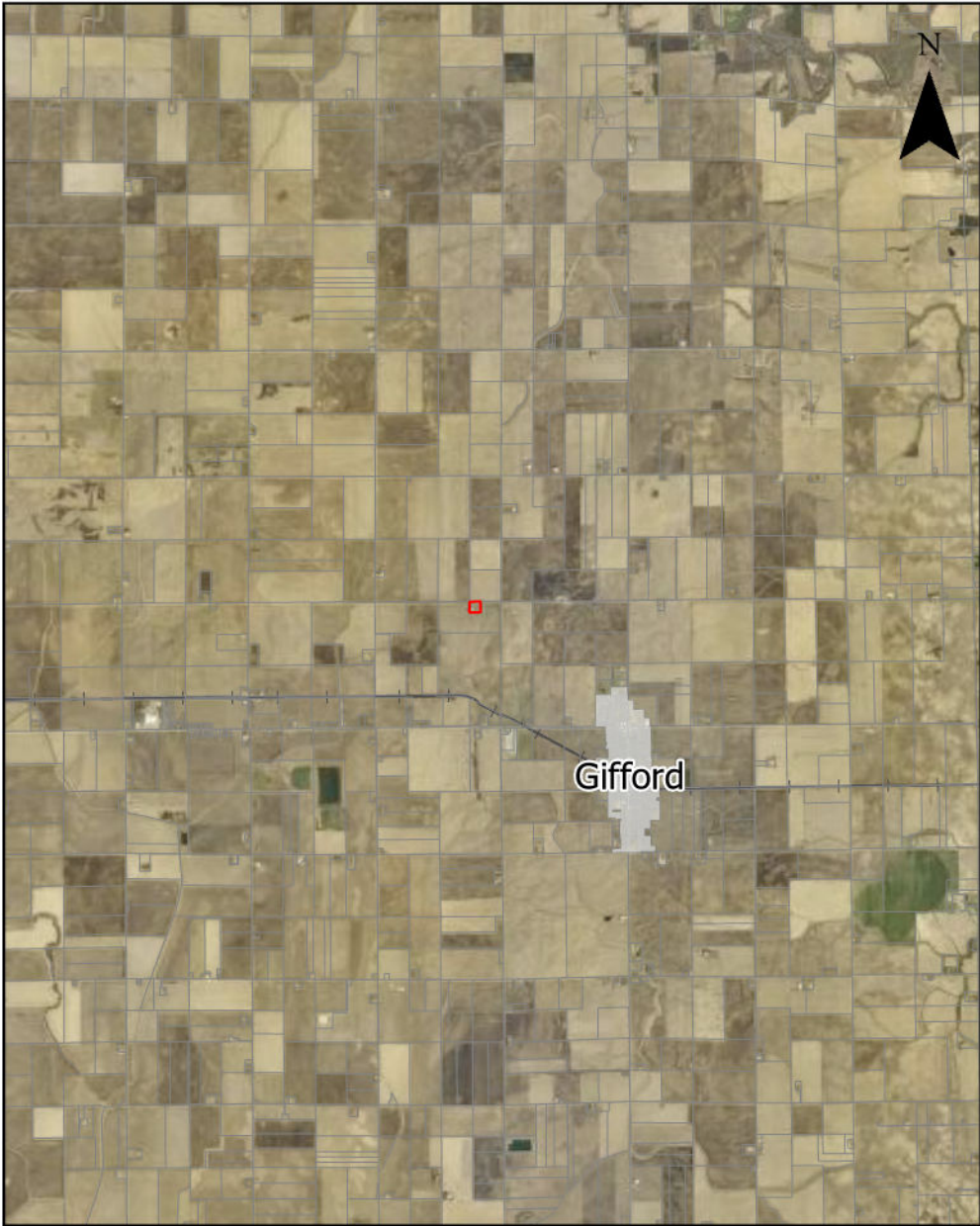
Subject Property



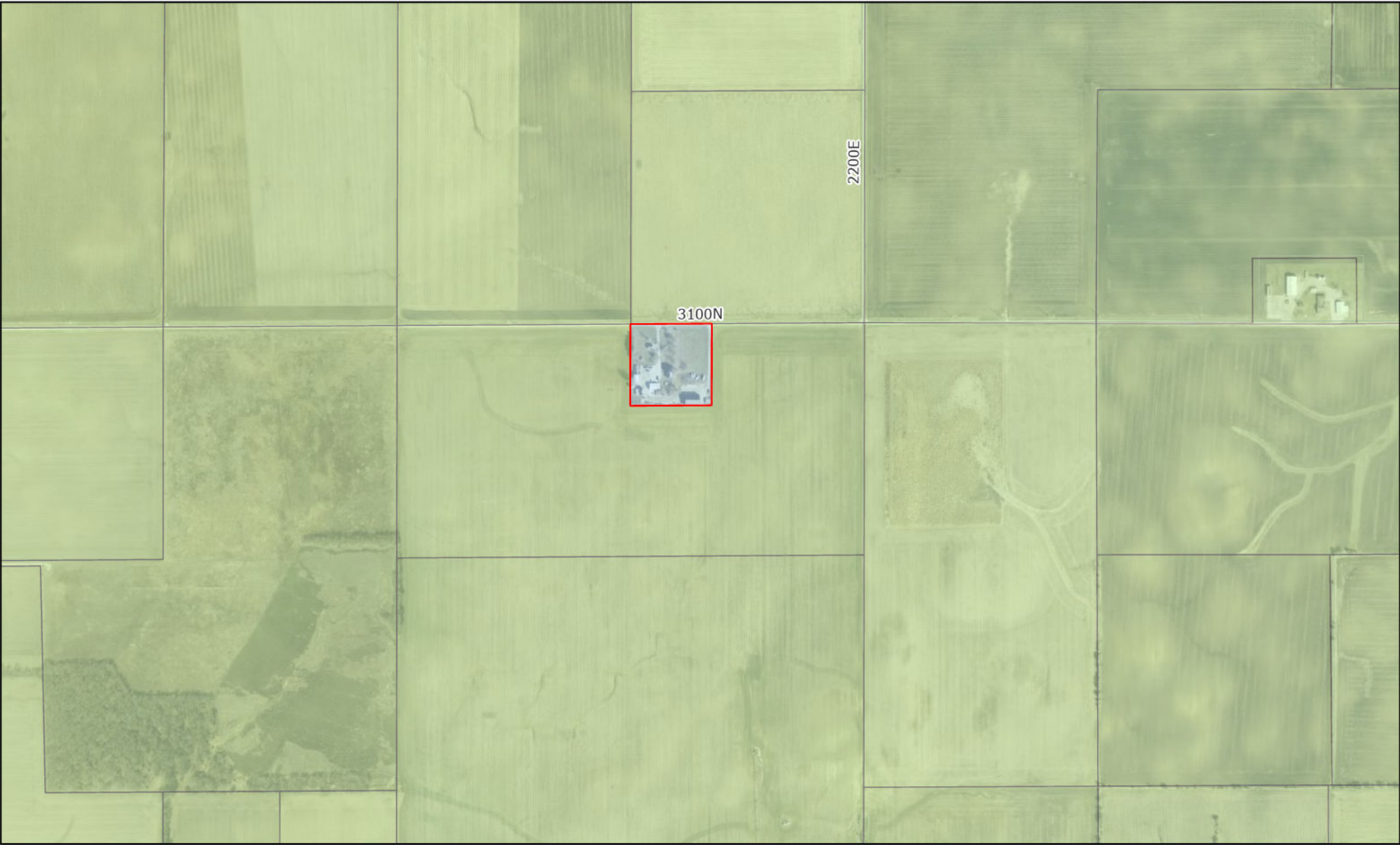
Subject Parcel



Property location in Champaign County



Land Use Map
Case 223-AM-26, 224-S-26 & 225-V-26
October 15, 2026



Subject Property Agricultural Commercial/Residential

0 1,000 2,000 Feet



Zoning Map

Case 223-AM-26, 224-S-26 & 225-V-26

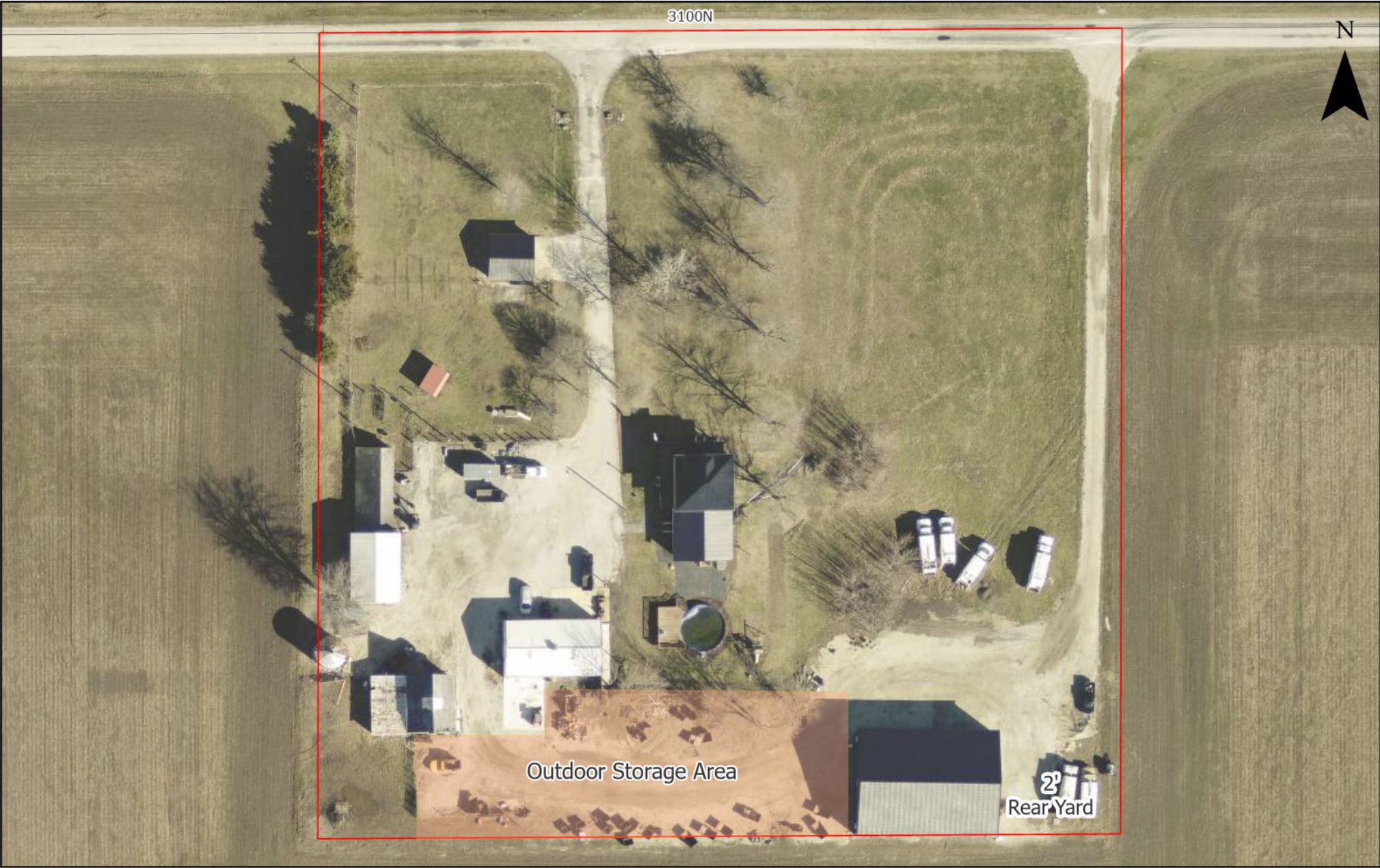
October 15, 2026



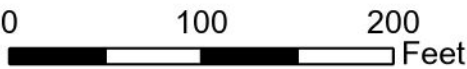
 Subject Parcel  AG-1 Agriculture



Annotated 2026 Aerial
Case 223-AM-26, 224-S-26 & 225-V-26
October 15, 2026



Subject Parcel



PLANNING &
ZONING

APPROXIMATE SITE PLAN — NOT A SURVEY

2179 CR 3100 N, Gifford, IL 61847

Prepared from applicant's field measurements and sketch

3100 N

466.69'

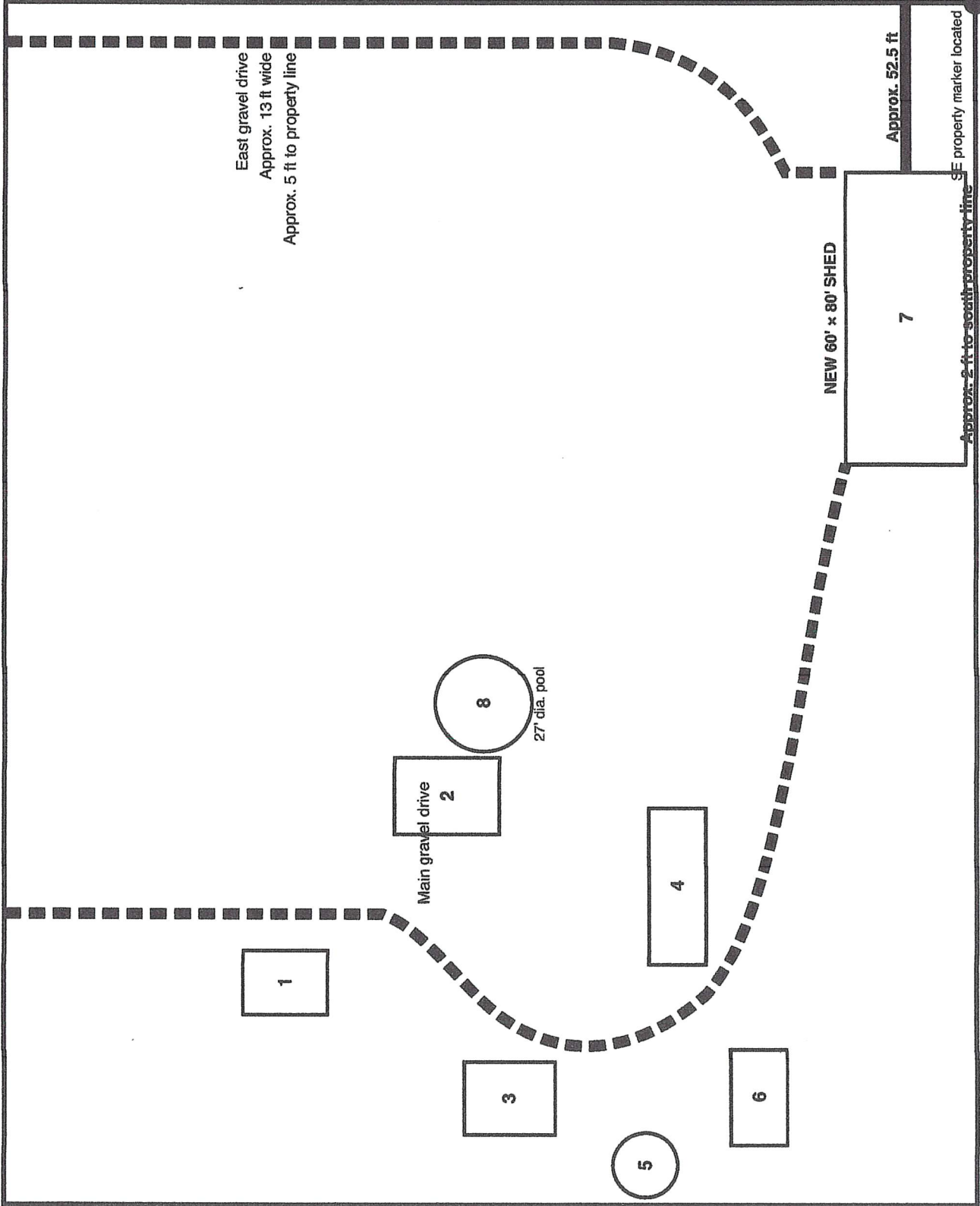
LEGEND

- 1 Detached garage
- 2 House
- 3 Metal building
- 4 Metal building
- 5 Grain bin
- 6 Corn crib
- 7 New 60' x 80' shed
- 8 Existing 27' round pool



NOTES

- Locations are approximate.
- Dimensions shown are field measure
- Property lines are not survey-certified

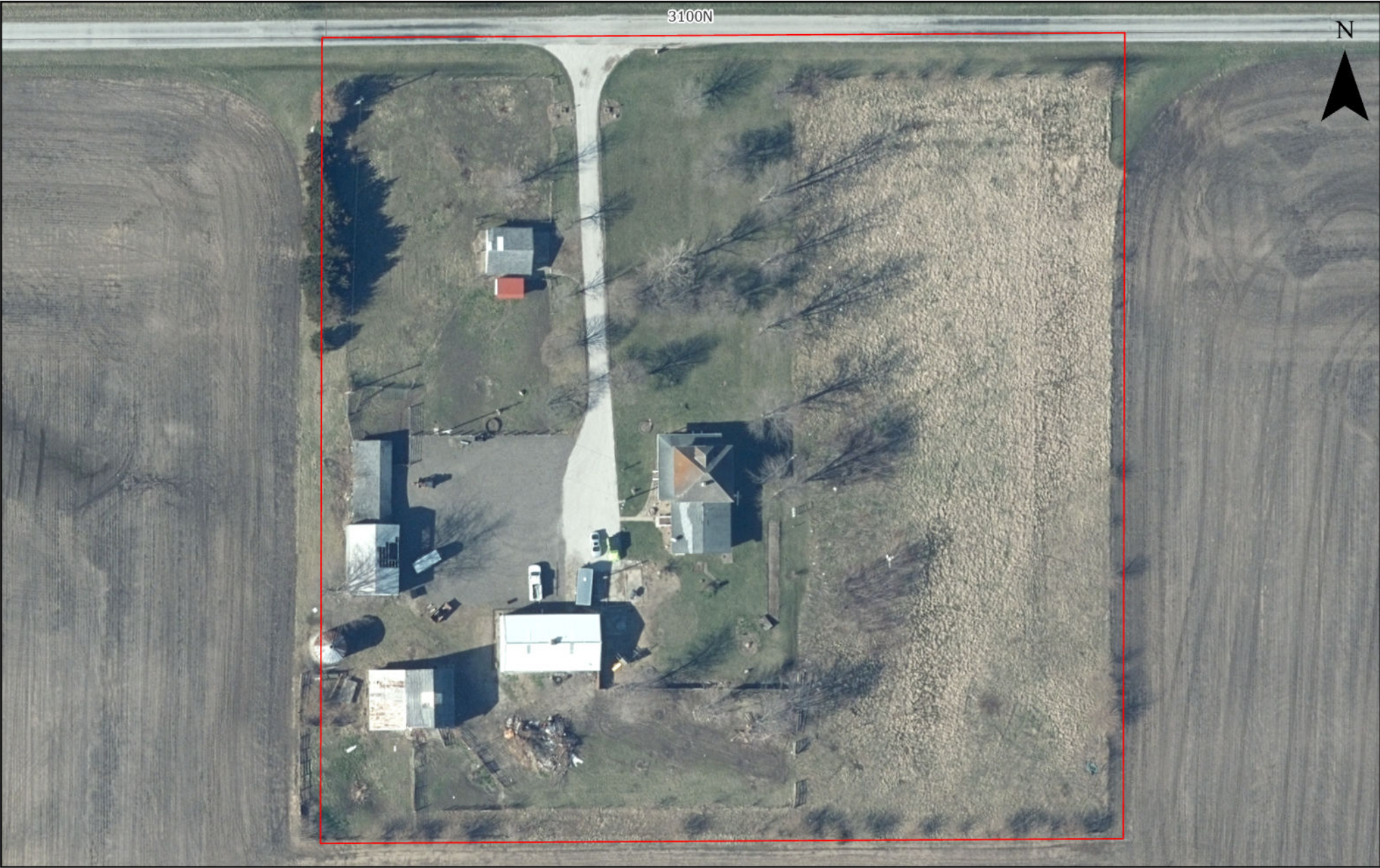


Existing
Structures

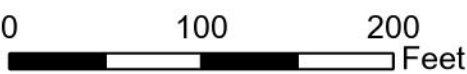
Annotated 1973 Aerial
Case 223-AM-26, 224-S-26 & 225-V-26
October 15, 2026



Annotated 2023 Aerial
Case 223-AM-26, 224-S-26 & 225-V-26
October 15, 2026



 Subject Parcel



223-AM-26, 224-S-26 & 225-V-26 Site Images



From adjacent property looking west toward subject property.



From CR3100N at east driveway looking south toward subject property.

223-AM-26, 224-S-26 & 225-V-26 Site Images



From CR 3100N looking south toward subject property.



From CR 3100N at west driveway looking south toward subject property.

223-AM-26, 224-S-26 & 225-V-26 Site Images



From CR 3100N looking southeast toward subject property.

PRELIMINARY DRAFT

223-AM-26

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

Final Determination:	<i>{RECOMMEND ENACTMENT / RECOMMEND DENIAL}</i>
Date:	<i>{October 15, 2026}</i>
Petitioner:	Matthew & Stephanie Owens
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 truck terminal for a solid waste hauling business as a Special Use in related Zoning Case 224-S-26.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 15, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners are the owners of the subject property.
2. The subject property is a 5-acre lot in the northeast quarter of the northeast quarter of Section 34, Township 22 North, Range 10 East of the Third Principal Meridian in Harwood Township, commonly known as the property with an address of 2179 CR 3100N, Gifford.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Gifford, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases.
 - B. The subject property is located within Harwood Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“No specific error is alleged. The requested map amendment is to rezone the subject 5-acre parcel from AG-1 to AG-2 to allow the property to be used in accordance with the applicable AG-2 zoning requirements.”**
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner has indicated: **“The subject property is an existing 5-acre residential tract with a residence and other existing structures. A new 60x80 ft. pole barn has been constructed on the property. The requested change from AG-1 to AG-2 will place the property in the zoning determined for its existing residential use and structures. A separate variance is being requested for the pole barn setback.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture used for single-family residential and a waste hauling business.
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.
7. Regarding the site plan and proposed operations of the subject property:
 - A. The site plan received August 18, 2026, indicates the following existing improvements on the lot:
 - (1) One single-family residence;
 - (2) One 24x24 ft. detached garage

- (3) One 30x40 ft. metal storage building, one 30x55 ft metal storage building;
 - (4) One grain bin, one barn;
 - (5) One 60x80 ft. recently constructed metal storage building.
 - (6) An outdoor storage area for empty trash dumpsters.
- B. The petitioner has stated that they have three garbage trucks that are used for the business and are parked outside daily. Empty dumpsters are stored outside on the gravel area on the south side of the property to the west of the 60x80 ft. storage building. There are two full time employees and two part time employees (two days per week) that report to work at the subject property for work off-site. The petitioners live in the house on the property and work from home/perform work off-site.
8. There are no previous zoning cases for the subject property.
9. Previous Zoning Use Permits issued for the property are as follows:
- A. ZUPA 306-90-02 was approved November 7, 1990, for the for the placement of a mobile home (later removed).
 - B. ZUPA 220-05-01 was approved August 24, 2005, for an addition to the single-family residence.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

10. 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.

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(3) The subject property is approximately 1.15 miles from the Village of Gifford.

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 14 types of uses authorized by right in the AG-1 District and there are 16 types of uses authorized by right in the AG-2 District:

a. There are 14 uses authorized by right in the AG-1 District that 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;
- (f) Plant nursery;
- (g) Township Highway maintenance garage;
- (h) ADULT USE CANNABIS CULTIVATION CENTER;
- (i) ADULT USE CANNABIS CRAFT GROWER;
- (j) Christmas Tree Sales Lot;
- (k) OFF-PREMISES SIGN within 660 feet of the edge of the RIGHT-OF-WAY of an interstate highway;
- (l) OFF-PREMISES SIGN along federal highways except interstate highways; and
- (m) TEMPORARY USES;
- (n) BATTERY ENERGY STORAGE SYSTEMS, TIER-1.

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 50 types of uses authorized by Special Use Permit (SUP) in the AG-1 District and 89 types of uses authorized by SUP in the AG-2 District:

a. The following 49 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) Township Highway Maintenance Garage;
- (k) 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;
- (l) Penal or correctional institution;
- (m) Police station or fire station;
- (n) Library, museum or gallery;
- (o) Public park or recreational facility;
- (p) Sewage disposal plant or lagoon;
- (q) Private or commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT;
- (r) Radio or television station;
- (s) Electrical substation;
- (t) Telephone exchange;
- (u) RESIDENTIAL AIRPORTS;
- (v) RESTRICTED LANDING AREAS;
- (w) HELIPORT-RESTRICTED LANDING AREAS;
- (x) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
- (y) Livestock sales facility and stockyards;
- (z) Slaughter houses;
- (aa) Grain storage elevator and bins;
- (bb) ADULT USE CANNABIS CULTIVATION CENTER;
- (cc) ADULT USE CANNABIS CRAFT GROWER;
- (dd) Agronomic Research and Training Facility;
- (ee) Riding stable;
- (ff) Commercial fishing lake;
- (gg) Cemetery or crematory;
- (hh) Pet cemetery;
- (ii) KENNEL;
- (jj) VETERINARY HOSPITAL;
- (kk) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
- (ll) SPECIFIC MATERIAL COLLECTION SITE;
- (mm) Contractors facilities (with no outdoor STORAGE nor outdoor OPERATIONS);
- (nn) Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;
- (oo) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
- (pp) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS;
- (qq) SMALL SCALE METAL FABRICATING SHOP;
- (rr) Gas turbine peaker;
- (ss) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);

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- (tt) PHOTOVOLTAIC SOLAR FARM (requires SUP approval by County Board);
 - (uu) BATTERY ENERGY STORAGE SYSTEMS, TIER-2
 - (vv) Sawmills and planning mills, and related activities; and
 - (ww) 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:
- (a) WIND FARM (requires SUP approval by County Board)
- c. The following 40 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;
 - (n) HELIPORT/HELISTOPS;
 - (o) Mortuary or funeral home;
 - (p) Roadside produce sales stand;
 - (q) Feed and grain (sales only);
 - (r) ADULT USE CANNABIS TRANSPORTING ORGANIZATION;
 - (s) Artist studio;
 - (t) RESIDENTIAL RECOVERY CENTER;
 - (u) DATA CENTER;
 - (v) Antique sales and service;
 - (w) Amusement park;
 - (x) Resort or organized CAMP;
 - (y) Bait sales;
 - (z) Country club clubhouse;
 - (aa) Lodge or private club;
 - (bb) Outdoor commercial recreational enterprise (except amusement park);
 - (cc) Private indoor recreational development;
 - (dd) Public CAMP or picnic area;
 - (ee) Seasonal hunting or fishing lodge;
 - (ff) Stadium or coliseum;
 - (gg) OUTDOOR THEATRE;
 - (hh) Aviation sales, service or storage;
 - (ii) Self-storage warehouses, without heat/utilities to individual units;

- (jj) LANDSCAPE WASTE PROCESSING FACILITIES;
 - (kk) LANDSCAPE WASTE COMPOSTING FACILITY;
 - (ll) PERMANENT COMPOSTABLE WASTE COLLECTION POINT;
 - (mm) PV SOLAR ARRAY; and
 - (nn) Wood fabricating shop and related activities.
- d. 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

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

REGARDING RELEVANT LRMP GOALS & POLICIES

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

12. 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.

13. 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.

14. 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 HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioner to establish their business on the property to serve Champaign County and benefit Champaign County’s business climate; therefore, the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

15. 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:

- a. The soil on the subject property is not Best Prime Farmland.
 - b. The buildings constructed for the business are located on the existing residential lot and 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 not best prime farmland.
- b. 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 4.3.1 regarding site suitability on other than best prime farmland.
- c. 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.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.

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- e. There are no relevant policies having to do with minimizing the conversion of farmland but the proposed development will take no land out of production,
 - f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (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 not Best Prime Farmland and consists of 146B2 Elliott silty clay, and has an average Land Evaluation score of 83.
 - b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 113 out of 200 points.
 - c. The total LESA score of 196 for the subject property receives the second lowest protection rating in LESA, which is “moderate 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.”

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

- (1) Policy 4.2.1 states, **“The County may authorize a proposed business or other non-residential discretionary review development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a rural area than in an urban area.”**
- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
 - b. The petitioners provide trash collection services to rural residents including farmers.
 - c. The proposed use will not be located adjacent to any residential or commercial uses.
- (2) Policy 4.2.2 states, **“The County may authorize discretionary review development in a rural area if the proposed development:**
- a. **is a type that does not negatively affect agricultural activities; or**

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

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

- a. The proposed waste hauling business on the property is mainly used for storage of equipment that is used off-site.
- b. Agricultural drainage will not be affected.

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

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

- a. The Petitioners understand that this is a rural area where agricultural activities take place.
- b. A special condition has been proposed to ensure compliance with Right to Farm Resolution 3425.

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

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

- a. Neither the surrounding agricultural use or the proposed development require a buffer.

- 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 4.3.2 and 4.3.5 don’t appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) Policy 4.3.1 states, “**On other than best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is suited overall for the proposed land use.**”
 - a. The site features will not detract from the proposed use, or create a risk to the health, safety or property of the occupants or neighbors and all necessary infrastructure and public services are in place to support the proposed development.

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- (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 reason:

- a. The subject property is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received.

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

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

- a. 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 2020 in the vicinity of the subject property CR 3100N had an ADT of 25.
- (a) 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 less than 250 vehicle trips have a minimum shoulder width of two feet of turf. The turf and gravel shoulders on CR 3100N are approximately two feet wide.
- (b) The pavement surface of CR 3100N at the of the subject property is oil and chip. The pavement width is about 16 feet. The road appears to have sufficient capacity for existing traffic plus the minimal increase created by the waste hauling business.

- 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.”

The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

- (1) A special condition has been added to ensure compliance with Right to Farm Resolution 3425.

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

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

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

17. 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. Objective 6.2, 6.3, 6.4 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}** the achievement of Goal 6.

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

The proposed rezoning will **{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}** Objective 6.1 because:

- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning **{WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE}** Policy 6.1.2 because:

- a. Staff asked the petitioners how the vehicles and dumpsters are cleaned and are awaiting a response.
- (3) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 because:

- a. The special conditions in associated Special Use Permit in Case 224-S-26 will require all new lighting to comply with the lighting regulations of Section 6.1.2 of the Zoning Ordinance.”
- (4) Policy 6.1.4 states, “**The County will seek to abate blight and to prevent and rectify improper dumping.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 because:

- a. The proposed Special Use will offer garbage collection service to customers in Champaign County.
- b. The special conditions in associated Special Use Permit in Case 224-S-26 will prohibit waste from being stored or accumulated on the property.

18. 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 rezoning will **HELP ACHIEVE** Goal 7 for the following reason:

- 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 **HELP ACHIEVE** Policy 7.1.1 because:

- a. Item 16.C.(3): Policy 4.3.4 has information on traffic impacts; it would appear that the proposed business would not significantly increase traffic volumes.

19. 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 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 and their subsidiary policies are not relevant to the proposed amendment.

The proposed amendment {**WILL HELP ACHIEVE / WILL NOT 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, 8.1.8, and 8.1.9 do not appear to be relevant to the proposed rezoning. The proposed rezoning {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Objective 8.1 because:

- (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.**”

The proposed rezoning will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Policy 8.1.1 for the following reason:

- a. Staff asked the petitioners how the vehicles and dumpsters are cleaned and are awaiting a response.

- (2) Policy 8.1.7 states, “**The County will ensure that existing and new developments do not pollute the groundwater supply.**”

The proposed rezoning will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Policy 8.1.7 for the following reason:

- a. Staff asked the petitioners how the vehicles and dumpsters are cleaned and are awaiting a response.

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

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

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

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

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

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

GENERALLY REGARDING THE LASALLE FACTORS

22. 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 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 and Waste Hauling Business	AG-1 Agriculture (Proposed rezoning to AG-2 Agriculture)
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	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) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect. The nearest residential property is approximately 0.6 miles away.
- (3) The surrounding area is agricultural land in row crop production.

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.** Regarding this factor:

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

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 of the proposed rezoning is positive because it will provide a service to rural Champaign County residents for which there is a demand.

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

- (1) The proposed truck terminal for a waste hauling business is an allowed use in the proposed AG-2 Agriculture District.
- (2) The surrounding area is agricultural land in row crop production.

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 has been used as residential since prior to the adoption of the Champaign County Zoning Ordinance in 1973.

G. ***Sinclair* factor: The need and demand for the use.** Regarding this factor:

The petitioner believes that the location of the subject site will be convenient to serve their customers.

H. ***Sinclair* factor: The extent to which the use conforms to the municipality's (Champaign County's) comprehensive planning.**

- (1) The proposed rezoning and proposed use should not have a detrimental effect on the adjacent properties.
- (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.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance; the 60x80 ft. storage building is located less than 10 ft. from the rear property line and is the subject of variance case 225-V-26. The subject property is surrounded by agricultural land in row crop production.

- 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) It is not clear whether the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) The proposed rezoning and existing development should not have a detrimental effect on the adjacent properties as the surrounding area is agricultural land in row crop production.
- (3) The requested map amendment will help ensure the value of the subject property by allowing continued use of the property.

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

The proposed rezoning is not likely to significantly increase traffic, but no Traffic Impact Assessment has been done.

- 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 floodwaters.

A Special Condition has been added to Special Use Permit Case 224-S-26 ensure conformance with the Champaign County Stormwater 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.

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- (1) Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) Regarding 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 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. the 60x80 ft. storage building is located less than 10 ft. from the rear property line and is the subject of variance case 225-V-26. The subject property is surrounded by agricultural land in row crop production.

- 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 use 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.

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 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.
- (1) The proposed use is not an urban use.
 - (2) The subject property has been used as residential since prior to the adoption of the Champaign County Zoning Ordinance in 1973.
 - (3) The proposed rezoning will not take any land out of production.

- 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.

The subject property does not contain any natural features and has been developed as residential for many years.

- 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.

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

- 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.

The proposed rezoning and proposed use will not take any land out of production.

- 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 will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

24. 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.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment received August 18, 2026
 - A Site Plan received August 8, 2026
2. Preliminary Memorandum dated October 8, 2026, for Case 223-AM-26, 224-S-26 and 225-V-26 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B 2026 Annotated Aerial Photo
 - C Site Plan received August 8, 2026
 - D LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
 - E LRMP Appendix of Defined Terms (on ZBA meetings website)
 - F 1973 and 2023 Historic Aerials
 - G Site Photos
 - H Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 223-AM-26 dated October 15, 2026
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination for Cases 224-S-26 and 225-V-26 dated October 15, 2026

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 11, 2026**, 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 3 Prosperity:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the Petitioner to establish their business on the property to serve Champaign County and benefit Champaign County's business climate; therefore, the proposed rezoning can be said to **HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 4 Agriculture:
 - (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 it will **HELP ACHIEVE** 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 16.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 16.A.(2)).
 - c. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 16.B.(1)).
 - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 16.B.(2)).
 - 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 16.B.(3)).

- 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 16.B.(4)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - a. Policy 4.3.1 requiring a discretionary development on best prime farmland to be suited overall (see Item 16.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 16.C.(2)).
 - 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 16.C.(3)).
- (4) It will **HELP ACHIEVE** Objective 4.7 regarding County Resolution 3425 pertaining to the right to farm in Champaign County because a special condition of approval has been added affirming the petitioner's acceptance of Resolution 3425 (see Item 16.D.).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 6 Public Health and Safety:
 - (1) The proposed amendment will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Objective 6.1 requiring protection of the public health and public safety in land resource management decisions because it will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} the following:
 - a. Policy 6.1.2 requiring that 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 (see Item 18.A.(2)).
 - b. Policy 6.1.3 seeking to prevent nuisances created by light and glare, limit excessive night lighting, and preserve clear views of the night sky (see Item 18.A.(3)).
 - c. Policy 6.1.4 seeking to abate blight and to prevent and rectify improper dumping (see Item 18.A.(4)).
 - (2) Based on achievement of the above Objectives and Policies, the proposed map amendment will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Goal 6 Public Health and Safety.
- D. Regarding Goal 7 Transportation:

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- (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the consideration of traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
 - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 19.A.(1)).
- (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.

E. Regarding Goal 8 Natural Resources:

- (1) The proposed amendment will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Objective 8.1 requiring the County to strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes because it will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} the following:
 - a. Policy 8.1.1 requiring the County to strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes (see Item 20.A.(1)).
 - b. Policy 8.1.7 requiring the County to ensure that existing and new developments do not pollute the groundwater supply (see Item 20.A.(2)).
- (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will {**WILL HELP ACHIEVE / WILL NOT HELP ACHIEVE**} Goal 8 Natural Resources.

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

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

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

2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
 - A. The rezoning would allow the petitioners to continue serving residential and commercial customers in the rural area.
 - B. The proposed use is a service better provided in in a rural area and will have minimal impact on surrounding land uses.
 - C. 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. The rezoning would along with the rear yard variance in Case 225-V-26 will achieve Purpose 2.0 (a), (e), (f), (g) and (h) to secure adequate light, air, and safety from fire and other dangers as well as limiting height, setback bulk of buildings and intensity of use because the existing building meets the requirements of the Zoning Ordinance.
 - B. The rezoning would achieve Purpose 2.0 (b), by conserving the value of the subject property by allowing continued use of the property and having minimal effect on surrounding properties. (See Item 23. B).
 - C. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because the proposed rezoning is not likely to significantly increase traffic (see Item 23. C).
 - D. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the petitioner is not proposing any changes to the site and a Special Condition has been added to Special Use Permit Case 224-S-26 ensure conformance with the Champaign County Stormwater and Erosion Control Ordinance (see Item 23. D).
 - E. The rezoning would achieve Purpose 2.0 (i) of the Ordinance. 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 (see Item 23.G.).
4. **THE SPECIAL CONDITIONS IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
 - 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.

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 223-AM-26** ***{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.**

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PRELIMINARY DRAFT

Cases 224-S-26 & 225-V-26

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

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

Date: ***{ October 15, 2026}***

Petitioner: **Matthew & Stephanie Owens**

Request: **Case 224-S-26**

Authorize a Special Use Permit to allow a truck terminal for a solid waste hauling business on the property that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the Current AG-1 Agriculture Zoning District in the related zoning case 223-AM-26 with the following waiver:

Authorize a waiver for not installing a six-feet tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

Case 225-V-26

Authorize a variance for the use of an existing storage shed with a rear yard of 2 ft. in lieu of the required 10 ft. per Section per Section 7.2.1 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 15, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Matthew and Stephanie Owens are the owners of the subject property.
2. The subject property is a 5-acre lot in the northeast quarter of the northeast quarter of Section 34, Township 22 North, Range 10 East of the Third Principal Meridian in Harwood Township, commonly known as the property with an address of 2179 CR 3100N, Gifford.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within one and one-half miles of the Village of Gifford, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases.
 - B. The subject property is located within Harwood Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 5-acre subject property is zoned AG-1 Agriculture and is proposed to be rezoned to AG-2 Agriculture to allow an existing truck terminal for waste hauling business.
 - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the proposed Special Use:
 - A. The site plan received August 18, 2026, indicates the following existing improvements on the lot:
 - (1) One single-family residence;
 - (2) One 24x24 ft. detached garage
 - (3) One 30x40 ft. metal storage building, one 30x55 ft metal storage building;
 - (4) One grain bin, one barn;
 - (5) One 60x80 ft. recently constructed metal storage building.
 - (6) An outdoor storage area for empty trash dumpsters.
 - B. The petitioner has stated that they have three garbage trucks that are used for the business and are parked outside daily. Empty dumpsters are stored outside on the gravel area on the

south side of the property to the west of the 60x80 ft. storage building. There are two full-time employees and two part-time employees (two days per week) that report to work at the subject property for work off-site. The petitioners live in the house on the property and work from home/perform work off-site

- C. Previously approved Zoning Use Permits for the subject property include:
 - (1) ZUPA #113-98-01 was approved on April 28, 1998, for the office warehouse building.
 - (2) ZUPA #281-98-01 was approved on October 9, 1998, for a freestanding sign.
- D. There are no previous zoning cases for the subject property.
- E. Previous Zoning Use Permits issued for the property are as follows:
 - (1) ZUPA 306-90-02 was approved November 7, 1990, for the placement of a mobile home (later removed).
 - (2) ZUPA 220-05-01 was approved August 24, 2005, for an addition to the single-family residence.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a “truck terminal for a waste hauling business” 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) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (4) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.

- (6) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (7) “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.
- (8) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
- (9) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (12) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
- (13) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (14) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.

- (15) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer’s documentation of the full-cutoff feature for all exterior light fixtures.
- (2) Subsection 6.1.3 establishes the following standard conditions for Truck Terminals:
- a. A minimum 6 feet tall wire mesh fence, with the specific location and area to be enclosed by required fencing shall be determined by the BOARD.
 - b. A separation distance of 200 feet between any R DISTRICT or residential USE.
- C. Section 5.2: Table of Authorized Principal Uses states that a Truck Terminal can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
- a. Section 7.4.1 A.1. states, “All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served.”
 - b. Section 7.4.1 A.2. states, “All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area.”

- c. Section 7.4.1 A.3.a. states, “No such space shall be located less than 10 feet from any FRONT LOT LINE.”
 - d. Section 7.4.1 A.3.b. states, “No such space shall be located less than five feet from any side or REAR LOT LINE.”
- (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
- (3) For parking purposes, the Zoning Administrator has determined that a Truck Terminal is most similar to the parking requirements for industrial uses.
- (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.
 - a. Section 7.4.1 C.1. states, “Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH.”
 - b. Section 7.4.1 C.2. states, “The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - (b) Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a

DWELLING conforming as to USE shall be screened with a Type D SCREEN.”

- (5) Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.”
- (6) Section 7.4.1 D.1. states, “One space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.”
- (7) Section 7.4.1 D.2. states, “All such spaces shall be surfaced with an all-weather dustless material.”
- (8) Section 7.4.1 D.3. states, “Required parking SCREENS for industrial USES shall be provided as required in paragraph 7.4.1 C.4.”
- (9) Section 7.4.2 refers to off-street LOADING BERTHS:
 - a. All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - b. All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - c. No VEHICLE repair or service work shall be performed on any LOADING BERTH.
 - d. No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
 - e. Section 7.4.2 D. states, “Off-street LOADING BERTHS for Industrial USES shall be provided as follows:

- (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the Industrial USE served.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in an R DISTRICT or any lot containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type D SCREEN.
 - (c) No LOADING BERTH shall be located less than 50 feet from the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least seven inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) The schedule of off-street LOADING BERTHS for commercial ESTABLISHMENTS shall also apply to Industrial USES.
 - i. For an establishment with a floor area of less than 9,999 square feet, one 12 feet by 40 feet loading berth is required.
- E. Section 7.6 establishes requirements for outdoor storage and/or outdoor operations:
 - (1) Paragraph 7.6.1 states, “Outdoor STORAGE and/or OPERATIONS shall be allowed in all DISTRICTS only as ACCESSORY USES unless permitted as a principal USE in Section 5.2 and shall be allowed in any YARD in all DISTRICTS subject to the provisions of Section 7.2 without a permit provided that outdoor STORAGE and/or outdoor OPERATIONS shall not be located in any required off-street PARKING SPACES or LOADING BERTHS. Outdoor STORAGE and/or outdoor OPERATIONS for all HOME OCCUPATIONS shall be restricted as described in Section 7.1.”
 - (2) Paragraph 7.6.2 states, “A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - a. Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - b. Any designated urban arterial street or MAJOR STREET.”
- F. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
 - (1) That the Special Use is necessary for the public convenience at that location;

- (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent.
- G. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:

- a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant
- H. 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.
- I. 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
- J. Regarding the requested waiver and variance:

- (1) Section 9.1.11 D.1 establishes that a waiver can be granted for any Standard Condition in Section 6.1.3 to the extent that they exceed the minimum standards of the district.
- (2) For the Variance in Case 225-V-26, Section 7.2.1 establishes the minimum required rear yard for an accessory building as 10 feet.

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 testified on the application, **“The business provides garbage collection services to residents and businesses in the surrounding area. Maintaining a local location for parking and dispatching the collection trucks allows the services to be provided efficiently.”**
 - B. The subject property is located along County Road 3100N, one mile north of US Highway 136 and approximately 1.2 miles northwest of the Village of Gifford.
 - C. The petitioners live on the subject property and have operated from the location since 2024 and believe this is a convenient location for them and their customers from which to operate.

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 have testified on the application, **“The property is in a rural agricultural area with adequate space for truck parking and access. The trucks are parked on the property overnight and leave during the day for collection routes. The use does not require customer traffic at the property and is operated so as to minimize impacts on surrounding properties.”**
 - B. Regarding surface drainage:
 - (1) The subject property generally drains to the north and west.
 - (2) The recently constructed 60x80 ft. building and additional gravel parking and storage area should not cause a significant increase in stormwater runoff.
 - (3) The amount of impervious area on the subject property is below the threshold to require a stormwater drainage plan.
 - C. Regarding traffic in the subject property area:
 - (1) The subject property is located along CR 3100N, approximately 850 ft. west of 2200E.
 - a. CR 3100N is a Harwood Township road that is approximately 16 ft wide.

- b. The subject property has two driveways on the south side of CR 3100N approximately 280 ft. apart, that serve the property.
 - c. 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 2020. At the subject property CR 3100N had an ADT of 25.
 - d. The proposed Special Use should not create a significant increase in traffic.
 - e. Notice was sent to the Harwood Township Road Commissioner, and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received.
- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is not considered Best Prime Farmland.
- G. Regarding outdoor lighting on the subject property:
 - (1) No additional outdoor lighting was indicated on the Site Plan. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is an existing septic system that serves the residence on the property. There is no water or wastewater disposal for the recently constructed 60x80 ft. storage building.
- I. A Natural Resource Information Report by the Champaign County Soil and Water Conservation District was not requested. The property has been developed as a residential use for many years.
- J. Regarding fire protection on the subject property, the subject property is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received.
- K. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner have testified on the application, **“Yes. The property is rural in character, and the truck terminal can operate without substantially changing the agricultural and rural character of the surrounding area. The requested rezoning Special Use Permit and Variance are being sought to bring the property and uses into compliance with applicable zoning requirements.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) A Truck Terminal is authorized by Special Use Permit in the AG-2 Agriculture Zoning District, and by right in the B-4, B-5, I-1 and I-2 Zoning Districts.
 - (2) Regarding parking on the subject property:
 - a. The office portion of the building will require one space for each 200 sq. ft. of floor area totaling 13 parking spaces.
 - b. The 60x80 ft. storage building will require one space for every three employees, totaling four spaces. The petitioner stated that they had two full-time employees and two part-time employees in addition to the petitioners who work for the business, requiring two employee spaces.
 - c. One space will be required for each waste hauling vehicle totaling 3 spaces. Section 7.4.1.C. 1. requires parking spaces for heavy motor trucks to be the same dimension as a loading berth (12x40 ft.).
 - d. The required 2 employee parking spaces require 300 sq. ft. of area each, totaling 600 sq. ft. of employee parking area required. The required three truck parking spaces require 1,440 sq. ft. There is approximately 7,000 sq. ft of gravel area to the north of the 60x80 storage building, which will provide sufficient area for parking.
 - (3) Regarding loading berths:
 - a. Loading berth requirements are based on building square footage.
 - b. With a total existing floor area of 4,800 square feet, the subject property would require one additional 12 feet by 40 feet loading berth.
 - c. There is sufficient area on the subject property to accommodate a loading berth.
 - (4) Regarding screening requirements for parking areas:
 - a. Parking requirements for any number of vehicles exceeding 8,000 pounds gross vehicle weight each visible from and located within 100 feet from the

building restriction line of a lot containing a dwelling shall be screened with a Type D Screen of with a minimum height of eight feet.

- b. There are no lots containing dwellings within 100 feet.
- (5) Regarding screening requirements for outdoor storage areas:
 - a. A Type D SCREEN shall be located so as to obscure or conceal any part of any YARD used for outdoor STORAGE and/or outdoor OPERATIONS which is visible within 1,000 feet from any of the following circumstances:
 - (a) Any point within the BUILDING RESTRICTION LINE of any LOT located in any R DISTRICT or any LOT occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or HOSPITAL; recreational business USE with outdoor facilities; or
 - (b) Any designated urban arterial street or MAJOR STREET
 - b. There are none of the above-mentioned circumstances within 1,000 ft.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - a. The amount of existing and proposed impervious area on the subject property is likely below the threshold to require a stormwater drainage plan.
 - b. A special condition has been added to require conformance with the Storm Water Management and Erosion Control Ordinance.
- D. Regarding the Special Flood Hazard Areas Ordinance, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction, and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
 - (1) A Truck Terminal may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) The proposed use will not hinder agricultural production and agricultural production can still occur in the surrounding area.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any new part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in

drawings. The petitioner is not proposing any changes to the building but the new storage building must comply with the Illinois Accessibility Code.

- H. Regarding National Pollutant Discharge Elimination System (NPDES) compliance, some transportation facilities are subject to these USEPA requirements. These requirements are enforced by the Illinois EPA, but are not covered by current County ordinances. Petitioners requesting approval for a Truck Terminal Special Use Permit should ensure compliance.

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. Regarding the proposed Special Use:

- (1) A Truck Terminal may be authorized by Special Use Permit 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 District as follows (capitalized words are defined in the Ordinance):

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 the 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.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance; the 60x80 ft. storage building is located less than 10 ft. from the rear property line and is the subject of variance case 225-V-26. The subject property is surrounded by agricultural land in row crop production.

- (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. It is not clear whether the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
 - b. The proposed rezoning and existing development should not have a detrimental effect on the adjacent properties as the surrounding area is agricultural land in row crop production.
 - c. The requested map amendment will help ensure the value of the subject property by allowing continued use of the property.
- (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.

The proposed rezoning is not likely to significantly increase traffic, but no Traffic Impact Assessment has been done.

- (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. A Special Condition has been added to Special Use Permit Case 224-S-26 ensure conformance with the Champaign County Stormwater and Erosion Control Ordinance.
- (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. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance. the 60x80 ft. storage building is located less than 10 ft. from the rear property line and is the subject of variance case 225-V-26. The subject property is surrounded by agricultural land in row crop production.

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

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.
- 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 subject property has been used as residential since prior to the adoption of the Champaign County Zoning Ordinance in 1973.
 - c. The proposed Special Use will not take any land out of agricultural production.

- (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.

The subject property does not contain any natural features and has been developed as residential for many years.

- (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.

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

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the 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.

No land will be removed from agricultural production, and the property has been developed as residential for many years.

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

The proposed 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 testified on the application: **“Yes. Approval of the Special Use Permit will formally authorize the existing truck terminal use and establish the applicable requirements for its continued operation, in a manner compatible with the surrounding rural area.”**
 - B. The proposed use is not an existing non-conforming use.

GENERALLY REGARDING OTHER CONSIDERATIONS RELATED TO THE WAIVERS OF STANDARD CONDITIONS

12. Regarding the necessary waivers of standard conditions:

- A. Waive the standard condition of Section 6.1.3 of the Zoning Ordinance: that requires a 6 feet tall wire mesh fence around the Truck Terminal:
 - (1) The ZBA did not require a fence as part of approval for Case 108-S-75. A memo from P&Z Staff dated August 8, 1975 stated: “The requirement for a six-foot wire mesh fence indicates the desire for the Zoning Commission to separate a truck facility from other property uses. In an urban area a fence would be necessary to protect the public from traffic hazards as well as protect property from vandalism. The proposed site is in an agricultural setting, and a low-density area, and the public does not require fencing protection.”
 - (2) In the B-4, B-5, I-1 and I-2 zoning districts a truck terminal is allowed by right and has no fencing requirement.
 - (3) The subject property is surrounded by agricultural land in row crop production and the Petitioners do not feel that a fence is necessary.

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

- 13. 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 Petitioners have testified on the application, **“An established fence/fence row along the south side of the property appeared to represent the property boundary and was relied upon when locating the pole barn. After construction, a property corner marker was located showing that the fence row did not correspond with the actual property boundary.”**
 - B. The Petitioners submitted a Zoning Use Permit Application on August 18, 2026, showing the existing 60x80 ft. storage building having a rear yard of 2 feet in lieu of the required 10 feet.
 - C. The subject property is surrounded by agricultural land in row crop production.

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

- 14. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioners have testified on the application, **“The pole barn has already been constructed. Strict application of the setback requirement would require moving or substantially altering the completed structure, resulting in practical difficulty and expense.”**
 - B. Regarding the proposed variance for a rear yard of 2 feet in lieu of the required 10 feet: without the proposed variance the petitioner would have to buy more land or remove 8 feet of the existing shed at considerable expense and reduce the utility of the building.

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

15. 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 Petitioners have testified on the application, **“Yes. The pole bard was constructed by the applicants; however, its location was based on an existing fence/fence row that was reasonable believed to represent the property boundary. The discrepancy was not discovered until after construction when a property corner marker was located.”**
 - B. The petitioners believed the existing fence represented the southern property boundary.

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

16. 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, **“Allowing the existing pole barn to remain would maintain the existing rural use and character of the property while providing the minimum relief necessary to address the setback issue.”**
 - B. Regarding the proposed variance for a side yard of 2 feet in lieu of the minimum required 10 feet: the requested variance is 20% of the minimum required, for a variance of 80%.
 - C. Regarding the proposed Variance, for a storage building with a rear yard of 2 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture District: The Zoning Ordinance does not clearly state the considerations that underlie the rear yard requirements. In general, the rear yard is presumably intended to ensure the following:
 - (1) Adequate light and air: There are no structures on adjacent properties.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Gifford Fire Protection District service area, and the station is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received. There are no structures on adjacent properties.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
 - D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

17. 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 Petitioners testified the following on the application: **“The land immediately south of the pole barn is agricultural land. The building does not interfere with a neighboring residence, roadway traffic, visibility, or access, and granting the variance would not change the existing use or character of the surrounding area.”**
- B. The Harwood Township Road Commissioner has been notified, and no comments have been received.
- C. The Gifford Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 18. Generally regarding any other circumstances which justify the Variance:
 - A. The Petitioners testified the following on the application: **“At the time the pole barn was constructed, an existing fence row along the south side of the property was believed to represent the property boundary and was used as a reference when locating the building. After the setback issue was discovered, a property corner marker was located show that the fence row was not where the property boundary had been believed to be. The pole barn was therefore placed closer to the south property line than intended.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 19. Regarding proposed special conditions of approval for Case 224-S-26:
 - A. **A Zoning Use Permit and applicable fees shall be required for any future construction on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 223-AM-26 by the County Board and 224-S-26 by the Zoning Board of Appeals**

The above special condition is required to ensure the following:

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- D. **If required by the Storm Water Management and Erosion Control Ordinance, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and**

approved as part of the Change of Use application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

- E. **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.

- F. **Garbage or debris shall not be stored in vehicles or containers or allowed to accumulate on the property.**

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

Conformance with the Champaign County Nuisance Ordinance.

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

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

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

- H. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed buildings until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the current edition of the International Building Code and (B) the current edition of the National Electrical Code.**

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

New commercial buildings shall be in conformance with Public Act 103-0510.

DOCUMENTS OF RECORD

1. Applications for a Special Use Permit and Variance received August 18, 2026, with attachments:
 - A Site Plan received August 8, 2026
2. Preliminary Memorandum dated October 8, 2026, for Case 223-AM-26, 224-S-26 and 225-V-26 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B 2026 Annotated Aerial Photo
 - C Site Plan received August 8, 2026

- D LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- E LRMP Appendix of Defined Terms (on ZBA meetings website)
- F 1973 and 2023 Historic Aerials
- G Site Photos
- H Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 223-AM-26 dated October 15, 2026
- I Draft Summary of Evidence, Finding of Fact, and Final Determination for Cases 224-S-26 and 225-V-26 dated October 15, 2026

DRAFT FINDINGS OF FACT FOR CASE 224-S-26

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **224-S-26** held on **October 15, 2026**, 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:
 - a. *The petitioners live on the subject property and have operated from the location since 2024 and believe this is a convenient location for them and their customers from which to operate.*
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity, and the entrance location has *{ADEQUATE / INADEQUATE}* visibility because:
 - a. *The proposed Special Use should not create significant additional traffic.*
 - b. *Notice was sent to the Harwood Township Road Commissioner, and no comments have been received.*
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *The property is surrounded by agricultural land in row crop production.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The recently constructed 60x80 ft. building and additional gravel parking and storage area should not cause a significant increase in stormwater runoff.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property is located approximately 2.1 road miles from the Gifford Fire Protection District station. The District was notified of the case and no comments were received.*
 - b. *Notice was sent to the Harwood Township Road Commissioner, and no comments have been received.*
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. *There is sufficient area for parking onsite.*
 - g. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense *{because*}: no new public services are required for the proposed Special Use.*

- h. 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*}: no new public infrastructure is required for the proposed Special Use***

**The Board may include other relevant considerations as necessary or desirable in each case.*

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

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
 - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
 - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
- 4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use ***IS NOT*** an existing non-conforming use.
- 6. ***SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:***
 - A. Regarding the waiver of the standard condition in Section 6.1.3 of the Zoning Ordinance: that requires a **six-foot tall wire mesh fence for a Truck Terminal:**
 - (1) The waiver ***{IS/ IS NOT}*** in accordance with the general purpose and intent of the Zoning Ordinance and ***{WILL/ WILL NOT}*** be injurious to the neighborhood or to the public health, safety, and welfare because:
 - a. ***The subject property is surrounded by agricultural land in row crop production.***

- (2) 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:
 - a. ***There are no surrounding land uses for which a fence would provide a benefit.***
- (3) 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:
 - a. ***The required fence would provide no benefit to the surrounding area at the expense of the petitioners.***
- (4) The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***A fence is not required in the zoning districts that allow truck terminals by right.***
- (5) The requested waiver ***SUBJECT TO THE PROPOSED SPECIAL CONDITION {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The required fence would provide no benefit to the surrounding area at the expense of the petitioners.***

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***

- A. **A Zoning Use Permit and applicable fees shall be required for any future construction on the property.**

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

Conformance with the Champaign County Zoning Ordinance.

- B. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 223-AM-26 by the County Board and 224-S-26 by the Zoning Board of Appeals**

The above special condition is required to ensure the following:

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

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That the proposed use is in compliance with the Zoning Ordinance.

- D. **If required by the Storm Water Management and Erosion Control Ordinance, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Change of Use application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Storm Water Management and Erosion Control Ordinance.

- E. **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.

FINDINGS OF FACT FOR CASE 225-V-26

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **225-V-26** held on **October 15, 2026**, 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:
 - a. ***There was an existing fence row that was believed to mark the rear property line.***
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:
 - a. ***The petitioner would have to buy more land or remove 8 feet of the existing shed at considerable expense and reduce the utility of the building.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioners believed the existing fence represented the southern property boundary.***
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. There are no structures on adjacent properties, and the Gifford Fire Protection District was notified of the case and no comments were received.
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:
 - a. ***Relevant jurisdictions and neighboring landowners have been notified of this case, and no comments have been received***

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:
 - a. ***The requested variance is the minimum variance required to allow the storage building to remain in its current location.***
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION FOR CASE 224-S-26

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 **224-S-26** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants, **Matthew & Stephanie Owens**, to authorize the following:

Authorize a Special Use Permit to allow a truck terminal for a waste hauling business on the property that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the Current AG-1 Agriculture Zoning District in the related zoning case 223-AM-26 with the following waiver:

Authorize a waiver for not installing a six-foot tall wire mesh fence that is a Standard Condition for a Truck Terminal, per Section 6.1.3 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. A Zoning Use Permit and applicable fees shall be required for any future construction on the property.**
- B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 223-AM-26 by the County Board and 224-S-26 by the Zoning Board of Appeals**
- C. The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. If required by the Storm Water Management and Erosion Control Ordinance, a complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Change of Use application, and all required certifications shall be submitted prior to issuance of the Zoning Compliance Certificate.**
- E. 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 foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 225-V-26

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 **225-V-26** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicants, **Matthew & Stephanie Owens**, to authorize the following:

Authorize a variance for the use of an existing storage shed with a rear yard of 2 ft. in lieu of the required 10 ft. per Section per Section 7.2.1 of the Zoning Ordinance.

~~*{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}*~~

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date