



CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – ELUC/ County Facilities
County of Champaign, Urbana, Illinois
Thursday, November 8, 2012 – 6:15 p.m. or upon adjournment of Joint Public
Hearing on Government Aggregation Opt-Out Program, whichever is later

Conference Room, ILEAS
1701 E. Main St., Urbana, IL **NOTE LOCATION!!**

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Minutes**
 - A. Committee of the Whole – October 2, 2012 1-7
- IV. **Approval of Agenda/Addenda**
- V. **Public Participation**
- VI. **Communications**
- VII. **County Facilities**
 - A. Physical Plant Monthly Reports – to be distributed at meeting
 - B. Project Updates
 - 1. 202 Art Bartell Project 8
 - 2. Downtown Jail Facility
 - 3. Lyle Shields Meeting Room
 - C. Chair’s Report
 - D. Other Business
 - E. Designation of Items to be Placed on the Consent Agenda
- VIII. **Highway & Transportation**
 - A. County & Township Motor Fuel Tax Claims – October, 2012 9
 - B. Resolution Appropriating \$1,000,000.00 from County Motor Fuel Tax Funds for the Improvement of CH1 (Dewey-Fisher Rd) – Section #12-00432-00-RS (map on page 14) 10-11
 - C. Resolution Appropriating \$850,000.00 from County Bridge Funds for the replacement of a Structure #010-4151 located on CH1 (Dewey-Fisher Rd) – Section #12-00992-00-BR (map on page 14) 12
 - D. Resolution Appropriating \$650,000.00 from County Bridge Funds for the Replacement of a Structure #010-4152 located on CH1 (Dewey-Fisher Rd) – Section #12-00993-00-BR 13-14
 - E. Resolution of Award Authority – 2013 Township Materials Maintenance 15

F. Other Business

G. Designation of Items to be Placed on the Consent Agenda

IX. Environment & Land Use

A. Zoning Case 717-AM-12 – Sangamon Valley Public Water District and Parkhill Enterprises, LLC. Request to Amend the Zoning Map to change the zoning district designation from R-4 Multiple Family Residence Zoning District to AG-2 Agriculture Zoning District to allow development of an expansion for an existing nonconforming water treatment plant authorized by the Zoning Board of Appeals in related Zoning Case 718-S-12 16-59

B. Final Recommendation for Approval of a Text Amendment to the Champaign County Zoning Ordinance in Zoning Case 710 AT-12 to Amend the Champaign County LESA – Petitioner: Champaign County Zoning Administrator 60-88

C. Final Recommendation for Approval of a Text Amendment to the Champaign County Zoning Ordinance in Zoning Case 711-AT-12 to Amend the Champaign County Zoning Ordinance by Changing the Definition of Best Prime Farmland - Petitioner: Champaign County Zoning Administrator 89-91

D. Direction to Zoning Administrator Regarding Proposed Ordinance Text Amendment to Implement Land Resource Management Plan Policies 4.22; 4.23; 4.24 and 4.35 92-102

E. Monthly Report - to be distributed

F. Other Business

G. Designation of Items to be Placed on Consent Agenda

X. Other Business

A. Approval of Closed Session Minutes – October 2, 2012

XI. Adjournment

1 **CHAMPAIGN COUNTY BOARD**
2 **Committee of the Whole Minutes**

3
4 *Tuesday, October 2, 2012 – 6:00pm*

5 *Lyle Shields Meeting Room*

6 *1776 E. Washington St., Urbana, IL*
7

8 **MEMBERS PRESENT:** Alix, Ammons, Anderson, Bensyl, Berkson, Carter, Cowart,
9 Esry, Holderfield, James, Jay, Kibler, Kurtz, Maxwell, McGinty, Michaels, Mitchell, Moser,
10 O'Connor, Petrie, Quisenberry, Richards, Rosales, Schroeder, Weibel

11
12 **MEMBERS ABSENT:** Betz, Langenheim

13
14 **OTHERS PRESENT:** Deb Busey (County Administrator), Alan Reinhart (Facilities
15 Director), John Hall (Zoning Director), Jeff Blue (County Engineer), several members of the
16 public

17
18 **Call to Order**

19
20 Chair Weibel called the meeting to order at 6:02pm.

21
22 **Roll Call**

23
24 The secretary called the roll and the following members were present: Alix, Ammons,
25 Anderson, Berkson, Carter, Cowart, Esry, Holderfield, James, Jay, Kibler, Kurtz, Maxwell,
26 McGinty, Michaels, Mitchell, Moser, O'Connor, Petrie, Quisenberry, Richards, Rosales and
27 Weibel. Declaring a quorum, the Chair proceeded with the meeting. Schroeder and Bensyl
28 arrived after the roll call.
29

30 **Approval of Minutes**

31
32 **Motion** by James to approve the minutes of September 4, 2012, as presented; seconded
33 by Carter. Moser stated that the first name of Mr. Bidner is Scott, not Doug as listed. **Motion**
34 **carried unanimously.**

35
36 **Approval of Agenda/Addendum**

37
38 **Motion** by Carter to approve the agenda for the meeting; seconded by Esry. There was
39 no addendum. **Motion carried unanimously.**

40
41 **Public Participation**

42
43 Tod Satterthwaite, as Chair of the Local Foods Policy Council, stated he was here to talk
44 about a resolution that committee passed and how it would affect the LESA. They encouraged
45 the ZBA and the County Board to come up with ways to help preserve smaller parcels of land as
46 well of larger parcels. They see it as economic development.
47

48 Bruce Stickers spoke and stated he was on the LESA Review Committee, He said they met
49 many times to get the LESA right and the goal is to protect agriculture, large and small. He said
50 definitions were difficult. He felt it wasn't necessary to change anything in the LESA.
51

52 David Theis spoke about comments made in open meetings with regard to Dennis
53 Kimme. He stressed that he was not here to ask for reconsideration of the decision to hire
54 another firm, but was very concerned about comments made that affect Mr. Kimme's reputation
55 and said that picture needed to be repainted. He said Mr. Kimme is one of the more principled
56 people he knows. He said the Mr. Kimme is interested and passionate about the community and
57 its criminal justice system.

58
59 Dennis Kimme stated he had much to say and requested that he be given more than the
60 allotted time limit of 5 minutes.

61
62 **Motion** by Kurtz to extend the time to allow Mr. Kimme to make his statement in whole;
63 seconded by Esry. **Motion carried with one no vote.**

64
65 Dennis Kimme spoke and said that he had his integrity, credibility and even his morality
66 publicly attacked. He stated that Ms. Ammons had charged his firm with a serious conflict of
67 interest because his firm was already being consulted on the jail and used that accusation to cast
68 doubt on the integrity of the Planning Committee members for ranking the proposals. He said he
69 assumed it stemmed from a couple of emails that he sent the Sheriff in an attempt to help his
70 county. He said he offered some opinions about how to mitigate some of the problems at the
71 downtown jail for which two consultants recommended its closure, which Mr. Kimme felt
72 extreme. He said his emails to the Sheriff were unsolicited and not part of a relationship with the
73 Sheriff. He also said those emails went without response and assumed they were simply ignored.
74 He said that Ammons labeling of this as a conflict of interested is absurd and unfair. He listed
75 several statements that were given factually incorrect. He continued saying that public
76 statements made by James Kilgore were also false. He felt it was inappropriate conduct for an
77 official representative of the County's Jail Task Force to be making. He said he could no
78 longer accept the attempts at trashing his integrity as a means of attaining a political result.

79
80 Eric Sebens addressed his request to address a language amendment in the zoning
81 ordinance that is on this evening's agenda.

82
83 Charles Jesse, owner of Jesse Heating and Air Conditioning, requested the Board's
84 support of the request for a zoning amendment on this evening's agenda. He addressed his
85 concern with the City of Champaign's non-support of the amendment. He didn't feel the City of
86 Champaign had all of the facts.

87
88 Norman Stenzel spoke about the LESA. He stated the LESA is not ready for approval
89 for a variety of reasons. He felt there were procedural and development issues. He also felt
90 there were problems with testing the instrument.

91
92 **County Facilities**

93 **Physical Plant Monthly Reports**

94
95 **Motion** by Quisenberry to receive and place on file the monthly report of the Physical
96 Plant; seconded by Berkson. **Motion carried unanimously.**

97
98 **202 Art Bartell Construction Project**

99 **Monthly Report & Project Update**

100

101 Reinhart directed the committee's attention to the memo placed at their desks. It gave a
102 general overview of the project. There were three change orders during the course of the project
103 and he described each of those. He said a sidewalk restoration was deleted, but the sidewalk
104 was removed from the bus shelter up to the no longer used Administration portion of the building.
105 The second change order was to grout and abandon in place an existing culvert and the third
106 change was a unit price adjustment and quantities of storm pipe, asphalt and concrete.

107
108 **Motion** by James to receive and place on file the 202 Art Bartell Monthly Report;
109 seconded by Quisenberry. **Motion carried unanimously.**

110
111 Report Regarding Downtown Jail Facility

112
113 Reinhart reviewed items for roof maintenance/repair and masonry repair. Purchase
114 orders have been issued to Nogle & Black for the roof project and to R.D. Cox Masonry for the
115 masonry repair. He is still waiting on proposals for work on the shower stalls and dayroom
116 painting. Petrie asked that the paint be low VOC paint.

117
118 Chair's Report

119
120 None.

121
122 Other Business

123
124 None.

125
126 Designation of Items to be placed on the consent agenda

127
128 None.

129
130 Environment & Land Use

131 R& E License: Egyptian Collectors Association Buy-Sell-Trade Show

132
133 **Motion** by Moser to approve the Recreation & Entertainment License for the Egyptian
134 Collectors Association Buy-Sell-Trade Hunting Show at the Champaign County Fairgrounds on
135 October 20-21, 2012; seconded by Holderfield. **Motion carried unanimously.**

136
137 Zoning Case 710-AT-12

138
139 **Motion** by Cowart to approve the preliminary recommendation for approval of a text
140 amendment to the Champaign County Zoning Ordinance in Zoning Case 710-AT-12 to amend
141 the Champaign County LESA; seconded by Rosales. Hall explained the protocol for the zoning
142 amendment requests. Recommendations for approval need to wait one month for the final
143 recommendation. McGinty said that based on the fact that we need to wait thirty days for a
144 recommendation, it seemed logical to give some indication as to what may happen at next
145 month's meeting.

146
147 **Motion** by Petrie to amend the document on page 47, Item #17 to state that any new
148 LESA be evaluated within two years or 10 cases that appear before ZBA, whichever comes first;
149 seconded by Berkson. Weibel stated that document is simply a memo regarding the ZBA

150 findings. **Chair Kurtz ruled the motion to amend out of order because that page is part of**
151 **the Findings, not a part of the recommendation.**
152

153 Moser said there was one month left for this Board to deal with this LESA. He said
154 there was a lot of work completed and doesn't agree with changing anything. He also didn't
155 agree with comments made by Mr. Stenzel. He has no problem sending this on to the State.
156 Jay agreed that this should move forward. Weibel said we could direct Mr. Hall to re-evaluate
157 this in 2 years. A straw poll shows a majority vote to move forward with the LESA.
158

159 Zoning Case 711-AT-12
160

161 **Motion** by Moser to approve the preliminary recommendation for approval of a text
162 amendment to the Champaign County Zoning Ordinance in Zoning Case 711-AT-12 to amend
163 the Champaign County Zoning Ordinance by changing the definition of Best Prime Farmland;
164 seconded by Kibler. McGinty asked for a straw poll vote to see if this would also move forward.
165

166 **Motion** by Ammons to defer both Items B and C to next month; seconded by
167 Quisenberry. **Motion carried.**
168

169 Direction re: Text Amendment to Amend Limits on Vehicles and Equipment in Rural Home
170 Occupations
171

172 **Motion** by James to direct the Zoning Administrator to amend limits on vehicles and
173 equipment in Rural Home Occupation; seconded by Schroeder. James said it is a much better
174 document now. **Motion carried unanimously.**
175

176 Direction re: Amendment to Add "Agricultural Drainage Contractor Facility" to Zoning
177 Ordinance
178

179 **Motion** by Kibler to direct the Zoning Administrator to make a add "Agricultural
180 Drainage Contractor Facility" to the Champaign County Zoning Ordinance; seconded by Esry.
181 Hall gave a brief explanation of the request. **Motion carried with one no vote.**
182

183 Direction re: Amendment to Amend "Contractor Facility" in Zoning Ordinance
184

185 **Motion** by Kibler to direct the Zoning Administrator to amend "Contractor Facility" in
186 the Champaign County Zoning Ordinance; seconded by Esry. Schroeder said he supported this
187 change. Weibel asked Hall to explain how the City works with the mile and half jurisdiction
188 area. Hall responded that when there is a request such as this, the City has the opportunity to
189 weigh in, but the County Board has the final say. Jay stated that the County Board has the
190 responsibility to represent its citizens. Richards agreed with Jay and hoped this Board would
191 override the City's protest, if a protest is given. Alix supported the change because it is an
192 appropriate use in that zoning area. **Motion carried unanimously.**
193

194 Monthly Report
195

196 **Motion** by Ammons to receive and place on file the Zoning Department's Monthly
197 Report; seconded by Carter. **Motion carried unanimously.**
198
199

200 Other Business

201

202 None.

203

204 Designation of Items to be placed on Consent Agenda

205

206 None.

207

208 Highway & Transportation

209 County & Township Motor Fuel Tax Claims – August/September 2012

210

211 **Motion** by O'Connor to receive and place on file the County and Township Motor Fuel
212 Tax Claims for August and September, 2012; seconded by Cater. **Motion carried**
213 **unanimously.**

214

215 Final Bridge Reports

216

217 **Motion** by Weibel to receive and place on file the Final Bridge Reports; seconded by
218 Rosales. Maxwell asked for an explanation on the bridge that was over one million. Blue state
219 that a majority was federally funded and it required more engineering. Petrie asked how much
220 money is left. Blue stated there was approximately \$3-4 million in the County's bridge fund.
221 Maxwell pointed out a typo and Blue will have that corrected. **Motion carried unanimously.**

222

223 Resolution Appropriating an Additional \$268,523.53 for Curtis Road – Phase I

224

225 Blue said this project was started in 2006 and had just received final documentation from
226 the State to move forward. This is an accounting measure and the project is complete.

227

228 **Motion** by Weibel to recommend approval of a Resolution Appropriating an Additional
229 \$268,523.53 from County Motor Fuel Tax Funds for the Curtis Road Phase I, Section #00-00374-
230 00-PV; seconded by Carter. **Motion carried unanimously.**

231

232 Bridge Petition – Colfax Road District

233

234 **Motion** by Jay to recommend approval of a Petition and Resolution Approving
235 Appropriation of Funds from the County Bridge Fund Pursuant to 605 ILCS 5/5-501 for Colfax
236 Road District; seconded by Alix. **Motion carried unanimously.**

237

238 Bridge Petition – Crittenden & Pesotum

239

240 **Motion** by James to recommend approval of a Petition and Resolution Approving
241 Appropriation of Funds from the County Bridge Fund Pursuant to 605 ILCS 5/5-501 for
242 Crittenden and Pesotum Road Districts; seconded by Holderfield. **Motion carried unanimously.**

243

244 Bridge Petition – Tolono & Champaign

245

246 **Motion** by Jay to recommend approval of a Petition and Resolution Approving
247 Appropriation of Funds from the county Bridge Fund Pursuant to 605 ILCS 5/5-501 for Tolono
248 and Champaign Road Districts; seconded by Carter. **Motion carried unanimously.**

249

250 Resolution Appropriating \$1,000,000 for replacement of structure on County Highway 22

251

252 **Motion** by Kurtz to recommend approval of a Resolution Appropriating \$1,000,000.00
253 from County Bridge Funds for the Replacement of Structure #010-0151 on County Highway #22,
254 Section #12-00990-00-BR; seconded by Weibel. Kurtz asked how many bridge we have. Blue
255 said there are approximately 600 bridges. Blue said there is one bridge on the County Highway
256 system that will be let next year. Maxwell asked if the Penfield bridge will be eligible for
257 federal money. Blue said it may be, but right now the rating isn't low enough to be eligible for
258 that. He said this bridge needs very minimal right of way and most of the cost will go towards
259 construction and engineering. Ammons asked if a list could be placed on the website of projects
260 that are done or scheduled to be done. Anderson said that since this is the road that goes to the
261 County's Forest Preserve District, it is well worth working on. **Motion carried unanimously.**

262

263 Olympian Drive Right-of-Way

264

265 To be discussed in closed session.

266

267 Diesel Fuel Tank Removal

268

269 Blue said there was a diesel tank put in the former highway building in the 1980's
270 because we could buy fuel at discounted rates then. There are no longer deals for buying fuel
271 and this tank is costing the County nearly \$1,000 per year for licenses and such to keep it. He is
272 looking into hiring a contractor to remove the tank. Alix said his only concern is a contingency
273 plan in case of a power outage or something along that line. Blue said there is a large generator
274 at his building, so that wouldn't be an issue. Blue said it would cost approximately \$5,000 to
275 have it removed and that a licensed contractor will be hired to ensure the tank is not leaking and
276 the ground would remain clean.

277

278 Other Business

279 Closed Session

280

281 **Motion** by Alix to enter into closed session at 7:49pm pursuant to 5 ILCS 120/2(c)(11) to
282 consider litigation which is probable or imminent against Champaign County and that the
283 following individuals remain present: County Engineer, County Administrator and the Recording
284 Secretary; seconded by McGinty. **Motion carried with Alix, Ammons, Anderson, Bensyl,
285 Berkson, Carter, Cowart, Esry, Holderfield, Jay, Kurtz, Maxwell, McGinty Michaels,
286 Mitchell, Petri, Quisenberry, Richards, Rosales, Schroeder and Weibel voting yes and with
287 James, Moser and O'Connor voting no.**

288

289 The meeting reopened at 8:14pm.

290

291 Designation of Items to be placed on the consent agenda

292

293 All items requiring Board action are to be placed on the Consent Agenda.

294

295 Adjournment

296

297 Chair Weibel declared the meeting adjourned at 8:15pm.

298

299

300 Respectfully submitted,

301

302 Ranae Wolken

303 Recording Secretary

304

305

306

307

308

309

Secretary's note – The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.

202 SOUTH ART BARTELL ROAD CONSTRUCTION PROJECT

Prepared By: E Boatz November, 2012

	ORIGINAL CONTRACT	CHANGE ORDERS	CONTRACT TOTAL	PAYMENTS THIS MONTH	PAYMENTS YEAR TO DATE	BALANCE TO FINISH
Original Project Budget	\$1,948,565.00					
Current Budget w/Change Orders	\$1,953,105.46					
Design/Build						
Roesler Construction	\$1,355,005.00	-\$8,655.00		\$0.00	\$1,346,350.00	\$0.00
Total Design/Build	\$1,355,005.00	-\$8,655.00	\$1,346,350.00	\$0.00	\$1,346,350.00	\$0.00
Licensing & Permitting (includes insurance)	\$14,700.00			\$60.00	\$7,085.54	\$7,614.46
Owner Items for New Building	\$46,000.00			\$7,500.00	\$42,909.22	\$3,090.78
Maintenance Area Build-Out for New Building	\$30,000.00			\$0.00	\$12,897.77	\$17,102.23
Complete Fiber Optic Loop for East Campus	\$33,560.00			\$0.00	\$33,560.00	\$0.00
Generator Back-Up System for Brookens Facility	\$14,000.00			\$1,261.51	\$6,127.52	\$7,872.48
ILEAS South Garage Lighting & Heating	\$5,000.00			\$0.00	\$4,149.25	\$850.75
East Campus Site Storm Water Project	\$450,300.00	\$13,195.46	\$463,495.46	\$56,942.18	\$463,495.46	\$0.00
Total Building Costs	\$693,660.00	\$13,195.46	\$606,755.46	\$65,753.69	\$570,224.76	\$36,530.70
PROJECT TOTAL	\$1,948,565.00	\$4,540.46	\$1,953,105.46	\$65,753.69	\$1,916,574.76	\$36,530.70

% of Project Paid to Date 98.13%

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1605 E. MAIN STREET

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

November 8, 2012

COUNTY MOTOR FUEL TAX CLAIMS FOR OCTOBER

Req No.	Payee	Description	Amount
61	Treasurer, State of Illinois	Final Payment - CH. 18 (Monticello Rd) Section #07-00419-00-RS	375,820.01
62	Open Road Paving	Pay Estimate #2 - CHS. 8 & 30 Section #11-00431-00-RS	754,492.67
63	Varsity Striping Company	Pavement Striping - Various Highways Section #12-00000-01-GM	108,762.92
64	University of Illinois	Registration - Traffic & Engineering Safety Conference - 10/17 & 10/18	130.00
65	LeHigh Hanson	472.45 T. CA-6/10	4,559.13
66	Jeff Blue	Expenses - IACE Fall Meeting Bloomington, IL 9/26-9/28/12	313.16
67	LeHigh Hanson	115.84 T. CA-6/10	1,117.85
68	LeHigh Hanson	402.46 T. CA-6/10	3,883.75
69	LeHigh Hanson	109.69 T. CA-6/10	1,058.52
70	LeHigh Hanson	39.25 T. CA-6/10	378.76
			<u><u>\$ 1,250,516.77</u></u>

TOWSHIP MOTOR FUEL TAX CLAIMS FOR OCTOBER

Req No.	Payee	Description	Amount
93	VOID	VOID	0.00
94	Grosso Trucking	Harwood Twp 46.63 tons CA-10 @ 10.50	489.62
95	Illiana Construction Co.	Harwood Twp 29089 gl HFE-90 @ 2.29	67,507.77
96	Illiana Construction Co.	Champaign Twp 6740 HFE-90/HFP @ 2.72	101,872.56
97	Illiana Construction Co.	Newcomb Twp 12929.81gl HFE-90 @2.29	29,609.26
			<u><u>\$199,479.21</u></u>

RESOLUTION NO.

RESOLUTION APPROPRIATING \$1,000,000.00 FROM
COUNTY MOTOR FUEL TAX FUNDS
FOR THE IMPROVEMENT OF
COUNTY HIGHWAY 1
SECTION #12-00432-00-RS

BE IT RESOLVED, By the County Board of Champaign County, Illinois, that County Highway 1 (Dewey-Fisher Road) from the North City limits of the City of Champaign northerly to U.S. Route 136, a distance of approximately 11 miles, in Champaign County is in need of improvement; and

BE IT FURTHER RESOLVED, That the type of improvement shall consist of widening and resurfacing and shall be designated as Section #12-00432-00-RS; and

BE IT FURTHER RESOLVED, That the improvement shall be by contract.

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of One Million Dollars (\$1,000,000.00) from the County's Motor Fuel Tax Funds for the construction and design engineering of this improvement, and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to Mr. Joseph E. Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois

PRESENTED, ADOPTED, APPROVED and RECORDED this 27th day of November A.D., 2012.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Gordy Hulten, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Gordy Hulten, County in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its County Board Meeting held at Urbana, Illinois, on November 27, 2012.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D. 2012.

(SEAL)

_____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer

RESOLUTION NO.

RESOLUTION APPROPRIATING \$850,000.00 FROM
COUNTY BRIDGE FUNDS
FOR A REPLACEMENT OF STRUCTURE #010-4151
LOCATED ON COUNTY HIGHWAY #1
SECTION #12-00992-00-BR

WHEREAS, There is a bridge, Structure #010-4151, on County Highway 1 (Dewey-Fisher Road) located between Sections 9 & 10 in Condit Township is in poor condition, which is endangering the safety of the traveling public; and

WHEREAS, To insure the safety of the traveling public, it is necessary that said bridge be replaced; and

WHEREAS, The cost of replacing the aforesaid bridge, which shall include construction and design engineering, is estimated to be \$850,000.00; and

WHEREAS, The Highway and Transportation Committee recommends that said replacement be made; and

WHEREAS, The County Board of Champaign County concurs in the action recommended by the Committee;

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of Eight Hundred Fifty Thousand Dollars (\$850,000.00) from County Bridge Funds for this project.

PRESENTED, ADOPTED, APPROVED and RECORDED this 27th day of November A.D., 2012.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Gordy Hulten, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

RESOLUTION NO.

RESOLUTION APPROPRIATING \$650,000.00 FROM
COUNTY BRIDGE FUNDS
FOR A REPLACEMENT OF STRUCTURE #010-4152
LOCATED ON COUNTY HIGHWAY #1
SECTION #12-00993-00-BR

WHEREAS, There is a bridge, Structure #010-4152, on County Highway 1 (Dewey-Fisher Road) located between Sections 9 & 10 in Condit Township is in poor condition, which is endangering the safety of the traveling public; and

WHEREAS, To insure the safety of the traveling public, it is necessary that said bridge be replaced; and

WHEREAS, The cost of replacing the aforesaid bridge, which shall include construction and design engineering, is estimated to be \$650,000.00; and

WHEREAS, The Highway and Transportation Committee recommends that said replacement be made; and

WHEREAS, The County Board of Champaign County concurs in the action recommended by the Committee;

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of Six Hundred Fifty Thousand Dollars (\$650,000.00) from County Bridge Funds for this project.

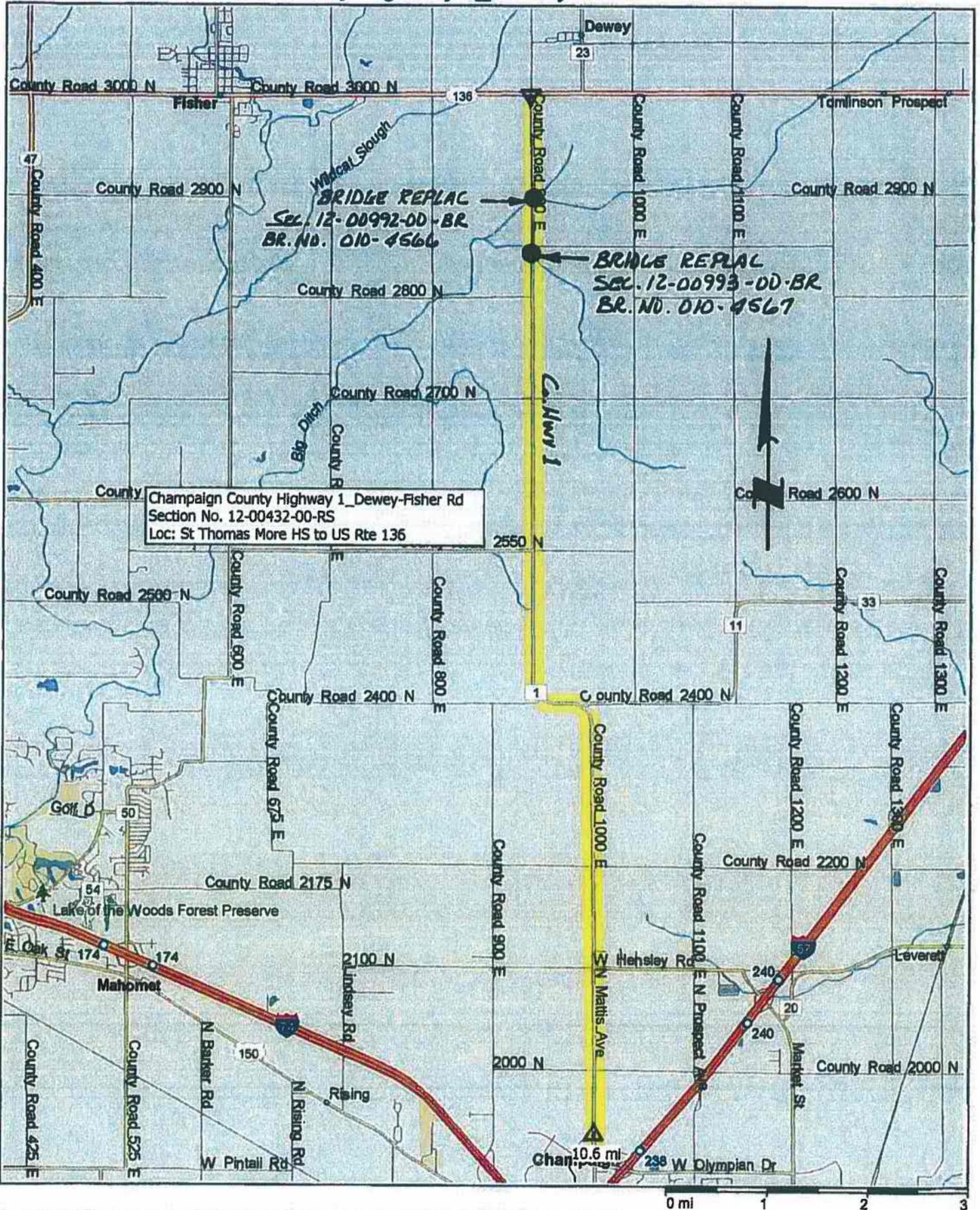
PRESENTED, ADOPTED, APPROVED and RECORDED this 27th day of November A.D., 2012.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Gordy Hulten, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

County Highway 1_Dewey-Fisher Road



Champaign County Highway 1_Dewey-Fisher Rd
 Section No. 12-00432-00-RS
 Loc: St Thomas More HS to US Rte 136

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RESOLUTION NO.

RESOLUTION FOR CONTRACT AWARD AUTHORITY

WHEREAS, Sealed bids will be received in the office of the County Engineer until 10:00 a.m. on November 29, 2012, for Aggregate Materials for the 2013 Maintenance of various Road Districts in Champaign County, and at that time will be publicly opened and read; and

WHEREAS, It is in the best interest of Champaign County to award the contracts as early as possible; and

WHEREAS, The Champaign County Board agrees to allow Jeff Blue, P.E., Champaign County Engineer to accept the low bids for Aggregate Materials for the 2013 Maintenance of various Road Districts on behalf of Champaign County.

NOW, THEREFORE, BE IT RESOLVED, By the Champaign County Board that the above will be accepted to expedite the contracts with the low bidders.

PRESENTED, ADOPTED, APPROVED, and RECORDED This 27th day of November A.D., 2012.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Gordy Hulten, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**

From: **John Hall, Zoning Administrator
Andrew Kass, Associate Planner**

Date: **October 30, 2012**

RE: **Recommendation for rezoning Case 717-AM-12**

Request: **Amend the Zoning Map to change the designation from the existing R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District to allow the expansion and use of a non-conforming water treatment plant as a Special Use in related Special Use Permit Zoning Case 718-S-12, on property located at 709 North Prairieview Road, Mahomet.**

Petitioner: **Sangamon Valley Public Water District & Parkhill Enterprises, LLC**

STATUS

The Zoning Board of Appeals (ZBA) voted unanimously to "RECOMMEND ENACTMENT" of this map amendment at their October 11, 2012, meeting. The ZBA found that the rezoning achieved or conformed to all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan. The Summary Finding of Fact is on page 27 of 28 of the Approved Finding of Fact.

At the same meeting the ZBA also unanimously approved related Case 718-S-12 (the Special Use Permit for the water treatment plant) and Case 719-V-12 for related variances due to nonconformities of the existing plant. The ZBA is the final authority on Cases 718-S-12 and 719-V-12 and no County Board action is required but the water plant expansion cannot occur without approval of this map amendment. The Findings of Fact from Case 718-S-12 and 719-V-12 are also included (see attached).

This location is adjacent to the Village of Mahomet and a formal protest has been received from the Village of Mahomet (see below).

This case is also located in Mahomet Township which has a Plan Commission but no Township comments were received in the public hearing at the ZBA and no Township action is anticipated.

Because this is a zoning map amendment the case can be referred to the full County Board in the same month that it first appears at the Committee of the Whole.

NEED FOR WATER TREATMENT PLANT EXPANSION

Testimony was received in the public hearing that the proposed expansion is urgently necessary to maintain adequate capacity based on demand and that the current water treatment plan is only a few years away from not being able to supply enough water to meet the demand.

WATER DISTRICT DISAGREEMENT WITH VILLAGE OF MAHOMET

The ZBA found no technical issues in any of the zoning cases but was aware of a significant disagreement between the Water District and the Village. The disagreement can be summarized as follows:

- The County Zoning Ordinance requires that the property be in compliance with the Village of Mahomet subdivision requirements and there can be no variance from that requirement.

- Part of the Village subdivision requirement is that the property annex to the Village.
- The Village Planner has testified that the Village is supportive of the quality services the Water District provides but if the Water District had cooperated with the Village in March 2012 when the District first approached the Village with the proposed expansion then the proposed expansion would have been approved within 60 days and already under construction.
- The Water District does not want to annex to the Village and their attorney testified to this in the public hearing.
- After the close of the public hearing the Water District proposed to enter into an “intergovernmental agreement” with the Village so as to avoid annexation but the Village Board declined and voted to protest the map amendment.

VILLAGE OF MAHOMET PROTEST

The Mahomet Village Board voted 4 to 2 to protest Case 717-AM-12. The Resolution of Protest is attached. See the 24 Findings in paragraph B of the Resolution. Note that these are the Findings of the Village of Mahomet.

ZONING ORDINANCE REQUIRES COMPLIANCE WITH VILLAGE SUBDIVISION REGULATIONS

Ultimately, the proposed expansion will require the creation of a new zoning lot. Section 13 of the Champaign County Zoning Ordinance will require that new zoning lot to comply with the Village subdivision regulations and to be approved by the Village. Compliance with the Village subdivision regulations will be a condition of the Zoning Use Permit authorizing construction.

COUNTY BOARD ALTERNATIVES

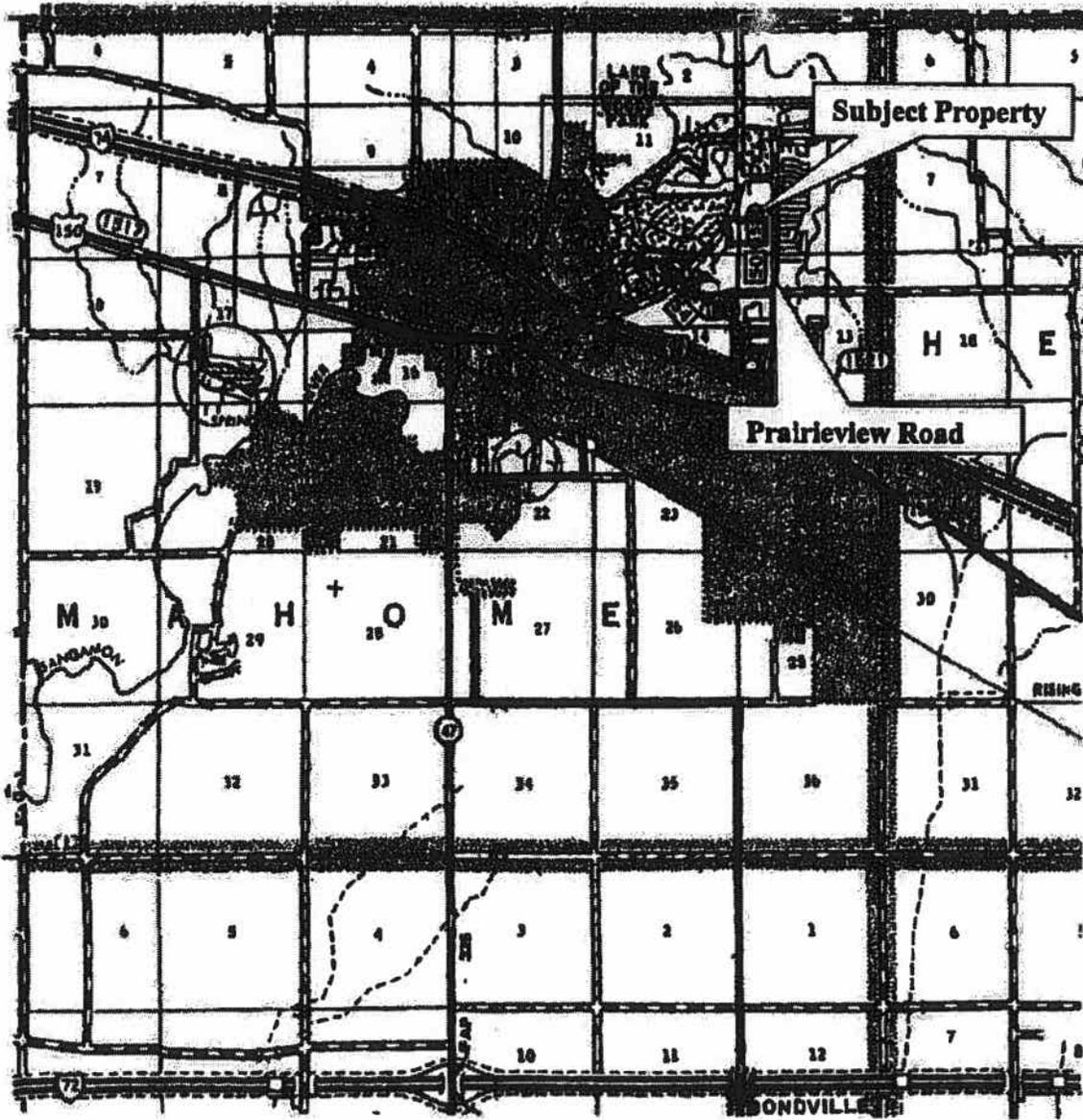
The most obvious alternatives for the Board are as follows:

- **County Board override of the protest.** A supermajority vote of 21 of 27 Board members will be required to override the Village protest and approve Case 717-AM-12. And even if the County Board overrides the Village protest the Zoning Ordinance still requires compliance with the Village subdivision regulations and that compliance will be a part of the Zoning Use Permit that is required to authorize the actual construction. If the Water District builds the new plant without a Zoning Use Permit there will be a County zoning enforcement case to enforce compliance with the Zoning Ordinance requirements.
- **County Board denial of the request or failure to override the protest.** If the County Board votes to deny the request or fails to override the Village of Mahomet protest then the Sangamon Valley Public Water District will have no alternative but to get the necessary approvals from the Village even if that includes annexation. If the Water District attempts to build without getting the necessary Village approvals it would also prompt a County zoning enforcement case.

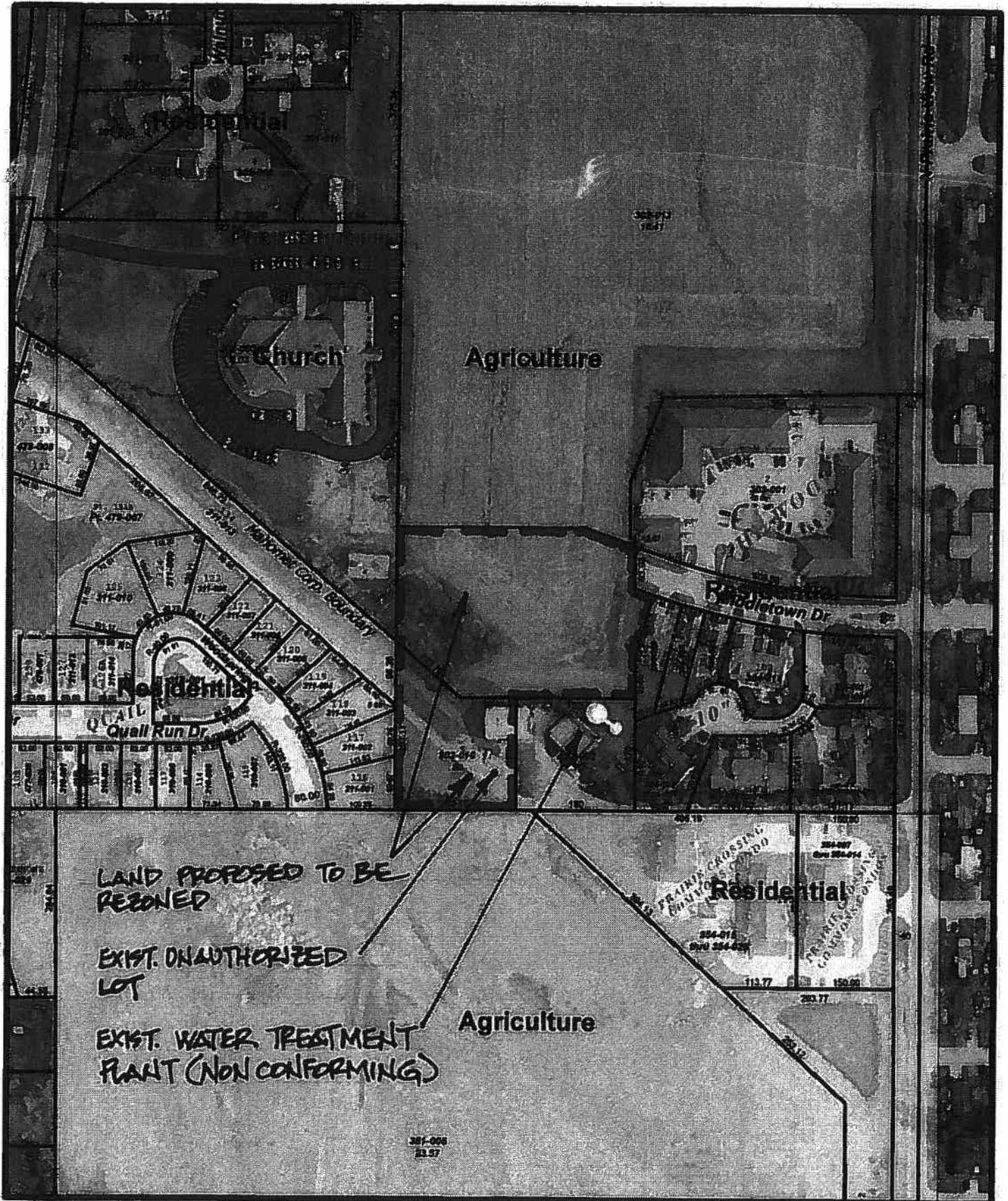
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Approved Site Plan received October 10, 2012
- C Village of Mahomet Resolution of Protest received October 25, 2012
- D AS APPROVED Findings of Fact for related Cases 718-S-12 and 719-V-12
- E AS APPROVED Finding of Fact for Case 717-AM-12

ATTACHMENT A. LOCATION MAP
Cases 717-AM-12, 718-S-12, & 719-V-12
June 22, 2012



Attachment A: Land Use Map
Cases: 717-AM-12, 718-S-12, & 719-V-12
June 22, 2012

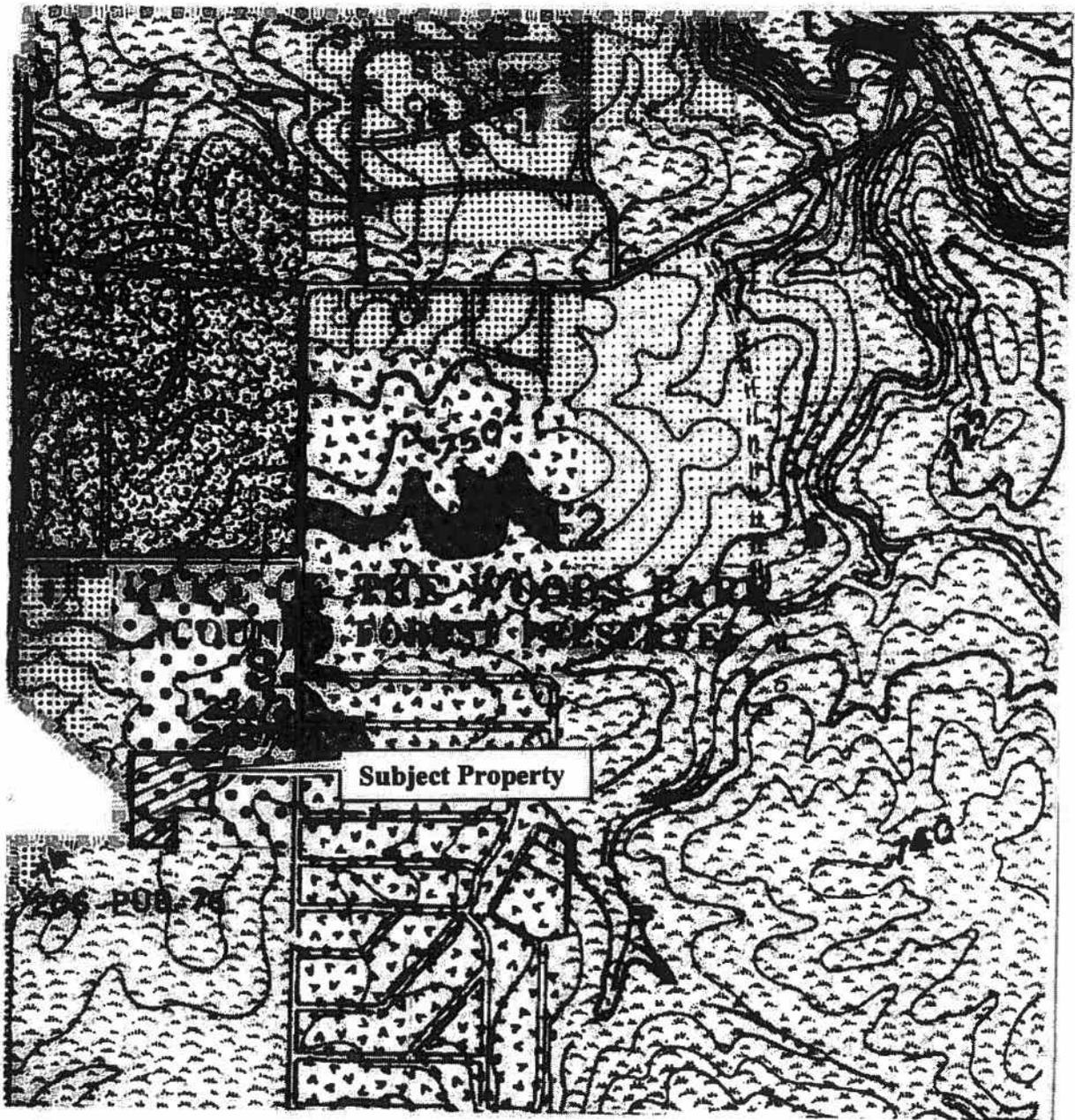


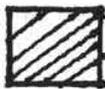
1 inch = 200 feet

ATTACHMENT A. ZONING MAP

Case: 717-AM-12

October 31, 2012

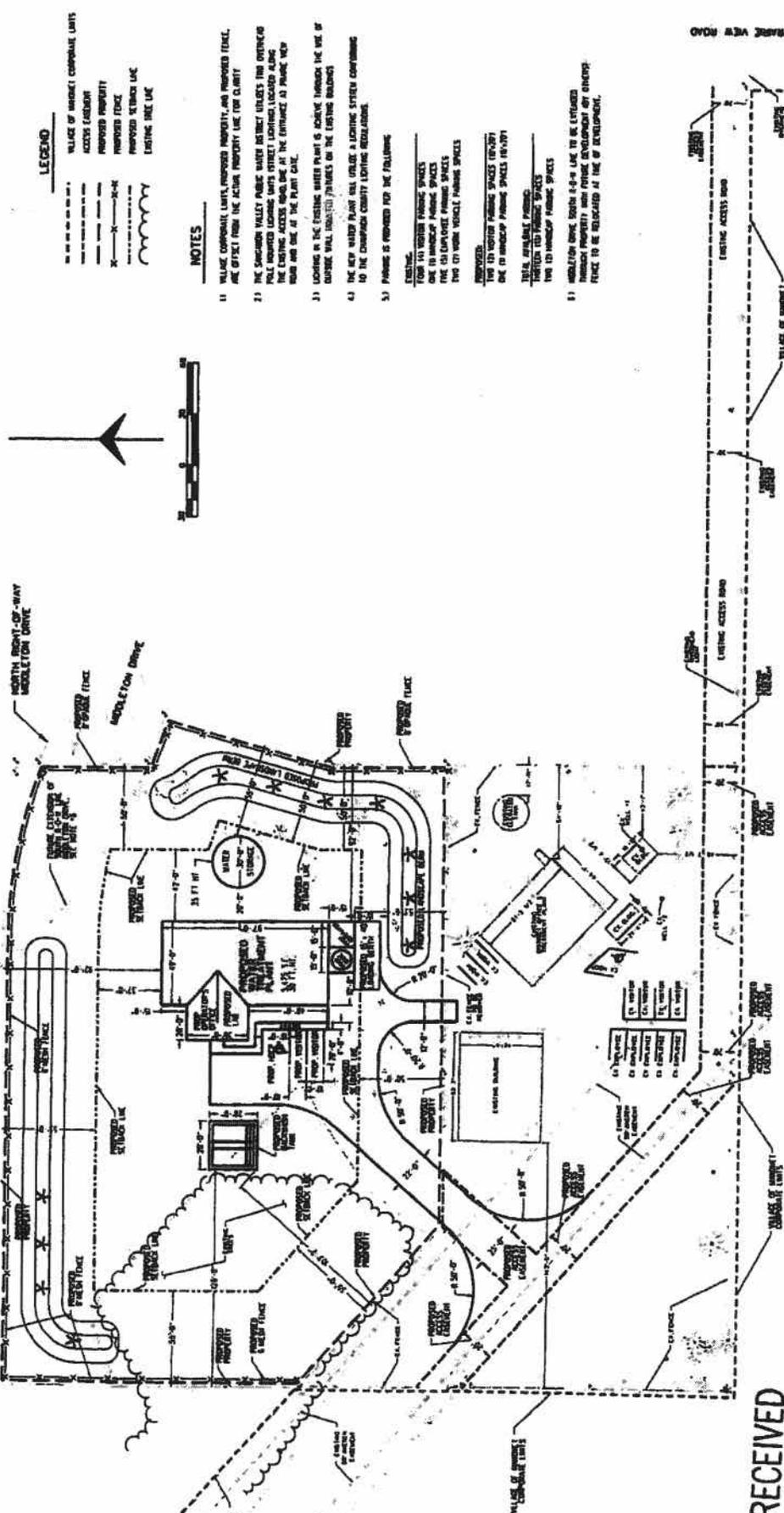


 Property to be rezoned

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

SANGAMON VALLEY PUBLIC WATER DISTRICT PROPOSED WATER TREATMENT PLANT REZONING PRELIMINARY SITE PLAN

Champaign County,
Planning & Zoning Department
Approved Site Plan
Case # 21-11-10-210-21, 7/1/11
Date: 10-11-2012



LEGEND

- WALL OF UNINCORPORATED PROPERTY
- ACCESS ROAD
- PROPOSED PROPERTY
- PROPOSED FENCE
- PROPOSED SIDE LANE
- EXISTING SIDE LANE

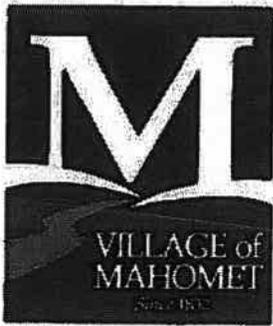
NOTES

- 1) WALL OF UNINCORPORATED PROPERTY, AND PROPOSED FENCE, ARE SETBACK FROM THE ACTUAL PROPERTY LINE THE CLIENT.
- 2) THE SANGAMON VALLEY PUBLIC WATER DISTRICT UNLESS THE DISTRICT HAS PROVIDED LANDING LOTS STREET LIGHTING LOCATED ALONG THE EXISTING ACCESS ROAD, ONE AT THE ENTRANCE AT PUBLIC VIEW SIDE AND ONE AT THE PLANT GATE.
- 3) LIGHTING IN THE EXISTING WATER PLANT IS ALONG THROUGH THE USE OF OUTSIDE WALL MOUNTED FIXTURES ON THE EXISTING BUILDING.
- 4) THE NEW WATER PLANT WILL USE A LIGHTING SYSTEM CONFORMING TO THE CHAMPAIGN COUNTY LIGHTING REGULATIONS.
- 5) FENCING IS PROVIDED FOR THE FOLLOWING:
 - EXISTING:
 - ONE TO 10' VEHICLE PARKING SPACES
 - ONE TO 15' EMPLOYEE PARKING SPACES
 - ONE TO 20' VEHICLE PARKING SPACES
 - PROPOSED:
 - ONE TO 10' VEHICLE PARKING SPACES (18'-0" TO 20'-0")
 - ONE TO 15' EMPLOYEE PARKING SPACES (18'-0" TO 20'-0")
 - TOTAL AVAILABLE PARKING:
 - EXISTING 100 PARKING SPACES
 - PROPOSED 100 PARKING SPACES
- 6) MODIFICATION OF THE EXISTING FENCE LINE TO BE LOCATED THROUGH PROPERTY WITH FUTURE DEVELOPMENT ANY EXISTING FENCE TO BE RELOCATED AT THE END OF DEVELOPMENT.



RECEIVED
OCT 10 2012

CHAMPAIGN CO. P & Z DEPARTMENT



Village of Mahomet

Office of the Village Administrator

503, E. Main Street – P.O. Box 259 – Mahomet, IL 61853-0259

Phone: (217) 586-4456 ext. 12

Fax: (217) 586-5696

E-mail: msmigielski@mahomet-il.gov

Website: <http://mahomet.govoffice.com>

October 25, 2012

Gordy Hulten, County Clerk
✓ Andrew Kass, Associate Planner
Champaign County
1776 East Washington Street
Urbana, IL 61802

Gordy/ Andrew,

Attached please find a copy of the Protest Resolution adopted by the Village of Mahomet Board of Trustees at the Tuesday, October 23, 2012 meeting.

Should you need anything further, please do not hesitate to contact me at your convenience.

Yours Very Truly,

Mell Smigielski

RECEIVED

OCT 25 2012

CHAMPAIGN CO. P & Z DEPARTMENT

RESOLUTION 12-10-03

RESOLUTION CONCERNING A VILLAGE OF MAHOMET PROTEST FOR CHAMPAIGN COUNTY ZONING BOARD OF APPEALS CASE NO. 717-AM-12

- WHEREAS,** the County Board of Champaign County, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures for the use of land and zoning within the jurisdiction of Champaign County, Illinois; and
- WHEREAS,** the Board of Trustees of the Village of Mahomet, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures, including Comprehensive Plan designations and policies, for the use of land within one and one-half mile extra-territorial jurisdiction of the Village of Mahomet, Illinois, and does have the right to "PROTEST" land use and zoning actions taken by Champaign County in this area; and,
- WHEREAS,** the Petitioner, Sangamon Valley Public Water District and Parkhill Enterprises, LLC have requested a Zoning Map Amendment of the subject parcel(s) from R-4 Multiple Family Residence District to the AG-2 Agriculture Zoning District, in order to allow construction of a water treatment plant facility utilizing the development standards of Champaign County, Illinois; and,
- WHEREAS,** the subject site and the legal description for the property proposed to be rezoned is as set forth in the Public Hearing Notices; and,
- WHEREAS,** the subject site, commonly known as 709 North Prairieview Road, is located directly contiguous to the Village limits and is within the one and one-half mile extra-territorial jurisdiction of the Village of Mahomet, Illinois; and,
- WHEREAS,** the subject site is subject to the Village of Mahomet Comprehensive Plan and Village advisory review of County zoning actions; and,
- WHEREAS,** a Public Hearing concerning the proposed Map Amendment was held on June 28, 2012, September 27, 2012 and October 11, 2012 before the Champaign County Zoning Board of Appeals to solicit evidence and testimony from the public; and
- WHEREAS,** the Village Staff have provided the Village Board of Trustees with technical background information regarding the proposed Zoning Map Amendment; and,
- WHEREAS,** the Board of Trustees of the Village of Mahomet has reviewed the evidence and testimony submitted thus far and has considered all of the available factual evidence concerning the requested action.

BE IT THEREFORE RESOLVED this 23rd day of October, 2012 by the Board of Trustees of the Village of Mahomet, Illinois, that:

- A. The Village of Mahomet does hereby **PROTEST** the requested Zoning Map Amendment, and does hereby notify the Champaign County Board of this Resolution.

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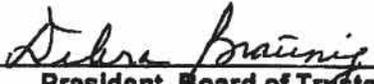
OCT 25 2012

CHAMPAIGN CO. P & Z DEPARTMENT

B. The Board of Trustees does hereby set forth the following findings of fact concerning the requested Zoning Map Amendment.

1. The procedural requirements for zoning establishment or amendment **HAVE** been met.
2. The proposed zoning **DOES NOT** conform with the intent of the Village Comprehensive Plan.
3. The proposed zoning **IS NOT** consistent with the proposed use of the site.
4. The proposed zoning **WILL NOT** be compatible with the established land use pattern in the vicinity.
5. The proposed zoning **DOES** create an isolated, unrelated zoning district.
6. The site **IS NOT** suitable for the uses allowed in the proposed zoning district.
7. The proposed zoning **IS NOT** consistent with the existing zoning designations in the surrounding area.
8. The proposed zoning **WILL** be contrary to the original purpose and intent of the Zoning Ordinance.
9. The proposed zoning **MAY** be injurious to the use and enjoyment of adjacent properties.
10. The proposed zoning **WILL NOT** promote the orderly development of the site and surrounding properties.
11. The proposed zoning **WILL** significantly adversely impact existing traffic patterns.
12. Adequate facilities for municipal sanitary sewage disposal and water supply **ARE** available for the site.
13. Adequate provisions for stormwater drainage **ARE NOT** available for this site.
14. The proposed zoning **MAY** adversely impact police protection or fire protection.
15. The proposed zoning **WILL NOT** significantly adversely impact schools or other public facilities.
16. The proposed zoning **WILL NOT** conflict with existing public commitments for planned public improvements.

17. The proposed zoning MAY adversely influence living conditions in the immediate vicinity.
18. The proposed zoning WILL NOT preserve the essential character of the neighborhood in which it is located.
19. The proposed change WILL NOT significantly alter the population density pattern.
20. The value of adjacent property MAY be diminished by the proposed zoning.
21. The proposed zoning MAY enhance the value of the petitioners property.
22. The proposed zoning WILL constitute an entering wedge affecting the use or development of adjacent property.
23. If denied, the petitioner WILL NOT suffer deterioration to his or her property value.
24. The LaSalle Factors for evaluation of zoning decisions HAVE NOT been considered during the review of this proposed rezoning request.



President, Board of Trustees
Village of Mahomet

FINDINGS OF FACT: CASE 718-S-12

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 718-S-12 held on **June 28, 2012, September 27, 2012, and October 11, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **IS** necessary for the public convenience at this location because:
 - **Makes available safe drinking water in an appropriate quantity**
 - **An expansion of the current plant.**
2. The requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare because:
 - a. The street has **ADEQUATE** traffic capacity and the entrance location has **ADEQUATE** visibility.
 - b. Emergency services availability is **ADEQUATE**.
 - c. The Special Use **WILL** be compatible with adjacent uses.
 - d. Surface and subsurface drainage will be **ADEQUATE**.
 - e. Public safety will be **ADEQUATE**.
 - f. The provisions for parking will be **ADEQUATE**.

And except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall also apply:

- g. The property is **BEST PRIME FARMLAND** and the property with the proposed improvements **IS WELL SUITED OVERALL**.
- h. The existing public services **ARE** available to support the proposed special use effectively and safely without undue public expense.
- i. The existing public infrastructure together with proposed improvements **IS** adequate to support the proposed development effectively and safely without undue public expense.

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

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

- 3a. The requested Special Use Permit **DOES** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **DOES** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **CONFORM** to all relevant County ordinances and codes.
 - b. The Special Use **WILL** be compatible with adjacent uses.
 - c. Public safety will be **ADEQUATE**.
4. The requested Special Use Permit **IS** 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** necessary for the public convenience at this location.
 - c. The requested Special Use Permit is so designed, located, and proposed 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 health, safety, and welfare.
 - d. The requested Special Use Permit **DOES** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use **IS** an existing nonconforming use and the requested Special Use Permit **WILL** make the existing use more compatible with its surroundings
6. Regarding necessary waivers of standard conditions:
 - A. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a lot size of 3.6 acres in lieu of the Standard Condition of 5 acres:
 - (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL** be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (3) 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.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

- E. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a front yard of 17 feet in lieu of the Standard Condition front yard of 55 feet for the elevated water storage tank:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (3) 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.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.
- F. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for a side yard of 46 feet in lieu of the Standard Condition side yard of 50 feet for the existing accessory building:
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (3) 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.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

- G. Regarding the requested waiver of the standard condition in Section 6.1.3 for a water treatment plant for **an elevated water storage tank that is 131 feet in height in lieu of the Standard Condition of 50 feet:**
- (1) The waiver **IS** in accordance with the general purpose and intent of the Zoning Ordinance and **WILL NOT** be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - (3) 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.
 - (4) The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant.
 - (5) The requested waiver **IS** the minimum variation that will make possible the reasonable use of the land/structure.

7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED

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

FINDINGS OF FACT: CASE 719-V-12

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 719-V-12 held on June 28, 2012, September 27, 2012, and October 11, 2012, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **DO** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - **It is an existing facility built before the Zoning Ordinance.**
 - **It has limited options for expansion.**
 - **The petitioner desires to build on the same site.**
2. 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 because:
 - **The facility will not be able to expand for the needed services and water quantity and quality will be diminished.**
3. The special conditions, circumstances, hardships, or practical difficulties **DO NOT** result from actions of the applicant because:
 - **It was developed well before the Zoning Ordinance and expanded on the same site.**
 - **The well is located on the property.**
4. The requested variance **IS** in harmony with the general purpose and intent of the Ordinance because:
 - **It allows expansion of the plant in a compact and contiguous manner.**
5. The requested variance **WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - **The design of the site plan provides for screening berms to minimize impact on surrounding properties.**
 - **The site plan also indicates the future extension of Middleton Drive for future development across the northeast corner of the property.**

6. The requested variance **IS** the minimum variation that will make possible the reasonable use of the land/structure because:
- **It is an expansion of an existing facility on a minimum sized lot with minimal disruption of surrounding area.**
7. **NO SPECIAL CONDITIONS ARE HEREBY IMPOSED**

AS APPROVED
717-AM-12
FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination: RECOMMEND ENACTMENT

Date: October 11, 2012

Petitioners: Sangamon Valley Public Water District & Parkhill Enterprises, LLC

Request: Amend the Zoning Map to change the zoning district designation from the R-4 Multiple Family Residence Zoning District to the AG-2 Agriculture Zoning District.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 28, 2012, September 27, 2012, and October 11, 2012**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Sangamon Valley Public Water District, 709 North Prairieview Road, Mahomet, will purchase the property from co-petitioner Parkhill Enterprises, LLC, P.O. Box 1485, Champaign.
2. The subject property is an approximately 3.6 acre tract located in the South Half of the Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 12 of Mahomet Township less the original .70 acre parcel and commonly known as the Sangamon Valley Public Water District treatment plant at 709 North Prairieview Road, Mahomet.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet. The Village has received notice of this case and related cases and has protest rights on the proposed map amendment. In addition, the Mahomet Township Plan Commission has received notice of these cases and has protest rights on the proposed map amendment.

Regarding the Village of Mahomet:

- A. Robert Mahrt, Village Planner for the Village of Mahomet, testified at the September 27, 2012, public hearing as follows:
 - (1) He stated the Village of Mahomet is supportive of the quality services that the Sangamon Valley Public Water District does provide to the citizens of the Mahomet community.
 - (2) He stated the Village of Mahomet's Board and the Village of Mahomet's staff does have concerns regarding the proposed rezoning, special use, and variances.
 - (3) He stated the proposed rezoning in Case 717-AM-12 would create a spot zone because an agricultural district would be placed in the heart of what is essentially surrounded by residential zoning.
 - (4) He stated the proposed special use permit in Case 718-S-12 is counter to the Village of Mahomet's established land use policy and inconsistent with the Area General Plan for the Woods Subdivision because the proposal would eliminate the extension of Middleton Drive without providing for emergency services to move through that area.
 - (5) He stated that in March the Village of Mahomet was approached with a request to expand the plant, primarily on the south which is within the Village's jurisdiction. He said the Village provided correspondence in March to the Sangamon Valley Public Water District that (a) the expansion could proceed under the Village of Mahomet's developmental regulations which would include a rezoning to the R-1 District and a condition use permit for a "public building erected by a governmental agency" and (b) the Sangamon Valley Public Water District would have to submit a subdivision plat to consolidate their

existing tracts and a petition for annexation and (c) a complete building permit application and site plan with detention would also be required and (d) the Village of Mahomet could turn around the process in as little as 60 days and (d) the Sangamon Valley Public Water District plant would be rezoned upon annexation and subsequent subdivision.

- (6) He stated that the Village of Mahomet has appropriately offered alternatives for the Sangamon Valley Public Water District to move forward on the plant expansion in compliance with the standards of the Village of Mahomet without having to go through the County Board approval process and it could have done in short order.
- (7) He stated that the Village of Mahomet does not make it a practice to have an annexation agreement with property that is not directly adjacent to the Village boundary and the Village has always been consistent in rezoning upon annexation when the property is directly adjacent to the Village boundary.

B. The Village of Mahomet Zoning Ordinance authorizes “public building erected by any governmental agency” as a “conditional use” in the R-1 and RS Zoning Districts. There are no specific standards for a “public building erected by any governmental agency” as a “conditional use” but the Village of Mahomet Zoning Ordinance requires a public hearing for all conditional uses and authorizes special conditions to be imposed to insure that the following shall be met:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values in the neighborhood.
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (4) Adequate utilities, access roads, drainage, and/ or other necessary facilities will be provided.
- (5) Adequate measures will be taken to provide ingress and egress and egress so designed as to minimize traffic congestion in the public streets.
- (6) The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Board shall find that there is a public necessity.

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:

“Zoning amendment to modify existing zoning on proposed 0.5 acres of purchase, for a new industrial (Water Treatment Plant) need. Proposed AG-2 zoning.”

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

“Illinois Plat Act – Adjacent property owners selling/purchasing a parcel of land.”

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 R-4 Multiple Family Residence and is in agricultural use and a small portion is used for operations of Sangamon Valley Public Water District.
 - B. Land on the north, south, east, and west of the subject property is in use and zoned as follows:
 - (1) Land on the north is in agriculture production and is zoned R-4 Multiple Family Residence.
 - (2) Land on the south is in residential use and agricultural production and is located within the Village of Mahomet Village limits and is zoned RU Residential Urban, R-2 Residential Two Family, and R-3 Residential Multiple Family.
 - (3) Land east of the subject property is in residential use and is zoned R-4 Multiple Family Residence.
 - (4) Land west of the subject property is in residential use and is located within the Village of Mahomet Village limits and is zoned R-1 Residential Single Family.
7. Previous zoning cases in the vicinity are the following:
- A. The subject property was subject to a map amendment in Case 463-AM-82 requested by Parkhill Enterprises in which the property was rezoned from the AG-2 District to the R-4 District.
 - B. Case 928-AM-94 was a Map Amendment request by Ray Campo, Grover Doyle, and Morris Doyle to rezone 5 acres from the R-1 and R-4 Zoning Districts to the R-4 Zoning District on property to the west of the subject property. This request was denied.
 - C. Case 224-S-00 was a request by PAK Builders for a Special Use Permit to allow more than one main or principal building on a lot on 2.47 acres to the east of the subject property. Case 225-V-00 was a multiple Variance request on the same property for number and area of parking spaces, loading berth requirement, and for two buildings not having three perimeter walls and exterior doors located with 200 feet of a street. Both cases were approved.

- D. Case 282-S-01 was a request by Meadowview Apartments for a Special Use Permit to allow more than one main or principal building on the same property as in Case 224-S-00. The request in Case 282-S-01 increased the number of units that were requested in Case 224-S-00 which is why a new permit was needed. Case 287-V-01 was a multiple variance request on the same property for parking requirements and to allow one building without three perimeter walls and exterior doors located with 200 feet of a street. Both cases were approved.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) The R-4, Multiple Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY, TWO FAMILY, and MULTIPLE FAMILY DWELLINGS set in a medium density housing environment.
 - (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The R-4 District is generally located throughout the county in areas that are suitable for high density housing.
 - (2) The AG-2 is generally located in areas close to urban areas. The subject property is located adjacent to the corporate boundary of the Village of Mahomet.
- 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 22 types of uses authorized by right in the R-4 District and there are 13 types of uses authorized by right in the AG-2 District:
 - (a) The following 22 uses are authorized by right in the R-4 District:
 - Boarding House;
 - Single family dwelling;
 - Two family dwelling;
 - Multi-family dwelling;
 - Fraternity, Sorority, or Student Cooperative;
 - Dormitory;
 - Home for the aged;
 - Nursing home;

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- Subdivisions of three lots or less;
- Subdivisions totaling more than three lots or with new streets or private accessways;
- Agriculture;
- Elementary School, Junior High School, or High School;
- Institution of and Educational, Philanthropic or Eleemosynary Nature;
- Church, Temple or church related Temporary Uses on church Property;
- Municipal or Government Building;
- Police or fire station;
- Library, museum or gallery;
- Public park or recreational facility;
- Country Club or golf course;
- Country Club clubhouse; and
- Lodge or private club

(b) The following uses are authorized by right in the AG-2 District:

- Single family dwelling;
- Subdivisions of three lots or less;
- Agriculture;
- Roadside Stand Operated by Farm Operator;
- Minor Rural Specialty Business;
- Plant Nursery;
- Township Highway Maintenance Garage;
- Country Club or golf course;
- Commercial Breeding Facility;
- Christmas Tree Sales Lot;
- OFF-PREMESIS SIGN within 660' of the edge of the RIGHT-OF-WAY of an interstate;
- OFF-PREMESIS SIGN along federal highways except interstate highways; and
- TEMPORARY USES

(2) There are 10 types of uses authorized by Special Use Permit (SUP) in the R-4 District and 76 types of uses authorized by SUP in the AG-2 District:

(a) The following 42 uses may be authorized by SUP in the ~~AG-1~~ R-4 District:

- Residential PLANNED UNIT DEVELOPMENT;
- Artificial lake of 1 or more acres;
- Township Highway Maintenance Garage;

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- Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Electrical Substation;
 - Telephone Exchange;
 - HOSPITAL;
 - Mortuary or Funeral Home;
 - Private Kindergarten or Day Care Facility; and
 - Private Indoor Recreational Development
- (b) The following 76 uses may be authorized by SUP in the AG-2 District:
- DWELLING, TWO-FAMILY;
 - Home for the aged;
 - NURSING HOME;
 - Hotel with no more than 15 lodging units;
 - TRAVEL TRAILER Camp;
 - Residential PLANNED UNIT DEVELOPMENT;
 - SUBDIVISION totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS (County Board SUP);
 - Major RURAL SPECIALTY BUSINESS;
 - Artificial lake of 1 or more acres;
 - Commercial greenhouse;
 - Greenhouse (not exceeding 1,000 square feet)
 - Garden Shop;
 - Mineral extraction, Quarrying; topsoil removal, and allied activities;
 - Elementary School, Junior High School, or High School;
 - Church, Temple or church related Temporary Uses on church Property;
 - Municipal or Government Building;
 - Township Highway Maintenance Garage;
 - Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right;
 - Penal or correctional institution;
 - Police station or fire station;
 - Library, museum or gallery;
 - Public park or recreational facility;
 - Sewage disposal plant or lagoon;
 - Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
 - Water Treatment Plant;
 - Radio or Television Station;
 - Electrical Substation;
 - Telephone Exchange;

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- Public Fairgrounds;
- MOTOR BUS station
- Truck Terminal;
- Railroad Yards and Freight Terminals;
- AIRPORT;
- RESIDENTIAL AIRPORTS;
- RESTRICTED LANDING AREAS;
- HELIPORT/HELISTOPS;
- HELIPORT-RESTRICTED LANDING AREAS;
- Mortuary or Funeral Home;
- Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
- Roadside Produce Sales Stand;
- Feed and Grain (sales only);
- Livestock Sales Facility and Stockyards;
- Slaughter Houses;
- Grain Storage Elevator and Bins;
- Artist Studio;
- *RESIDENTIAL RECOVERY CENTER*;
- Antique Sales and Service;
- Amusement Park;
- Resort or Organized Camp;
- Bait Sales;
- Country Club Clubhouse;
- Lodge or private club;
- Outdoor commercial recreational enterprise (except amusement park);
- Private Indoor Recreational Development;
- Public Camp or picnic area;
- Riding Stable;
- Seasonal hunting or fishing lodge;
- Stadium or coliseum;
- THEATER, OUTDOOR;
- Commercial Fishing Lake;
- Aviation sales, service or storage;
- Cemetery or Crematory;
- Pet Cemetery;
- Kennel;
- Veterinary Hospital; and
- Self-Storage Warehouses, not providing heat and utilities to individual units;
- Off-premises sign farther than 660 feet from an interstate highway;

- LANDSCAPE WASTE PROCESSING FACILITIES;
- Contractors Facilities with no outdoor operations or storage;
- Contractors Facilities with outdoor operations and/or storage;
- Small Scale Metal Fabricating Shop;
- Gas Turbine Peaker;
- BIG WIND TURBINE TOWER (1-3 turbines);
- Wood Fabricating Shop and Related Activities;
- Sawmills Planing Mills, and related activities; and
- Pre-Existing Industrial Uses (existing prior to October 10, 1973)

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

REGARDING LRMP GOALS & POLICIES

10. LRMP Goal 1 is entitled "Planning and Public Involvement" and states as follows:

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

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

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

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

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

Goal 2 has two objectives and three policies. The proposed amendment **WILL HELP ACHIEVE** Goal 2 for the following reasons:

A. Objective 2.1 is entitled "Local and Regional Coordination" and states, "**Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.**"

The proposed rezoning **WILL HELP ACHIEVE** Objective 2.1 because of the following:

- (1) Objective 2.1 includes three subsidiary policies. Policies 2.1.1 and 2.1.3 do not appear to be relevant to the proposed rezoning.
- (2) Policy 2.1.2 states, "**The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.**"

The proposed rezoning **WILL HELP ACHIEVE** Policy 2.1.2 for the following reasons:

- (a) The subject property is within the one and one-half mile extra territorial jurisdiction of the Village of Mahomet and the Village has subdivision jurisdiction on the subject property.
- (b) A portion of the property proposed to be rezoned was purchased in November 1999, and did not receive subdivision approval from the Village of Mahomet. The Village of Mahomet has made attempts since this lot was created to bring it into compliance, but the petitioner has yet to comply with the Village requirements.

- (c) Section 13.2.1 B. of the *Zoning Ordinance* prohibits the Board from granting Variances and Special Use Permit and the Zoning Administrator from issuing Zoning Use Permits and Zoning Compliance Certificates when construction or a use is located on a lot or lots created in violation of the *Illinois Plat Act*, *Champaign County Subdivision Regulations*, or municipal subdivision regulations.
- (d) A special condition has been proposed to ensure compliance with the Village of Mahomet subdivision regulations.

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

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

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

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

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

Goal 4 has 9 objectives and Objectives 4.4, 4.5, 4.6, 4.7, 4.8, and 4.9 do not apply. 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.**"

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

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, "**Commercial agriculture is the highest and best use of the 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 soils on the subject property are considered best prime farmland and consist of Catlin silt loam and Drummer silty clay and would have an average LE of approximately 87.

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- (b) The subject property is well suited for the proposed use because it is adjacent to the existing water treatment plant operated by the petitioner.
- (3) 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 soils on the subject property are considered best prime farmland and consist of Catlin silt loam and Drummer silty clay and would have an average LE of approximately 87.
- (b) The existing water treatment plant existed prior to the adoption of zoning in Champaign County. Presumably the property where the existing treatment plant is sited was in agricultural production prior to the plant being built. The area proposed to be rezoned has been or currently is in agricultural production.

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

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

- (1) Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed rezoning.

- (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 use has been in operation since the 1970s and will not negatively affect agricultural activities because the use is not intense.
 - (b) All activities of the proposed use take place indoors and will not be affected by agricultural operations.
 - (c) The traffic generated by the proposed use or any future use will not be related to agriculture but the volume of traffic will be similar to the current use.
- (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) A special condition has been proposed to ensure that the Petitioner and any subsequent owner recognize the rights of agricultural activities.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

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

- (a) The operations of the proposed use will be all indoors and even though agricultural activities will take place both north and south of the proposed use it will not warrant a buffer between the existing and proposed buildings and adjacent agricultural activities.
- 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.”

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

- (1) Objective 4.3 includes five subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **Policy 4.3.2 states, "On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

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

- (a) The land is best prime farmland and consists of primarily of Catlin silt loam that has a Land Evaluation Score of 87 and Drummer silty clay soil that has a Land Evaluation score of 98 and the average Land Evaluation score is approximately 87.
 - (b) The subject property has access to Lake of the Woods Road and Prairieview Road.
 - (c) Although the proposed use will be taking a small amount of land out of production, the site is well-suited overall because the existing operations of Sangamon Valley Public Water District already occur on a portion of the site.
- (2) **Policy 4.3.3 states, "The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense."**

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

- (a) The subject property is located approximately 2.8 miles from the Cornbelt Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (3) **Policy 4.3.4 states, "The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense."**

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

- (a) The subject property has access to Prairieview Road.
 - (b) Traffic should not significantly increase because of the expansion. The expansion is merely to expand operations because the demand for water has increased.
- (4) **Policy 4.3.5 states, "On best prime farmland, the County will authorize a business or other non-residential use only if:**
 - a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**

- b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

- (a) The proposed use serves an important public use by providing clean and safe drinking water to some residents of the Village of Mahomet and some residents of the unincorporated area of Champaign County.
- (b) The subject property is well suited based on the discussion of Policy 4.3.2.
- (c) At the June 28, 2012, public hearing Kerry Gifford, General Manager, Sangamon Valley Public Water District, testified that the district serves approximately 1,560 water customers and 1,460 sewer customers.

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

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

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

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

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

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.4, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.”**

The proposed rezoning **WILL NOT IMPEDE** Policy 5.1.1 for the following reasons:

- (a) The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- (b) Although the proposed rezoning will not result in expansion of a sewage treatment facility or expansion of sanitary sewer systems it will provide “urban land use” with clean and safe drinking water. In addition to providing drinking

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water services the Sangamon Valley Public Water District provides sanitary sewer services.

- (c) The proposed rezoning would result in the expansion of a service that is generally provided in an urban area or in areas close to municipal boundaries.
 - (d) At the June 28, 2012, public hearing Mike Buzicky, Engineer for Sodemann and Associates, testified that this is a unique area where two public water districts overlap one another.
- (2) **Policy 5.1.3 states, "The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map."**

The proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.3 for the following reasons:

- (a) The subject property is within the one and one-half mile extra territorial jurisdiction of the Village of Mahomet and the Village has subdivision jurisdiction on the subject property.
 - (b) A portion of the property proposed to be rezoned was purchased in November 1999, and did not receive subdivision approval from the Village of Mahomet. The Village of Mahomet has made attempts since this lot was created to bring it into compliance, but the petitioner has yet to comply with the Village requirements.
 - (c) A special condition has been proposed to ensure compliance with the Village of Mahomet subdivision regulations.
- (3) **Policy 5.1.5 states, "The County will encourage urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land."**

The proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.5 because a special condition has been proposed to require any use established on the subject property to explicitly recognize and provide for the right of agricultural activities on adjacent land.

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

The proposed rezoning **WILL HELP ACHIEVE** Policy 5.1.6 based on the discussion of Policy 4.2.4.

- B. Objective 5.2 is entitled, "Natural Resources Stewardship" and states, "**When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.**"

The proposed amendment **WILL HELP ACHIEVE** Objective 5.2 for the following reason:

- (1) Objective 5.2 includes three subsidiary policies. Policy 5.2.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 5.2.2 states, "**The County will:**
 - a. **ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid unnecessary conversion of such farmland.**"

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

- (a) The subject property consists of best prime farmland, but is currently zoned R-4 Multiple Family Residence. The proposed rezoning would be a "downgrade" in zoning classification.
 - (b) The proposed expansion of the water treatment facility would encompass approximately 1.3 acres of the 2.9 acres proposed to be rezoned. Presumably the remaining land not used for the water treatment plant expansion would continue to be in agricultural production.
- (3) Policy 5.2.3 states, "**The County will:**
 - a. **require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development results in no more than minimal disturbance to areas with significant natural environmental quality.**"

The proposed rezoning **WILL NOT IMPEDE** Policy 5.2.3 because there are no areas with significant natural environmental quality on the subject property.

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- C. Objective 5.3 is entitled “Adequate Public Infrastructure and Services” and states, **“Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”**

The proposed amendment **WILL HELP ACHIEVE** Objective 5.3 because of the following:

- (1) Objective 5.3 includes three subsidiary policies. Policy 5.3.3 does not appear to be relevant to the proposed rezoning.
- (1) Policy 5.3.1 states, **“The County will:**
 - a. **require that proposed new urban development in unincorporated areas is sufficiently served by available public services and without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development is sufficiently served by available public services and without undue public expense.”**

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

- (a) The only public service provided other than law enforcement is fire protection.
 - (b) The subject property is located approximately 2.8 miles from the Cornbelt Fire Protection District Station. The fire protection district was notified of the case and no comments were received.
- (2) Policy 5.3.2 states, **“The County will:**
 - a. **require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense; and**
 - b. **encourage, when possible, other jurisdictions to require that proposed new urban development, with proposed improvements, will be adequately served by public infrastructure, and that related needed improvements to public infrastructure are made without undue public expense.”**

The proposed rezoning **WILL HELP ACHIEVE** Policy 5.3.2 because the only public infrastructure serving the subject property is Prairieview Road, the expansion will not create a greater need for use of the surrounding road network.

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

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

Goal 6 has 4 objectives and Objectives 6.2 and 6.4 do not apply. The proposed amendment **WILL HELP ACHIEVE** Goal 6 for the following reasons:

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

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

- (1) Objective 6.1 includes four subsidiary policies. Policies 6.1.1, 6.1.2, and 6.1.4 do not appear to be relevant to the proposed rezoning.
- (2) 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 6.1.3 because the site plan received August 16, 2012, indicates that the exterior lighting for the proposed water treatment plant in Case 718-S-12 will comply with County lighting requirements.

- B. Objective 6.3 has no subsidiary policies and is entitled “Development Standards” and states, “**Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.**”

The proposed rezoning **WILL HELP ACHIEVE** Objective 6.3 because Public Act 96-704 requires that all new construction other than residential buildings in a jurisdiction without an adopted building code after July 1, 2011, to be constructed to specific building code standards.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment **WILL HELP ACHIEVE** Goal 7.

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

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 are NOT RELEVANT to the propose amendment. The proposed amendment WILL HELP ACHIEVE Goal 8 because of the following:

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."

The proposed rezoning WILL NOT IMPEDE Objective 8.1 because of the following:

(1) Objective 8.1 has nice subsidiary policies, but only 8.1.3 is relevant to the proposed rezoning.

(2) Policy 8.1.3 states, "As feasible, the County will seek to ensure that withdrawals from the Mahomet Aquifer and other aquifers do not exceed the long-term sustainable yield of the aquifer including withdrawals under potential drought conditions, particularly for shallow aquifers."

The proposed rezoning WILL NOT IMPEDE Policy 8.1.3 for the following reasons:

(a) There is no evidence that suggests the proposed water treatment plant or the existing water treatment plant exceed the long-term sustainable yield of the Mahomet Aquifer.

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

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

(1) Objective 8.2 has only one subsidiary policy.

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

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

(a) The subject property is best prime farmland, but the subject property is well suited for the proposed use because the proposed use will be an expansion of the existing operations of the water treatment plant.

(b) The subject property is smaller than the minimum standard condition lot size of 5 acres for a water treatment plant.

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

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

The proposed amendment is not directly related to Goal 9, but it **WILL NOT IMPEDE** achievement of Goal 9 because the proposed building in related Case 718-S-12 will be a “green” building as indicated on the Special Use Permit Application.

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

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

Goal 10 is **NOT RELEVANT** to the proposed amendment.

GENERALLY REGARDING THE LaSalle Factors

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

AS APPROVED

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

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

Table 1: Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	R-4 Multiple Family Residence
	Water Treatment Plant	
North	Agriculture	R-4 Multiple Family Residence
East	Residential	R-4 Multiple Family Residence
	Water Treatment Plant	AG-2 Agriculture
West	Residential	Village of Mahomet
		R-1 Residential Single Family
South	Agriculture / Residential	Village of Mahomet
		RU Residential Urban
		R-2 Residential Two Family R-3 Residential Multiple Family

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- (3) In regards to the value of the subject property the requested map amendment will allow the Petitioner's to expand their existing operations on adjacent land.

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

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

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

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow the Petitioner's to expand their operations to provide safe drinking water to their customers.

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

The subject property is suitable for the zoned purposes. The subject property is located adjacent to the existing Sangamon Valley Public Water District treatment facility which will allow the Petitioner to keep its operations in a centralized location.

- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
The R-4 District was planned in 1973 and thus was intended to provide areas of the County with medium density housing. The subject property was rezoned from the AG-2 District to the R-4 District in 1983 (Case 463-AM-82).
- G. **Sinclair factor: The need and demand for the use.**
The Petitioners required adequate space to continue their operations of water treatment.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
The proposed use generally conforms to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING SPECIAL CONDITIONS OF APPROVAL

21. 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 above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Kerry Gifford (General Manager, SVPWD) received on June 1, 2012, with attachments:
 - A Legal Descriptions
 - B Site Plan
2. Special Use Permit Application signed by Kerry Gifford (General Manager, SVPWD) received June 1, 2012
3. Letter from Michael L. Antoline (Attorney for SVPWD) to Bud Parkhill received June 4, 2012 with attachments:
 - A 765 ILCS 205/1
 - B 220 ILCS 5/3-105
 - C Notes of Decisions
 - D Citing References
 - E 1996 Illinois Attorney General Opinion 024
4. Revised Site Plan received June 12, 2012
5. Village of Mahomet materials submitted by Bob Mahrt on June 14, 2012
6. Letter from Michael L. Antoline (Attorney for SVPWD) to David DeThorne (Champaign County Assistant State's Attorney) received June 18, 2012
7. Variance Application signed by Kerry Gifford (General Manager, SVPWD) with attachments:
 - A Letter from Sodemann and Associates, Inc dated June 15, 2012
 - B Legal Description
 - C Site Plan
8. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
9. Champaign County Land Resource Management Plan (LRMP) Appendix
10. Site Plan from Case 463-AM-82
11. Preliminary Memorandum for Case 717-AM-12 dated June 22, 2012, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 12, 2012
 - C Site Plan received June 19, 2012
 - D Site Plan from Case 463-AM-82
 - E LRMP Land Use Goals, Objectives, and Policies & Appendix
 - F Section 13 of the Champaign County Zoning Ordinance

G Draft Finding of Fact and Final Determination

12. Preliminary Memorandum for Cases 718-S-12 and 719-V-12 dated June 22, 2012
13. Woods Subdivision Area General Plan received July 13, 2012
14. Revised Site Plan received August 16, 2012
15. Letter from Webber and Thies, P.C., received September 19, 2012
16. Supplemental Memorandum for Case 717-AM-12 dated September 21, 2012, with attachments:
 - A Letter from Webber and Thies, P.C., received September 19, 2012
 - B Excerpt of minutes from June 28, 2012, public hearing
 - C Revised Finding of Fact and Final Determination
17. Supplemental Memorandum for Cases 718-S-12 and 719-V-12 dated September 21, 2012, with attachments:
 - A Revised Site Plan received August 16, 2012
 - B Excerpt of minutes from June 28, 2012, public hearing
 - C Revised Summary of Evidence, Finding of Fact, and Final Determination
18. Supplemental Memorandum for Case 717-AM-12 dated September 27, 2012, with attachments:
 - A Tax Maps (2000, 2001, 2005, and 2011)
 - B Letter dated January 14, 2003, from Teri Legner, Village of Mahomet Administrator, to Ivan Sherburn, Sangamon Valley public Water District
 - C The Woods General Area Plan
19. Village of Mahomet Zoning Map submitted by Robert Mahrt at the September 27, 2012, public hearing
20. Letter from Rick Smith, Mahomet Christian Church, received October 2, 2012
21. Supplemental Memorandum for Case 717-AM-12 dated October 5, 2012, with attachment:
 - A Letter from Rick Smith, Mahomet Christian Church, received October 2, 2012
22. Revised Site Plan received October 8, 2012
23. Revised Site Plan received October 10, 2012
24. Supplemental Memorandum for Case 717-AM-12 dated October 11, 2012, with attachment:
 - A Village of Mahomet Zoning Map submitted by Robert Mahrt at the September 27, 2012, public hearing

25. Supplemental Memorandum B for Case 717-AM-12 dated October 11, 2012, with attachment:
 - A Sec. 9.1 from the Village of Mahomet Zoning Ordinance received October 25, 2011

26. Supplemental Memorandum for Cases 718-S-12 and 719-V-12 dated October 11, 2012, with attachments:
 - A Revised Site Plan received October 10, 2012
 - B Draft minutes of public hearing on September 27, 2012

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 28, 2012, September 27, 2012, and October 11, 2012**, 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. The proposed Zoning Ordinance map amendment **WILL HELP ACHIEVE** the following LRMP goals:
 - 2, 4, 5, 6, 7, and 8
 - B. The proposed Zoning Ordinance map amendment **WILL NOT IMPEDE** the achievement of the other LRMP goals:
 - 3 and 9
 - C. The proposed Zoning Ordinance map is **NOT RELEVANT** to the following LRMP goals:
 - 1 and 10
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in Case 717-AM-12 should **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 above special condition is necessary to ensure the following:

Conformance with policies 4.2.3 and 5.1.5

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: Champaign County Board Committee of the Whole
From: John Hall, Director & Zoning Administrator
Andy Kass, Associate Planner
Susan Monte, RPC Planner

Date: October 30, 2012

**RE: Zoning Ordinance Text Amendment Case 710-AT-12 Land
Evaluation and Site Assessment (LESA) Update**

**Request: Request Final Recommendation for Approval of a Text
Amendment to the Champaign County Zoning Ordinance in
Zoning Case 710-AT-12 to Amend the Champaign County
Land Evaluation and Site Assessment (LESA) System**

Petitioner: Zoning Administrator

STATUS

The Committee made a preliminary recommendation for approval of this recommended text amendment at the September 4, 2012, meeting.

No comments have been received from municipalities or townships.

No comments have yet been received from either the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) State Conservationist or the Illinois Department of Agriculture (IDAG).

This text amendment is ready for a final recommendation to the County Board for the meeting on November 29, 2012.

ATTACHMENTS

A Recommended Amendment

**CHAMPAIGN COUNTY
LAND EVALUATION AND SITE ASSESSMENT SYSTEM**

UPDATE

Draft dated March 7, 2012

**Prepared by the
Champaign County Regional Planning Commission**



ACKNOWLEDGEMENTS

LESA Update Committee Members

- Kevin Donoho
- Debra Griest, Committee Chair
- Elizabeth R. Jones
- Kyle Krapf
- W. Steven Moser
- Patti Petrie
- Steve Stierwalt
- Bruce Stickers
- John Hall, Advisory Committee Member

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Illinois Department of Agriculture

- Terry Savko, Agricultural Land/Water Resource Specialist

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Tables

- 1 Summary of SA Factors**
- 2 Summary of SA Factors and Potential SA Points**

- A Composition of Agriculture Value Groups (in Appendix A)**

Appendices

- A Champaign County LESA Agriculture Value Groups**
- B Defined Terms**

INTRODUCTION

The Champaign County Land Evaluation and Site Assessment System (LESA) is a tool designed to provide County officials with a systematic and objective means to numerically rate a site or a parcel in terms of its agricultural importance.

Intended Use of LESA

The LESA is intended for the following applications within Champaign County:

- To assist County officials to evaluate the proposed conversion of farmland on a parcel or site in County rezoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

The Land Evaluation (LE) portion of LESA is additionally intended as a means to determine the 'Best Prime Farmland' designation of a particular site or parcel.

The LESA is one of several tools intended to assist in making land use decisions; it should be used in conjunction with the *Champaign County Land Resource Management Plan*, and land use regulations including the *Champaign County Zoning Ordinance*, *Champaign County Subdivision Regulations*, and *Champaign County Stormwater Management Policy*.

LESA Score Overview

The LESA system is a numerical rating system that consists of two separate components: Land Evaluation (LE) and Site Assessment (SA).

The LE portion of LESA is based on the soils properties of a subject site. A single LE score is calculated, with a maximum LE score of 100 points possible.

The SA portion of LESA consists of ten non-soil factors shown in Table 1. Each SA factor identifies a separate and measurable condition. SA Factors 1, 2, and 3 are used to assess the importance of continuing the agricultural use of a site located in any unincorporated area. SA Factors 4 through 10 are additionally used to assess the importance of continuing the agricultural use of a site located outside of the Contiguous Urban Growth Area (CUGA). The maximum SA score possible for a site is 200 points.

Table 1. Summary of SA Factors

Applicable to all subject sites:	
1	size of site
2	Best Prime Farmland designation of site
	if Best Prime Farmland, site size and configuration
	if Prime Farmland, site size and configuration
3	whether site is located within the CUGA¹
Applicable to sites located outside of the CUGA¹	
4	percentage of site perimeter adjacent to agriculture principal uses
5	distance from site to nearest municipality
6	largest area of site in agricultural production over past five years
7	area of land zoned rural within one mile
8	area of agriculture principal uses within one mile
9	distance to nearest 10 non-farm dwellings
10	proximity to livestock management facility

Note:

¹ 'CUGA' is an acronym for the 'Contiguous Urban Growth Area'. The CUGA is a feature of the annually updated Land Use Management Area Map of the *Champaign County Land Resource Management Plan*. The CUGA is described in the Site Assessment section of LESA.

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

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

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

LAND EVALUATION

The Land Evaluation (LE) portion of LESA is based on the ranking of Champaign County soils according to the following three soils classification systems.

- **Land Capability Classification**
A system of grouping soils developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS). Soils are grouped primarily on the basis of their capability to produce common cultivated crops and pasture plants without deteriorating over a long period of time. A detailed explanation of the Land Capability Classification system is provided in Part 622.02 of the USDA NRCS National Soil Survey Handbook.
- **Farmland Classification**
A soils classification system developed by the USDA NRCS to better manage and maintain the soils resource base of land most suitable for producing food, feed, fiber, forage, and oilseed crops. Farmland Classification identifies the soils series map units as: Prime Farmland; Farmland of Statewide Importance; or Farmland of Local Importance. A detailed explanation of the 'Farmland Classification' system, including the definition of Prime Farmland, is provided in Parts 622.03-622.04 of the USDA NRCS National Soil Survey Handbook.
- **Productivity Index of Illinois Soils Under Optimum Management**
The soils productivity index is based on data published in Table S2 of Bulletin 811, developed by the Office of Research, College of Agricultural, Consumer and Environmental Sciences, University of Illinois at Urbana-Champaign (UIUC). Bulletin 811 provides crop yields and productivity indices under an optimum level of management used by the top 16% of farmers in Illinois. The crop yields were updated in January, 2011 to reflect growing conditions from 2000 to 2009. Bulletin 811 Year 2011 crop yields and productivity indices for optimum management are maintained at the UIUC Department of Natural Resources and Environmental Sciences.

Agriculture Value Group

The LE portion of LESA places the soils of Champaign County into several 'Agriculture Value Groups' ranging from the best to the worst, based on the three soils classifications systems indicated above, which generally gauge a site's suitability for crop production based on soil properties. A relative LE value is determined for each Agriculture Value Group, with the best group assigned a relative value of 100 and all other groups assigned lower relative values. Table A in Appendix A contains details regarding the composition of the Agriculture Value Groups.

Calculating a Land Evaluation Score

The Land Evaluation (LE) score is calculated separately from calculations to determine the Site Assessment (SA) score.

The LE score of a subject site is typically calculated by the Champaign County Champaign County Soil and Water Conservation District office and provided to the Champaign County Zoning Office as part of the Natural Resource Report for a subject site.

LE WORKSHEET

The LE Worksheet provided on the following page can be used to calculate the LE score for a subject site.

The steps below describe how to calculate an LE score, based on the format of the LE Worksheet:

1. Outline the subject site to be rezoned, and overlay with a Champaign County soils map unit layer. Soils data produced by the National Cooperative Soil Survey is available at the NRCS-operated 'Web Soil Survey.'

Soils data produced by the National Cooperative Soil Survey, and Champaign County parcel data, is available at the Champaign County GIS Consortium website 'GIS Web Map – Public Interface for Champaign County, Illinois.'
2. In Column 1, list both the 'soil map unit' and 'soil series' (e.g., '154A Flanagan') for each soil located on the subject site.
3. From Table A in Appendix A, record the Agriculture Value Group for each soil in Column 2.
4. From Table A in Appendix A, record the LE for each Agriculture Value Group in Column 3.
5. Calculate the acreage of each soil within the subject site. Record the number of acres for each soil in Column 4.
6. For each soil, multiply the LE indicated in Column 3 by the number of acres indicated in Column 4. Record the product in Column 5.
7. Add up the Column 4 acres and record the total. Add up the products shown in Column 5 and record the total.
8. Divide the Column 5 total by the Column 4 total. The result is the LE Score for the subject site.

When calculating an LE score, a score ending in 0.49 or lower should be rounded down to the nearest whole number. A score ending in 0.5 or higher should be rounded up to the next whole number.

The maximum number of LE points possible for any subject site is 100.

LE WORKSHEET

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Map Unit Symbol and Soil Series	Agriculture Value Group	Group Relative LE	Acres	Product of Column 3 and Column 4
Totals:				
Column 5 total divided by Column 4 total :				
LE Score:				

Example: A 5.3 acre parcel that has five soil types: 134B Camden, 152A Drummer, 242A Kendall, 3107A Sawmill, and 570C2 Martinsville. Following the steps outlined to calculate the LE, the LE score for this parcel equals 88.

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Map Unit Symbol and Soil Series	Agriculture Value Group	Group Relative LE	Acres	Product of Column 3 and Column 4
242A Kendall	5	88	0.20	17.60
152A Drummer	2	100	0.83	83
570C2 Martinsville	13	75	0.01	0.75
134B Camden	9	83	1.64	136.12
3107A Sawmill	6	87	2.63	228.81
Totals:			5.31	466.28
Column 5 total divided by Column 4 total:				87.81
LE Score:				88

SITE ASSESSMENT

The Site Assessment (SA) process provides a system for identifying important factors, other than soils, that affect the economic viability of a site for agricultural uses.

SA Factors

The primary criteria used to identify SA factors are that each factor: 1) be relevant to continued agricultural use of a subject site within the rural areas of Champaign County; and 2) be measurable.

There are 10 SA Factors. Table 2 contains a summary of the 10 SA Factors and the point values assigned to each SA Factor.

Table 2. Summary of SA Factors and Potential SA Points

SA Factors that apply in all areas:		Potential Points			
			Subtotal	Total	
1	size of site	10	90	200	
2	a) Best Prime Farmland designation of site	30			
	b) if Best Prime Farmland, site size and configuration as of 1/1/2004	10			
	c) if Prime Farmland, site size and configuration as of 4/12/2011				
3	whether site is located within the CUGA ¹	40			
SA Factors that apply only outside of the CUGA ¹					
4	percentage of site perimeter adjacent to agriculture principal uses	20			
5	distance from site to nearest municipality	15			
6	highest area of site in agricultural production over past five years	15			
7	area of land zoned rural within one mile	10			
8	area of agriculture principal uses within one mile	20			
9	distance to nearest 10 non-farm dwellings	20			
10	proximity to a livestock management facility	10	110		

Note:

¹ 'CUGA' is an acronym for the 'Contiguous Urban Growth Area'.

SA Factors 1, 2 and 3 are applied to all subject sites. SA Factors 4 through 10 are additionally applied to subject sites located outside the Contiguous Urbana Growth Area (CUGA). CUGA is identified in the 'Land Use Management Areas Map' of the *Champaign County Land Resource Management Plan* as land designated for non-agricultural land use. The Land Use Management Areas Map is updated annually to reflect accurate municipal boundaries and to reflect any adjustments to the CUGA based on changes to areas served by public sanitary sewer.

The CUGA consists of:

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

Calculating the SA Score

The SA score of a subject site is calculated by planning staff of the Champaign County Planning and Zoning Department. The SA scoring is based on review of several sources of information which may typically include:

- Champaign County GIS Consortium data regarding parcels, corporate limits, zoning districts, digital orthophoto, etc.
- 'Land Use Management Map' of *Champaign County Land Resource Management Plan*
- field site inspection or windshield survey of site
- landowner interview

Each of the SA factors has point values, ranked on a 'best-to-worst' scale. The point values for each SA Factor are proportionately represented and no interpolation to an intermediate value should occur to obtain an SA Factor score.

The maximum number of possible SA score for a subject site or parcel is 200.

The process of calculating the SA score of a subject site involves: selecting the appropriate point value response for each SA Factor, and then adding the SA Factor points to obtain a total SA score.

The SA Worksheet beginning on the following page contains a description of each SA Factor and scoring instructions for each SA Factor.

SA WORKSHEET

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

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

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

2a	Is the subject site Best Prime Farmland ?	Yes	30 points	
		No	0 points	

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

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

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

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

Factor 2b assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general

Factor 2b (continued)

concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

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

2c	<p>If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct:</p> <p>(1) The subject site is larger than 25 acres. (Yes 10 points)</p> <p>(2) All of the following statements are true:</p> <ul style="list-style-type: none"> i. The subject site is part of a larger parcel that existed on April 12, 2011. ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use. iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres. <p>(Yes 10 points)</p> <p>(3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)</p>		
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Factor 2c assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

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

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

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

3	Is the subject site located within the Contiguous Urban Growth Area?	no	40 points	_____
		yes	0 points	

Factor 3 is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

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

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

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

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

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

4	<p>Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture.</p> <p>a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture that existed on April 12, 2011.</p> <p>b) If the subject site is less than 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture.</p>	<p>91 to 100% of perimeter 81 to 90% of perimeter 71 to 80% of perimeter 61 to 70% of perimeter 51 to 60% of perimeter 41 to 50% of perimeter 31 to 40% of perimeter 21 to 30% of perimeter 11 to 20% of perimeter 1 to 10% of perimeter none</p>	<p>20 points 18 points 16 points 14 points 12 points 10 points 8 points 6 points 4 points 2 points 0 points</p>	
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Factor 4 assesses the amount of the perimeter of the subject site that is adjacent to parcels that have the principal use of agriculture. The assessment is made based on principal use of each parcel that is adjacent to the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

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

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

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

Defined terms relevant to the scoring of this factor include:

AGRICULTURE: The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for

Scoring Factor 4 (continued)

use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of agriculture all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed.

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

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

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

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

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

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

5	Distance from the subject site to the nearest city or village limits.	more than 3 miles 1.51 to 3 miles within 1.5 miles adjacent	15 points 10 points 5 points 0 points	_____
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Factor 5 awards higher points the further a subject site is from a city or village. Factor 5 is based on the general assumption that the further the subject site is from a municipality, the less chance there is of a nearby land use or development that would conflict with the agricultural land use of that subject site.

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

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

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

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

Defined terms relevant to the scoring of this factor include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scoring Factor 8 (continued)

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

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

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

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

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

9	What is the distance from the subject site to the nearest 10 non-farm dwellings?	more than 1 mile 0.76 to 1 mile 0.51 to 0.75 mile 0.26 to 0.50 mile 0.01 to 0.25 mile adjacent	20 points 18 points 16 points 14 points 12 points 0 points	
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Factor 9 considers the proximity of the nearest 10 non-farm dwellings as a general indicator of an existing land use incompatibility with production agriculture and an incompatibility with livestock facilities vis-a-vis the *Illinois Livestock Management Facilities Act (510 ILCS 77/ et seq.)*

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

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

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

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

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

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

Scoring Factor 10: A response may be based on data available from the Livestock Management Facilities Program, Illinois Department of Agriculture, actual site inspection, and/or landowner interview.

The maximum points possible for this factor is 10 points.

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

SA Total Score	_____
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CALCULATING THE TOTAL LESA SCORE

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

LE Total	_____
SA Total	_____
Total LESA Score	_____

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

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

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

Table A Composition of Agriculture Value Groups

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
1	100	1	Prime	98 - 100	154A Flanagan silt loam	100,553	15.74
					198A Elburn silt loam	17,641	2.76
					149A Brenton silt loam	16,465	2.58
2	100	2e, 2w	Prime, Prime1	98 - 100	152A Drummer silty clay loam	254,484	39.82
					679B Blackberry silt loam	4,985	0.78
3	94	1, 2e, 2w	Prime, Prime1	93 - 95	171B Catlin silt loam	17,385	2.72
					153A Pella silty clay loam	6,422	1.01
					623A Kishwaukee silt loam	3,105	0.49
					481A Raub silt loam	22,903	3.58
					663B Clare silt loam	8,391	1.31
4	91	1, 2e, 2w	Prime, Prime1	90 - 92	67A Harpster silty clay loam	2,153	0.34
					234A Sunbury silt loam	2,014	0.32
					568 Dana silt loam	22,838	3.57
					219A Millbrook silt loam	1,454	0.23
					490A Odell silt loam	1,269	0.20
					687B Penfield loam	2,327	0.36
					125A Selma loam	2,908	0.46
					148B2 Proctor silt loam	15	0.002
					232A Ashkum silty clay loam	29,196	4.57
					206A Thorp silt loam	2,641	0.41
5	88	2e, 2w	Prime, Prime1	87 - 89	146A Elliot silt loam	761	0.12
					242A Kendall silt loam	1,441	0.23
					3107A Sawmill silty clay loam	11,080	1.73
6	87	3w	Prime2	87	5682 Dana silt loam	136	0.02
					330A Peotone silty clay loam	3,744	0.59
7	85	1, 2e, 2w	Prime, Prime1	83 - 86	236A Sabina silt loam	3,011	0.47
					102A La Hogue loam	1,423	0.22
					233B Birbeck silt loam	2,669	0.42
					235A Bryce silty clay	1,623	0.25
					134A Camden silt loam	14	0.002

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
8	84	3e, 3w	Not Prime	89 - 84	637A+ Muskego silty clay loam	47	0.01
					687C2 Penfield loam	809	0.13
9	83	2e, 2w, 3w	Prime, Prime3	81 - 83	146B2 Elliott silt loam	28,484	4.46
					622B Wyanet silt loam	7,312	1.14
					134B Camdem silt loam	1,207	0.19
					680B Campton silt loam	1,651	0.26
					91A Swygert silt loam	73	0.01
					146C2 Elliott silt loam	1,485	0.23
					291B Xenia silt loam	4,837	0.76
448B Mona silt loam	245	0.04					
3473A Rosburg silt loam	982	0.15					
10	79	2e	Prime	78 - 79	387B Ockley silt loam	1,125	0.18
11	78	3e	Statewide Importance	78	570B Martinsville silt loam	708	0.11
12	76	2e, 3e	Prime	74 - 76	622C2 Wyanet silt loam	6,331	1.00
					131B Alvin fine sandy loam	205	0.03
					223B2 Varna silt loam	8,040	1.26
					91B2 Swygert silty clay loam	2,791	0.44
					150B Onarga sandy loam	290	0.05
					223C2 Varna silt loam	3,116	0.49
					91C2 Swygert silty clay loam	411	0.06
					530B Ozaukee silt loam	509	0.08
618B Senachwine silt loam	269	0.04					
13	75	3e	Statewide Importance	74 - 75	322C2 Russell silt loam	1,930	0.30
14	71	2e, 2w, 3w	Prime, Prime1, Prime2	68 - 73	570C2 Martinsville loam	1,021	0.16
					23A Blount silt loam	804	0.13
					530C2 Ozaukee silt loam	411	0.06
					3302A Ambraw silty clay loam	2,794	0.44
23B2 Blount silt loam	808	0.13					

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
15	69	3e	Statewide Importance	69	530D2 Ozaukee silt loam	543	0.09
					618C2 Senachwine silt loam	850	0.13
16	66	4e	Statewide Importance, Not Prime	62 - 69	387C3 Ockley clay loam	301	0.05
					570D2 Martinsville loam	360	0.06
					223D3 Varna silty clay loam	2,826	0.44
					622D3 Wyandot clay loam	357	0.06
					618D2 Senachwine silt loam	632	0.10
					530E2 Ozaukee silt loam	382	0.06
17	50	6e, 7e	Not Prime	37 - 57	618E2 Senachwine silt loam	511	0.08
					618F Senachwine silt loam	398	0.06
					241C3 Chatsworth silty clay	36	0.01
					241D3 Chatsworth silty clay	285	0.05
18	n/a	n/a	Not Prime	n/a	533 Urban Land	1,607	0.25
					802B Orthents loamy undulating	4,290	0.67
					830 Landfill	115	0.02
					865 Gravel Pit	460	0.07
					W Water	1,319	0.21

Table A Notes

1. LE is the weighted, average designated Land Evaluation score assigned to each Agriculture Value Group.
2. The "Adjusted Productivity Index" is derived from Productivity Index data published in Table S2 of Bulletin 811. The Productivity Indices provided in Table S2 are for 0% to 2% slopes and slightly eroded conditions. Productivity indices were adjusted for increasing slope and erosion in accordance with Table S3 of Bulletin 811: "Decimal Adjustments in Crop Yields and Productivity Indices Under an Optimum Level of Management for Various Slope Groups and Erosion Phases."

DEFINED TERMS

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

The principal use of a parcel (as defined in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended. Guidelines for estimating whether a parcel has a principal use of agriculture are generally as follows:

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

AGRICULTURAL PRODUCTION: The growing, harvesting, and storing of crops and the keeping, raising, and feeding of livestock or poultry and the buildings and land used in those activities, including: any farm dwelling; land taken out of production for purposes of government-sponsored agricultural programs; or land being used productively, such as woodlands for which there is a plan for managing the timber.

ANIMAL UNITS: A measure that is based on the number, species and size of an animal. The following table lists for selected species, the size and number of animals multiplied by a specified conversion factor equivalent to 50 animal units:

Species/Size	Conversion Factor	50 Animal Units
Swine over 55 lbs.	0.4	125
Swine under 55 lbs.	0.03	1,667
Dairy	1.4	35
Young dairy stock	0.6	84
Cattle	1.0	50
Sheep, lamb, goats	0.1	500
Horses	2.	25
Turkeys	0.02	2,500
Laying hens or broilers	0.01 – 0.03 *	1,667 -5,000 *
Ducks	0.02	2,500

Source: Livestock Management Facilities Program, Illinois Department of Agriculture

Table Note: * depends on type of livestock waste handling facility provided

BEST PRIME FARMLAND: A subset of Prime Farmland soils identified by the County, and as defined in the *Champaign County Zoning Ordinance*.

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

LIVESTOCK MANAGEMENT FACILITY: A 'livestock management facility' is any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling area. A 'livestock waste handling facility' is an immovable structure or device (except sewers) used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock management facilities under common ownership, within ¼ mile of each other, and that share a common livestock waste handling facility are considered a single livestock management facility. (Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.)

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

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

SUBJECT SITE: The area of a parcel that is proposed for development. As an example, for a zoning case to request a rezoning, the subject site will be the area of the parcel or parcels that is proposed to be rezoned.

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**
From: **John Hall, Director & Zoning Administrator**
Andy Kass, Associate Planner
Susan Monte, RPC Planner

Date: **October 30, 2012**

RE: **Zoning Ordinance Text Amendment Case 711-AT-12**

Request: **Request Preliminary Recommendation for Approval of a Text Amendment to the Champaign County Zoning Ordinance in Zoning Case 711-AT-12 to Amend the definition of "best prime farmland"**

Petitioner: **Zoning Administrator**

STATUS

The Committee made a preliminary recommendation for approval of this recommended text amendment at the September 4, 2012, meeting.

No comments have been received from municipalities or townships.

This text amendment is ready for a final recommendation to the County Board for the meeting on November 29, 2012.

ATTACHMENTS

A Recommended Amendment

Case 711-AT-12
Attachment A Recommended Amendment
OCTOBER 30, 2012

Part A. Revise the Section 3 definition of “best prime farmland” to read as follows:

BEST PRIME FARMLAND: Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:

- a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
- b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
- c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.

Part B. Revise Footnote 13 in Section 5.3 to read as follows:

13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
- A) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - 1) The LOT is RRO-exempt;
 - 2) The LOT is made up of soils that are BEST PRIME FARMLAND; and
 - 3) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
 - B) LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 - 1) The LOT is located within a Rural Residential OVERLAY DISTRICT; and
 - 2) The LOT is made up of soils that are BEST PRIME FARMLAND.
 - C) The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
 - 1) A 'Remainder Area Lot.' A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside of the boundaries of a RRO-exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot.'
 - 2) Any LOT greater than or equal to 35 acres in LOT AREA.

Case 711-AT-12
Attachment A Recommended Amendment
OCTOBER 30, 2012

Part C. Revise Subsection 5.4.4 to read as follows:

5.4.4 Average Maximum LOT AREA Requirement

LOTS within a Rural Residential OVERLAY DISTRICT that are made up of soils that are BEST PRIME FARMLAND must not exceed an average maximum LOT AREA of two acres.



To: Champaign County Board Committee of the Whole
From: Susan Monte, RPC Planner, and John Hall, Champaign County Zoning Administrator
Date: October 31, 2012
Re: Proposed text amendments to the Champaign County Zoning Ordinance
Request: **Request approval to proceed with a public hearing for proposed Zoning Ordinance text amendments**

SUMMARY

The 2012 County Planning Contract contains priority items that call for County Board review of proposed amendments to the *Champaign County Zoning Ordinance* specifically to implement *Land Resource Management Plan* (LRMP) Policies 4.22, 4.23, 4.24 and 4.35.

Policy Basis for Part A

Part A of the proposed omnibus text amendment to the *Champaign County Zoning Ordinance* is intended to implement the provisions of LRMP Policies 4.2.2 and 4.2.4.

Policy 4.2.2

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

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

Policy 4.2.4

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

Proposed Part A Draft Text Amendment

The provisions of LRMP Policies 4.2.2 and 4.2.4 are proposed to be implemented as criteria to apply to proposed 'discretionary review' developments in the AG-1, AG-2, and CR Zoning Districts. Discretionary review development refers to both special use or rezoning requests. The

Proposed Part A Draft Text Amendment (continued)

criteria for these LRMP Policies are development-specific. So, applying these criteria will only makes sense for proposed 'Special Use' or 'County Board Special Use' developments which are development-specific. (A 'rezoning' request is not development-specific, since all authorized land uses allowed in a zoning district could be proposed as a result of a rezoning request.)

Add Review Criteria

Special Use or County Board Special Use Discretionary Review

Existing *Zoning Ordinance* Subsection 9.1.11.B contains special use criteria which apply across-the-board to Special Use requests and to County Board Special Use requests. Provisions representing the subject LRMP policies are proposed to be added to Subsection 9.1.11.B, Item 2, which contains the caveat: '...except that in the CR, AG-1, and AG-2 Districts, the following additional criteria shall apply.'

Staff recommends that, at a future date, as time and resources may allow, a separate text amendment be considered to adjust and update (based on current best practices) some existing Table 5.2 principal use use/activity categories generally, across zoning districts.

Add a Finding to Subsection 9.1.11(C) Findings:

The BOARD or GOVERNING BODY shall make a finding that an adequate buffer exists or has been proposed between existing agricultural OPERATIONS and the proposed development and is sufficient to minimize the occurrence of nuisance conflicts between agricultural land use and non-agricultural land use.

Notes

1. The Champaign County Zoning Ordinance contains these defined terms:

SUITED OVERALL: 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.

WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:

Proposed Zoning Ordinance Text Amendments

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

Policy Basis for Part B

Part B of the proposed omnibus text amendment to the *Champaign County Zoning Ordinance* is intended to implement the provisions of LRMP Policy 4.2.3:

The County will require that each proposed discretionary development¹ explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Background

The Illinois right-to-farm statute that offers protection from nuisance suits to those in agriculture production under certain circumstances is the 'Farm Nuisance Suit Act' (740 ILCS 70/0.01 to 70.5). Section 70/3 of the Act states:

"No farm or any of its appurtenances shall be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation, provided, that the provisions of the Section shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances." 740 ILCS 70/3

The Illinois *Farm Nuisance Suit Act* does not specifically provide counties with authority to limit nuisance types of actions among its residents. For a county to offer additional right-to-farm types of protection for agricultural activities, the Illinois Farm Bureau Governmental Affairs & Commodities Division (GACD) suggests two approaches: 1) statement of intent, and 2) process of notification.²

Statement of Intent. A statement of the County's intent to preserve agriculture is the most frequently used right-to-farm effort made by Illinois counties. Such a statement will have a great impact to a court in a case involving nuisance.

To date, Champaign County has made separate 'statements of intent' in two separate documents, both clearly stating the County Board intent to preserve agriculture in the county:

Champaign County Resolution No. 3425

In 1994 the County Board passed Resolution No. 3425, "A Resolution Pertaining to the Right To Farm in Champaign County." Resolution No. 3425 was modeled to "...reflect the essence of the [Illinois] 'Farm Nuisance Suit Act.'" The resolution serves as a formal expression of the will of the County Board.

Champaign County Land Resource Management Plan (LRMP)

Proposed Zoning Ordinance Text Amendments

The LRMP, adopted by the County in 2010, lays out the County’s land use and resource management aspirations as guiding principles. The LRMP contains goals, objectives and policies intended as a guide for the County Board as it manages issues and resources related to land resource management in the County. LRMP Goal 4 regarding agriculture states: “Champaign County will protect the long term viability of agriculture in the County and its land resource base.” Nine objectives and 22 policies delineate County objectives and policies associated with Goal 4.

Notification. This approach involves the County notifying owners of land adjacent to agricultural land about the character of normal agricultural activities in the vicinity and the limitations for nuisance suits under Illinois law. The benefit to the County of notifying property owners could include potentially significantly stronger right-to-farm protections.³

The Illinois Farm Bureau GACD reviewed four notification methods for county boards to consider, and the strengths and weaknesses of each method, as follows:

1)	1 Place the notice in the county zoning ordinance	This form of notice, by itself, is likely the least effective since few would-be homeowners actually read the zoning ordinance—though it is available to all.
2)	2 Require a notice be given to the buyer any time a parcel of property changes hands.	This notice approach does put the buyer on notice, whether it’s for a vacant lot or for an established residence. Its shortfall is that there may be an extensive time lag between the time a buyer purchases bare land and the time it is developed. Characteristics of the area could change considerably in the ensuing period. Additionally, there is no way of knowing the ultimate use for the property at time of purchase. Giving unwarranted notices would add unnecessarily to the cost of conducting the county’s business.
3)	3 Require that the notice be attached directly to any deed for property in a rural area.	This form of notice could involve legal arrangements to make the notice a part of the deed. Again, the character of an area could change over time making the notice obsolete by the time the buyer develops the land. Also, deeds are often held by the mortgage holder so buyers aren’t likely to even see the notice.
4)	4 Require that notice be given to any landowner seeking a residential building permit for property in a rural area.	This notification procedure could best be directed to residential construction projects and has the advantage of recency. Its drawback is that the landowner will already have made the purchase of the lot with the intent to build a home and might not be dissuaded from that original intent at that stage in spite of the notice. Or, if an existing resident is selling to a new owner, this form of notice would not be received by the buyer.

Source: *Right to Farm.doc, Illinois Farm Bureau Governmental Affairs & Commodities Division, 2009.*

The approaches of stating intent and providing notification are not mutually exclusive. The Illinois Farm Bureau GACD suggests each county consider utilizing a combination of approaches considered most appropriate.

Staff recommends the County Board consider use of both notification approaches 1) and 4) as described in the above table. Additionally staff proposes that notice be included as a Standard

Proposed Zoning Ordinance Text Amendments

Condition of Special Use approval for proposed discretionary development located within or adjacent the AG-1, AG-2 or CR Districts :

- **Amend Section 4 of the Zoning Ordinance to include a notice.** The proposed notice to be added would be labeled an 'agricultural nuisance disclaimer'. Refer to the strike-out draft version proposed on Page B-4.)
- **Amend Subsection 6.1.2.B of the Zoning Ordinance to add a Standard Condition to apply to proposed discretionary development located within or adjacent to rural districts.**

Notes

1. "Discretionary development" is defined in the *Zoning Ordinance* as: "A non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations."

2. "Illinois' Nuisance Suits and the Right-To-Farm," prepared by the Governmental Affairs & Commodities Division of the Illinois Farm Bureau, 2009.

3. Cited in Item 2 above, Neil D. Hamilton, "Right-to-Farm Laws Revisited" *Journal of Agricultural Taxation & Law*, Vol. 14, No. 3, Fall 1992, p. 195.

LRMP Policy 4.3.5

LRMP Policy 4.3.5 part 'b' provisions have been implemented with a recent adopted text amendment. Staff proposes to hold on moving forward with a proposed implementation of LRMP Policy 4.3.5 part 'a' provisions at this time.

Policy 4.3.5

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

- a. it also serves surrounding agricultural uses or an important public need and cannot be located in an urban area or on a less productive site; or
- b. the use is otherwise appropriate in a rural area and the site is very well suited¹ to it.

ATTACHMENTS

- A LRMP Policies 4.2.2-4.2.4 and 4.3.5
- B County Board Resolution No. 3425
- C Part A Description and Strike-Out Draft Version of Proposed Text Amendment
- D Part B Description and Strike-Out Draft Version of Proposed Text Amendment

LRMP POLICIES 4.2.2 – 4.2.4 AND 4.3.5

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Policy 4.3.5

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

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

APPENDIX C

RESOLUTION NO. 3425

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

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

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

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

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

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

Champaign County Public Nuisance Ordinance

APPENDIX C - A RESOLUTION PERTAINING TO THE RIGHT TO FARM IN CHAMPAIGN COUNTY - CONTINUED

RESOLUTION NO. 3425

Page 2

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

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

[Signature]
Chairman, County Board of the
County of Champaign, Illinois

ATTEST: [Signature]
County Clerk and Ex-Officio
Clerk of the County Board

Strike-Out Draft Version: PART A PROPOSED TEXT AMENDMENT

1. Amend Zoning Ordinance Subsection 9.1.11.B to include criteria intended to implement LRMP Policies 4.2.2, 4.2.4, and 4.3.5.

Subsection 9.1.11

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B. SPECIAL USE Criteria

A SPECIAL USE Permit shall not be granted by the BOARD unless the public hearing record and written application demonstrate:

Strike-Out Draft Version: PART A PROPOSED TEXT AMENDMENT (continued)

- 1. that it is necessary for the public convenience at that location;
- 2. that it 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 is 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.
 - d. The proposed development is a type that minimizes negative effects agricultural activities; or is located and designed to minimize exposure to any negative affect caused by agricultural activities.
 - e. The proposed development will minimize interference with agricultural activities or damage or negative effects to the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.
 - f. The proposed development, if on BEST PRIME FARMLAND,
 - 1) will also serve surrounding agricultural USES or an important public need and cannot be located in an urban area or on a less productive site; or
 - 2) is a USE otherwise appropriate in a rural area and the site is WELL SUITED OVERALL.

⋮

continued

C. Findings

1. The BOARD or GOVERNING BODY shall make findings that the requirements of Section 9.1.11B have been met by the applicant for a SPECIAL USE.
2. The BOARD or GOVERNING BODY shall make a finding that a buffer between existing agricultural OPERATIONS and the proposed development is necessary to serve to reduce the occurrence of agricultural land USE and non-agricultural land USE nuisance conflicts.

(Renumber remaining items in C.)

Strike-Out Draft Version: PART B PROPOSED TEXT AMENDMENT

1) Amend Section 4 to add an 'agricultural nuisance disclaimer' provision.

SECTION 4 GENERAL PROVISIONS

4.1 Official Zoning Map

4.2 Application of Regulations and Standards

The regulations and standards set by this ordinance within each DISTRICT shall be minimum regulations and standards and shall apply uniformly to each class, kind, or type of STRUCTURE, USE, or land except as hereinafter provided.

4.2.05 Agricultural Nuisance Disclaimer

Residents, and other users of PROPERTY in or nearby the AG-1, AG-2, or CR DISTRICTS in the proximity of AGRICULTURE or agricultural OPERATIONS are informed that the COUNTY wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products, and that the COUNTY has passed Resolution No. 3425, Resolution Pertaining to the Right To Farm in Champaign County, consistent with the State's Farm Nuisance Suit Act (740 ILCS 70/0.01 to 70/5). The purpose of Resolution No. 3425 is to reduce the loss to the COUNTY of its agricultural resources by limiting the circumstances under which farming OPERATIONS are deemed a nuisance.

4.2.1 CONSTRUCTION and USE

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2) Amend Subsection 6.1.2.B to add a Standard Condition to apply to discretionary development located within or adjacent to the rural districts.

6.1.2 Standard Conditions for All SPECIAL USES

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B. All SPECIAL USE Permits located within or adjacent to the AG-1, AG-2, or CR DISTRICTS shall be informed that the COUNTY wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products, and that the COUNTY has passed Resolution No. 3425, Resolution Pertaining to the Right To Farm in Champaign County, consistent with the State's Farm Nuisance Suit Act (740 ILCS 70/0.01 to 70/5). The purpose of Resolution No. 3425 is to reduce the loss to the COUNTY of its agricultural resources by limiting the circumstances under which farming OPERATIONS are deemed a nuisance.