

## ELUC ADDENDUM

County of Champaign, Urbana, Illinois  
Thursday, March 7, 2019 – 6:30 p.m.

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Lyle Shields Meeting Room, Brookens Administrative Services  
1776 East Washington Street, Urbana, Illinois

### Agenda Item

#### IX. **New Business: Items to Be Recommended to the County Board**

- C. Zoning Case 924-AM-19.** A request by Arik and Kylie Miller d.b.a. Miller Farms Barn, to amend the Zoning Map to change the zoning district designation from AG-1 Agriculture to AG-2 Agriculture in order to establish and operate a Rural Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use Permit in related Zoning Case 925-S-19, on a 10.2 acre tract of land in the East Half of the Northeast Quarter of Section 28 of Township 21 North, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead at 2079 CR2600N, Gifford.

Champaign County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

To: **Champaign County Environment & Land Use Committee**

From: **John Hall, Zoning Administrator**  
**Susan Burgstrom, Senior Planner**

Date: **March 4, 2019**

RE: **Recommendation for rezoning Case 924-AM-19**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 925-S-19.**

Petitioners: **Arik and Kyli Miller, d.b.a. Miller Farms Barn**

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The Zoning Board of Appeals (ZBA) voted 5-0, with one member absent, to “RECOMMEND ENACTMENT” of this map amendment at its February 28, 2019 meeting. The ZBA found that the rezoning achieved all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan. ZBA recommends one special condition for the rezoning, to ensure compliance with the Right to Farm Resolution 3425.

The ZBA continued related Special Use Permit Case 925-S-19 to the March 28, 2019 ZBA meeting so that the petitioners could revise their Site Plan to add more parking and other details.

## **BACKGROUND**

The petitioners propose to renovate their existing barn to create a 300 guest capacity event center. The Zoning Administrator has determined that the closest comparable land use in the Zoning Ordinance is a combination of the “Private Indoor Recreational Development” and the “Outdoor Commercial Recreation Enterprise.” Neither of these uses is allowed in the current AG-1 zoning, and both require a Special Use Permit. The Petitioners seek to rezone to AG-2 to allow this type of establishment.

The subject property is approximately 0.85 miles from the unincorporated town of Flatville, 3.2 miles from the Village of Rantoul, and 3.2 miles from the Village of Gifford. The subject property is therefore not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

All comments received during the hearing process were in support of the proposed rezoning and special use event center. The Compromise Township Road Commissioner, Marvin Johnson, requests that no parking be allowed in the road right of way; neighbor Gary Busboom requests the same. A special condition has been added to the Special Use Permit to ensure that parking will only occur on the subject property.

## **LAND EVALUATION AND SITE ASSESSMENT (LESA) RATING**

The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.

The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points.

The combined LESA Score of 258 for the subject property receives the highest protection rating in LESA, which is “very high rating for protection.”

Regarding the conversion of land in crop production:

- The existing barn that will house the event center is located on land that is not in crop production.
- 30,000 square feet (0.69 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center. The petitioners plan to start with a grass parking lot, and put in gravel if needed in the future.
- ZBA members determined that agricultural drainage is unlikely to be affected, and that the irregularly shaped site contains less than 10 acres of cropland.
- ZBA members determined that the proposed rezoning will help achieve Land Resource Management Plan Goal 4: Agriculture.

## **PUBLIC SAFETY**

ZBA members determined that emergency services might not be sufficient to serve a place of public assembly located in such a rural area. The all-volunteer Gifford Fire Protection District station is approximately 6.4 road miles from the subject property, and the nearest ambulance service is out of the Village of Rantoul, approximately 9.4 road miles away.

The petitioners spoke with a representative of the Gifford Fire Protection District and with the Office of the State Fire Marshal in planning for the facility. P&Z Staff notified the Fire Chief, left a voicemail, and emailed two members of the FPD.

- On December 5, 2018, an email was received from Larry Eaton of the Office of the State Fire Marshal (OSFM) based on his previous phone conversation with Arik Miller. The email is an attachment to this memo.
- On March 1, 2019, an email was received from Rich McFadden, Gifford Fire Protection District Chief. He said that his primary concerns were 1) that it would be a congested area if 300 people were allowed in this structure and there was an emergency situation, and 2) if there is an emergency situation at this facility, it is about 6.5 miles from our fire station and response would be about 10 minutes for Gifford Fire, about 12 minutes for an ambulance from Rantoul and 15-20 minutes for Sheriff Police to respond. He advised Arik Miller that he needs to follow the recommendations that the Illinois State Fire Marshal's office gave him about the requirements of having this type of event center, and that proper safety and code compliance is a must if a public event center is approved.

P&Z Staff will continue to work with the petitioner to ensure that life safety requirements are implemented.

## **COMMENTS RECEIVED**

The following letters were received in support of the proposed events center:

- Janet Miller, who resides just north of the subject property at 2086 CR 2600N, supports the project.

- Dale and Kathy Miller, who reside just north of the subject property at 2078 CR 2600N, support the project.
- Gary and Elaine Busboom, who reside at 2073 CR 2600N to the west of the subject property, support the project but ask for consideration of the following: any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC; and no parking will be allowed along township road 2600 North or on neighboring property.
- The following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
  - The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
  - Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments. No comments were received from the Drainage District before or during the February 28<sup>th</sup> ZBA meeting.
- The following comments were received via phone on February 13, 2019 from Compromise Township Highway Commissioner Marvin Johnson:
  - Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.
  - Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
  - The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
  - The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

## PROPOSED SPECIAL CONDITIONS

The following special condition was recommended by the ZBA for Case 924-AM-19:

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

The above special condition is necessary to ensure the following:

### **Conformance with Land Resource Management Plan Policy 4.2.3.**

The following special conditions are still under consideration for related Case 925-S-19; revisions are anticipated at the March 28<sup>th</sup> ZBA meeting:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**

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

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

- B. A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**

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

**That any construction complies with the Special Flood Hazard Areas Ordinance.**

- C. The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**

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

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

- D. The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

**That exterior lighting meets the requirements established for Special Uses in the Zoning Ordinance.**

- E. The petitioner shall undertake construction of the proposed driveway as follows:**
- (1) Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**
  - (2) After construction, the petitioner shall secure the written acceptance of the new driveway from the Compromise Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.**

The special condition stated above is to ensure the following:

**That the street right of way functions according to its original design and traffic safety is prioritized.**

- F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.**

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

**That the proposed Special Use is in ongoing compliance with all applicable County requirements.**

- G. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.**

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

**That events held on the subject property adequately consider neighbors.**

- H. **The petitioner shall not allow any parking in the public street right of way.**

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

**That the proposed Special Use is not injurious to pedestrians and motorists on CR 2600N.**

- I. **This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.**

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

**To protect public health.**

- J. **Limits on the number of events, guest attendance, and traffic shall be limited as follows:**

- (1) **For events with no more than 20 guest vehicles or the equivalent 20 vehicle round trips (including shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year and the guest attendance at each event shall be limited to no more than 300 guests.**
- (2) **“Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:**
  - a. **The guest attendance at each event shall be limited to no more than 300 guests; and**
  - b. **The total number of larger events shall be limited to no more than 20 events in any 365-day period; and**
  - c. **No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and**
  - d. **The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.**

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

**That traffic created by the event center is minimally disruptive to agricultural activities.**

- K. **The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during**

**any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).**

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

**To provide a means of enforcement and accountability if the proposed special use (particularly under different ownership) does not adequately respect the needs of nearby farmers.**

**L. The Special Use is subject to the approval of Case 924-AM-19.**

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

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

**M. This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**

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

**To provide both a sense of continuity and a sense of closure to the neighbors.**

**N. The revised Site Plan received February 4, 2019, is the official site plan for approval in Case 928-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

The above special condition is necessary to ensure the following:

**That it is clear which version of the Site Plan submitted by the petitioners is the approved Site Plan.**

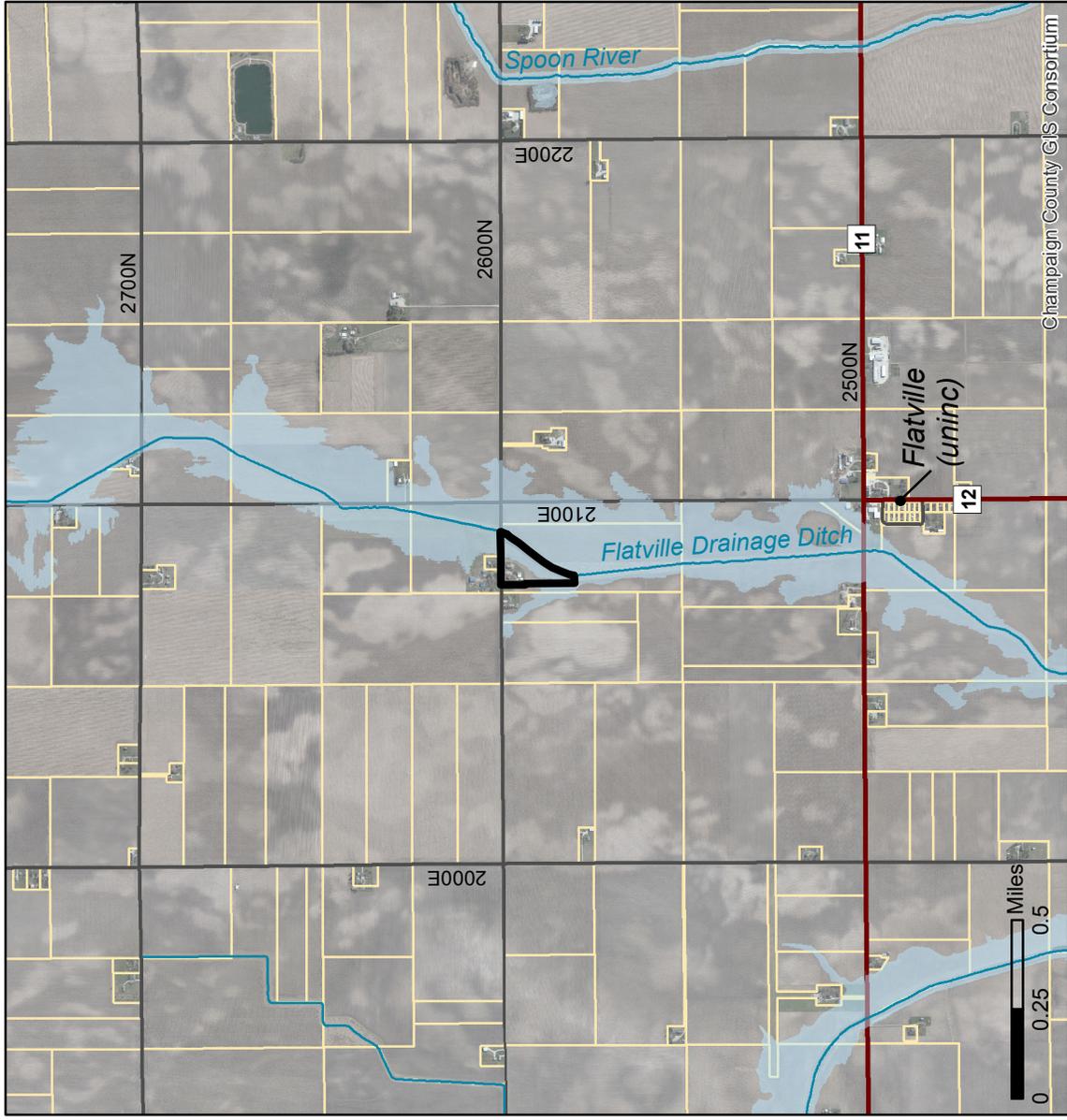
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Subject Property Aerial Photo created by P&Z Staff on February 20, 2019
- C Revised Site Plan for related Special Use Permit Case 925-S-19 received February 13, 2019  
*Note: this will not be the final site plan*
- D Copy of Right to Farm Resolution 3425
- E Email from Larry Eaton of the Office of the State Fire Marshal received December 5, 2018
- F Summary Finding of Fact and Final Determination for Case 924-AM-19 as approved by ZBA on February 28, 2019

# Location Map

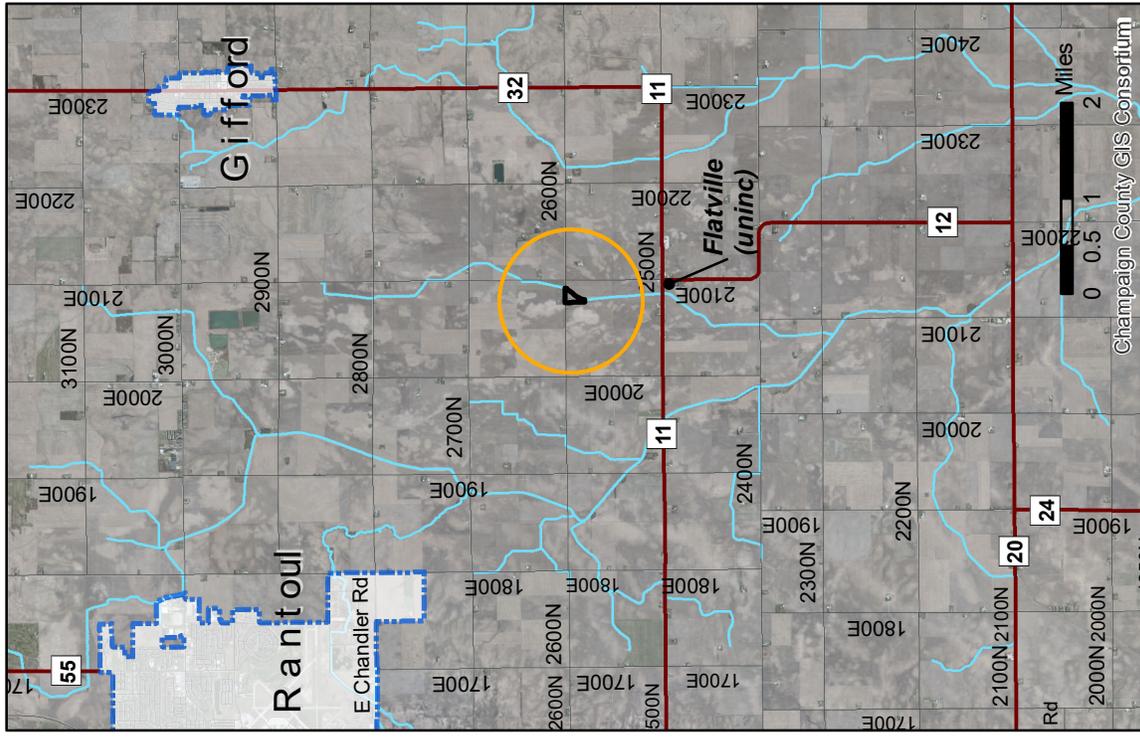
Cases 924-AM-19 and 925-S-19  
February 28, 2019

Subject Property



- Legend**
- Subject Property
  - Parcels
  - Streams
  - Floodzone
  - County Highways
  - Streets
  - Municipal Boundary

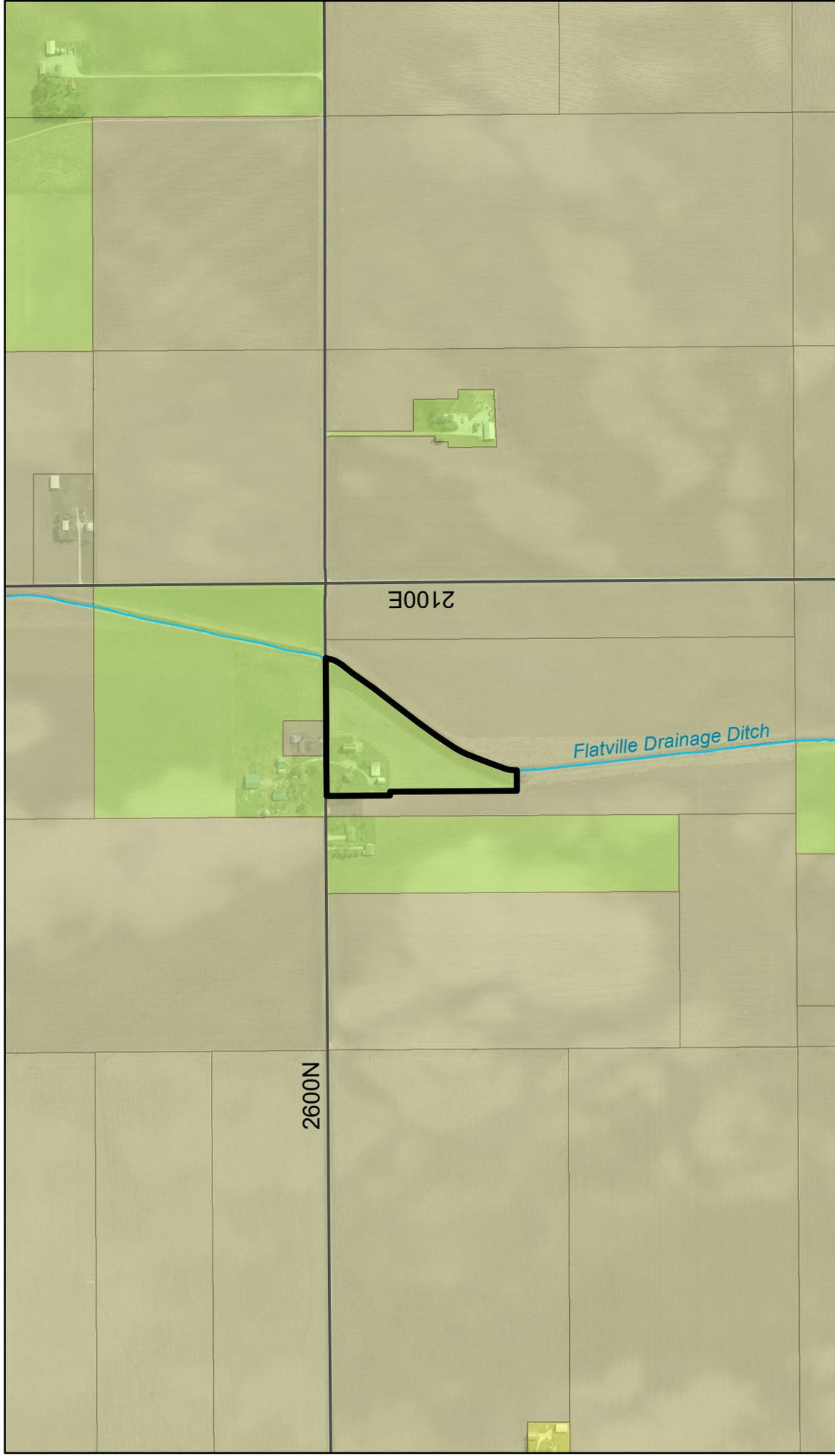
Property location in Champaign County



Champaign County  
Department of  
**PLANNING &  
ZONING**

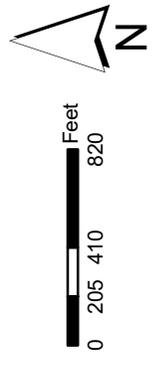
# Land Use Map

Cases 924-AM-19 and 925-S-19  
February 28, 2019



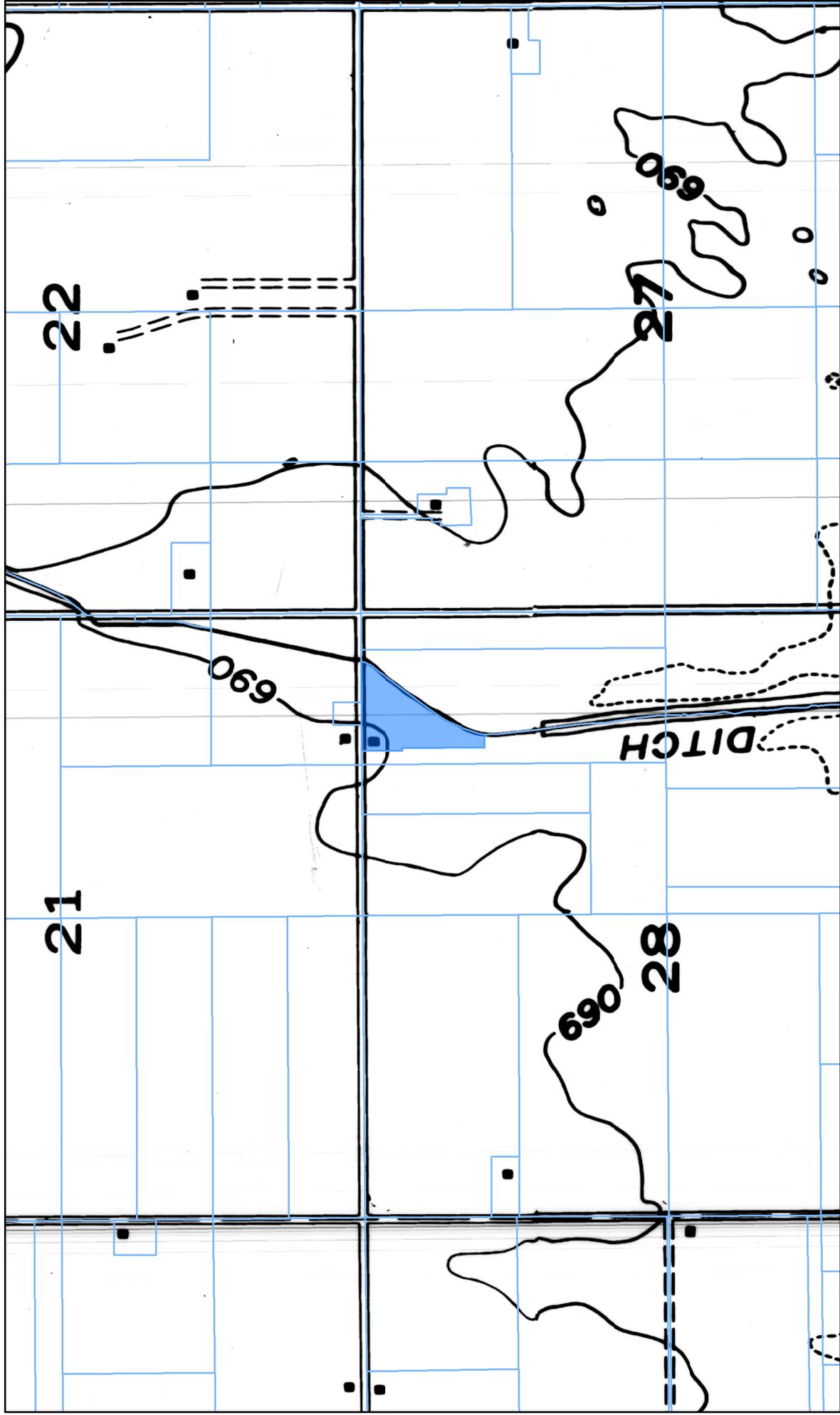
### Legend

-  Subject Property
-  Streams
-  Streets
-  Residential
-  Ag-Residential
-  Agriculture



# Zoning Map

Cases 924-AM-19 and 925-S-19  
February 28, 2019



**Legend**

- Subject Property
- Parcels

Champaign County  
Department of  
**PLANNING &  
ZONING**

0 300 600 1,200 Feet

N

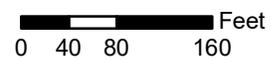
# Subject Property

Cases 924-AM-19 and 925-S-19  
February 28, 2019



## Legend

-  Subject Property
-  Parcels
-  Flood Hazard Area



DOWN

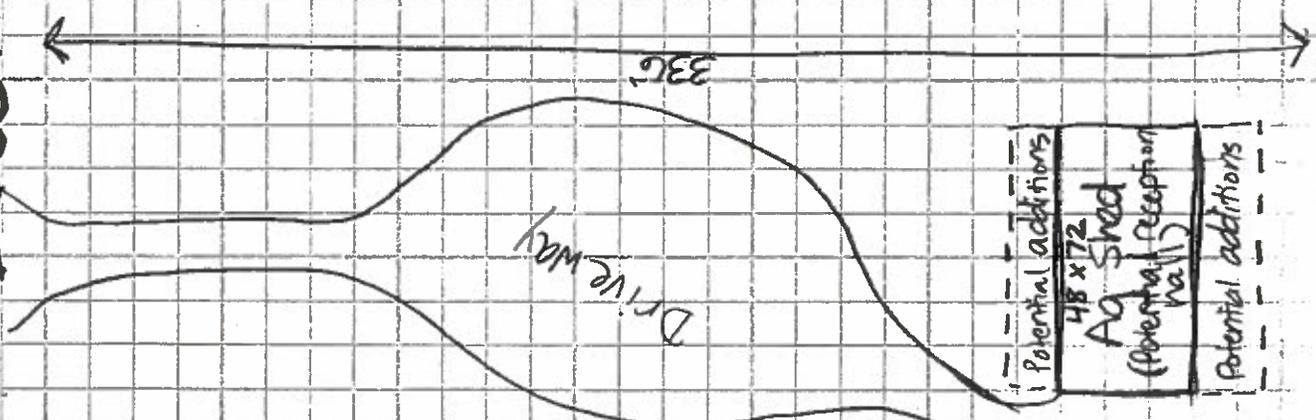
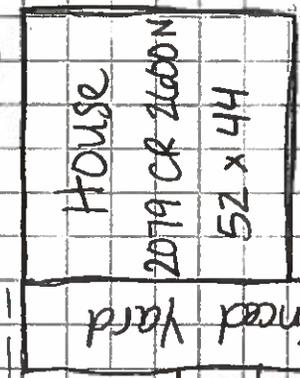
UP

RECEIVED

APR 13 2019

2

110m



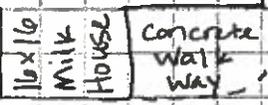
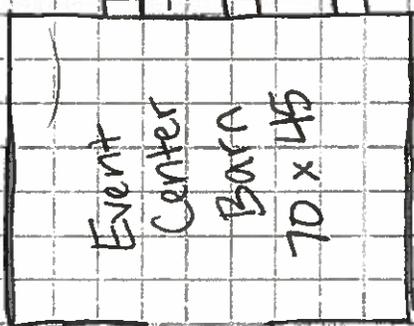
↑ N

Entrance  
Hay

Parking Lot  
200' x 110'

ADA Parking

96  
to road



45 x 45  
Replacement  
Concrete  
Pad

Potential  
Reception  
Hall or  
Ag Shed

Alfalfa  
Hay  
Field

RECEIVED

FEB 13 2019

PLANNING & ZONING DEPARTMENT



CRACK STRIP  
Filter strip

HAY

200'

Parking Lot

100'

HAY

45' Concrete pad

BARN

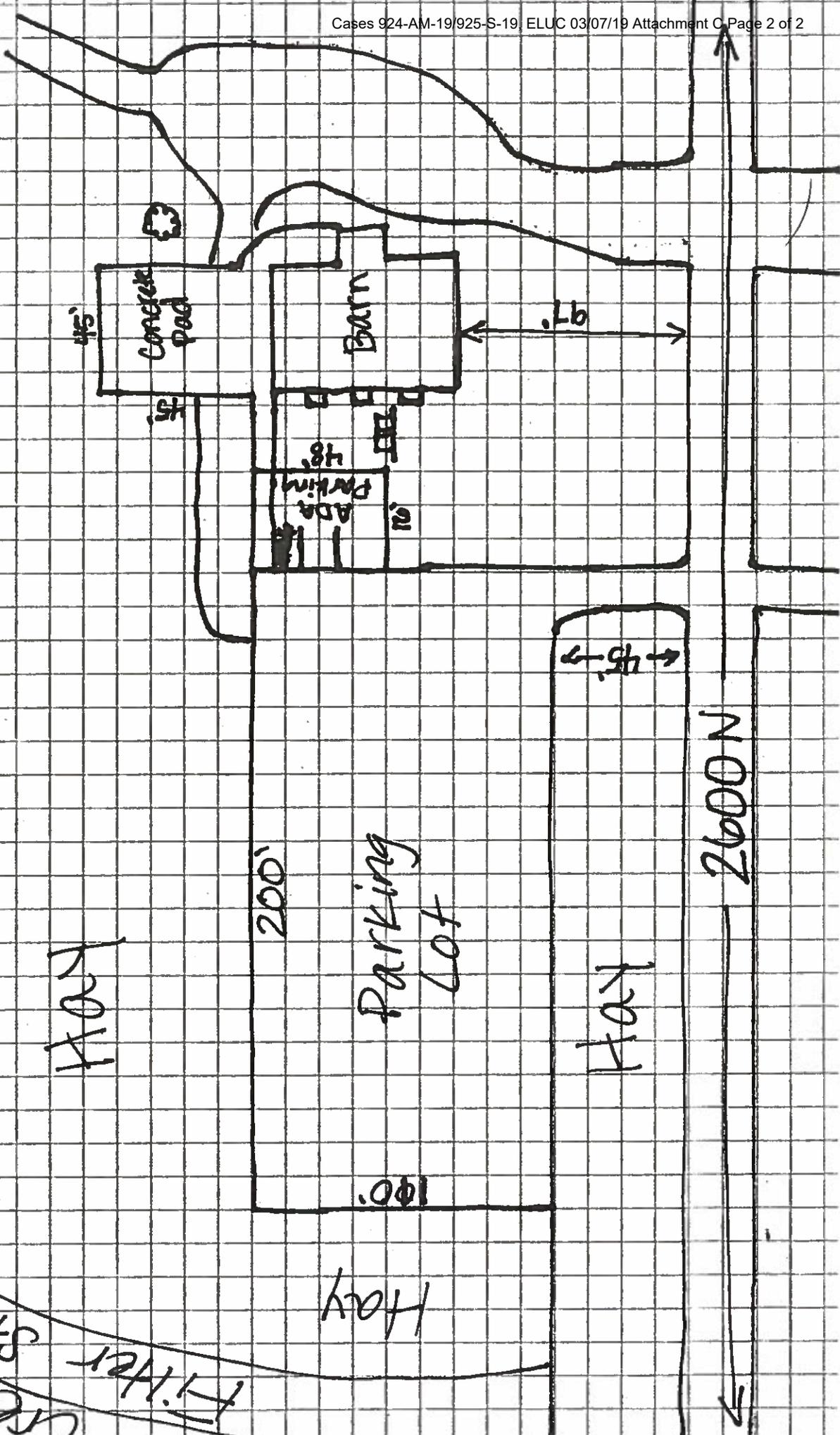
ADA PARKING 48'

97'

45'

2600'

HAY



**RESOLUTION NO. 3425**

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

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

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

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

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

**1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**

**2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**

**3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

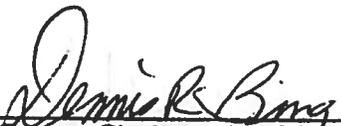
RESOLUTION NO. 3425

Page 2

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

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

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

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

**From:** Eaton, Larry  
**To:** erkmiller2689@gmail.com  
**Cc:** Susan Burgstrom; CD213@fdmail.sfm.illinois.gov  
**Subject:** RE: Proposed Assembly in barn 2079 County 2600 N. Gifford, IL  
**Date:** Thursday, December 6, 2018 9:56:06 AM  
**Attachments:** image001.png  
 MunicipalityNoticeRegardingApplicabilityOfLifeSafetyCode.pdf  
 Carbon Monoxide Act.pdf  
 Fire Safety Act.pdf  
 Announcement State Building Code Effective July2011.pdf  
 WindowSizeTable.pdf  
 425 ILCS 25 Fire Investigation Act .pdf  
 NFPA 101 2000 Edition.pdf  
 2086 County Rd 2600 N - Google Maps.pdf

RECEIVED

DEC 06 2018

CHAMPAIGN CO P & Z DEPARTMENT

Good morning,

Mr. Miller converting this barn to a wedding venue, we would considered this a “New” Assembly Occupancy (Chapter 12) under the **NFPA 101 Life Safety Code, 2000 edition**.

**OSFM would recommend that you hire a fire design professional or architect to assist with designing this project in accordance with all applicable codes.**

OSFM utilizes the **NFPA 101 Life Safety Code, 2000 edition** and can provide a plan review if necessary; however, our technical service division is comprised of one person and is **8 to 10 weeks for a review**. Local officials need to be aware that in accordance with Public Act 096-0704 all new commercial construction after July 1, 2011 must comply with the 2006 or later editions of the International Building Code; International Existing Building Code; International Property Maintenance Code and the 2008 or later edition of the National Electrical Code (NFPA 70). However, this does not apply to any area that has adopted its own building code and registered that code adoption with the Capital Development Board (CDB) in accordance with the Illinois Building Commission Act. Public Act 096-0704 also requires that newly constructed commercial buildings must pass an inspection conducted by an inspector meeting the qualifications established by CDB.

Additionally, the plan review is to make comments about the LSC, not to design a project that is for **their architect and fire protection engineer to do**. Please forward complete set of drawings (8.5 x 11) designed in accordance with the above for review to the following:  
Email: **SFM.Techservices@illinois.gov** Phone: 312.814.8960. OSFM Tech Services does not respond to status updates as they will return comments when completed.

Larry E. Eaton  
 Office of the State Fire Marshal  
 Fire Prevention Division, Regional Supervisor  
 1035 Stevenson Drive  
 Springfield Il 62703  
 217-558-1319 Office  
**Larry.Eaton@illinois.gov**



## SUMMARY FINDING OF FACT FOR CASE 924-AM-19

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioner to utilize the property somewhat more intensively and continue business operations in Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of County Resolution 3425 pertaining to the right to farm in Champaign County.
    - (2) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
      - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.B.(5)).
      - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.B.(4)).
      - c. Policy 4.3.3 requiring existing public services **WILL NOT BE** adequate to support the proposed development effectively and safely without undue public expense (see Item 13.B.(3)).
      - d. Policy 4.3.2 requiring a discretionary development on Best Prime Farmland to be well-suited overall (see Item 13.B.(2)).
    - (3) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
      - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.C.(4)).
      - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.C.(3)).

- c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.C.(2)).
  - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.C.(1)).
- (4) It will **HELP ACHIEVE** of Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on Best Prime Farmland because it either will **HELP ACHIEVE** or **WILL NOT IMPEDE** the achievement of the following:
- a. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.D.(4)).
  - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.D.(3)).
  - c. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.D.(2)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **WILL NOT IMPEDE** Goal 5 because it **WILL NOT IMPEDE** the following:
    - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
  - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **WILL NOT IMPEDE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 6 because it will **HELP ACHIEVE** the following:
    - a. Policy 6.1.3 requiring that the County seek to prevent nuisances created by light and glare and endeavor to limit excessive night lighting (see Item 15.A.(3)).

- b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).

- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.

E. Regarding Goal 7:

- (1) The proposed amendment will **HELP ACHIEVE** Goal 7 because it will **HELP ACHIEVE** the following:
  - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).
- (2) Based on achievement of the above Objective and Policy, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.

F. Regarding Goal 8:

- (1) The proposed amendment will **HELP ACHIEVE** Goal 8 because it will **HELP ACHIEVE** the following:
  - a. Policy 8.6.4 requiring implementation of IDNR recommendations regarding protection of endangered or threatened species (see Item 17.A.(3)).
  - b. Policy 8.6.3 requiring use of the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection (see Item 17.A.(2)).
  - c. Policy 8.6.2 requiring land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas (see Item 17.A.(1)).
  - d. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 17.B.(2)).
  - e. Policy 8.4.1 requiring the County to incorporate recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development (see Item 17.B.(1)).
  - f. Policy 8.2.1 requiring the County to 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 (see Item 17.C.(1)).
  - g. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 17.D.(1)).

- G. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- H. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. 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.
- B. This is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production and a residence.
- C. In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
- (1) The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
  - (2) The traffic generated by the proposed use will primarily occur on weekends.
- D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural uses and activities.
- E. Regarding whether the site is well suited to the proposed land use, the ZBA recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- G. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- H. Overall, the proposed map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, **WILL NOT WORSEN** congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).

- B. The proposed rezoning **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) Item 21.D.).
- C. The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 E. Item 21.E.)
- D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
- E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 924-AM-19** should **BE ENACTED** by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date