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1 **Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum**  
2 **15 feet. Location: Lots 4, 5, 6, 7, and 8 of Block 4 of S.H. Busey's First Addition to the Town of**  
3 **Penfield in the Southwest Quarter of Section 4 of Compromise Township and commonly known as the**  
4 **dwelling at 209 Main Street, Penfield and appurtenant property a the location formerly known as 216**  
5 **East Street, Penfield.**  
6

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

16 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
17 sign the witness register for that public hearing. He reminded the audience that when they sign the  
18 witness register they are signing an oath.  
19

20 Mr. Thorsland asked the petitioners if they would like to make a brief statement regarding the nature of  
21 their request.  
22

23 Mr. Dorsey and Ms. Buck indicated that they had no new information to add at this time.  
24

25 Mr. Thorsland stated that the Board has reviewed the Findings of Fact for this case and at the last public  
26 hearing for this case the petitioners requested a continuance until a full Board was present for completion  
27 of the Final Determination.  
28

29 Mr. Thorsland asked Mr. Hall if he had any new information to add to this case.  
30

31 Mr. Hall stated that it is nice to be able to show the Board a completed Finding of Fact and Final  
32 Determination.  
33

34 Mr. Palmgren asked if the completed information before the Board tonight will go before the County  
35 Board.  
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37 Mr. Hall stated that variance cases do not go before the County Board but ZBA recommendations for map  
38 amendments and text amendments are forwarded to the County Board for final approval.

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Mr. Miller, Zoning Board Member, arrived at 7:10 p.m.

Mr. Thorsland asked Mr. Miller if he had any questions for the petitioner or staff regarding Case 720-V-12.

Mr. Miller stated no.

**Final Determination for Case 720-V-12:**

Ms. Capel moved, seconded by Mr. Palmgren that the Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign county Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that the variance requested in Case 720-V-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the petitioner Robert Dorsey and Elizabeth Buck to authorize the following in the R-2 Zoning District: Part A. Variance from Section 4.2.1.G. requirement that no accessory use or structure be established prior to a main or principal use or structure; and Part B. Variance from a maximum height of an accessory structure of 18.5 feet in lieu of the maximum 15 feet. Subject to the following special conditions:

- A. The Variance shall be deemed void if any of the following occur:
  - (1) If the petitioners sell either the current home or the garage property to a buyer who does not also purchase the other property, except that concurrent sale of both properties can happen provided the garage property shall have a dwelling.
  - (2) If at least a 20 feet length of the alley between the relevant properties is ever vacated.
  - (3) If any building on the eastern portion of the property is ever converted to include a dwelling unit with a septic system.
  - (4) If any part of lots 4, 5, and 6 are sold off without a dwelling being established on the remaining portion of the property.

The special conditions stated above are required to ensure the following:  
That the variance is void should it not ever be necessary and ensures that the properties will be in common ownership.

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- 1           **B.     The garages on the subject property shall not be rented out as storage space.**  
 2           The special condition stated above is required to ensure the following:  
 3           **That the storage buildings on the subject property do not become warehouses of any**  
 4           **kind, which are not authorized in the R-2 Zoning District.**  
 5
- 6           **C.     Landscape screening on the north side of the proposed shed sufficient to provide a**  
 7           **50% opaque screen to a height of 8 feet in 4 years for the length of the shed shall be**  
 8           **maintained at all times.**  
 9           The special condition stated above is required to ensure the following:  
 10          **That the proposed shed is properly screened from neighboring properties.**  
 11
- 12          **D.     The petitioners shall file a miscellaneous document with the Champaign County**  
 13          **Recorder of Deeds documenting the Special Conditions proscribed in Zoning Case 720-**  
 14          **V-12.**  
 15          The special condition stated above is required to ensure the following:  
 16          **That future landowners are aware of the conditions imposed in Zoning Case 720-V-12.**  
 17

18 Mr. Thorsland requested a roll call vote.

19			
20	<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Palmgren-yes</b>
21	<b>Passalacqua-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>
22			

23 Mr. Hall informed that petitioners that they have received an approval for their variance request. He said  
24 that staff will contact the petitioners within the next couple of days to finalize any required documentation.  
25

26 **6.     Continued Text Amendment Cases**  
27

28 **Case 710-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
 29 **Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA)**  
 30 **System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4 as follows:**  
 31 **Part A. Revise the Land Evaluation (LE) part as follows: 1. Revise all soil information to match the**  
 32 **corresponding information in the *Soil Survey of Champaign County, Illinois* 2003 edition. 2. Revise all**  
 33 **existing soil productivity information and replace with information from *Bulletin 811 Optimum Crop***  
 34 ***Productivity Rating for Illinois Soils* published August 2000 by the University of Illinois College of**  
 35 **Agricultural, Consumer and Environmental Sciences Office of Research. 3. Delete the 9 existing**  
 36 **Agriculture Value Groups and existing Relative Values ranging from 100 to 0 and add 18 Agriculture**  
 37 **Value Groups with Relative LE ranging from 100 to 0. Part B. Revise the Site Assessment (SA) part**  
 38 **as follows: 1. Add definitions for “agriculture”; “agricultural production”; “animal units”; “best**

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1 prime farmland”; “farm dwelling”; “livestock management facility”; “non-farm dwelling”; “principal  
 2 use”; and “subject site”.; and 2. Delete SA Factors A.2.; A,3.; B.2.; B.3.; C.2.; D.2.; E.1.; E.2.; E.3.;  
 3 E.4.; F.1.; F.2.; F.3.; F.4.; and F.5.; and 3. Revise SA Factor A.1. to be new Factor 8; Factor B.1. to be  
 4 new Factor 7; Factor C.1. to be new Factor 5; Factor D.1. to be new Factor 1; and revise scoring  
 5 guidance for each revised Factor, as described in the legal advertisement; and 4. Add new SA Factors  
 6 2a.; 2b.; 2c.; 3.; 4.; 6.; 9.; 10.; and scoring guidance for each new Factor, as described in the legal  
 7 advertisement. Part C. Revise the Rating for Protection as described in the legal advertisement. Part  
 8 D. Revise the general text and reformat.

9  
 10 **Case 711-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
 11 **Ordinance as follows: Part A. In Section 3, revise the definition of “best prime farmland” as follows:**  
 12 **a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land**  
 13 **Evaluation rating of 91 or higher”; and b) add “prime farmland soils and under optimum**  
 14 **management have 91% to 100% of the highest soil productivities in Champaign County, on average,**  
 15 **as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and c) add “soils**  
 16 **identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation**  
 17 **and Site Assessment (LESA) System”; and d) add “Any development site that includes a significant**  
 18 **amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3**  
 19 **and/or 4 soils:. Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Score**  
 20 **greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and**  
 21 **replace with “is made up of soils that are BEST PRIME FARMLAND” Part C. Revise paragraph**  
 22 **5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s**  
 23 **Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST**  
 24 **PRIME FARMLAND.”**

25  
26 Mr. Thorsland called Cases 710-AT-12 and 711-AT-12 concurrently.

27  
28 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
29 sign the witness register for that public hearing. He reminded the audience that when they sign the  
30 witness register they are signing an oath.

31  
32 Mr. Thorsland asked if the petitioner would like to make a statement outlining the nature of the cases.

33  
34 Mr. John Hall, Zoning Administrator, distributed a Supplemental Memorandum for Case 710-AT-12  
35 dated September 19, 2012, to the Board for review. He said that the memorandum includes a new item of  
36 evidence, to Item 9.E of the Finding of Fact. He said that staff attempted to have everything in front of the  
37 Board to wrap up the cases tonight and the last memorandum for Case 710-AT-12 was the memorandum  
38 regarding local foods. He said that new Item 9.E reviews the resolution that was submitted and reviews six

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1 items of evidence regarding locally grown foods. He read Item 9.E as follows: E. Regarding locally grown  
2 foods and LESA: (1) Resolution No. 2012-1 was passed by the Champaign County Local Foods Policy  
3 Council on August 22, 2012, and is summarized as follows: (a) Sites for farms that produce locally grown  
4 food may easily be less than 25 acres and it can be an advantage for them to be close to populous or  
5 urbanized areas for easy access to markets; and (b) The Champaign County Local Foods Policy Council  
6 encourages the protection of not only large agricultural land parcels generally used for growing row crops,  
7 but also to protect agricultural land parcels that could be best suited for local foods production. (2)  
8 Accommodating for locally grown foods in the Site Assessment portion of the Draft LESA was not  
9 undertaken at this time for the following reasons: (a) a definition of local foods would need to be drafted and  
10 adopted by the County; and (b) a formal list of known local food producers would need to be identified in  
11 order to conduct an assessment; and (c) local foods Site Assessment (SA) factors should focus on the land  
12 surrounding the subject site rather than the subject site itself; and (d) it would not be feasible to make any  
13 local SA factors worth a large amount of points (more than 10 points or about 5% of total Site Assessment)  
14 because points would have to be subtracted from other factors and would potentially sacrifice levels of  
15 protection of prime farmland. Nonetheless, local foods production may be worth consideration as a Site  
16 Assessment factor in the future; and (e) changes to accommodate locally grown foods in LESA need to be  
17 carefully scrutinized to determine the effects of those changes on the protection ratings of prime farmland in  
18 general because the Draft SA factors were prepared to provide adequate levels of protection to both prime  
19 farmland and best prime farmland; and (f) the Champaign County LESA should only be amended with local  
20 foods Site Assessment factors after the Local Foods Policy Council has had an opportunity to define "local  
21 foods" and has prepared a list of local food producers.

22  
23 Mr. Hall stated that Item 9.E. would appear on page 25 of 38 of the Draft Finding of Fact for Case 710-AT-  
24 12. He said that the Board may recall that there were items 9.A-D and item 9.D. was a possible item  
25 regarding the proposed general text and reformatting. He said that staff has not prepared any evidence for  
26 item 9.D. because there is no need to add any therefore the Board could strike proposed item 9.D. and  
27 replace the text with the proposed text for proposed item 9.E which is included in tonight's memorandum.

28  
29 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

30  
31 Mr. Hall stated that staff has set up the Power Point projector with the Finding of Fact for Case 710-AT-12  
32 so that the Board can view all of its changes during this public hearing.

33  
34 Mr. Thorsland called Kyle Krapf to testify.

35  
36 Mr. Kyle Krapf, who resides at 809 Riverside, Mahomet, stated that he is the Chair of the Champaign  
37 County Farm Bureau Land Use Committee and his comments tonight are on behalf of the organization  
38 centered on LESA proposal before you this evening. He said that he has two points that he would like to

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1 make regarding the LESA.

2  
3 Mr. Krapf stated that he would like to restate the Farm Bureau’s proposed change to the definition of farm  
4 dwellings. He said that the proposed language of the definition is as follows: a farm dwelling is a dwelling  
5 occupied by a farm owner, operator, tenant farm worker, or seasonal or year around hired farm worker and  
6 this may be determined by utilizing assessment records, other public documents or by information provided  
7 as part of the public record to the ZBA. Mr. Krapf said that the Farm Bureau understands that utilizing  
8 public documents like assessment records may not always be helpful but placing the burden of proof on  
9 landowners to show they are a farmer, who lives on a lot smaller than 35 acres, is not the solution either.

10  
11 Mr. Krapf stated that he would like to share with the Board the Farm Bureau’s acceptance of the proposed  
12 LE side of the entire proposal. He said that the LE portion developed and supported by the special  
13 committee is a step in the right direction although the designation of best prime farmland may be higher than  
14 our policy indicates, and the Farm Bureau believes that the proposed language will be an effective tool in  
15 determining a site’s land evaluation score.

16  
17 Mr. Krapf stated that he hopes that the Board will take these remarks into consideration and that they will  
18 see the value of these comments during their review of the proposal. He submitted his written testimony as a  
19 Document of Record.

20  
21 Mr. Thorsland asked the Board if there were any questions for Mr. Krapf and there were none.

22  
23 Mr. Thorsland asked if staff had any questions for Mr. Krapf.

24  
25 Mr. Hall stated that the currently the definition for “farm dwelling” in the proposed LESA is as follows: a  
26 dwelling occupied by a farmer owner or operator, tenant farm worker, or hired farm worker. He said that the  
27 guidance on how to do that assessment is probably what the Farm Bureau had most concerns about and it  
28 sounds like the Farm Bureau does agree that a “farm dwelling” would be exactly as the LESA defines it but  
29 the concern comes in during the assessment.

30  
31 Mr. Krapf agreed.

32  
33 Mr. Hall stated that Mr. Krapf’s previous testimony is indicated on page 24 of 38 for Case 710-AT-12. He  
34 said that he would like to insert text regarding Mr. Krapf’s testimony tonight into Case 711-AT-12.

35  
36 Mr. Thorsland asked Mr. Krapf if the Farm Bureau would like to see in the Site Assessment definitions the  
37 determination of the farm dwelling definition. He said that it appears that the Farm Bureau would like to  
38 take the burden off of the landowner.

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1  
2 Mr. Krapf stated yes, they do not want the landowner to have to declare that he is a farmer even though he  
3 lives on a five acre parcel.

4  
5 Mr. Thorsland stated that the County does a good job in notifying adjacent landowners but it is possible that  
6 someone will fall through the cracks. He said that the Farm Bureau is proposing that the unidentified or  
7 notified landowner does not have the burden of proof because it is done by staff and driven by the  
8 petitioner's request. He said that he supports the Farm Bureau's point regarding this matter although he is  
9 not sure how it will be incorporated into the language.

10  
11 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Krapf and there were  
12 none.

13  
14 Mr. Thorsland called Norman Stenzel to testify.

15  
16 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that the test sites are not test sites  
17 but developmental examples and they are not good examples. He said that when a request for conversion is  
18 requested it is possible that the entire site will not be looked at and only a portion of site which is specifically  
19 selected to be a lesser point value than the total site. He said that the test sites do not tell you much about  
20 what happens when the new LESA is applied and simply indicates that between the two there may be a  
21 difference. He said that previously he has suggested that a field test with real world examples would be a  
22 better indicator if they were analyzed properly. He said that he also suggested an extended comparison to  
23 several LESA instruments using actual cases brought before this Board as an effort to provide a better  
24 comparative assessment of those instruments.

25  
26 Mr. Stenzel stated that the local foods issue appears to have been denied but if a branch is included in the  
27 proposed LESA which eliminates some items that would not be considered there would be points available  
28 for the consideration of local foods. He requested that the Board consider the branching idea and review his  
29 previous document indicating ideas of branching.

30  
31 Mr. Stenzel stated that the Federal legislation initiating the nationwide LESA program includes the concern  
32 that the nation have a strong agricultural basis to provide a secure supply of food for our growing population.  
33 He said that there are four foundational goals which the Federal legislation considers: A. To save prime and  
34 special state soils; and B. to support the viability of neighboring agricultural farmers; and C. to preserve the  
35 viability of neighboring agricultural lands; and D. to have consideration for supportive services and  
36 businesses serving agriculture. He said that the proposed LESA only speaks to two of the four foundational  
37 goals. He said that one of the main issues that it does not speak to is the neighboring property and what is the  
38 impact of conversion on agricultural neighborhoods. He said that another item which the proposed LESA



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1 does not consider is the impact of the businesses that supply and support agriculture. He said that the  
2 proposed LESA, in some respect, excludes consideration of the importance of such things as elevators.

3  
4 Mr. Stenzel stated that one of the characteristics of the County is that it is divided into zones and those zones  
5 have boundaries. He said that if a conversion in the AG-1 zone is proposed close to a boundary then what is  
6 happening on the other side of the boundary can supply some of those houses and count against preservation  
7 of property in the AG-1 zone. He said that he previously suggested that the difference of what is happening  
8 in one zone and another zone should not be used against preservation of agricultural ground. He said that the  
9 item rationales that are used are largely focused on large scale agriculture and if there is a consideration of  
10 local foods then he would suggest that the branching have a set of rationale that would reflect local foods  
11 rather than large scale agriculture.

12  
13 Mr. Stenzel stated that Findings of Fact will be considered tonight and he would suggest that the Board has a  
14 petitioner and a reviewer as the same person, which is a conflict of interest. He said that Mr. Hall, Zoning  
15 Administrator, is telling the Board whether something is “good” or “bad” and “believe me” but that is not  
16 how a Finding of Fact should be established. Mr. Stenzel stated that Mr. Hall is not impartial in respect to  
17 the provision of the Finding of Fact because he helped produce the document which he has worked hard on  
18 and he will try to protect his position. Mr. Stenzel stated that the Board needs an independent review as a  
19 Finding of Fact before considering a recommendation on the proposed LESA.

20  
21 Mr. Stenzel submitted his written testimony as a Document of Record.

22  
23 Mr. Thorsland asked the Board if there were any questions for Mr. Stenzel.

24  
25 Mr. Palmgren asked Mr. Stenzel if he had attended almost every LESA and ZBA meeting regarding the  
26 proposed LESA.

27  
28 Mr. Stenzel stated yes.

29  
30 Mr. Palmgren stated that he has taken the opportunity to review the materials that Mr. Stenzel has submitted  
31 along with the volumes of material distributed by staff. He said that the information is very extensive and  
32 regardless of the outcome he appreciates Mr. Stenzel’s time that he has given to this Board to explain his  
33 points of view. He asked Mr. Stenzel if his views were debated with the LESA Update Committee.

34  
35 Mr. Stenzel stated no, not really.

36  
37 Mr. Palmgren stated that in reviewing the minutes it looks like there may have been a little discussion and  
38 some questions regarding some of Mr. Stenzel’s comments but it appears that there were no discussion

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1 regarding his suggestion on June 14, 2012, regarding the addition of 10 points.  
2  
3 Mr. Stenzel stated that many times he felt slighted or ignored.  
4  
5 Mr. Palmgren stated that in appreciating all of Mr. Stenzel's time it would have appeared that some sort of  
6 direct discussion would have occurred to address Mr. Stenzel's points.  
7  
8 Mr. Stenzel agreed.  
9  
10 Mr. Palmgren stated that he would have liked to have heard some discussion from a LESA Update  
11 Committee member discussing why his ideas were wrong or would not work.  
12  
13 Mr. Thorsland stated that he too read a lot of the minutes and it appeared that the LESA Update Committee  
14 interacted between themselves but did not consider a lot of external input within the Committee.  
15  
16 Mr. Palmgren stated that he would have thought that if the proposed LESA is as important as the Board has  
17 been told that it is, that the LESA Update Committee would have considered external input.  
18  
19 Mr. Stenzel stated that one of the documents that he provided the LESA Update Committee did receive a  
20 response from Mr. Hall but there was no discussion about the document at the LESA Update Committee  
21 meeting.  
22  
23 Mr. Passalacqua stated that it appears that Mr. Stenzel's most current document is somewhat late in the game  
24 and should have been submitted earlier.  
25  
26 Mr. Stenzel stated that there were a number of items that went to the LESA Update Committee and  
27 unfortunately he has not made it a full-time job to address this issue. He said that perhaps his current  
28 document is late but he does not believe that it is too late in the game.  
29  
30 Mr. Palmgren stated that the document that he was mentioning was submitted on June 14, 2012, and since  
31 there was no discussion by the LESA Update Committee he does not know if Mr. Stenzel's document made  
32 good or bad points.  
33  
34 Mr. Thorsland asked if staff had any questions for Mr. Stenzel.  
35  
36 Mr. Hall stated that in regard to Mr. Stenzel's critique that the proposed LESA only addresses two of the  
37 four foundational goals his take would be that any time the draft LESA supports preservation of any  
38 farmland the preservation of that farmland directly benefits supportive services and businesses serving

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1 agriculture. He said that the less farmland that there is producing farm crops then the fewer crops there are  
2 for those uses to take in at harvest time and resale and the less land there is in the future for those uses to sell  
3 products to. He asked Mr. Stenzel if he agreed.

4  
5 Mr. Stenzel stated no. He said that during the early days of the LESA discussion Mr. Hall proposed that the  
6 LE should be based on Category 1 and 2 of the quality of land.

7  
8 Mr. Hall stated that the Board is not considering that at all.

9  
10 Mr. Stenzel stated that in speaking to the issue whether prime farmland is protected we need to look at prime  
11 farmland as a whole and the process has included the taking away of some categories of prime farmland. He  
12 said that maybe even non-prime farmland may be beneficial to the operation of a farm and can be used for  
13 pasture and it is a misunderstanding to just consider a farm to be one, or two, or three types of soil.

14  
15 Mr. Hall stated that Mr. Stenzel indicates in the last paragraph of his submitted document tonight that the  
16 Zoning Administrator is “gaming the system” when he prepares the Findings of Fact for the Board’s  
17 consideration. He asked how that is any different than when the Zoning Ordinance, as written, puts the  
18 requirement on any petitioner to prove that a variance or special use permit should be approved.

19  
20 Mr. Stenzel stated that the Zoning Administrator can play the role of being the petitioner in submitting  
21 testimony as the petitioner but someone else, an independent view, should determine whether all of the  
22 testimony is fact. Mr. Stenzel stated that he does not state facts in every single sentence and neither does Mr.  
23 Hall and someone needs to be independently looking at that testimony otherwise it is a conflict of interest.

24  
25 Mr. Hall asked Mr. Stenzel who he would suggest as the independent entity.

26  
27 Mr. Stenzel stated that he suspects that this process that puts Mr. Hall into the position as an advocate and  
28 then making a judgment about fact in regards to that happens many times during the process of preparing  
29 materials for the ZBA. He said that the system itself should be reviewed. He said that in the Findings of  
30 Fact Mr. Hall indicated that some of the items reflect the practices of the zoning department. Mr. Stenzel  
31 asked Mr. Hall who reviews the appropriateness of whether his claims are correct or not and someone  
32 independently should be involved.

33  
34 Mr. Hall stated that the best entity is the ZBA and they do review the appropriateness of his comments every  
35 time they adopt a Finding of Fact.

36  
37 Mr. Stenzel asked Mr. Hall if the Board is familiar with the internal procedures to the zoning department that  
38 is referred to in his comments. Mr. Stenzel submitted that the ZBA is not.

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1  
2 Mr. Hall stated that regarding Mr. Stenzel's testimony as to whether the LESA Update Committee  
3 considered his suggestions on several occasions, at least three, he provided written comments to the items  
4 that Mr. Stenzel submitted to the LESA Update Committee.

5  
6 Mr. Stenzel stated that he would have to refer to his notes but if Mr. Hall is indicating that on three occasions  
7 he submitted written comments then he will accept that statement.

8  
9 Mr. Hall stated that in the one instance he regretfully did not have time to address each item but he did  
10 provide a seven page document of written comments. He said that since Mr. Stenzel had submitted his  
11 comments to the LESA Update Committee Mr. Hall thought that it was fair to copy the LESA Update  
12 Committee on his comments to Mr. Stenzel because Mr. Hall did not want Mr. Stenzel to feel like no one on  
13 the LESA Update Committee was listening to him.

14  
15 Mr. Stenzel stated that he agrees that Mr. Hall's comments were forwarded to the LESA Update Committee  
16 however he has no evidence that the LESA Update Committee took any significant notice of those  
17 comments.

18  
19 Mr. Hall asked Mr. Stenzel if, at least in one instance, the LESA Update Committee added to the draft LESA  
20 modifications to correct for the "creep effect" which was the request that Hal Barnhart had made upon  
21 several occasions. Mr. Hall stated that Mr. Barnhart did not suggest how that could be done and finally staff  
22 proposed a way and the LESA Update Committee incorporated that suggestion into the draft LESA.

23  
24 Mr. Stenzel stated that he does not know what the basis was for the inclusion of "creep effect" but if Mr.  
25 Hall is making the claim that he is responding to Mr. Barnhart's suggestion then he appreciates that effort.  
26 Mr. Stenzel stated that the question that he is responding to is whether or not his materials had been  
27 considered and had an impact on the proposed LESA. He said that he cannot identify items in the revised  
28 LESA which reflect his materials.

29  
30 Mr. Hall stated that he appreciates the fact that Mr. Stenzel did provide comments at virtually every LESA  
31 Update Committee meeting, which is no small task. Mr. Hall stated that the one instance of the extensive  
32 written comments that were numbered and that he responded to was the most comprehensive and perhaps the  
33 only written critique of the draft LESA that Mr. Stenzel submitted during the LESA Update Committee's  
34 work. Mr. Hall asked Mr. Stenzel if he was correct or were there other written critiques that were as  
35 comprehensive.

36  
37 Mr. Stenzel stated no.

38

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1 Mr. Thorsland asked the Board if there were any additional questions for Mr. Stenzel and there were none.

2

3 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

4

5 Mr. Thorsland called Kevin Donoho to testify.

6

7 Mr. Kevin Donoho, District Conservationist with the Champaign County USDA-NRCS, thanked the Board  
8 for the opportunity to speak to this important and encompassing process that the LESA Update Committee  
9 has completed and has now presented to this Board for review. He said that he believes that the document  
10 which has been presented to the ZBA is a good document which is an update of the current LESA system  
11 and he submits that what the ZBA has in front of them tonight is what should be considered. He said that he  
12 believes in the process that was used to create the document and he believes that the proposed LESA should  
13 be considered in its entirety without change. He said that the proposed LESA was unanimously passed by  
14 the LESA Update Committee.

15

16 Mr. Hall stated that only the best prime farmland was passed unanimously.

17

18 Mr. Donoho stated that it isn't often that a group passes anything unanimously. He said that the LESA  
19 Update Committee relied heavily on the information that continued to build during the process and if the  
20 Board spent the time to review the information that was prepared for their consideration then the Board  
21 should have a thorough appreciation for the amount of material, time, effort, organization skills that were  
22 utilized to complete this document. He said that he is available to address any questions that the Board may  
23 have.

24

25 Mr. Donoho stated that everyone was aware of Mr. Stenzel's presence at the LESA Update Committee  
26 meetings and it was not a secret that he was in attendance. He said that Mr. Stenzel and Mr. Barnhart  
27 attended the meetings regularly and Mr. Uden attended some of the meetings and each person made an  
28 attempt to provide testimony to the Committee and their testimony was considered based on what the  
29 testimony was that day and what the topics of discussion were for that meeting. He said that there were back  
30 and forth discussions with anyone who desired to present testimony. He said that even though the  
31 Committee did try to stick very close to the items on the agenda the process took considerably longer  
32 because there were many things to consider. He said that Mr. Stenzel's comments regarding prime versus  
33 best prime farmland are key issues to understanding his point of view. He said that the Board can review the  
34 list of soils, how they were grouped and the naming of soils and whether they were considered prime or best  
35 prime farmland the Board will notice that a large number of soils listed in Champaign County are considered  
36 prime. He said that nowhere on the list does it say the word "best prime" because "best prime" is a way that  
37 we use to help define how we separate one very good item from another good item. He said that the  
38 interaction between the members of the LESA Update Committee with input from John Hall and other staff

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1 members was a collaborative effort and consideration was taken for anyone who presented testimony at the  
2 meetings. He said that the Committee did not live in a vacuum and did not operate and meet in a vacuum.  
3  
4 Mr. Donoho restated that he will be available to address the Board's comments or questions.  
5  
6 Mr. Thorsland asked the Board if there were any questions for Mr. Donoho.  
7  
8 Mr. Palmgren asked Mr. Donoho how much was converted from the current LESA.  
9  
10 Mr. Donoho stated that a lot of things were churned and each time the document is read into the record the  
11 Board can see what text replaces current text. He said that some of the replacement is minor in nature and in  
12 other areas the text is totally revamped. He said that the Committee slowly reviewed each item of the  
13 current LESA.  
14  
15 Mr. Thorsland asked the Board if there were any additional questions for Mr. Donoho and there were none.  
16  
17 Mr. Thorsland asked if staff had any questions for Mr. Donoho and there were none.  
18  
19 Mr. Thorsland thanked Mr. Donoho for his efforts and his attendance at each ZBA meeting regarding the  
20 LESA.  
21  
22 Mr. Thorsland stated that he would like to review Case 711-AT-12 prior to Case 710-AT-12. He asked if  
23 when the LE is calculated it is calculated for the entire tract and not for the subject portion of the tract.  
24  
25 Mr. Hall stated that the LE is only calculated for the site which is actually proposed for development.  
26  
27 Mr. Thorsland stated that staff has provided recommendations for each LRMP Goal and the Board can  
28 review these fairly quickly although there are probably more items to review in the SA portion. He said that  
29 because the petitioner is also the Zoning Administrator and testimony has been received that there may be a  
30 conflict with the Finding being constructed by the petitioner the Board should be extra careful. He said that  
31 as a Board, their job is to work through the findings as a team and just because staff's recommendations are  
32 in the draft Finding of Fact does not mean that the Board cannot change, modify or delete those  
33 recommendations. He said that the LESA is an important existing document that has taken a long time to  
34 update therefore the ZBA should make sure that they work through all of the steps for review and  
35 recommendation as carefully as possible. He said that the LESA Update Committee worked on this project  
36 for a long time and there was a goal to streamline and simplify the process. He said that a lot of testimony  
37 has been received from members of the Committee and he appreciates every minute that the members of the  
38 Committee spent working on the LESA. He noted that the product that the LESA Update Committee

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1 submitted to the ZBA for review and recommendation is not set in stone and is not the final product. He  
2 said that the ZBA is one of the filters that this document will go through prior to being forwarded to the  
3 County Board for final approval. He thanked Mr. Stenzel and other members of the public for their  
4 attendance and input into this process.

5  
6 Mr. Thorsland stated that the Board will begin its review of the draft Finding of Fact for Case 711-AT-12  
7 with Item #6 on page 3 of 20.

8  
9 Mr. Thorsland read LRMP Goal 1. He said that staff recommends that the proposed amendment is not  
10 directly related to Goal 1 and is NOT RELEVANT to Goal 1.

11  
12 Mr. Thorsland stated that 10 LRMP Goals goes back to the Big-Small-All public hearings and that every  
13 goal in the LRMP, on some level, has everything to do with what the Board is doing tonight, especially the  
14 LE portion. He said that he would recommend NOT IMPEDE for a lot of the LRMP Goals instead of NOT  
15 RELEVANT because there has been some public involvement in this process and agricultural land is a land  
16 resource. He asked the Board for comments.

17  
18 Mr. Passalacqua agreed with Mr. Thorsland in his recommendation for NOT IMPEDE versus NOT  
19 RELEVANT.

20  
21 Ms. Capel stated that the process by which the proposed definition of best prime farmland was arrived at  
22 indicates that the proposed amendment should HELP ACHIEVE Goal 1.

23  
24 Mr. Thorsland stated that he would agree with Ms. Capel's recommendation.

25  
26 Mr. Passalacqua also agreed with Ms. Capel's recommendation.

27  
28 Mr. Thorsland asked Ms. Capel to repeat her recommendation for the record and asked if the process should  
29 indicate the 15 meetings of the LESA Update Committee and the ZBA public hearings.

30  
31 Ms. Capel stated that the process by which the proposed definition of best prime farmland was arrived at  
32 indicates that the proposed amendment should HELP ACHIEVE Goal 1.

33  
34 Mr. Thorsland asked if this is only in relation to the LE portion.

35  
36 Mr. Hall suggested that HELP ACHIEVE is the best we can hope for and definitely include the proposed  
37 definition of best prime farmland since that is what this case is about. He said that the text should include  
38 the statement that the recommendation was arrived at by the 15 meetings of the LESA Update Committee

ZBA

1 and the ZBA meetings where the proposed amendment was available for comment.  
2  
3 Mr. Kass read the Board's recommendation for LRMP Goal 1 as follows: The proposed amendment should  
4 HELP ACHIEVE Goal 1 because the process by which the proposed definition of best prime farmland was  
5 arrived at and by the 15 meetings of the LESA Update Committee and Zoning Board of Appeals public  
6 hearings.  
7  
8 Mr. Thorsland asked the Board if they agreed with the final recommendation for LRMP Goal 1, as read by  
9 Mr. Kass, and the Board agreed.  
10  
11 Mr. Thorsland read LRMP Goal 2. He said that staff recommends that the proposed amendment is not  
12 directly related to Goal 2 but should HELP ACHIEVE Goal 2 because it should HELP ACHIEVE objective  
13 2.1. and the Board agreed.  
14  
15 Mr. Thorsland read LRMP Goal 3. He said that staff recommends that the proposed amendment is not  
16 directly related to Goal 3 and is NOT RELEVANT to Goal 3.  
17  
18 Mr. Thorsland stated that perhaps this is a good place for NOT IMPEDE although some could argue that it  
19 would HELP ACHIEVE and some could argue that it is NOT RELEVANT.  
20  
21 Mr. Hall stated that some may argue that it MAY IMPEDE.  
22  
23 Mr. Thorsland stated that Mr. Hall is correct but it depends on what side of the table you are sitting on.  
24  
25 Mr. Hall stated that perhaps that NOT UNDULY IMPEDE could be inserted. He said that the point is that  
26 the County Board has decided that best prime farmland is important enough to consider in land use  
27 decisions. He said that so far the County Board has not indicated that best prime farmland will prevent  
28 anything from happening but just that they will consider it. He said that the policies indicate such but they  
29 have decided not to implement them and staff has learned, upon too many occasions, it is best to not  
30 overstate and only the supporters will be angry if the Board understates.  
31  
32 Mr. Passalacqua stated that it would be safer to indicate WILL NOT UNDULY IMPEDE.  
33  
34 Ms. Capel stated that she would like to say something about how agriculture is an economic engine.  
35  
36 Mr. Thorsland stated that he agrees with Ms. Capel.  
37  
38 Mr. Passalacqua stated that Ms. Capel's concern is addressed in LRMP Goal 4.



ZBA

1  
2 Mr. Thorsland stated that LRMP Goal 4 discusses the long term viability of agriculture and the Board can  
3 talk about how the overall goal of the LESA is to preserve that viability. He said that Goal 3 is where the  
4 economics is more relevant therefore WILL NOT UNDULY IMPEDE may not be appropriate for Goal 3.  
5  
6 Ms. Capel stated that it seems that indicating WILL NOT UNDULY IMPEDE would be useless if it has to  
7 do with preserving agricultural infrastructure.  
8  
9 Mr. Thorsland stated that the economic impact of agriculture in Champaign County is not insignificant.  
10  
11 Mr. Hall stated that in hearing Mr. Thorsland's and Ms. Capel's discussion he would suggest that the  
12 proposed amendment WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3. He said that  
13 when the County Board adopted best prime farmland they believed that it was a reasonable thing to take into  
14 account during land use decisions but if best prime farmland means anything then someday it will mean that  
15 best prime farmland wins out over other things.  
16  
17 Ms. Capel stated that regardless of what the policies are stuff gets developed.  
18  
19 Mr. Thorsland stated that on average the better soils are selling at \$10,000 per acre or more and it is because,  
20 overall due to today's commodity prices, the owner is more than able to make a return on their investment.  
21  
22 Mr. Passalacqua stated that he does not believe that encouraging economic growth and development was  
23 written with agriculture in mind but written with the goal to not stifle non-agricultural economic growth.  
24  
25 Mr. Thorsland stated that in the way that this relates to this case, money is money.  
26  
27 Mr. Passalacqua stated that why he believes that this statement is not relevant because it is referring to other  
28 non-agricultural economic growth.  
29  
30 Mr. Thorsland stated that he disagrees due to the LRMP.  
31  
32 Mr. Passalacqua stated that Goal 3 is attempting to say that "yes" there is a long range plan to protect but that  
33 plan is not going to keep from having growth and other non-agricultural use of the land.  
34  
35 Mr. Thorsland stated that during the LRMP when growth and development was discussed it was the entirety  
36 of that and the "L" in LRMP is in regard to land.  
37  
38 Mr. Passalacqua stated that it says that the preservation of the land and the use of our resources will not be so

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1 extensive that it will prevent us from having more economic growth which is non-agriculture.  
2

3 Mr. Thorsland stated that WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3 would be  
4 appropriate with the addition of, recognizing the economic impact of agriculture in Champaign County.  
5

6 Mr. Passalacqua stated that the addition of recognizing the economic impact of agriculture in Champaign  
7 County would be relevant to Goal 4.  
8

9 Mr. Thorsland disagreed.  
10

11 Ms. Capel stated that the language that she proposed doesn't have anything to do with the value of  
12 agriculture but has to do with supporting unreasonable use.  
13

14 Mr. Thorsland stated that the Board could leave it as WILL NOT UNREASONABLY IMPEDE the  
15 achievement of Goal 3.  
16

17 Mr. Passalacqua stated that he agreed. He said that Mr. Thorsland is taking "economic growth" and saying  
18 that money can be made in agriculture but every single parcel will not be protected to prevent expansion of  
19 any other economic growth. He said that LRMP Goal 3 is entitled "Prosperity" which means that we are not  
20 going to use the LRMP to an extent that we will not be able to do anything on the land in the future. He said  
21 that it appears that we are trying to cover both Goals 3 and 4 in one recommendation therefore we should  
22 finish LRMP Goal 3 and then move forward to Goal 4.  
23

24 Mr. Kass asked if the recommendation for Goal 3 should be as follows: the proposed amendment WILL  
25 NOT UNREASONABLY IMPEDE the achievement of Goal 3.  
26

27 Mr. Thorsland asked the Board if they agreed with the final recommendation for LRMP Goal 3, as read by  
28 Mr. Kass, and the Board agreed.  
29

30 Mr. Thorsland read LRMP Goal 4. He said that staff recommends that the proposed amendment IS NOT  
31 RELEVANT to Goal 4.  
32

33 Mr. Passalacqua stated that he would recommend that the proposed amendment HELPS ACHIEVE Goal 4.  
34

35 Mr. Thorsland stated that we are defining and adjusting the best prime farmland and its scoring and if the  
36 Board indicates that the proposed amendment HELPS ACHIEVE Goal 4 then the Board is indicating that  
37 this part of it makes it more strongly protected and he is not convinced that such is the case.  
38

ZBA

1 Mr. Palmgren agreed with Mr. Passalacqua's recommendation.

2  
3 Mr. Kass stated that currently the recommendation is as follows: Many of the policies under Goal 4 refer to  
4 "best prime farmland" but best prime farmland is not defined in Goal 4 and therefore the proposed  
5 amendment HELPS ACHIEVE Goal 4.

6  
7 Mr. Thorsland stated that he does not agree with the recommendation. He said that the beginning of the  
8 statement is correct in that best prime farmland is not part of Goal 4.

9  
10 Mr. Passalacqua stated that he will defer to staff's recommendation.

11  
12 Mr. Thorsland stated that perhaps the recommendation could be the following: Many of the policies under  
13 Goal 4 refer to "best prime farmland" and while best prime farmland is not defined in Goal 4 the proposed  
14 amendment WILL NOT IMPEDE the achievement of Goal 4.

15  
16 Mr. Palmgren stated that staff has recommended that many of the Goals are NOT RELEVANT therefore and  
17 he assumes that staff had good reason for that recommendation. He asked the Board if they were stretching  
18 these recommendations out a little bit.

19  
20 Mr. Thorsland stated that the Summary of Evidence indicates, HELPS ACHIEVE, HELP ACHIEVE AND  
21 WILL NOT IMPEDE. He said that indicating that the proposed amendment HELPS ACHIEVE Goal 2 and  
22 8 and will NOT IMPEDE the achievement of the other LRMP Goals is not adequate. He said that he  
23 believes the recommendation should indicate that the proposed amendment is NOT RELEVANT to the other  
24 LRMP Goals. He said that the Summary Finding of Fact is more reflective of the overall goal of the  
25 particular case which is to HELP ACHIEVE the LRMP Goals 2 and 8 and NOT IMPEDE the other goals.

26  
27 Ms. Capel stated that NOT IMPEDE is a more useful phrase than NOT RELEVANT.

28  
29 Mr. Thorsland stated that the entire goal of the 10 step process, even though some of it drifts off, is to NOT  
30 IMPEDE anything. He asked the Board if they would agree to WILL NOT IMPEDE the achievement of  
31 Goal 4.

32  
33 Mr. Kass read the Board's recommendation for Goal 4: Many of the polices under Goal 4 refer to "best  
34 prime farmland" because best prime farmland is not defined in Goal 4, the proposed amendment WILL NOT  
35 IMPEDE the achievement of Goal 4.

36  
37 Mr. Thorsland asked the Board if they agreed with the final recommendation for Goal 4, as read by Mr.  
38 Kass, and the Board agreed.

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1  
2 Mr. Thorsland read LRMP Goal 5. He said that staff recommends that the proposed amendment is NOT  
3 RELEVANT to Goal 5 because Goal 5 relates to urban land use.  
4  
5 Mr. Passalacqua stated that Goal 5 should have the same recommendation as Goal 4 except replace “Goal 4”  
6 with “Goal 5.”  
7  
8 Mr. Hall stated that best prime farmland is used in Goal 5 proportionately to a greater extent than it is used in  
9 Goal 4. He said that it might be more consistent to insert WILL NOT IMPEDE.  
10  
11 Mr. Thorsland stated that he agrees with Mr. Passalacqua’s recommendation of inserting the recommended  
12 text for Goal 4 into Goal 5.  
13  
14 Mr. Kass read the Board’s recommendation for Goal 5 as follows: Many of the policies under Goal 5 refer  
15 to “best prime farmland,” because best prime farmland is not defined in Goal 5, the proposed amendment  
16 WILL NOT IMPEDE the achievement of Goal 5.  
17  
18 Mr. Thorsland asked the Board if they agreed with the final recommendation for Goal 5, as read by Mr.  
19 Kass, and the Board agreed.  
20  
21 Mr. Thorsland read LRMP Goal 6. He said that staff recommends that the proposed amendment is NOT  
22 RELEVANT to Goal 6 in general and the Board agreed.  
23  
24 Mr. Thorsland read LRMP Goal 7. He said that staff recommends that the proposed amendment IS NOT  
25 RELEVANT to Goal 7 and the Board agreed.  
26  
27 Mr. Thorsland read LRMP Goal 8. He said that staff recommends that the proposed amendment should  
28 HELP ACHIEVE Goal 8 for the following reasons: Objective 8.2 is the only relevant objective under Goal  
29 8 and the only subsidiary policy under Objective 8.2 is policy 8.2.1. He said that staff recommends that the  
30 proposed Draft LESA will HELP ACHIEVE Objective 8.2 and that the proposed amendment will HELP  
31 ACHIEVE Policy 8.2.1. He said that underlined new item 13.E. has been included as follows: definition of  
32 “best prime farmland” recommended by the LESA Update Committee will nonetheless be a change from  
33 policy 8.2.1 in the Land Resource Management Plan (LRMP) and Policy 8.2.1 should be amended to reflect  
34 this change at the next annual LRMP update.  
35  
36 Mr. Hall stated that a new item 13.F. should be added as follows: In testimony by Kyle Krapf, on behalf of  
37 the Champaign County Farm Bureau, at the September 19, 2012, public hearing Mr. Krapf stated that the LE  
38 part (meaning the proposed definition of best prime farmland) was a step in the right direction though the

ZBA

1 designation of best prime farmland is higher than the Farm Bureau policy indicates. He asked Mr. Krapf if  
2 proposed new item 13.F. is accurate.  
3  
4 Mr. Krapf stated that he assumes that the text is correct although staff should refer to the submitted copy of  
5 his testimony for tonight.  
6  
7 Mr. Kass read new item 13.F. as follows: In testimony by Kyle Krapf, on behalf of the Champaign County  
8 Farm Bureau, at the September 19, 2012, public hearing Mr. Krapf stated that the LE part (meaning the  
9 proposed definition of best prime farmland) was a step in the right direction though the designation of best  
10 prime farmland is higher than the Farm Bureau policy calls for, and it will be an effective tool.  
11  
12 Mr. Thorsland asked Mr. Hall if the last sentence in item 13.E. is redundant when the Board makes a  
13 summation of policy 8.2.1.  
14  
15 Mr. Hall stated that after reading all of the information no human recalls where they where they were at  
16 when they started reading this list of evidence therefore staff recaps it.  
17  
18 Mr. Thorsland asked the Board if they agreed with staff's recommendation for Goal 8, Objective 8.2 and  
19 Policy 8.2.1, and the addition of new item 13.F. and the Board agreed.  
20  
21 Mr. Thorsland read LRMP Goal 9. He said that staff recommends that the proposed amendment is NOT  
22 RELEVANT to Goal 9 in general.  
23  
24 Mr. Thorsland stated that he believes that the farms should be kept close to the people, the elevator, and  
25 don't impede their movement, etc. He said that if we push all of the productive land away from the a place  
26 like The Andersons then things will be in an efficient pattern.  
27  
28 Ms. Capel recommended that the proposed amendment WILL NOT IMPEDE the achievement of Goal 9.  
29  
30 The Board agreed with Ms. Capel's recommendation.  
31  
32 Mr. Thorsland read LRMP Goal 10. He said that staff recommends that Goal 10 is NOT RELEVANT to the  
33 proposed amendment in general and the Board agreed.  
34  
35 Mr. Thorsland stated that in regards to the purpose of the Zoning Ordinance staff recommends that the  
36 proposed amendment appears to HELP ACHIEVE the purpose of the Zoning Ordinance and the Board  
37 agreed.  
38

ZBA

1 Mr. Thorsland stated that in regards to other relevant evidence staff recommends that the proposed  
2 amendment will IMPROVE the text of the Zoning Ordinance because it will replace the multiple current  
3 references in the Zoning Ordinance to “Land Evaluation score greater than or equal to 85 on the County’s  
4 Land Evaluation and Site Assessment System” with one definition that will be easier to manage in the future  
5 and the Board agreed.  
6

7 Mr. Thorsland entertained a motion to approve the Finding of Fact for Case 711-AT-12 as amended.  
8

9 **Mr. Passalacqua moved, seconded by Mr. Courson to approve the Finding of Fact for Case 711-AT-12**  
10 **as amended. The motion carried by voice vote.**  
11

12 Mr. Thorsland stated that there are new items to be added to the Documents of Record.  
13

14 Mr. Kass stated that the following items should be revised or added to the Documents of Record: 13. Written  
15 statement submitted by Kyle Krapf at the August 16, 2012, public hearing; and 14. Supplemental  
16 Memorandum for Case 710-AT-12 dated August 30, 2012, with attachment: A. email dated March 7, 2012,  
17 from terry Savko to Susan Monte; and B. Draft Finding of Fact; and 15. Supplemental Memorandum for  
18 Case 711-AT-12 dated August 30, 2012, with attachment: A. Draft Finding of Fact; and 16. Champaign  
19 County Local Foods Policy Council Resolution No. 2012-1 received at the August 30, 2012, public hearing;  
20 and 17. LESA Score suggestions submitted by Eric Thorsland at the August 30, 2012, public hearing; and  
21 18. Supplemental Memorandum for Case 710-AT-12 dated September 6, 2012, with attachments: A.  
22 Champaign County Local Foods Policy Council Resolution No. 2012-1 received August 30, 2012; and B.  
23 LESA Score suggestions by Eric Thorsland on August 30, 2012; and 19. Supplemental Memorandum for  
24 Case 710-AT-12 dated September 19, 2012, public hearing; and 20. Written statement submitted by Kyle  
25 Krapf at the September 19, 2012, public hearing; and 21. Written statement submitted by Norman Stenzel at  
26 the September 19, 2012, public hearing; and 22. Facts on Direct-to-Consumer Food Marketing submitted by  
27 Eric Thorsland at the September 19, 2012, public hearing.  
28

29 **Summary Finding of Fact for Case 711-AT-12:**  
30

31 From the documents of record and the testimony and exhibits received at the public hearing conducted on,  
32 June 14, 2012, June 28, 2012, July 12, 2012, July 26, 2012, August 16, 2012, August 30, 2012, September  
33 13, 2012, and September 19, 2012, the Zoning Board of Appeals of Champaign County finds that:  
34

35 1. The proposed Zoning Ordinance text amendment will HELP ACHIEVE the Land Resource  
36 Management Plan because:  
37

38 A. The proposed Zoning Ordinance text amendment will HELP ACHIEVE LRMP

ZBA

- 1 Goals 1, 2 and 8.
- 2 B. The proposed Zoning Ordinance text amendment will NOT IMPEDE the
- 3 achievement of LRMP Goals 3, 4, 5 and 9.
- 4 C. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP
- 5 Goals 6, 7 and 10.
- 6

7 2. The proposed text amendment will IMPROVE the Zoning Ordinance.

8  
9 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact as amended.

10  
11 **Mr. Courson moved, seconded by Mr. Palmgren to approve the Summary Finding of Fact as**

12 **amended. The motion carried by voice vote.**

13  
14 Mr. Thorsland entertained a motion to approve the Summary of Evidence, Documents of Record and Finding

15 of Fact as amended.

16  
17 **Ms. Capel moved, seconded by Mr. Courson to approve the Finding of Fact, Documents of Record**

18 **and Summary Finding of Fact as amended. The motion carried by voice vote.**

19  
20 Mr. Thorsland entertained a motion to move to the Final Determination.

21  
22 **Mr. Courson moved, seconded by Mr. Palmgren to move to the final determination for Case 711-AT-**

23 **12. The motion carried by voice vote.**

24  
25 **Final Determination for Case 711-AT-12:**

26  
27 **Ms. Capel moved, seconded by Mr. Courson that pursuant to the authority granted by Section 9.2 of**

28 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**

29 **determines that the Zoning Ordinance Amendment requested in Case 711-AT-12 should BE**

30 **ENACTED by the County Board in the form attached hereto.**

31  
32 Mr. Thorsland requested a roll call vote.

33			
34	Miller-yes	Palmgren-yes	Passalacqua-yes
35	Capel-yes	Courson-yes	Thorsland-yes
36			

37 Mr. Thorsland called for a short recess.

38

ZBA

1 **The Board recessed at 8:52 p.m.**

2 **The Board resumed at 9:00 p.m.**

3

4 Mr. Thorsland stated that the Board will now review Case 710-AT-12. He said that the August 30, 2012,  
5 Supplemental Memorandum includes a Draft Finding of Fact for the Board's review. He asked the audience  
6 if anyone who had signed the witness register desired to add new testimony to Case 710-AT-12 and there  
7 was no one.

8

9 Mr. Thorsland stated that the Supplemental Memorandum dated September 19, 2012, discusses proposed  
10 new evidence regarding local food. He said that in preparing for tonight's meeting he thought about the  
11 problem that the words "local food" added and if the Board will review the Supplemental Memorandum  
12 dated September 6, 2012, they will see a couple of ideas on how to address this issue. He said that page 3 of  
13 the September 6<sup>th</sup> memorandum includes Site Assessment #8 which reads as follows: Percentage of area  
14 within 1 mile of a subject site which consists of parcels with a principal use of agriculture, c) If the amount  
15 of the area within 1 mile of the subject site which consists of parcels with a principal use of agriculture that  
16 are producing any local foods is as follows add the following bonus points: (1) 1% or less of the area (but  
17 more than zero), add 2 points; and (2) more than 1% of the area, add 4 points. He said that this is a very good  
18 proposal because it acknowledges the phenomenon that we call "local food." He said that no real definition  
19 for "local food" exists but there is a document that the United States Department of Agriculture titled *Facts*  
20 *on Direct-to-Consumer Food Marketing*. He submitted the document as a Document of Record and proposed  
21 that the term "local foods" be replaced with Direct-to-Consumer Food Marketing. He said that he is very  
22 happy that there is a local foods council and that other people are actually thinking about it and not just the  
23 husband of a producer. He said that the Department of Agriculture also provides information on how a  
24 producer can enhance their income by addressing and servicing the needs of the public. He said that a farm  
25 stand producer will go from harvest to wash to customer but a farmer's market producer will go from harvest  
26 to wash to transport to farmer's market to customer. He said that some producers allow customers to come  
27 to the farm to pick their own produce. He said that the Department of Agriculture clearly defines the  
28 difference between food and commodity and he believes that there are ways to identify a Direct-to-Consumer  
29 Food farm. He said that Mr. Hall and Mr. Kass completed two maps of two of the ZBA member's farms and  
30 the same technology could be utilized to identify similar operations. He said that staff indicated that they do  
31 not have a list of Direct-to-Consumer Food producers although some of the local farmers markets do  
32 maintain lists of approved producers and it would probably be easy to get. He said that perhaps the Local  
33 Foods Council could compile such a list for distribution.

34

35 Ms. Capel stated that the term Agricultural Food Production could be used instead of the terms "local foods"  
36 or "Direct-to-Consumer Food Marketing."

37

38 Mr. Thorsland stated that Ms. Capel is correct. He said that he found it interesting that some of the data goes



## ZBA

1 way back and it is discussed the market share of total agriculture has gone up substantially since 1997 and  
2 2007. He said that the Supplemental Memorandum dated September 6, 2012, indicates an example 10(c)  
3 regarding livestock management facilities as follows: If there are any livestock management facilities within  
4 one mile of the subject site that produce livestock that are marketed as local food, add the following bonus  
5 points based on the distance of that local food production from the subject site: (1) .25 mile or less from the  
6 subject site, add 2 points; and (2) more than .25 mile but no more than one mile, add 1 point. He said that  
7 staff recommends that the examples in the Supplemental Memorandum are merely examples and are not  
8 staff's recommendations at this time. He said that he disagrees because there has to be a way to incorporate  
9 the examples without doing any damage or harm to the big tracts of prime farmland.

10  
11 Mr. Courson stated that he agrees with staff.

12  
13 Mr. Passalacqua stated that this is not the right document or time or tool to include local food production.

14  
15 Mr. Thorsland stated that the SA worksheet indicates that five acres or less gets zero points which may or  
16 may not be a fair assessment of an agricultural operation. He said that there are only two choices for best  
17 prime farmland which are 30 or zero. He said that there is a lot of prime farmland in the County and there is  
18 no grading between best prime and zero.

19  
20 Mr. Passalacqua stated that one of the goals of the LESA review was to streamline the process.

21  
22 Mr. Thorsland stated that Mr. Passalacqua is correct but a score of 15 would not make it any more  
23 complicated.

24  
25 Mr. Hall stated that prime is scored in SAF #2.B.

26  
27 Mr. Thorsland stated that he has not valuable input in regards to the CUGA scoring. He said that the  
28 perimeter adjacent to the site takes a great deal of time to grade and the scoring system is very appropriate.  
29 He said that agricultural production of the site is well done because if nothing has been done on the site then  
30 perhaps zero is close but then again zero may be harsh. He said that if a small farm is being evaluated then  
31 there may be some tweeking required. He said that he believes that the bonus points can be added without  
32 making the total any higher. He said that if there is 90% to 100% of the stuff around a small farm is a  
33 principal use of agriculture then 20 points are awarded but if only 21% to 30% and you have six having to do  
34 with Direct-to-Consumer food production then the points proposed in the Supplemental Memorandum dated  
35 September 6, 2012, are awarded. He said that the cap would still stop at 20. He said that he would like to  
36 see the score of zero points awarded taken out of SAF #9 because there are completely productive pieces of  
37 agriculture that have the unfortunate circumstance of having farm dwellings. He said that SAF#9 discusses  
38 the subject site but even if there are 10 non-farming dwellings adjacent then he believes that the points

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1 should go from 10 to 20. He said that he is firm in trying to incorporate all of agriculture into this part of the  
2 site assessment and not just best prime, row crop or commodity agriculture, which is what he believes the  
3 document leans heavily towards therefore he proposes that some refocusing may be appropriate.

4  
5 Ms. Capel asked if it would be appropriate to poll the Board regarding this issue.

6  
7 Mr. Thorsland stated yes.

8  
9 Mr. Courson stated that he agrees with staff on the entirety of the proposed LESA and he is ready to move  
10 forward.

11  
12 Mr. Palmgren stated that he also agrees with staff. He said that perhaps the Direct-to-Consumer Food  
13 Marketing could be addressed at a later date.

14  
15 Mr. Hall stated that the LRMP calls for it to be reviewed on a five year cycle.

16  
17 Ms. Capel stated that she agrees with Mr. Thorsland.

18  
19 Mr. Passalacqua stated that he agrees with staff.

20  
21 Mr. Miller stated that he too agrees with staff.

22  
23 Mr. Hall stated that the LRMP calls for a review on a ten year cycle. He said that Terry Savko, who is the  
24 coordination person with the Department of Agriculture, did recommend to the LESA Update Committee  
25 that these new Site Assessment Factors be reviewed every two to five years to make sure that it is working as  
26 it is supposed to. He said that he hopes that the Board reviews these factors during every case and that the  
27 minute something does not appear right the Board can do something about it. He said that the Board could  
28 submit a recommendation to the County Board expressing support of Terry Savko's recommendation of  
29 review every two to five years after adoption. He said that page 24 of the Finding of Fact for Case 710-AT-  
30 12, includes Terry's recommendation of evaluating the revised SA Factors in no more than two years to  
31 ensure that the Factors truly evaluate what they were intended to evaluate. Mr. Hall stated a new item#7  
32 could be added to the Finding indicating the ZBA's support for Terry Savko's recommendation or the Board  
33 could recommend the amendment with a condition that it be reviewed in no more than two years after  
34 adoption.

35  
36 Mr. Palmgren stated that local foods should be included in some point in time but more work is required.

37  
38 Mr. Hall stated that the Board has reviewed several map amendments in the past year and no best prime

ZBA

1 farmland was being used therefore the Champaign County Soil and Water Conservation District declined to  
2 do a natural resources report. He said that on the good side the Board does not see that many cases where a  
3 LESA score is reported. He said that he is concerned that two years is not going to provide a big population  
4 of cases to review.

5

6 Ms. Capel stated that two years would give the Board an opportunity to do some homework.

7

8 Mr. Thorsland stated that, regardless of whatever it is called, local foods production, Direct-to-Consumer  
9 Marketing, food plot, organic farm, there was previous discussion by Ms. Capel indicating that when an  
10 RRO Special Use Permit is reviewed that local foods is considered as part of the criteria and making it  
11 independent of the LESA part. He asked staff what mechanism the ZBA has to start that process and is that  
12 direction from ELUC or the County Board. He asked staff if he, as a member of the public, could go to  
13 ELUC and indicate what he would like to see included as part of the criteria for an RRO next to his property.  
14 He said that he would like to have some weight in part of the determination as to whether or not the RRO  
15 would be suitable for the area. He said that the ZBA reviews the LESA score, transportation, fire protection,  
16 etc. and there are hurdles.

17

18 Mr. Hall stated that the factors that are considered in an RRO and County resources are used to assess are the  
19 factors that are in the Zoning Ordinance that the ZBA are supposed to be reviewing.

20

21 Mr. Thorsland asked how the ZBA can add to the Zoning Ordinance.

22

23 Mr. Hall stated that the ZBA can only add to the Zoning Ordinance by a text amendment.

24

25 Mr. Thorsland asked Mr. Hall how the ZBA could initiate a text amendment.

26

27 Mr. Hall stated that he would only initiate a text amendment under the direction of the Committee of the  
28 Whole.

29

30 Ms. Capel stated that if the County finds that it is appropriate to consider protecting local food production  
31 then they will consider initiation of a text amendment. She said that they did create a Local Foods Policy  
32 Council therefore the Council could have a role to play in bringing this matter to the COW.

33

34 Mr. Hall stated that getting the support of the Council would be good but if the ZBA believes that there is  
35 something missing in the review for RRO's then the ZBA can send a memorandum to the COW.

36

37 Mr. Thorsland stated that incorporation of local foods into the LESA is probably not going to happen now  
38 but he would be very determined to attempt to incorporate such within a reasonable timeframe. He said that

ZBA

1 he would be happy with a condition that the SA portion is reviewed in two years, even if the review consists  
2 of a simple indication that it is working. He said that he would be happier if the scoring could be tweaked  
3 now and include local food production in the current SA and make local food production part of the LESA  
4 now. He asked the Board if they are willing to forward a memorandum to the Committee of the Whole  
5 regarding consideration of incorporating local food production into the SA and LESA during the two year  
6 review.

7  
8 Mr. Thorsland stated that the Board will now review the LRMP Goals in relation to Case 710-AT-12.

9  
10 Mr. Kass suggested that the Findings for Case 710-AT-12 be the same as the Findings for Case 711-AT-12  
11 except that the language referring to best prime farmland or draft site assessment be stricken.

12  
13 Mr. Thorsland stated that Mr. Kass has suggested that the Board incorporate the work that was done for the  
14 LRMP Goals 1-10 for Case 711-AT-12 be modified for Case 710-AT-12.

15  
16 Ms. Capel stated that for consistency she agreed with Mr. Kass' suggestion.

17  
18 Mr. Passalacqua agreed with Mr. Kass' suggestion.

19  
20 Mr. Kass read the Board's recommendation for LRMP Goal 1 for Case 711-AT-12 as follows: The  
21 proposed amendment should HELP Achieve Goal 1 because the process by which the Draft LESA Update  
22 was arrived at by the 15 meetings of the LESA Update committee and the Zoning Board of Appeals public  
23 hearings. The Board agreed with the recommendation for Case 710-AT-12.

24  
25 Mr. Thorsland asked staff if most of the findings for the two cases are the same.

26  
27 Mr. Hall stated yes.

28  
29 Mr. Thorsland stated that staff recommends that the proposed amendment is not directly related to LRMP  
30 Goal 2 but should HELP ACHIEVE Goal 2 and Objective 2.1 and the Board agreed.

31  
32 Mr. Thorsland stated that LRMP Goal 3 was modified in Case 711-AT-12 to indicate that the proposed  
33 amendment WILL NOT UNREASONABLY IMPEDE the achievement of Goal 3.

34  
35 Mr. Hall stated that the County adopted the first LESA in 1984, which is almost 30 years ago, and it is  
36 fundamental to any land use decisions of the County and at this point to indicate that it would not  
37 unreasonably impede growth and development would be to put too fine of a point on it. He said that it is a  
38 fact of life and to indicate that it will not unreasonably impede would appear very odd, but it is the Board's

ZBA

1 finding.  
2  
3 Mr. Thorsland stated that the recommendation for LRMP Goal 3 should indicate WILL NOT IMPEDE the  
4 achievement of Goal 3.  
5  
6 Mr. Kass stated that the text “is not directly related to Goal 3 and is NOT RELEVANT” should be stricken  
7 from LRMP Goal 3 as well. He read the new recommendation as follows: Goal 3 has 3 objectives and no  
8 policies. The proposed amendment WILL NOT IMPEDE the achievement of Goal 3. The Board agreed  
9 with the revised recommendation for LRMP Goal 3.  
10  
11 Mr. Thorsland stated that in order to make sure that the Board incorporates all of the information from the  
12 August 30<sup>th</sup> meeting regarding Goal 4 for Case 710-AT-12, the Board should turn to page 24 of the Draft  
13 Finding of Fact dated August 30, 2012.  
14  
15 Mr. Hall stated that he would suggest adding a new item 9.B(8) as follows: Kyle Krapf testified on behalf of  
16 the Champaign County Farm Bureau at the September 19, 2012, public hearing that the Champaign County  
17 Farm Bureau recommends using assessments records, other public documents.  
18  
19 Mr. Passalacqua stated that this statement is included in item 9.B.7(a).  
20  
21 Mr. Hall stated that in item 9.B.7(a) the Farm Bureau documented their dissatisfaction with the farm  
22 dwelling definition and they recommended only using assessment records. Mr. Hall said that tonight the  
23 Farm Bureau agreed that only using assessment records is problematic and they recommended using  
24 assessment records, other public documents and information provided in the public hearing for the Zoning  
25 Board of Appeals to make a determination of farm dwellings. He said that this is an important change and  
26 his only concern is that by including assessment records it is not indicated which assessment records are  
27 going to be used and which assessments are not going to be used. He said that he can guarantee that there  
28 are assessment records that should not be used for determining a farm dwelling. He recommended that  
29 somehow the ZBA reflect the Farm Bureau’s change in the record.  
30  
31 Mr. Kass stated that new item 9.B(8) should read as follows: At the September 19, 2012, public hearing,  
32 Kyle Krapf, speaking on behalf of the Champaign County Farm Bureau, testified that a farm dwelling is a  
33 dwelling occupied by farm owner, operator, tenant farm worker, or seasonal or year round hired farm  
34 worker. This may be determined by utilizing assessment records, other public documents or by information  
35 provided as part of the public record to the Zoning Board of Appeals.  
36  
37 Mr. Hall stated that new item 9.B(8) is verbatim and it is up to the Board whether or not to finesse new item  
38 9.B(8) or leave it as the verbatim statement and move forward with the finding.

## ZBA

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Ms. Capel stated that new item 9.B(8) should be the verbatim statement by Kyle Krapf.

Mr. Thorsland stated that new evidence from the September 19, 2012, Supplemental Memorandum should be added under item 9.D(1) and (2). He said that he would like to propose that the term “local foods” be replaced by the term “Direct to Consumer Food Marketing.” He said that accommodation for locally grown foods in the Site Assessment portion of the Draft LESA was not undertaken although there were some members of the Zoning Board of Appeals who did desire to undertake that accommodation.

Mr. Thorsland stated that he does not know if the Board will be able to finish Case 710-AT-12 tonight because he does not want to rush through the finding. He said that there is a lot of information which should be included in the finding and it should be inserted correctly.

Mr. Hall stated that there is one more meeting in September and that meeting has one relatively easy case and the Sangamon Valley cases therefore Case 710-AT-12 could be continued to that public hearing.

Mr. Thorsland stated that he will not be in attendance at the September 27<sup>th</sup> meeting therefore he would rather not continue Case 710-AT-12 to that meeting. He said that he is willing to work as late as the Board dares tonight at the risk of doing something poorly although he does not want to do something poorly. He said that the proposed item 9.E works well and he does not know where his testimony regarding changing “local food” to “Direct to Consumer Marketing” should be included but he would like it to be in the finding before this case is finalized. He said that the Board could move forward to Goal 5 at this time and then go back and add in additional information for Goal 4.

Mr. Thorsland stated that for Case 711-AT-12, the Board indicated that the proposed amendment WILL NOT IMPEDE achievement of Goal 5. He said that for Case 710-AT-12 “best prime farmland” should be stricken.

Mr. Hall stated that there is not much parallel between Case 711-AT-12 and Case 710-AT-12 regarding Goal 5.

Mr. Thorsland stated that the SA Factors are relevant on some level to Goal 5 because to score something that is compact and contiguous to an existing city or village receives a lower score and that is related to urban development. He said that what the Board is talking about is a low scorer that is more likely to become developed and will eventually become part of the urban area.

Ms. Capel stated that perhaps the proposed amendment IMPEDES achievement of Goal 5.

ZBA

1 Mr. Thorsland stated that he does not believe that the proposed amendment IMPEDES achievement of Goal  
2 5 given the current form. He said that the LESA score is the way to evaluate a site for development and a  
3 low scoring site is more likely to be approved as a better piece for development and development by nature  
4 will become part of an urban area and at some point we will have a piece that has an LE score that is close to  
5 something. He said that Goal 5 encourages compact and contiguous urban growth to existing cities and  
6 villages.

7  
8 Mr. Hall stated that Policy 5.1.3. is where the term “Contiguous Urban Growth Area” is first introduced into  
9 the LRMP, which at a staff level was overlooked, and he would think that for that reason alone the proposed  
10 amendment HELPS ACHIEVE Goal 5.

11  
12 Mr. Thorsland stated that the CUGA is discussed in item 2.B. of Goal 4.

13  
14 Mr. Hall stated that several policies in Goal 5 talk about being compact and contiguous. He said that there  
15 are several places in Goal 5 where the Draft LESA does a good job of helping achieve the policies in Goal 5.

16  
17  
18 Mr. Thorsland stated that he is willing to take the blame for not finishing this Case in the speed by which  
19 some people would like it finished but he would like to complete this case correctly. He said that he would  
20 like to include his testimony regarding the Direct to Consumer Marketing and he will happily provide some  
21 sort of outline for staff but he will not provide within the next five minutes. He said that as the Board moves  
22 forward he believes that there will be other things which will require additions and critiques.

23  
24 Mr. Hall stated that the Board could just indicate that the proposed amendment HELPS ACHIEVE Goal 5  
25 and leave it at that.

26  
27 Mr. Thorsland stated that the Board could and in its simplest form it does but the Board took a lot of effort  
28 with the other Goals to make sure that everything was included. He said that the Board always tries to be  
29 consistent and he would like to remain consistent with this case. He reminded staff that the proposed new  
30 evidence included in the September 19, 2012, Supplemental Memorandum should be added to item 9  
31 regarding LRMP Goal 4. He said that he would appreciate an item 9.F to include his testimony regarding  
32 Direct to Consumer Marketing.

33  
34 Mr. Thorsland stated that Goal 5 should indicate that Goal 5 ACHIEVES Policies 5.1.2, 5.1.3 and 5.1.4.

35  
36 The Board agreed with Mr. Thorsland’s recommendation for Goal 5.

37  
38 Mr. Thorsland entertained a motion to extend the public hearing for fifteen minutes.

ZBA

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**Ms. Capel moved, seconded by Mr. Palmgren to extend the public hearing to 10:15 p.m. The motion carried by voice vote.**

Mr. Thorsland stated that in order to be consistent with Case 711-AT-12, the proposed amendment in Case 710-AT-12 is NOT RELEVANT to Goal 6 in general and the Board agreed.

Mr. Kass stated that the Board also indicated in Case 711-AT-12 that the proposed amendment is NOT RELEVANT to Goal 7.

Mr. Thorsland asked the Board if they agreed that the proposed amendment is NOT RELEVANT to Goal 7 for Case 710-AT-12 and the Board agreed.

Mr. Thorsland stated that the Board added items to Goal 8 during its review of Case 711-AT-12.

Mr. Kass stated that the only evidence that the Board added to Goal 8 for Case 711-AT-12 was tonight's testimony from Kyle Krapf regarding the land evaluation portion for best prime farmland.

Mr. Thorsland stated that Mr. Krapf's testimony is not relevant to Case 710-AT-12. He said that for Case 711-AT-12 the Board indicated that the proposed amendment will HELP ACHIEVE Goal 8, Objective 8.2 and Policy 8.2.1 and he believes that the same can be indicated for Case 710-AT-12 and the Board agreed.

Mr. Thorsland stated that for Case 711-AT-12, the Board determined that the proposed amendment WILL NOT IMPEDE the achievement of Goal 9 and he believes the same can be indicated for Case 710-AT-12 and the Board agreed.

Mr. Thorsland stated that for Case 711-AT-12, the Board determined that Goal 10 is NOT RELEVANT to the proposed amendment in general and the same can be indicated for Case 710-AT-12 and the Board agreed.

Mr. Thorsland stated that page 27 of the Draft Finding of Fact dated August 30, 2012, for Case 710-AT-12 proposes new text for item 16.N as follows: The proposed amendment is directly related to this purpose because the proposed amendment will improve the existing LESA system which provides a rating of the level of protection a piece of land should be given based on its soils and other locational characteristics. He said that he would like to revise the proposed text for item 16.N as follows: The proposed amendment is directly related to this purpose because the proposed amendment will improve the existing LESA system which provides a rating of the level of protection a piece of land should be given based on its soils and other locational characteristics, but it does not take into consideration local food production (direct to consumer



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1 food production). He said that the Board indicated that the proposed amendment appears to HELP  
2 ACHIEVE the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance and the Board  
3 agreed.

4  
5 Mr. Thorsland stated that the same Documents of Record for Case 711-AT-12 should be indicated for Case  
6 710-AT-12. He said that there are items that he would like to see added to the proposed amendment, such as  
7 sub-parts to Goal 5 and new evidence to Goal 4, but overall it doesn't change what has already been  
8 documented and only adds to it. He asked the Board if there were any changes or additions that they would  
9 like to see added to the proposed amendment.

10  
11 Mr. Hall stated that he is not sure what additional items Mr. Thorsland is speaking about but the Board  
12 should feel comfortable with the evidence in the memorandum regarding local foods and just adding a few  
13 words of modification.

14  
15 Mr. Thorsland stated that the part which is bulkier is the part to Objective 5.1 and Policy 5.1.3.

16  
17 Mr. Hall stated that he would think that it is more important to get the case to the County Board and leaving  
18 Goal 5 as HELPS ACHIEVE and hope that anyone with any interest at all could look at Goal 5 and see how  
19 directly it is relevant but that is only if the Board puts a premium on finishing the case tonight.

20  
21 Mr. Thorsland noted that an earlier piece of evidence indicates that it has been 30 years since the LESA was  
22 reviewed therefore what difference would a few more weeks make.

23  
24 Mr. Hall stated that another few more weeks gives us a whole new County Board. He recommended a new  
25 item 17 as follows: The Zoning Board of Appeals recommends that any new LESA be evaluated within two  
26 years of adoption.

27  
28 Mr. Thorsland stated that he would make the new item 17 a condition.

29  
30 Mr. Hall stated that new item 17 could be made a condition although it is not something that he can  
31 remember having been done therefore he believes that there is some risk involved.

32  
33 Mr. Thorsland stated that he is not ready to finish Case 710-AT-12 tonight because he believes that there are  
34 things that need to be included correctly. He said that there are six members present tonight therefore it is up  
35 to the Board to decide whether or not to move forward.

36  
37 Mr. Courson stated that he believes that the Board should take advantage of a full Board when possible.  
38

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- 1 Mr. Thorsland asked Mr. Hall if the text in new item 17 could indicate that the ZBA strongly recommends  
2 that any new LESA be evaluated within two years of adoption.  
3
- 4 Mr. Passalacqua stated that the word “strongly” is not necessary. He recommended that the proposed text  
5 for item 17 be indicated as stated by Mr. Hall.  
6
- 7 Mr. Thorsland stated that he would still like to add text to Goal 5 regarding Direct to Consumer Marketing  
8 so that it is in the amendment when it is reviewed by the County Board.  
9
- 10 Mr. Courson stated that Mr. Thorsland could address the County Board with his concerns and request that  
11 his proposed text be inserted prior to their approval.  
12
- 13 Mr. Thorsland stated that he has not addressed the County Board as the Chairman of the Zoning Board of  
14 Appeals regarding anything that has been voted upon by the ZBA and he does not know how appropriate it  
15 would be for him to present additional text.  
16
- 17 Mr. Miller stated that Mr. Thorsland could go to the County Board as a private resident of Champaign  
18 County.  
19
- 20 Mr. Thorsland stated that he believes that the County Board would have a hard time separating his  
21 association with the ZBA from being a private resident of the County.  
22
- 23 Mr. Passalacqua stated that Mr. Thorsland’s commentary is included in the minutes for each meeting.  
24
- 25 Mr. Thorsland stated that his commentary is included in the minutes for each meeting but those minutes are  
26 not always read. He asked the Board if they desired to move forward to a recommendation for Case 710-  
27 AT-12 tonight or continue Case 710-AT-12 to a future meeting so that his comments can be included.  
28
- 29 Mr. Passalacqua stated that he would prefer to move forward tonight so that the current County Board can  
30 review the proposed text amendment.  
31
- 32 Mr. Thorsland entertained a motion to adopt the Findings of Fact for Case 710-AT-12 as amended.  
33
- 34 Mr. Kass stated that Goals 4 and 5 have not been completed by the Board.  
35
- 36 Mr. Thorsland stated that the Board’s proposed text for new Items 9.E and 9.F. could be stricken for Goal 4  
37 and the text for proposed Item 9.E, as indicated in the September 19, 2012, Supplemental Memorandum,  
38 could actually be inserted as new Item 9.D.

ZBA

1  
2 Mr. Hall stated that proposed Item 9. D. exists because the Board cannot look at the Draft LESA and see any  
3 resemblance to the current LESA therefore staff had to advertise general text and reformatting. He said that  
4 the Board has not commented on this during its public hearing thus far therefore perhaps there are no  
5 comments and maybe nothing needs to be said. He said that unless the Board does desire to comment on the  
6 reformatting then Mr. Thorsland would be correct in inserting the proposed text for new Item 9.E, as  
7 indicated in the September 19, 2012, as new Item 9.D. Mr. Hall stated that he likes the introduction to the  
8 current LESA better than the introduction to the Draft LESA but it is the only thing that he likes about the  
9 current LESA. He said that the current LESA is a little more poetic in its writing but the members of the  
10 LESA Committee were not poets and the Draft LESA is a very technocratic document. He said that if  
11 proposed Items 9.E and 9.F. are stricken then Goal 4 will be complete.

12  
13 Mr. Thorsland stated that he agrees with Mr. Hall and noted that the Board determined that the proposed  
14 amendment HELPS ACHIEVE Goal 4.

15  
16 Mr. Thorsland stated that the if the Board is comfortable in keeping Goal 5 simple then it too can be  
17 completed.

18  
19 Mr. Thorsland entertained a motion to extend the public hearing to 10:30 p.m.

20  
21 **Ms. Capel moved, seconded by Mr. Passalacqua to extend the public hearing to 10:30 p.m. The**  
22 **motion carried by voice vote.**

23  
24 Mr. Thorsland asked the Board to indicate their preference for Goal 5.

25  
26 Mr. Courson stated that Goal 5 should be kept simple.

27  
28 Mr. Hall stated that if the Board would like to add text to Goal 5 then they could add the following: The  
29 proposed amendment HELPS ACHIEVE Goal 5 because it recognizes the Contiguous Urban Growth Area  
30 (CUGA) which ACHIEVES Policy 5.1.3 and promotes compact and contiguous urban growth which  
31 ACHIEVES Policies 5.1.2 and 5.1.4. He said that regarding other parts of Goal 5, Objective 5.2 discusses  
32 natural resources stewardship and Policy 5.2.2 discusses best prime farmland.

33  
34 Mr. Thorsland stated that HELPS ACHIEVE should be inserted for all of Goal 5.

35  
36 Mr. Hall stated that Policy 5.1.3 is about the CUGA and Policy 5.1.2 is about compact and contiguous urban  
37 growth.

38

ZBA

1 Ms. Capel stated that she agrees with Mr. Hall’s recommendation for Goal 5.

2  
3 Mr. Kass read the recommendation for Goal 5 as follows: The proposed amendment HELPS ACHIEVE  
4 Goal 5 because it recognizes the Contiguous Urban Growth Area (CUGA) which ACHIEVES Policy 5.1.3  
5 and promotes compact and contiguous urban growth which ACHIEVES Policies 5.1.2 and 5.1.4.  
6

7 The Board agreed with the recommendation for Goal 5.

8  
9 Mr. Thorsland entertained a motion to approve the Findings of Fact for Case 710-AT-12 and requested that a  
10 roll call vote be taken.  
11

12 **Ms. Capel moved, seconded by Mr. Courson to approve the Findings of Fact for Case 710-AT-12.**

13			
14	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>	<b>Capel-yes</b>
15	<b>Courson-yes</b>	<b>Miller-yes</b>	<b>Thorsland-no</b>
16			

17 Mr. Thorsland stated that the Board will now move to the Summary Finding of Fact.

18  
19 **Summary Finding of Fact for Case 710-AT-12:**

20  
21 From the documents of record and the testimony and exhibits received at the public hearing conducted on,  
22 June 14, 2012, June 28, 2012, July 12, 2012, July 26, 2012, August 16, 2012, August 30, 2012, September  
23 13, 2012, and September 19, 2012, the Zoning Board of Appeals of Champaign County finds that:

- 24
- 25 1. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE the Land
- 26 Resource Management Plan because:
- 27 A. The proposed Zoning Ordinance text amendment IS NECESSARY TO ACHIEVE
- 28 LRMP GOAL 4.
- 29

30 Mr. Thorsland stated that the recommendation for Goal 4 was HELP ACHIEVE.

31  
32 Mr. Hall stated that when staff recommended HELP ACHIEVE for Goal 4 they did not fully reflect that if  
33 the LESA is not updated then Goal 4 cannot be achieved. He said that it is absolutely necessary to the  
34 achievement of Goal 4 to do this therefore he believes that the recommendation for Goal 4 should simply be  
35 ACHIEVES.  
36

37 Ms. Capel asked Mr. Hall if the Board could reconsider the recommendation for Goal 4.  
38

ZBA

1 Mr. Hall stated that the only thing that the Board cannot reconsider is the Final Determination. He said that  
2 in this instance it is more accurate to say that the proposed amendment IS NECESSARY TO ACHIEVE  
3 LRMP Goal 4. He said that merely doing this does not achieve Goal 4 because Goal 4 has enumerable  
4 things beyond updating LESA but one of them is updating LESA therefore it is necessary to achieve Goal 4  
5 thus it is necessary to achieve the LRMP.  
6

- 7 B. The proposed Zoning Ordinance text amendment will also HELP ACHIEVE LRMP  
8 Goals 1, 2, 5, and 8.
- 9 C. The proposed Zoning Ordinance text amendment WILL NOT IMPEDE the  
10 achievement of LRMP Goals 3 and 9.
- 11 D. The proposed Zoning Ordinance text amendment is NOT RELEVANT to LRMP  
12 Goals 6, 7, and 10.  
13

14 Mr. Thorsland entertained a motion to approve the Summary Finding of Fact for Case 710-AT-12 as  
15 amended. He noted that he did not request a roll call vote for approval.  
16

17 **Mr. Palmgren moved, seconded by Ms. Capel to approve the Summary Finding of Fact for Case 710-**  
18 **AT-12 as amended. The motion carried by voice vote with one opposing vote.**  
19

20 Mr. Thorsland entertained a motion to reconsider Item 9 of the Finding of Fact.  
21

22 **Ms. Capel moved, seconded by Mr. Courson to reconsider Item 9 of the Finding of Fact. The motion**  
23 **carried by voice vote.**  
24

25 Mr. Hall stated that the only text that needs to be changed is the following: The proposed amendment IS  
26 NECESSARY TO ACHIEVE LRMP Goal 4 for the following reasons. Mr. Hall stated that everything else  
27 related to Goal 4 is consistent.  
28

29 Mr. Thorsland reminded the Board that the only vote which needs to be taken is for the text revision for Item  
30 9 related to Goal 4. He entertained a motion to approve the revised recommendation for Item 9.  
31

32 **Mr. Courson moved, seconded by Mr. Palmgren to the revised recommendation for Item 9, regarding**  
33 **Goal 4. The motion carried by voice vote.**  
34

35 Mr. Thorsland entertained a motion to extend the public hearing to 10:45 p.m.  
36

37 **Mr. Palmgren moved, seconded by Mr. Courson to extend the public hearing to 10:45 p.m. The**  
38 **motion carried by voice vote.**

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Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record, and Findings of Fact as amended.

**Mr. Courson moved, seconded by Mr. Passalacqua to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the Final Determination for Case 710-AT-12.

**Mr. Palmgren moved, seconded by Mr. Courson to move to the Final Determination for Case 710-AT-12. The motion carried by voice vote.**

**Final Determination for Case 710-AT-12:**

**Mr. Courson moved, seconded by Mr. Passalacqua that 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 710-AT-12 should BE ENACTED by the County Board in the form attached hereto.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Miller-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
<b>Capel-no</b>	<b>Courson-yes</b>	<b>Thorsland-no</b>

Mr. Hall stated that Cases 710-AT-12 and 711-AT-12 will be forwarded to the County Board Committee of the Whole for their meeting on October 2<sup>nd</sup>.

**7. New Public Hearings**

None

**8. Staff Report**

Mr. Hall stated that staff has reserved the Lyle Shields Meeting Room for October 24<sup>th</sup> to accommodate the rescheduled October 25th ZBA meeting. He said that the Wednesday, October 24<sup>th</sup> meeting will be held at 7:00 p.m.

ZBA

1 **9. Other Business**

2  
3 Mr. Thorsland noted that it is possible that he will not be in attendance at the September 27<sup>th</sup> meeting.  
4

5 **10. Audience Participation with respect to matters other than cases pending before the Board**

6  
7 Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign, stated that he was alarmed by some of  
8 the activities during the L.A. Gourmet case consideration. He said that he is not fully familiar with all of the  
9 information that was provided for the L.A. Gourmet case although he is aware of the fact that CUUATS did  
10 provide evidence which primed the consideration regarding transportation. He said that he sat through the  
11 hearings for the L.A. Gourmet case and he listened to oral testimony and that testimony was not allowed in  
12 the way that Mr. Hall wrote the final consideration.  
13

14 Mr. Stenzel stated that public testimony should not be ignored. He said that public testimony may not be  
15 significant in all cases but there needs to be an allowance for public testimony otherwise the County will be  
16 violating the democratic process. He suggested that the Board consider not preventing public testimony in  
17 the future and that Mr. Hall should consider how public testimony should be included in the final  
18 consideration.  
19

20 Mr. Stenzel stated that he would like the Board to consider the application of the LESA. He said that the  
21 extension of Olympian Drive will obviously take place without LESA ever being applied to circumstances or  
22 alternatives involved. He said that the first purpose of LESA and one of the reasons why the Federal LESA  
23 was established was to consider alternative routes for interstate highways and it should not be ignored when  
24 land is involved. He said that even though the County does not have a significant goal in considering  
25 Olympian Drive the County could possibly recommend that the LESA should be applied.  
26

27 **11. Adjournment**

28  
29 Mr. Thorsland entertained a motion to adjourn the meeting.  
30

31 **Mr. Courson moved, seconded by Mr. Passalacqua to adjourn the meeting. The motion carried by**  
32 **voice vote.**  
33

34 The meeting adjourned at 10:35 p.m.  
35  
36  
37  
38

9/19/12

AS APPROVED JANUARY 13, 2013

ZBA

1 Respectfully submitted  
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6 Secretary of Zoning Board of Appeals  
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