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3 *AS APPROVED DECEMBER 12, 2013*  
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6 **MINUTES OF REGULAR MEETING**

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8 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

9 **1776 E. Washington Street**

10 **Urbana, IL 61802**

12 **DATE: August 15, 2013**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street**

13 **TIME: 7:00 p.m.**

**Urbana, IL 61802**

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16 **MEMBERS PRESENT:** Catherine Capel, Eric Thorsland, Paul Palmgren, Brad Passalacqua, Jim  
17 Randol

18  
19 **MEMBERS ABSENT :** Roger Miller

20  
21 **STAFF PRESENT :** Lori Busboom, John Hall, Andrew Kass

22  
23 **OTHERS PRESENT :** John Collins, Paul Cole

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24  
26 **1. Call to Order**

27  
28 The meeting was called to order at 7:02 p.m.

29  
30 **2. Roll Call and Declaration of Quorum**

31  
32 The roll was called and a quorum declared present with one member absent and one vacant Board seat.

33  
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
35 sign the witness register for that public hearing. He reminded the audience that when they sign the  
36 witness register they are signing an oath.

37  
38 **3. Correspondence**

39  
40 None

41  
42 **4. Approval of Minutes (May 16, 2013 and June 13, 2013)**

43  
44 Mr. Thorsland entertained a motion to approve the May 16, 2013 and June 13, 2013, minutes.

45  
46 **Mr. Palmgren moved, seconded by Mr. Passalacqua to approve the May 16, 2013 and June 13, 2013,**

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1 **minutes.**

2

3 Mr. Thorsland asked the Board if there were any corrections to the minutes.

4

5 Mr. Palmgren stated that he has a minor correction to the June 13, 2013, minutes. He said that the page  
6 numbers for Case 756-AT-13, as indicated on the first page under Cases and Disposition, requires revision  
7 indicating Pages 48 and 49 instead of 47 and 48.

8

9 Mr. Thorsland asked the Board if there were any additional corrections to the minutes and there were none.

10

11 **The motion carried by voice vote.**

12

13 Mr. Thorsland entertained a motion to re-arrange the agenda and hear the tonight’s cases in the following  
14 order: A. Case 731-S-13; B. Case 747-AM-13; C. Case 685-AT-11; D. Case 732-AT-12; E. Case 756-AT-  
15 13; and F. Case 761-AT-13.

16

17 **Ms. Capel moved, seconded by Mr. Passalacqua to re-arrange the agenda and hear the tonight’s cases**  
18 **in the following order: A. Case 731-S-13; B. Case 747-AM-13; C. Case 685-AT-11; D. Case 732-AT-**  
19 **12; E. Case 756-AT-13; and F. Case 761-AT-13. The motion carried by voice vote.**

20

21

22 **5. Continued Public Hearing**

23

24

25 **Case 731-S-12 Petitioner: Warner Brothers, Inc, with owners Joseph H. Warner and Gerald Warner**  
26 **and shareholder/officers Kristi Pflugmacher, Kathy McBride, Denise Foster, Angela Warner Request:**  
27 **Authorize the storage and dispensing of agriculture fertilizer as a “Farm Chemicals and Fertilizer**  
28 **Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-**  
29 **1, Agriculture Zoning District. Location: A .96 acre (41,817.6 square feet) portion of a 38.55 acre**  
30 **tract in the East One-Half of the Southeast Quarter of Section 18 of Rantoul Township and commonly**  
31 **known as the farm field adjacent to the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

32

33 **Case 747-AM-13 Petitioner: Warner Farm Equipment, Inc. with owners Joseph H. Warner and**  
34 **Gerald E. Warner Request: Amend the Zoning Map to change the zoning district designation from**  
35 **the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District to bring an**  
36 **existing Farm Equipment Sales and Service business into compliance. Location: A 3.8 acre tract in**  
37 **the Southwest Quarter of the Southwest Quarter of the Southeast Quarter and in the Southeast**  
38 **Quarter of the Southeast Quarter of the Southwest Quarter of Section 18 of Rantoul Township and**

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1 **commonly known as the Kinze farm equipment dealership at 1254 CR 2700N, Rantoul.**

2  
3 Mr. Thorsland called Cases 731-S-12 and 747-AM-12 concurrently.

4  
5 Mr. Thorsland informed the audience that Case 731-S-12 is an Administrative Case and as such the County  
6 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a  
7 show of hands for those who would like to cross examine and each person will be called upon. He requested  
8 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said  
9 that those who desire to cross examine are not required to sign the witness register but are requested to  
10 clearly state their name before asking any questions. He noted that no new testimony is to be given during  
11 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are  
12 exempt from cross examination.

13  
14 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
15 sign the witness register for that public hearing. He reminded the audience that when they sign the  
16 witness register they are signing an oath.

17  
18 Mr. Paul Cole, attorney for the petitioners, stated that he appreciated the Board consolidating the cases so  
19 that they could be heard together. He said that when these cases were started the composition of the Board  
20 was slightly different in that one member has resigned and one new member has joined the Board. He said  
21 that the special use case is the case that was first contemplated by the Warner Brothers because they had  
22 built a tank which had the storage capacity of 750,000 gallons which they thought might be used for not only  
23 their own purposes but also for some storage on behalf of persons or businesses other than their own. He  
24 said that when the petitioners came to the County for an education on how to obtain a Special Use Permit it  
25 was suggested to them that because the use would probably spill over into the adjacent property, which is the  
26 existing Kinze dealership, that a map amendment would be necessary requesting that the property be rezoned  
27 from AG-1 to B-1.

28  
29 Mr. Cole stated that at the very beginning there was some concern on behalf of the adjacent neighbors,  
30 relatives of the petitioners, who live immediately to the west of the subject property about uses that may  
31 occur on the Kinze dealership property that was proposed to be rezoned to B-1 and that would be somewhat  
32 intrusive to their residential property. He said that a specific intrusion was the proposed truck traffic that  
33 may cause dust or raise noise problems on the adjacent property. He said that the cases were continued to  
34 another hearing and another hearing and then another hearing and a few more issues were raised. He said  
35 that there are a number of additional issues which were raised during the hearings and each issue was  
36 addressed individually and in turn.

37  
38 Mr. Cole stated that the petitioners were tasked to determine if road conditions would be severely impacted

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1 by the proposed use and they were directed to go to the township road commissioner to construct and agree  
2 upon a plan/road agreement. He said that the plan/road agreement was presented and approved by the  
3 township board. He said that at the last hearing Mr. Hall appropriately recommended that the petitioners  
4 take another look at the site plan for the property that is proposed to be rezoned B-1 and modify it to  
5 accommodate the fact that some of the hardcover development on the agricultural land immediately to the  
6 north and east of it should also be incorporated with the B-1 lot. He said that the petitioners agreed to Mr.  
7 Hall's recommendation and had the property resurveyed and presented the new plan to the Board. Mr. Cole  
8 said that the new B-1 lot is a little bit larger than what was originally anticipated and he believes that it not  
9 only accommodates what actual uses are occurring there but it also makes the lot more regular in shape.

10  
11 Mr. Cole stated that amongst the conditions that must be considered was whether or not the property that  
12 is subject to the Special Use Permit would have to satisfy the Illinois Accessibility Code requirements. He  
13 thanked staff for providing the name and contact information for someone in Springfield who was able to  
14 assist him with that condition. Mr. Cole stated that after speaking to Doug Gamble, Accessibility Specialist,  
15 Illinois Capital Development Board, it was determined that the property is exempt from the requirements of  
16 the Illinois Accessibility Code. Mr. Cole stated that an e-mail from Mr. Gamble has been submitted to staff.

17 Mr. Cole stated that he hopes that everything has been addressed but he is available to answer any questions  
18 that the Board or staff may have regarding these cases.

19  
20 Mr. Thorsland asked the Board if there were any questions for Mr. Cole and there were none.

21  
22 Mr. Thorsland asked if staff had any questions for Mr. Cole and there were none.

23  
24 Mr. Thorsland called John Hall to testify.

25  
26 Mr. John Hall, Zoning Administrator, stated that when the Supplemental Memorandum dated August 9,  
27 2013, was sent in the mailing it was not known that the evidence regarding accessibility had been received.  
28 He recommended that the Board delete the special condition regarding accessibility because the project  
29 already complies. He said that these cases are ready for final action and the only concern that staff has is  
30 compliance with the road agreement going forward. He said that he believes that the parties to the road  
31 agreement probably did the best that they could do because this is a necessarily complex situation because  
32 some of the fertilizer being used will be used for private purposes and some will be used for commercial  
33 purposes. He said the nature of farming is that you never know what any given year will require therefore as  
34 the Zoning Administrator he is concerned about receiving a phone call from the township road commissioner  
35 indicating that the petitioner is not complying with the agreement. He said that staff will do the best they can  
36 if such a phone call is received but he hopes that he does not receive that call. He said that Mr. Kass took  
37 some photographs of the subject property and distributed those photographs to the Board for review. He said  
38 that Condition H. refers to fuel tanks and a detailed site plan was revised on August 1<sup>st</sup> and discusses three

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1 fuel tanks and a sunken tank enclosure. He said that it appears that there are seven tanks and the sunken tank  
2 enclosure.

3  
4 Mr. Kass stated that there are four tanks in the sunken tank enclosure and the three smaller tanks, indicated  
5 in the distributed photographs, are the 10,000 gallon diesel fuel tanks located on the 30' x 30' concrete pad.  
6

7 Mr. Hall stated that normally with a Special Use Permit the petitioner is authorized to do what is on the plan  
8 and in this case there is a condition that ensures that the plan needs to be in conformance with the approval  
9 therefore while it is not in coordination with what would be with a normal special use, staff is comfortable  
10 with everything at this point. He said that the site plan has been revised to address all concerns and he does  
11 not believe that the exact number of tanks is an issue and the only thing that is not identified is the number of  
12 tanks included in the sunken tank enclosure. He said that he would like to double check that the petitioner  
13 understands that this being a Special Use Permit, everything must be shown on the site plan therefore he  
14 hopes that the site plan is accurate and reflects the petitioner's near term desires.  
15

16 Mr. Cole stated that to his knowledge the site plan is accurate and they understand that any fuel stored is for  
17 private use and the only thing that they are allowed to do commercially is store somebody else's fertilizer.  
18

19 Mr. Thorsland asked the Board if there were any questions for staff.  
20

21 Mr. Thorsland asked Mr. Hall if staff will enforce the road agreement.  
22

23 Mr. Hall stated no. He said that the road agreement is between the petitioner and the township.  
24

25 Mr. Thorsland asked Mr. Hall if the private use of the fuel tanks is enforced by staff.  
26

27 Mr. Hall stated that the fuel tanks are for private use therefore it is not an issue.  
28

29 Mr. Thorsland stated that if staff receives a complaint regarding the use of the fuel tanks he assumes that  
30 staff will address it in a normal fashion.  
31

32 Mr. Hall stated yes.  
33

34 Mr. Passalacqua asked if there is any problem with the leach field and septic being in the parking lot.  
35

36 Mr. Hall stated no. He said that he suspects that the leach field and septic have been there for a long time  
37 therefore it is nonconforming to the current health code but as long as it works it can continue.  
38

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1 Mr. Passalacqua asked staff if there had been any further correspondence from the Kenneth Warner family.

2

3 Mr. Hall stated no.

4

5 Mr. Thorsland read the proposed special conditions as follows:

6

7 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**

8 **731-S-12 by the Zoning Board of Appeals.**

9 The above special condition is required to ensure the following:  
10 **The establishment of the proposed use shall be properly documented as required by the**  
11 **Zoning Ordinance.**

12

13 Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

14

15 Mr. Cole indicated that he agreed to the special condition.

16

17 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the**  
18 **proposed Special Use until the Zoning Administrator has received a certification of**  
19 **inspection from an Illinois Licensed Architect or other qualified inspector certifying**  
20 **that the new building complies to the following codes: (A) The 2006 or later edition of**  
21 **the International Building Code; (B) The 2008 or later edition of the National Electrical**  
22 **Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

24 **That the proposed structures comply with Illinois Public Act 96-704**

25

26 Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

27

28 Mr. Cole indicated that he agreed to the special condition.

29

30

31 **C. The Special Use shall be void if the owner/operator fails to comply with the road**  
32 **agreement with Rantoul Township regarding an annual road maintenance fee that**  
33 **shall be paid to Rantoul Township for each gallon of liquid fertilizer that is delivered to**  
34 **the Special Use Permit for a commercial use, provided as follows:**

35 **1. The road agreement shall not apply to liquid fertilizer used by the petitioner in**  
36 **the course of their own farming activities.**

37 **2. The amount of liquid fertilizer used by the petitioner in the course of their own**  
38 **farming activities will vary depending upon many different considerations but**

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1 testimony indicates that in a typical year the petitioner applies 60 to 65 gallons  
 2 per acre on a total of 2,900 acres of corn, unless the parties to the road  
 3 agreement agree that a different amount of fertilizer shall have been used by the  
 4 petitioner in the course of their own farming activities during the preceding  
 5 calendar year and the petitioner may also store multiple years worth of liquid  
 6 fertilizer for use in their own farming activities.

7 **3. This condition applies to the Agreement with Rantoul Township Road**  
 8 **Commissioner received July 25, 2013, or to any subsequent road agreement**  
 9 **between the petitioner and Rantoul Township, provided however that if a**  
 10 **subsequent road agreement includes a specific provision for determining the**  
 11 **amount of fertilizer that shall have been used by the petitioner in the course of**  
 12 **their own farming activities during the preceding calendar year, then the**  
 13 **requirement of subparagraph 2. shall not apply, and further provided that a**  
 14 **fully executed Agreement shall be filed with the Zoning Administrator.**

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

16 **That any additional highway maintenance due to the truck traffic generated by**  
 17 **the proposed Special Use is reimbursed by the petitioner.**

18  
 19 Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

20  
 21 Mr. Cole indicated that he agreed to the special condition.

22  
 23  
 24 **D. All inbound and outbound trucks delivering fertilizer and any other associated product**  
 25 **to the proposed Special Use shall enter and exit the subject property on the east side of**  
 26 **the Warner Farm Equipment building.**

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

28 **To prevent nuisance issues on the adjacent property.**

29  
 30 Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

31  
 32 Mr. Cole indicated that he agreed to the special condition.

33  
 34 **E. Regarding the ongoing operation of the Special Use as authorized by the Illinois**  
 35 **Department of Agriculture and Illinois Environmental Protection Agency:**

36 **(1) The Special Use shall at all times be operated in conformance with Illinois**  
 37 **Department of Agriculture and Illinois Environmental Protection Agency**  
 38 **requirements, permits, and any special conditions thereof.**

- 1           (2)    **The owner/operator of the Special Use shall provide the Zoning Administrator**
- 2                   **with copies of all semi-annual testing of product piping that is required by the**
- 3                   **Illinois Department of Agriculture (IDAG) and Illinois Environmental**
- 4                   **Protection Agency (IEPA) and the copies shall be provided to the Zoning**
- 5                   **Administrator concurrently with their submission to IDAG and IEPA.**
- 6           (3)    **The owner/operator of the Special Use shall make all inspection and**
- 7                   **maintenance records required by the Illinois Department of Agriculture (IDAG)**
- 8                   **and Illinois Environmental Protection Agency (IEPA) available to Champaign**
- 9                   **County in resolving any valid complaint or concern that is related to public**
- 10                  **safety and environmental protection.**
- 11           (4)    **The owner/operator of the Special Use shall provide the Zoning Administrator**
- 12                   **with copies of renewal permits over the lifetime of the Special Use for Illinois**
- 13                   **Department of Agriculture (IDAG) and Illinois Environmental Protection**
- 14                   **Agency (IEPA) Permit #AC13030985 that expires of April 17, 2015, or Permit**
- 15                   **#AC13020954 that expires on April 17, 2018.**
- 16           (5)    **The Special Use shall become void under any of the following situations:**
- 17                   (a)    **Failure to receive a renewal permit with the Illinois Department of**
- 18                            **Agriculture (IDAG) and Illinois Environmental Protection Agency**
- 19                            **(IEPA) Permit #AC13030985 that expires on April 17, 2015, or Permit**
- 20                            **#AC13020954 that expires on April 17, 2018, over the lifetime of the**
- 21                            **Special Use.**
- 22                   (b)    **If the experimental design approved by the Illinois Department of**
- 23                            **Agriculture (IDAG) and the Illinois Environmental Protection Agency**
- 24                            **(IEPA) in Permit #AC13030985 fails to provide adequate containment in**
- 25                            **which case the owner/operator of the Special Use shall provide notice to**
- 26                            **the Zoning Administrator upon a determination by either IDAG or**
- 27                            **IEPA that the experimental design fails to provide adequate**
- 28                            **containment.**
- 29                   (c)    **Failure of the owner/operator to comply with any part of the special**
- 30                            **conditions in Case 731-S-12.**
- 31                            The special conditions above are required to ensure the following:
- 32                            **To ensure that Champaign County is fully informed of any risks that**
- 33                            **arise for public safety and environmental protection.**

34  
35 Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

36  
37 Mr. Cole indicated that he agreed to the special condition.

38

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**F. The development of the site must be substantially the same as indicated in the Plat of Survey submitted on August 8, 2013, and the building plans for the mixing building received on March 21, 2013, and the CST Storage Tank Technical Drawings and Specifications received September 5, 2012.**

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

**That the development of the site is the same as described in the public hearing.**

Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

Mr. Cole indicated that he agreed to the special condition.

**G. The diesel fuel tanks indicated on the Plat of Survey received August 8, 2013, shall only be used for the sole purposes of the petitioner, and not for commercial (i.e. resale to others) storage or distribution.**

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

**That these tanks are not used for commercial (i.e. resale to others) because that cannot be authorized in the AG-1 District.**

Mr. Thorsland asked Mr. Cole if he agreed to the special condition.

Mr. Cole indicated that he agreed to the special condition.

Mr. Thorsland entertained a motion to approve the special conditions as read.

**Ms. Capel moved, seconded by Mr. Palmgren to approve the special conditions. The motion carried by voice vote.**

Mr. Thorsland asked staff if there were any additions to the Documents of Record.

Mr. Kass stated that a new #44 should read as follows: E-mail from Doug Gamble, Accessibility Specialist, Illinois Capital Development Board to Paul Cole, attorney for the petitioner, dated August 12, 2013. He said that a new #45 should read as follows: Site visit photos by staff taken on August 13, 2013.

**Findings of Fact for Case 731-S-12:**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case

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1 731-S-12 held on March 28, 2013, May 16, 2013, June 13, 2013, July 25, 2013, and August 15, 2013, the  
2 Zoning Board of Appeals of Champaign County finds that:

- 3  
4 **1. The requested Special Use Permit IS necessary for the public convenience at this**  
5 **location.**

6  
7 Mr. Passalacqua stated that the requested Special Use Permit IS necessary for the public convenience at this  
8 location because the Board has heard testimony that other farmers and organizations would benefit by the  
9 convenience of chemical storage at this location.

10  
11 Ms. Capel stated that additional storage capacity provides for timely application of chemicals.

12  
13 Mr. Palmgren stated that competitive pricing can occur if product is stored at this location.

14  
15 Mr. Thorsland stated that it allows for the storage of agricultural chemicals in access of a one season supply  
16 when the price is competitive. He said that there has been testimony indicating that in a year when it is  
17 affordable the petitioner will now have the capacity to purchase several years of product for their private use.

18  
19 Mr. Hall stated that the important point is that it provides lower prices for the Warners and their customers.

20  
21 Mr. Kass read the Board's findings as follows:

- 22 • **There has been testimony received that other farmers and organizations would benefit**  
23 **by the convenience of storage of agrichemicals at this location.**  
24 • **The additional storage capacity provides for the timely application of fertilizer**  
25 • **A larger tank is more cost effective in the long run because it allows lower prices per**  
26 **gallon.**

27 The Board agreed with the findings.

- 28  
29 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**  
30 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**  
31 **the district in which it shall be located or otherwise detrimental to the public health,**  
32 **safety, and welfare.**

- 33  
34 **a. The street has ADEQUATE traffic capacity and the entrance location has ADEQUATE**  
35 **visibility.**

36  
37 Mr. Passalacqua stated that the road agreement is the by-product of testimony that the road is not adequate.

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1 Mr. Thorsland stated that Finding 2.i. is the point where the Board can add relative considerations such as  
2 the road agreement.

3  
4 Mr. Passalacqua stated that the street has ADEQUATE traffic capacity and the entrance location has  
5 ADEQUATE visibility.

6  
7 **b. Emergency services availability is ADEQUATE.**

8  
9 Mr. Passalacqua stated that emergency services availability is ADEQUATE because it is unchanged.

10  
11 **c. The Special Use WILL be compatible with adjacent uses.**

12  
13 Mr. Palmgren stated that the Special Use WILL be compatible with adjacent uses.

14  
15 **d. Surface and subsurface drainage will be ADEQUATE.**

16  
17 Ms. Capel stated that surface and subsurface drainage will be ADEQUATE.

18  
19 **e. Public safety will be ADEQUATE.**

20  
21 Mr. Passalacqua stated that public safety will be ADEQUATE because of the special conditions and the  
22 IDAG and IEPA permits address public safety.

23  
24 Mr. Kass read the Board's findings:

- 25 • The special conditions and the IDAG and IEPA permits address public safety.

26  
27 The Board agreed.

28  
29 **f. The provisions for parking will be ADEQUATE.**

30  
31 Ms. Capel stated that the provisions for parking will be ADEQUATE.

32  
33 **g. The property is BEST PRIME FARMLAND and the property with the proposed  
34 improvements IS WELL SUITED OVERALL.**

35  
36 Ms. Capel stated that the property is BEST PRIME FARMLAND and the property with the proposed  
37 improvements IS WELL SUITED OVERALL.

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1           **h.     The existing public services ARE available to support the proposed special use**  
2           **effectively and safely without undue public expense.**

3  
4 Ms. Capel stated that the existing public services ARE available to support the proposed special use  
5 effectively and safely without undue public expense.  
6

7           **i.     The only existing public infrastructure together with proposed improvements ARE**  
8           **adequate to support the proposed development effectively and safely without undue**  
9           **public expense.**

10  
11 Mr. Passalacqua stated that the only existing public infrastructure together with proposed improvements  
12 ARE adequate to support the proposed development effectively and safely without undue public expense  
13 because of the road agreement and the surcharge per gallon on commercial product.  
14

15 Mr. Thorsland stated that there is a road agreement in place to provide funding for any infrastructure  
16 improvements.  
17

18 Mr. Kass read the Board’s finding as follows:

- 19           •     **The petitioners have entered into a road agreement with Rantoul Township that will**  
20           **provide for road maintenance based on the amount of gallons commercially stored at**  
21           **the Special Use.**

22  
23 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
24 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in  
25 which it shall be located or otherwise detrimental to the public health, safety, and welfare.  
26

27           **3a.    The requested Special Use Permit, subject to the special conditions imposed herein,**  
28           **DOES conform to the applicable regulations and standards of the DISTRICT in which**  
29           **it is located.**

30  
31 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
32 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.  
33

34           **3b.    The requested Special Use Permit, subject to the special conditions imposed herein,**  
35           **DOES preserve the essential character of the DISTRICT in which it is located because:**

- 36           **a.     The Special Use will be designed to CONFORM to all relevant County**  
37           **Ordinances.**

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1  
2 Ms. Capel stated that the Special Use will be designed to CONFORM to all relevant County Ordinances.

3  
4 **b. The Special Use WILL be compatible with adjacent uses.**

5  
6 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

7  
8 **c. Public safety will be ADEQUATE.**

9  
10 Ms. Capel stated that public safety will be ADEQUATE.

11  
12 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein,  
13 DOES preserve the essential character of the DISTRICT in which it is located.

14  
15 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS  
16 in harmony with the general purpose and intent of the Ordinance because:**

17 **a. The Special Use is an authorized use in the District.**

18 **b. The requested Special Use Permit IS necessary for the public convenience at this  
19 location.**

20 Ms. Capel stated that the requested Special Use Permit IS necessary for the public convenience at this  
21 location.

22  
23 **c. The requested Special Use Permit, subject to the special conditions imposed  
24 herein, is so designed, located, and proposed to be operated so that it WILL  
25 NOT be detrimental to the public health, safety and welfare.**

26  
27 Mr. Passalacqua stated that the requested Special Use Permit, subject to the special conditions imposed  
28 herein, is so designed, located, and proposed to be operated so that it WILL NOT be detrimental to the  
29 public health, safety and welfare.

30  
31 **d. The requested Special Use Permit, subject to the special conditions imposed  
32 herein, DOES preserve the essential character of the DISTRICT in which it is  
33 located.**

34  
35 Mr. Passalacqua stated that the requested Special Use Permit, subject to the special conditions imposed  
36 herein, DOES preserve the essential character of the DISTRICT in which it is located.

37  
38 Ms. Capel stated that the requested Special Use Permit, subject to the special conditions imposed herein, IS

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1 in harmony with the general purpose and intent of the Ordinance.

2  
3 **5. The requested Special Use IS NOT an existing nonconforming use.**

4  
5 Mr. Passalacqua stated that the requested Special Use IS NOT an existing nonconforming use.

6  
7 **6. The special conditions imposed herein are required to ensure compliance with the**  
8 **criteria for Special Use Permits and for the particular purposes described below:**

9 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
10 **731-S-12 by the Zoning Board of Appeals.**

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

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

14  
15 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the**  
16 **proposed Special Use until the Zoning Administrator has received a certification of**  
17 **inspection from an Illinois Licensed Architect or other qualified inspector certifying**  
18 **that the new building complies to the following codes: (A) The 2006 or later edition of**  
19 **the International Building Code; (B) The 2008 or later edition of the National Electrical**  
20 **Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

22 **That the proposed structures comply with Illinois Public Act 96-704**

23  
24 **C. The Special Use shall be void if the owner/operator fails to comply with the road**  
25 **agreement with Rantoul Township regarding an annual road maintenance fee that**  
26 **shall be paid to Rantoul Township for each gallon of liquid fertilizer that is delivered to**  
27 **the Special Use Permit for a commercial use, provided as follows:**

28 **1. The road agreement shall not apply to liquid fertilizer used by the petitioner in**  
29 **the course of their own farming activities.**

30 **2. The amount of liquid fertilizer used by the petitioner in the course of their own**  
31 **farming activities will vary depending upon many different consideration but**  
32 **testimony indicates that in a typical year the petitioner applies 60 to 65 gallons**  
33 **per acre on a total of 2,900 acres of corn, unless the parties to the road**  
34 **agreement agree that a different amount of fertilizer shall have been used by the**  
35 **petitioner in the course of their own farming activities during the preceding**  
36 **calendar year and the petitioner may also store multiple years worth of liquid**  
37 **fertilizer for use in their own farming activities.**

38 **3. This condition applies to the Agreement with Rantoul Township Road**

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1 Commissioner received July 25, 2013, or to any subsequent road agreement  
 2 between the petitioner and Rantoul Township, provided however that if a  
 3 subsequent road agreement includes a specific provision for determining the  
 4 amount of fertilizer that shall have been used by the petitioner in the course of  
 5 their own farming activities during the preceding calendar year, then the  
 6 requirement of subparagraph 2. shall not apply, and further provided that a  
 7 fully executed Agreement shall be filed with the Zoning Administrator.

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

9 That any additional highway maintenance due to the truck traffic generated by  
 10 the proposed Special Use is reimbursed by the petitioner.  
 11

12 **D. All inbound and outbound trucks delivering fertilizer and any other associated product**  
 13 **to the proposed Special Use shall enter and exit the subject property on the east side of**  
 14 **Warner Farm Equipment building.**

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

16 **To prevent nuisance issues on the adjacent property.**

17  
 18 **E. Regarding the ongoing operation of the Special Use as authorized by the Illinois**  
 19 **Department of Agriculture and Illinois Environmental Protection Agency:**

20 (1) **The Special Use shall at all times be operated in conformance with Illinois**  
 21 **Department of Agriculture and Illinois Environmental Protection Agency**  
 22 **requirements, permits, and any special conditions thereof.**

23 (2) **The owner/operator of the Special Use shall provide the Zoning Administrator**  
 24 **with copies of all semi-annual testing of product piping that is required by the**  
 25 **Illinois Department of Agriculture (IDAG) and Illinois Environmental**  
 26 **Protection Agency (IEPA) and the copies shall be provided to the Zoning**  
 27 **Administrator concurrently with their submission to IDAG and IEPA.**

28 (3) **The owner/operator of the Special Use shall make all inspection and**  
 29 **maintenance records required by the Illinois Department of Agriculture (IDAG)**  
 30 **and Illinois Environmental Protection Agency (IEPA) available to Champaign**  
 31 **County in resolving any valid complaint or concern that is related to public**  
 32 **safety and environmental protection.**

33 (4) **The owner/operator of the Special Use shall provide the Zoning Administrator**  
 34 **with copies of renewal permits over the lifetime of the Special Use for Illinois**  
 35 **Department of Agriculture (IDAG) and Illinois Environmental Protection**  
 36 **Agency (IEPA) Permit #AC13030985 that expires of April 17, 2015, or Permit**  
 37 **#AC13020954 that expires on April 17, 2018.**

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- 1           **(5) The Special Use shall become void under any of the following situations:**
- 2           **(a) Failure to receive a renewal permit with the Illinois Department of**
- 3           **Agriculture (IDAG) and Illinois Environmental Protection Agency**
- 4           **(IEPA) Permit #AC13030985 that expires on April 17, 2015, or Permit**
- 5           **#AC13020954 that expires on April 17, 2018, over the lifetime of the**
- 6           **Special Use.**
- 7           **(b) If the experimental design approved by the Illinois Department of**
- 8           **Agriculture (IDAG) and the Illinois Environmental Protection Agency**
- 9           **(IEPA) in Permit #AC13030985 fails to provide adequate containment in**
- 10           **which case the owner/operator of the Special Use shall provide notice to**
- 11           **the Zoning Administrator upon a determination by either IDAG or**
- 12           **IEPA that the experimental design fails to provide adequate**
- 13           **containment.**
- 14           **(c) Failure of the owner/operator to comply with any part of the special**
- 15           **conditions in Case 731-S-12.**

The special conditions above are required to ensure the following:  
**To ensure that Champaign County is fully informed of any risks that  
 arise for public safety and environmental protection.**

- 16           **F. The development of the site must be substantially the same as indicated in the Plat of**
- 17           **Survey submitted on August 8, 2013, and the building plans for the mixing building**
- 18           **received on March 21, 2013, and the CST Storage Tank Technical Drawings and**
- 19           **Specifications received September 5, 2012.**

The special condition stated above is required to ensure the following:  
**That the development of the site is the same as described in the public hearing.**

- 20           **G. The diesel fuel tanks indicated on the Plat of Survey received August 8, 2013, shall only**
- 21           **be used for the sole purposes of the petitioner, and not for commercial (i.e. resale to**
- 22           **others) storage or distribution.**

The special condition stated above is required to ensure the following:  
**That these tanks are not used for commercial (i.e. resale to others) because that cannot  
 be authorized in the AG-1 District.**

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

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

1  
2 Mr. Thorsland entertained a motion to move to a final determination.

3  
4 **Mr. Palmgren moved, seconded by Ms. Capel to move to a final determination. The motion carried by**  
5 **voice vote.**

6  
7 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant  
8 therefore it is at his discretion to either continue Case 731-S-12 until a full Board is present or request that  
9 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative  
10 votes are required for approval.

11  
12 Mr. Cole requested that the present Board move to the Final Determination.

13  
14 **Final Determination for Case 731-S-12:**

15  
16 **Ms. Capel moved, seconded by Mr. Passalacqua that the Champaign County Zoning Board of**  
17 **Appeals finds that, based upon the application, testimony, and other evidence received in this case, the**  
18 **requirements of Section 9.1.11B. for approval HAVE been met, and pursuant to the authority granted**  
19 **by Section 9.1.6B of the Champaign County Zoning Ordinance, determines that the Special Use**  
20 **requested in Case 731-S-12 is hereby GRANTED WITH SPECIAL CONDITIONS to the applicant**  
21 **Warner Brothers, Inc. to authorize the storage and dispensing of agricultural fertilizer as a “Farm**  
22 **Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as**  
23 **a Special Use in the AG-1 Agriculture Zoning District. Subject to the following conditions:**

24  
25 **A. A Change of Use Permit shall be applied for within 30 days of the approval of Case**  
26 **731-S-12 by the Zoning Board of Appeals.**

27 The above special condition is required to ensure the following:  
28 **The establishment of the proposed use shall be properly documented as required by the**  
29 **Zoning Ordinance.**

30  
31 **B. The Zoning Administrator shall not authorize a Zoning Compliance Certificate for the**  
32 **proposed Special Use until the Zoning Administrator has received a certification of**  
33 **inspection from an Illinois Licensed Architect or other qualified inspector certifying**  
34 **that the new building complies to the following codes: (A) The 2006 or later edition of**  
35 **the International Building Code; (B) The 2008 or later edition of the National Electrical**  
36 **Code NFPA 70; and (C) the Illinois Plumbing Code.**

37 The special condition stated above is required to ensure the following:  
38 **That the proposed structures comply with Illinois Public Act 96-704**

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**C. The Special Use shall be void if the owner/operator fails to comply with the road agreement with Rantoul Township regarding an annual road maintenance fee that shall be paid to Rantoul Township for each gallon of liquid fertilizer that is delivered to the Special Use Permit for a commercial use, provided as follows:**

**1. The road agreement shall not apply to liquid fertilizer used by the petitioner in the course of their own farming activities.**

**2. The amount of liquid fertilizer used by the petitioner in the course of their own farming activities will vary depending upon many different consideration but testimony indicates that in a typical year the petitioner applies 60 to 65 gallons per acre on a total of 2,900 acres of corn, unless the parties to the road agreement agree that a different amount of fertilizer shall have been used by the petitioner in the course of their own farming activities during the preceding calendar year and the petitioner may also store multiple years worth of liquid fertilizer for use in their own farming activities.**

**3. This condition applies to the Agreement with Rantoul Township Road Commissioner received July 25, 2013, or to any subsequent road agreement between the petitioner and Rantoul Township, provided however that if a subsequent road agreement includes a specific provision for determining the amount of fertilizer that shall have been used by the petitioner in the course of their own farming activities during the preceding calendar year, then the requirement of subparagraph 2. shall not apply, and further provided that a fully executed Agreement shall be filed with the Zoning Administrator.**

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

**That any additional highway maintenance due to the truck traffic generated by the proposed Special Use is reimbursed by the petitioner.**

**D. All inbound and outbound trucks delivering fertilizer and any other associated product to the proposed Special Use shall enter and exit the subject property on the east side of Warner Farm Equipment building.**

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

**To prevent nuisance issues on the adjacent property.**

**E. Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture and Illinois Environmental Protection Agency:**

**(1) The Special Use shall at all times be operated in conformance with Illinois Department of Agriculture and Illinois Environmental Protection Agency**

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- 1 requirements, permits, and any special conditions thereof.
- 2 (2) The owner/operator of the Special Use shall provide the Zoning Administrator
- 3 with copies of all semi-annual testing of product piping that is required by the
- 4 Illinois Department of Agriculture (IDAG) and Illinois Environmental
- 5 Protection Agency (IEPA) and the copies shall be provided to the Zoning
- 6 Administrator concurrently with their submission to IDAG and IEPA.
- 7 (3) The owner/operator of the Special Use shall make all inspection and
- 8 maintenance records required by the Illinois Department of Agriculture (IDAG)
- 9 and Illinois Environmental Protection Agency (IEPA) available to Champaign
- 10 County in resolving any valid complaint or concern that is related to public
- 11 safety and environmental protection.
- 12 (4) The owner/operator of the Special Use shall provide the Zoning Administrator
- 13 with copies of renewal permits over the lifetime of the Special Use for Illinois
- 14 Department of Agriculture (IDAG) and Illinois Environmental Protection
- 15 Agency (IEPA) Permit #AC13030985 that expires of April 17, 2015, or Permit
- 16 #AC13020954 that expires on April 17, 2018.
- 17 (5) The Special Use shall become void under any of the following situations:
- 18 (a) Failure to receive a renewal permit with the Illinois Department of
- 19 Agriculture (IDAG) and Illinois Environmental Protection Agency
- 20 (IEPA) Permit #AC13030985 that expires on April 17, 2015, or Permit
- 21 #AC13020954 that expires on April 17, 2018, over the lifetime of the
- 22 Special Use.
- 23 (b) If the experimental design approved by the Illinois Department of
- 24 Agriculture (IDAG) and the Illinois Environmental Protection Agency
- 25 (IEPA) in Permit #AC13030985 fails to provide adequate containment in
- 26 which case the owner/operator of the Special Use shall provide notice to
- 27 the Zoning Administrator upon a determination by either IDAG or
- 28 IEPA that the experimental design fails to provide adequate
- 29 containment.
- 30 (c) Failure of the owner/operator to comply with any part of the special
- 31 conditions in Case 731-S-12.
- 32 The special conditions above are required to ensure the following:
- 33 To ensure that Champaign County is fully informed of any risks that
- 34 arise for public safety and environmental protection.

35

36 **F. The development of the site must be substantially the same as indicated in the Plat of**

37 **Survey submitted on August 8, 2013, and the building plans for the mixing building**

38 **received on March 21, 2013, and the CST Storage Tank Technical Drawings and**

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**Specifications received September 5, 2012.**

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

**That the development of the site is the same as described in the public hearing.**

- G. The diesel fuel tanks indicated on the Plat of Survey received August 8, 2013, shall only be used for the sole purposes of the petitioner, and not for commercial (i.e. resale to others) storage or distribution.**

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

**That these tanks are not used for commercial (i.e. resale to others) because that cannot be authorized in the AG-1 District.**

Mr. Thorsland requested a roll call vote.

The roll was called:

<b>Capel-yes</b>	<b>Palmgren-yes</b>	<b>Passalacqua-yes</b>
<b>Randol-yes</b>	<b>Miller-absent</b>	<b>Thorsland-yes</b>

Mr. Thorsland stated that the Board will now review Case 747-AM-13.

Mr. Thorsland asked the Board and staff if there were any questions for the petitioner.

Mr. Thorsland asked the Board if they desired to review the Finding of Fact entirely or to review the Summary Finding of Fact.

The Board agreed to review the Summary Finding of Fact.

Mr. Thorsland read the proposed special condition for Case 747-AM-13 as follows:

- A. A Change of Use Permit shall be applied for within 30 days of the approval of Case 747-AM-13 by the County Board.**

The above special condition is required to ensure the following:

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

Mr. Thorsland asked the petitioner if he agreed to the proposed special condition.

Mr. Cole stated that he agreed.

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1  
2 Mr. Thorsland entertained a motion to approve the proposed special condition.

3  
4 **Mr. Passalacqua moved, seconded by Ms. Capel to approve the proposed special condition. The**  
5 **motion carried by voice vote.**

6  
7 **Summary Finding of Fact for Case 747-AM-13:**

8  
9 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
10 March 28, 2013, May 16, 2013, June 13, 2013, July 25, 2013, and August 15, 2013, the Zoning Board of  
11 Appeals of Champaign County finds that:

12  
13 **1. The proposed amendment WILL HELP ACHIEVE the Land Resource Management Plan**  
14 **because of the following (objectives and policies are very briefly summarized):**

15 **A. The proposed map amendment WILL HELP ACHIEVE the following LRMP goals:**

16  
17 **Goal 4 Agriculture because while it will either not impede or is not relevant to**  
18 **the other Objectives and Policies under this goal, it WILL HELP ACHIEVE the**  
19 **following:**

- 20 • **It WILL HELP ACHIEVE Objective 4.1 requiring minimization of the**  
21 **fragmentation of farmland, conservation of farmland, and stringent development**  
22 **standards on best prime farmland because of the following:**
- 23 • **It will HELP ACHIEVE Policy 4.1.1 requiring that other land uses only be**  
24 **accommodated under very restricted conditions or in areas of less productive soils**  
25 **(see Item 14.A.(2)).**

26  
27 Mr. Passalacqua stated that the proposed map amendment will HELP ACHIEVE Policy 4.1.1 requiring  
28 that other land uses only be accommodated under very restricted conditions or in areas of less productive  
29 soils (See Item 14.A.(2)).

- 30
- 31 • **It DOES conform with Policy 4.1.6 requiring that the use, design, site and location**  
32 **are consistent with policies regarding suitability, adequacy of infrastructure and**  
33 **public services, conflict with agriculture, conversion of farmland, and disturbance**  
34 **of natural areas (see Item 14.A.(3)).**

35  
36 Ms. Capel stated that the proposed map amendment DOES conform with Policy 4.1.6 requiring that the  
37 use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure

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1 and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas  
2 (see Item 14.A.(3)).

3  
4 Mr. Passalacqua stated that the proposed map amendment WILL HELP ACHIEVE Objective 4.1  
5 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent  
6 development standards on best prime farmland.

- 7
- 8
- 9 • It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not  
10 interfere with agriculture because it will **HELP ACHIEVE** the following:
- 11 • Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or  
12 provide a service that is better provided in the rural area (see Item 14.B.(1)).
- 13 • Policy 4.2.2 requiring discretionary development in a rural area to not interfere  
14 with agriculture or negatively affect rural infrastructure (see Item 14.B.(2)).
- 15 • Policy 4.2.3 requiring discretionary development recognize and provide for the  
16 right of agricultural activities to continue on adjacent land (see Item 14.B.(3)).
- 17 • Policy 4.2.4 requiring consideration of whether a buffer between proposed  
18 development and agricultural activities is necessary (see Item 14.B.(4)).
- 19

20 Mr. Thorsland stated that staff recommends that the proposed map amendment will HELP ACHIEVE  
21 Objective 4.2 requiring discretionary development to not interfere with agriculture.

22  
23 The Board agreed with staff’s recommendation.

- 24
- 25 • It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to  
26 be on a suitable site because of the following:
- 27 • It will **HELP ACHIEVE** Policy 4.3.2 requiring a discretionary development on best  
28 prime farmland to be well-suited overall (see Item 14.C.(2)).
- 29 • It will **HELP ACHIEVE** Policy 4.3.3 requiring existing public services be adequate  
30 to support the proposed development effectively and safely without undue public  
31 expense (see Item 14.C.(3)).
- 32 • It **WILL HELP ACHIEVE** Policy 4.3.4 requiring existing public infrastructure be  
33 adequate to support the proposed development effectively and safely without undue  
34 public expense (see Item 14.C.(4)).
- 35

36 Mr. Passalacqua stated that the proposed map amendment WILL HELP ACHIEVE Policy 4.3.4  
37 requiring existing public infrastructure be adequate to support the proposed development effectively and  
38 safely without undue public expense (see Item 14.C.(4)).

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- It will **HELP ACHIEVE** Policy 4.3.5 requiring that a business or non-residential use on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 14.C.(5)).

Mr. Passalacqua stated that the proposed map amendment WILL HELP ACHIEVE Objective 4.3 requiring discretionary development to be on a suitable site.

**B. Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will HELP ACHIEVE the following:**

- Objective 8.2 requiring the County to conserve its soil resources because it will **HELP ACHIEVE** the following:
  - Policy 8.2.1 requiring the County to minimize the conversion of farmland to non-agricultural development.

Mr. Thorsland stated that staff recommends that the proposed map amendment will HELP ACHIEVE Objective 8.2 requiring the County to conserve its soil resources because it will HELP ACHIEVE Policy 8.2.1 requiring the County to minimize the conversion of farmland to non-agricultural development therefore it will HELP ACHIEVE Goal 8. He asked the Board if they agreed with staff's recommendations.

The Board agreed.

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

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 5 Urban Land Use
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

Mr. Thorsland stated that staff recommends that the proposed amendment will not impede the following LRMP goals: Goals 1, 2, 3, 5, 6, 7, 9 and 10. He asked the Board if they agreed with staff's recommendation.

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1  
2 The Board agreed.

3  
4 **2. The proposed Zoning Ordinance map amendment IS consistent with the LaSalle and**  
5 **Sinclair factors because of the following:**

- 6 ● **The amendment will allow the petitioners to continue to provide the needed**  
7 **products and services they offer to the agricultural community.**
- 8
- 9 ● **The subject property is suitable for the business and cannot be converted back to**  
10 **agricultural production.**
- 11

12 Mr. Thorsland stated that staff recommends that the proposed Zoning Ordinance map amendment IS  
13 consistent with the *LaSalle* and *Sinclair* factors. He asked the Board if they agreed with staff's  
14 recommendation.

15  
16 The Board agreed.

17  
18 **3. The proposed Zoning Ordinance map amendment WILL HELP ACHIEVE the purpose of**  
19 **the Zoning Ordinance because:**

- 20 ● **Establishing the B-1 District at this location DOES lessen and avoid congestion in**  
21 **the public streets (Purpose 2.0 (c) see Item 23.C.).**
- 22

23 Mr. Passalacqua requested clarification.

24  
25 Mr. Thorsland stated that item #23.C(a) on page 18 indicates the following: The Rantoul Township  
26 Highway Commissioner has a concern with the volume of heavy truck traffic that will take place over  
27 the township roads as result of the proposed Special Use and even has concerns about heavy truck  
28 traffic if the storage tank is used for agricultural purposes only. Regarding these concerns about heavy  
29 truck traffic: i.: Rantoul Township hired Applied Research Associates (ARA) Inc. to prepare a life cycle  
30 cost analysis of the impacts of the proposed Special Use on township roads; and ii.: The petitioners have  
31 entered into an agreement with Rantoul Township to assist with maintenance costs of the roads. The  
32 agreement does not specify which roads the petitioners are to use. The amount the petitioners will pay to  
33 the Township is based upon how many gallons of commercial product are stored per year. Because the  
34 Special Use will also be used to store liquid fertilizer used on the petitioner's own farmland every year  
35 that will not be considered "commercial product" and for which the petitioner will not be obligated to  
36 pay towards the road agreement with the Township, the specific amount used for the petitioner's own  
37 farmland must necessarily be considered in arriving at the actual amount of commercial product that is  
38 stored in any given year; and iii.: Enforcement of the road agreement will be complicated because the

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1 agreement does not specify any limit on how much liquid fertilizer may be claimed to be used for the  
2 petitioners own farmland and given that the petitioners have stated an intent to buy in large quantity and  
3 store fertilizer for use on their own farmland over multiple seasons.

4  
5 Mr. Thorsland stated that the Board applied Special Condition C. in Case 731-S-12.

6  
7 Mr. Passalacqua stated that the only thing that the analysis did was evaluate the quality and physical road  
8 but he reads #3 of the Summary of Evidence as traffic congestion regarding the number of vehicles.

9  
10 Mr. Hall stated that it is a purpose statement and therefore he suggested that it read broadly as  
11 congestion being if you end up with a road that is unduly destroyed due to the heavy traffic there will be  
12 congestion.

13  
14 Mr. Passalacqua stated that the road agreement addresses this item.

15  
16 Mr. Hall stated that if the Board thinks that the road agreement addresses road maintenance then it will  
17 help prevent congestion.

18  
19 Mr. Passalacqua stated that the answer to this item should be that establishing the B-1 District at this  
20 location DOES lessen and avoid congestion in the public streets.

21  
22 Mr. Thorsland stated that he agrees and that is because the road agreement is in place.

23  
24 Mr. Thorsland asked the Board if they agreed that the proposed Zoning Ordinance map amendment  
25 WILL HELP ACHIEVE the purpose of the Zoning Ordinance because establishing the B-1 District at  
26 this location DOES lessen and avoid congestion in the public streets (Purpose 2.0.(c) see Item 23.C.)

27  
28 The Board agreed.

- 29
- 30 ● **Establishing the B-1 District at this location will help classify, regulate, and restrict**
  - 31 **the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 23.I.).**
  - 32
  - 33 ● **Establishing the B-1 District at this location will help make the existing buildings,**
  - 34 **structures, and uses conform to those authorized in the B-1 District (Purpose 2.0**
  - 35 **(m) see Item 23.M.).**
  - 36

37 The Board agreed.

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- 1 **4. Regarding the error in the present Ordinance that is to be corrected by the proposed change:**  
2 **• Approval of the amendment would bring the existing business into compliance with**  
3 **the Zoning Ordinance.**  
4

5 The Board agreed.  
6

7 Mr. Passalacqua stated that the proposed map amendment WILL HELP ACHIEVE the Land Resource  
8 Management Plan and the proposed map amendment WILL HELP ACHIEVE the LRMP Goals.  
9

10 Mr. Thorsland asked the Board if there were any questions regarding the Summary Finding of Fact and there  
11 were none.  
12

13 Mr. Thorsland asked staff if there were any additional items to add to the Documents of Record.  
14

15 Mr. Kass indicated that the same items added to the Documents of Record for Case 731-S-12 should be  
16 added to the Documents of Record for this case.  
17

18 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary  
19 Finding of Fact as amended.  
20

21 **Mr. Palmgren moved, seconded by Mr. Passalacqua to adopt the Finding of Fact, Documents of**  
22 **Record and Summary Finding of Fact as amended. The motion carried by voice vote.**  
23

24 Mr. Thorsland entertained a motion to move to the final determination.  
25

26 **Ms. Capel moved, seconded by Mr. Palmgren to move to the final determination for Case 747-AM-13.**  
27 **The motion carried by voice vote.**  
28

29 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant  
30 therefore it is at his discretion to either continue Case 747-AM-13 until a full Board is present or request that  
31 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative  
32 votes are required for approval.  
33

34 Mr. Cole requested that the present Board move to the Final Determination.  
35

36 **Final Determination for Case 747-AM-13:**  
37

38 **Ms. Capel moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section 9.2 of**

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1 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
2 determines that the Zoning Ordinance Amendment requested in Case 747-AM-13 should BE  
3 ENACTED by the County Board in the form attached hereto. Subject to the following special  
4 condition:

5  
6 A. A Change of Use Permit shall be applied for within 30 days of the approval of Case  
7 747-AM-13 by the County Board.

8 The above special condition is required to ensure the following:  
9 The establishment of the proposed use shall be properly documented as required by the  
10 Zoning Ordinance.  
11

12 Mr. Thorsland requested a roll call vote.

13  
14 The roll was called as follows:

15	Capel-yes	Miller-absent	Palmgren-yes
16	Passalacqua-yes	Randol-yes	Thorsland-yes

17  
18  
19 Mr. Hall informed the petitioner that the case has received a recommendation of approval therefore the Case  
20 747-AM-13 will be forwarded to the Environment and Land Use Committee for review at their September  
21 6<sup>th</sup> meeting.  
22

23 Mr. Thorsland stated that the Board will now take a five minute recess.  
24

25 **The Board recessed at 8:00 p.m.**  
26 **The Board resumed at 8:06 p.m.**  
27

28 Mr. Thorsland stated that the Board will now hear Case 685-AT-11.  
29

30 **Case 685-AT-11 Petitioner: Champaign County Zoning Administrator. Request to amend the**  
31 **Champaign County Zoning Ordinance by revising Section 6.1 by adding standard conditions required**  
32 **for any County Board approved special use permit for a Rural Residential Development in the Rural**  
33 **Residential Overlay district as follows: (1) require that each proposed residential lot shall have an**  
34 **area equal to the minimum required lot area in the zoning district that is not in the Special Flood**  
35 **Hazard Area; (2) require a new public street to serve the proposed lots in any proposed RRO with**  
36 **more than two proposed lots that are each less than five acres in area or any RRO that does not**  
37 **comply with the standard condition for minimum driveway separation; (3) require a minimum**  
38 **driveway separation between driveways in the same development; (4) require minimum driveway**

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1 standards for any residential lot on which a dwelling may be more than 140 feet from a public street;  
2 (5) require for any proposed residential lot not served by a public water supply system and that is  
3 located in an area of limited groundwater availability or over a shallow sand and gravel aquifer other  
4 than the Mahomet Aquifer, that the petitioner shall conduct groundwater investigations and contract  
5 the services of the Illinois State Water Survey (ISWS) to conduct or provide a review of the results; (6)  
6 require for any proposed RRO in a high probability area as defined in the Illinois State Historic  
7 Preservation Agency (ISHPA) about the proposed RRO development undertaking and provide a copy  
8 of the ISHPA response; (7) require that for any proposed RRO that the petitioner shall contact the  
9 Endangered Species Program of the Illinois Department of Natural Resources and provide a copy of  
10 the agency response.

11  
12 Mr. Hall requested that Case 685-AT-11 to the September 26, 2013, meeting.

13  
14 Mr. Thorsland entertained a motion to continue Case 685-AT-11 to the September 26, 2013, meeting.

15  
16 **Mr. Passalacqua moved, seconded by Ms. Capel to continue Case 685-AT-11 to the September 26,**  
17 **2013, meeting. The motion carried by voice vote.**

18  
19 Mr. Thorsland stated that the Board will now hear Case 732-AT-12.

20  
21 **Case 732-AT-12 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
22 **Ordinance as follows: Part A. Revise paragraph 7.1.2B. as follows: (1) Strike “non-family” and**  
23 **replace with “non-resident”; and (2) Revise subparagraph 7.1.2B.i. to strike “five acres” and replace**  
24 **with “two acres in area”; and renumber the subparagraph to 7.1.2B.(1); and (3) Revise**  
25 **subparagraph 7.1.2B.ii to strike “five acres” and replace with “that are two acres in area”; add the**  
26 **phrase “and provided that”; and renumber the subparagraph to 7.1.2B.(2); and (4) Add new**  
27 **subparagraph 7.1.2B.(3) to authorized that all employees may be present and working on the**  
28 **premises for no more than 5 days with any 30 day period due to inclement weather or as necessitated**  
29 **by other business considerations; and (5) Add new subparagraph 7.1.sB.(4) to authorize that family**  
30 **members who are residents of the property when the HOME OCCUPATION is operating but whom**  
31 **subsequently move from the premises may remain active in the HOME OCCUPATION and shall not**  
32 **be counted as a non-resident employee as long as their participation in the HOME OCCUPATION**  
33 **continues. Part B. Revise paragraph 7.1.2E. as follows: (1) Strike “Second Division vehicle as**  
34 **defined by the Illinois Vehicle Code” and replace with “MOTOR VEHICLES”; and add the phrase**  
35 **“and parked at”. (2) Add new subparagraph 7.1.2E(1) to require that the number of MOTOR**  
36 **VEHICLES and licensed trailers displaying the name of the RURAL HOME OCCUPATION or used**  
37 **in any way for the RURAL HOME OCCUPATION shall be within the limits established. (3)**  
38 **Renumber subparagraph 7.1.2E.i.to be 7.1.2E.(2) and strike “vehicles over 8,000 gross weight” and**

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1 replace with “MOTOR VEHICLES that are either a truck tractor and/or a MOTOR VEHICLE with  
2 tandem axles, both as defined by the Illinois Vehicle Code (625 ILCS 5/1 et seq)”; and add the phrase  
3 “and all MOTOR VEHICLE loads and weights shall conform to the Illinois Vehicle Code (625 ILCS  
4 5/15-111)”. (4) Renumber subparagraph 7.1.2E.ii. to be 7.1.2E.(3) and strike “vehicles” and replace  
5 with “MOTOR VEHICLES”; and strike “vehicles under 8,000 lbs. gross vehicle weight”; and insert  
6 “licensed”; and strike “and off-road vehicles”; and insert the phrase “or owner”. (5) Renumber  
7 subparagraph 7.1.2E.(4)(a) to require that no more than 1 motor vehicle may be parked outdoors less  
8 than five feet from a side or rear property line or less than 10 feet from a front property line; and (b)  
9 Add subparagraph 7.1.2E.(4)(b) to require that outdoor parking for more than one motor vehicle shall  
10 be no less than 50 feet from any lot line and no less than 100 feet from any offsite dwelling; and (c)  
11 Add subparagraph 7.1.2E.(4)(c) to require that outdoor parking for more than one motor vehicle that  
12 does not meet certain requirements shall be at least 10 feet from any lot line and be screened. (6) Add  
13 subparagraph 7.1.2E.(5) to require that paragraphs 7.1.2E. and 7.1.2F. apply to all new RURAL  
14 HOME OCCUPATION and to any expansion of a RURAL HOME OCCUPATION that is filed after  
15 September 1, 2012. (7) Add subparagraph 7.1.2E.(6)(a) and (b) to require the following: (a) Any  
16 MOTOR VEHICLE or licensed trailer or piece of equipment that was included on an application for  
17 a RURAL HOME OCCUPATION that was received before September 1, 2012, may continue to be  
18 used provided that the total number of vehicles are not more than 10 and no more than 3 may be  
19 truck tractors or MOTOR VEHICLES with tandem axles as defined by the Illinois Vehicle Code; (b)  
20 Any RURAL HOME OCCUPATION that complies with 7.1.2E.(6) shall be authorized to have the  
21 same number of motor vehicles or licensed trailers or pieces of equipment as long as it continues in  
22 business at that location and any MOTOR VEHICLE or licensed trailer or piece of equipment may  
23 be replaced with a similar motor vehicle or licensed trailer or piece of equipment. Part C. Add new  
24 paragraph 7.1.2F. as follows: (1) Limit the number of motorized or non-motorized complete pieces of  
25 non-farm equipment in outdoor storage to 10 complete pieces, provided that the number of pieces of  
26 equipment that may be in outdoor storage shall be reduced by the number of MOTOR VEHICLES  
27 and licensed trailers that are also parked outdoors; and (2) Require that equipment in outdoor  
28 storage meet the same separations required for MOTOR VEHICLES in 7.1.2E.(4)(b) and  
29 7.1.2E.(4)(c). Part D. Revise paragraph 7.1.2H. to require that more than four vehicles for patrons  
30 and onsite employees shall be screened; and also provide that loading berths are not required for  
31 RURAL HOME OCCUPATIONS. Part E. Revise paragraph 7.1.2K. as follows: (1) Add the phrase  
32 “for other than equipment used in any RURAL HOME OCCUPATION”; and strike the phrase  
33 “screened as provided by Section 7.6, and replace with the phrase “shall be provided as follows:” (2)  
34 Add subparagraph 7.1.2K.(1) to require that no outdoor storage be located in any required off street  
35 parking spaces; and (3) Add subparagraph 7.1.2K.(2) to require screening if outdoor storage occurs  
36 in any yard within 1,000 feet of certain specified uses of surrounding property.

37  
38 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must

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1 sign the witness register for that public hearing. He reminded the audience that when they sign the  
2 witness register they are signing an oath.

3  
4 Mr. Thorsland asked the petitioner if he would like to make a brief statement outlining the nature of the  
5 request prior to introducing new evidence.

6  
7 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated August 15, 2013,  
8 to the Board for review. He said that staff tried to imagine the smallest RHO and what it would mean and it  
9 was then that he realized that even one piece of equipment needs to be screened. He said that if there is a  
10 small RHO with one piece of equipment, does the equipment need to be screened if four vehicles do not  
11 need to be screened. He said that he took an informal survey in the office and found that if someone could  
12 have four vehicles that are not screened then a small RHO should be able to have two pieces of equipment  
13 that each is less than 15,000 pounds should also not require screening. He said that in the materials attached  
14 to tonight's memorandum staff has added a revision for subparagraph 7.1.2 F. 4. B. as follows: b. When  
15 there are no more than two complete pieces of equipment (each weighing less than 15,000 pounds gross  
16 weight), in which case no SCREEN is required unless the total number of MOTOR VEHICLES (each  
17 weighing less than 15,000 pounds gross vehicle weight) and equipment is more than four in which case the  
18 required SCREEN shall be as required by 7.1.2 E.4.c. He said that for vehicles over 15,000 pounds even one  
19 vehicle must be screened. He said that staff thought that this provision would help small RHOs and at the  
20 same time should not harm neighbors.

21  
22 Mr. Hall stated that in regards to the RHO Parking Requirements one thing that Section 7.4 includes is the  
23 provision that parking for any "industrial use" needs to be "...surfaced with an all-weather dustless material"  
24 which will be oil and chip at the least. He said that the RHO parking refers to Section 7.4 and one of the bad  
25 things about Section 7.4 is that it provides no way to determine what is an "industrial use." He said that  
26 theoretically we could have been requiring RHOs to actually pave their parking areas but we haven't and it is  
27 time to bring the Ordinance into line with practice. He said that staff has added a new provision  
28 7.1.2E.4.c.(4) which states as follows: The requirements of Section 7.4 notwithstanding, paragraph 7.4.1 D.  
29 2. shall not be applicable to any parking at a RURAL HOME OCCUPATION. He said that this changes the  
30 technical parts of the Ordinance but it does not change how we operate. He said that another thing about  
31 Section 4 is that it is extraordinarily poorly done and when we refer to Section 7.4 it does not help anyone  
32 because it doesn't provide any guidance for the Zoning Administrator or the landowner regarding parking  
33 requirements for an RHO. He said that we have been doing this since 1993 and it has gotten staff into a  
34 disagreement and at some time the entire Section of 7.4 should be amended.

35  
36 Mr. Hall stated that attached are revised versions of the amendment both annotated and non-annotated and  
37 the total revised Section 7.1.2. reflects the changes that he just reviewed. He said that also attached is the  
38 handout which indicates the changes with underlining and includes the requirement for exterior lighting,

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1 which is Case 756-AT-13. He said that the handout has four site plans attached and Attachment D is the  
2 small RHO. He said that Attachment D indicates a dwelling with four parking spaces and two of the parking  
3 spaces could be for equipment and one could be for the paved accessible parking. He said that the accessible  
4 parking is required unless a letter from Doug Gamble, Illinois Capital Development Board, indicates that it is  
5 not required. Mr. Hall stated that one thing that the Board should do is review the site plan notes because  
6 staff realized that they are attempting to be helpful with the site plan examples but unless they are completed  
7 perfect someone could be mislead or suggest that something is required when it truly is not. He said that  
8 staff if not intending to mislead anyone and he is not sure that staff has done a good enough job with the  
9 examples therefore if the Board sees something which requires a comment staff would appreciate it if the  
10 Board would notify staff. He said that staff believes that they have revised the example site plan to point out  
11 when something is not required and is merely optional, for example item #3 discusses screening. He said  
12 that site plan C is probably the most developed site plan because it is the one with the accessory building and  
13 outdoor storage and incorporates exterior lighting and a note about a sign.

14  
15 Mr. Passalacqua stated that he is not sure that site plan B is a great example because the egress point into the  
16 screened lot would be difficult with a truck and tractor.

17  
18 Mr. Hall stated that he is aware of one RHO that has semi-trucks and in that situation the driveway is  
19 centered on the area where they store the trucks and the house is off to the side. He said that staff can revise  
20 the site plan.

21  
22 Mr. Passalacqua stated that he does not want to give someone an example that will not work.

23  
24 Mr. Hall stated that he will not encourage anyone to install extra driveway openings for their RHO.

25  
26 Mr. Passalacqua stated that the site plan does indicate the septic field and the screening.

27  
28 Mr. Hall stated that he will revise the site plan. He said that the new application form has been previously  
29 reviewed by the Board but staff added items #13 and 15.J regarding exterior lighting but if Case 756-AT-13  
30 is not approved those items will be deleted. He said that one of the reasons why this case has taken so long  
31 is because staff has never taken the luxury of doing this in the context of a text amendment and have always  
32 waited until something gets approved and then scramble around and cobble something together. He said that  
33 doing this in the context of a text amendment adds at least two months to the text amendment and it is time  
34 well spent and should always be done in this way. He said that the Board received an updated Finding of  
35 Fact for this case and the interesting thing about this text amendment is that it does not relate to the LRMP  
36 but is related to some of the purpose statements and common sense improvement of the Zoning Ordinance.  
37 He said that he does not anticipate final action tonight because there are three or four pages of new evidence  
38 that the Board should review. He said that staff has taken a different approach to the Summary Finding of

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1 Fact and the new evidence under item #17 is pretty much non-subjective in how the proposed text  
2 amendment will improve the Zoning Ordinance.

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

5  
6 Mr. Thorsland called John Collins to testify.

7  
8 Mr. John Collins, who resides at 893 CR 2185N, Champaign, asked how this proposed amendment will  
9 affect him. He said that he and his father live in a rural community and even though they do not farm they  
10 do own and maintain a section of farm ground and they are hobbyists. He said that he and his father  
11 purchase vehicles and they play with them and they may keep the vehicles or sell them or do something else  
12 with them. He said that they purchase tractors, trucks, and cars and they fix them up and they play with  
13 them. He said that he and his father do park some of the vehicles outside and they do have a number of  
14 construction equipment items that also sit outside and are used to maintain their farm and their neighbor's  
15 farm. He said that he has a large forklift, backhoe, and three tractors and a lot of implements. He said that  
16 his father has gotten into the habit of purchasing box trailers/containers for storage. He asked how the  
17 proposed amendment will affect him and his father because they are not a business but are private  
18 individuals who collect items on their farm lot.

19  
20 Mr. Hall stated that we have had a similar situation just outside of Urbana in the past couple of years and the  
21 landowner collected construction vehicles and had a nice rectangular area where he stored them. Mr. Hall  
22 stated that when the office started getting complaints his approach with that individual was that he  
23 understood that the landowner was not running a business but it appears as a business because he had  
24 everything that a business would have. He said that even though the landowner was not a business, under  
25 the terms of the Zoning Ordinance, the landowner still has to operate it under the confines of what a business  
26 would have to operate. Mr. Hall stated that the office has never received a complaint about Mr. Collin's  
27 property but if the office did he would know that Mr. Collins does not collect these things as a business but  
28 yet when he sees a forklift, tractors, etc., it would appear as a business. He said that an off-road forklift,  
29 under the proposed amendment, would be considered equipment and if there were no more than two pieces  
30 of equipment they could be considered and grouped with the vehicles and any vehicle over 15,000 pounds  
31 needs to be screened. He said that the screening can be anything that is eight feet tall and is opaque, a fence,  
32 landscaping, an earth berm, some combination.

33  
34 Mr. Thorsland asked if the box trailers/containers could be used for screening.

35  
36 Mr. Hall stated that containers are fine but they are another form of building.

37  
38 Mr. Passalacqua stated that he does not agree that it is good to have junk stored behind trailers.

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1  
2 Mr. Hall stated that the items can be no closer than the side yard to the property line. He said that staff  
3 would rather have containers out there than a bunch of stuff.  
4

5 Mr. Collins stated that the proposed amendment appears to be too restrictive. He said that there have been  
6 several situations which have been called an RHO because they have a couple of machine sheds that they run  
7 a 20 year old business out of and suddenly a new subdivision is built next to the RHO property and  
8 complaints are received by new adjacent landowners. He asked if existing facilities will have to conform to  
9 the new amendment.  
10

11 Mr. Hall stated that this amendment is revising a rule that was adopted in 1993 and the 1993 amendment  
12 revised an amendment that was adopted in 1973. He said that there have been rules for home occupations  
13 since 1973 and they have only gotten less restrictive since day one even though there are many people who  
14 would disagree with him. He said that the handout shows a home occupation that can have three semi-trucks  
15 and ten trailers.  
16

17 Mr. Collins stated that he reviewed the site plans.  
18

19 Mr. Hall stated that example C indicates a one acre lot and there are basically a little less than one-half of the  
20 lot devoted to a business therefore he does not know how someone could look at that and call it too  
21 restrictive but he does know that some neighbors would look at it and call it crazy.  
22

23 Mr. Collins stated that it depends on what side of the fence you are on.  
24

25 Mr. Hall stated that when someone indicates that the proposed amendment is too restrictive he has no idea  
26 what they are reacting to therefore he has no idea what to change. He said that finally he gained some insight  
27 which made him wonder if screening should be required for every piece of equipment and he does not  
28 believe that it should be required therefore that is what he is recommending.  
29

30 Mr. Collins stated that he is looking at this amendment from his perspective. He said that he and his father  
31 do not plan to inflict any harm upon anyone but they would like to be able to continue what they are  
32 currently doing on their property.  
33

34 Mr. Hall stated that maybe neighbors would accept a higher threshold for someone that they know is a  
35 hobbyist rather than someone who runs a business with these things. He said that such a change appears  
36 reasonable but he does not know how to structure it so that a business would have to meet this standard or  
37 maybe this standard and a hobbyist could do a little bit more. He said that it would have to be justified on  
38 the basis that a hobbyist just never would have the same kind of noise, odor and sounds that a business

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1 would have.

2

3 Mr. Collins stated that he and his father are not out there seven days a week from 6 a.m. to midnight making  
4 noise. He said that they may be out there on a Sunday from 6 a.m. to midnight making a little noise and  
5 creating a little dust.

6

7 Mr. Thorsland asked Mr. Collins if he considered his activities to be agriculture.

8

9 Mr. Collins stated that he believes that he is considered agriculture.

10

11 Mr. Thorsland asked if there is a reason why Mr. Collins' items do not fall under the agricultural exemption.  
12 He said that Mr. Collins does have a farm parcel and all of his equipment could be used on the farm.

13

14 Mr. Hall stated that he could not rule that out.

15

16 Mr. Collins stated that he knows that Mr. Malloch has had a lot of issues with neighbors.

17

18 Mr. Thorsland stated that he was at the Malloch property when a lot of the equipment went under water and  
19 that is when he was asked to relocate his items because there was a lot of oil in the water due to the  
20 equipment.

21

22 Mr. Collins stated that he can see having restrictions to keep something like that from occurring.

23

24 Mr. Thorsland stated that during his childhood years there was a 35 year long one-half mile race track that a  
25 developer created a subdivision next to and there was also an airport nearby. He said that within 15 years the  
26 race track and the airport were shut down because the people in the new subdivision did not enjoy their  
27 existence. He said that this is all complaint based and hopefully if Mr. Collins does everything well in  
28 having fun the neighbors do not complain. He said that there is a different threshold of what people consider  
29 annoying especially if the neighbors have lived there for a long time and they understand what is occurring  
30 on the property. He said that he personally believes that Mr. Collins' operation would fall under agriculture.

31

32 Mr. Passalacqua asked Mr. Collins if he has two separate parcels.

33

34 Mr. Collins stated yes.

35

36 Mr. Passalacqua asked Mr. Collins how many pieces of equipment are on the properties.

37

38 Mr. Collins stated that he has four pieces of equipment that actually run, two pieces are being repaired and

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1 approximately 12 attachments. He said that the two being repaired is an old dump truck and a Dodge  
2 paneled van.

3  
4 Mr. Passalacqua stated that since this is complaint driven he can understand why Mr. Collins is voicing  
5 concerns. He asked if no complaints are received is a property fine in being noncompliant.

6  
7 Mr. Hall stated no. He said that the department is largely complaint driven under the Nuisance Ordinance  
8 but we are not simply complaint driven under the Zoning Ordinance. He said that the reality is that staff will  
9 only become aware of something if someone complains. He said that he can not stress enough that staff does  
10 not have time to investigate everything that receives a complaint.

11  
12 Mr. Passalacqua asked Mr. Collins if he knows the consensus of the neighbors in regards to what he does on  
13 his property. He asked Mr. Collins if he believes that someone is ready to complain about his activities.

14  
15 Mr. Collins stated no. He said that he has a good relationship with all of his neighbors because some of his  
16 equipment assists them with their driveways during the winter months.

17  
18 Mr. Passalacqua stated that he appreciates Mr. Collins concerns but the only advice that he can offer is that  
19 Mr. Collins continue to be a good neighbor so that no complaints are filed regarding his activities on his  
20 property.

21  
22 Mr. Thorsland stated that he agrees with Mr. Passalacqua. He said that personally he has tried to purchase as  
23 much land as possible around his home so that he can keep neighbors as far away as possible. He said that  
24 he agrees with Mr. Hall that the proposed amendment is less restrictive and a lot of it was based upon  
25 testimony from people who are in a similar situation as Mr. Collins. He said that the proposed amendment is  
26 very detailed and many examples are being provided but the existing Ordinance is a lot more restrictive and  
27 if Mr. Collins decided to turn his hobby into a business it would be a lot easier to do with the new  
28 amendment than with the existing requirements.

29  
30 Mr. Randol asked where the line is drawn between a farmer who has 40 acres and 20 pieces of farm  
31 equipment sitting on his property and a non-farm property owner who is a hobbyist. He asked if because the  
32 farmer is agricultural the use of his property is excused.

33  
34 Mr. Hall stated that there is no limit of operable agricultural equipment on a property but if it is inoperable  
35 the Nuisance Ordinance caps how much a property owner may have outdoors. He said that he has never  
36 received a complaint about someone having too much inoperable farm equipment but he does know that  
37 there are some properties in the County which neighbors could complain about if they wanted to.

38

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1 Mr. Collins stated that he agrees that any agricultural equipment that exists on the lot and are used  
2 concurrently on a agricultural property should be exempted. He asked Mr. Hall how his staff differentiates  
3 between the farmer that has a large property with four or five semi-trucks and trailers that are stored outside  
4 but in the off season the farmer uses the vehicles to haul asphalt and gravel.

5  
6 Mr. Hall stated that this is an issue which staff has struggles with since 1990 and we have not found a way  
7 yet to legalize everything like that in the County.

8  
9 Mr. Collins stated that he is not against the farmers for doing so because they are doing whatever they have  
10 to do to survive or prosper. He said that he also believes in the clause, "I was here first" as in the case of Mr.  
11 Thorsland's story about the race track and airport existing prior to the subdivision. He said that he does live  
12 close to a rural subdivision that his grandfather created years ago and he does try to maintain a good  
13 relationship with his neighbors but what happens when a new neighbor moves into the subdivision and they  
14 do not like his current use of his property. Mr. Collins stated that the first thing that he is going to tell the  
15 complaining neighbor is that his family has lived here for over 100 years and they have been doing the same  
16 practices for the same period of time therefore live with it.

17  
18 Mr. Hall stated that the only thing that the Zoning Ordinance gives priority to in regards to "first come first  
19 serve" is in the case of a use that was approved by a Special Use Permit. He said that as long as the property  
20 owner operates within the constraints of the special use and how it was approved it doesn't matter whether  
21 the adjacent neighbors are unhappy or not and even if the County Board would change the Zoning Ordinance  
22 the approved use would still be allowed.

23  
24 Mr. Collins asked if some of this is driven upon the creation of too much noise, traffic, etc.

25  
26 Mr. Hall stated that traffic is obviously related to the vehicle code for weight limits and none of the standards  
27 are based on noise because noise is a hard thing to get a handle on. He said that the Zoning Board itself  
28 decided to include the lighting so that they could reduce that level of uses by requiring better lighting for the  
29 businesses.

30  
31 Mr. Collins stated that he does agree with the lighting requirements.

32  
33 Mr. Thorsland stated that the addition of the lighting requirements makes the proposed amendment  
34 consistent with new special uses. He said that nothing irritates a neighbor more than an adjacent use lighting  
35 up their house at night.

36  
37 Mr. Collins asked how this RHO differs from what the County Board approved for the L.A. Gourmet project  
38 when 80 or 90 vehicles would be at the property for events on evenings and weekends.

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1  
2 Mr. Hall stated that the RHO is very subtle in what could happen. He said that he does not recall how many  
3 employees L.A. Gourmet was going to have there but it exceeded the limits of what a RHO allows.  
4  
5 Mr. Thorsland asked if we are talking about the kitchen site or the event center.  
6  
7 Mr. Kass stated that we are talking about the event center.  
8  
9 Mr. Thorsland stated that the ZBA did another case for the kitchen site which was an RHO.  
10  
11 Mr. Hall stated that the largest RHO would allow two employees working on the site and three more could  
12 report for work off-site.  
13  
14 Mr. Collins asked how that would work when both sites are in Champaign County.  
15  
16 Mr. Hall stated that the sites are at different locations on different properties. He said that by nature since it  
17 is an RHO the other site is not going to be next door and must be somewhere other than the AG-1 District.  
18 He said that the property in the AG-1 or the AG-2 District could only have two employees and he cannot tell  
19 anyone how much smaller something like the event center would have to be but he would guess that it could  
20 be no more than half that size if it was going to be run by the resident family members who reside on the  
21 property plus no more than two other employees. He said that he cannot give Mr. Collins an idea in scale  
22 but something like that would not be feasible but we will all be surprised someday as to how big something  
23 like that could be because every now and then staff will receive a home occupation application that surprises  
24 staff in realizing that something that large really could be approved and conducted as a home occupation.  
25  
26 Mr. Collins stated that he was just wondering what the difference is between the RHO and what L.A.  
27 Gourmet is doing on their property.  
28  
29 Mr. Hall stated that principally it is the number of employees.  
30  
31 Mr. Passalacqua asked if Mr. Collins is a collector/hobbyist and a drive-by inspection appears to be a  
32 business what would Mr. Collins have to do for an RHO.  
33  
34 Mr. Hall stated that he would have to provide screening.  
35  
36 Mr. Collins stated that what he does on his property is not covered by the RHO and his only issue is possibly  
37 the Nuisance Ordinance.  
38

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1 Mr. Hall stated that he is not familiar with what all Mr. Collins has going on at his property but it sounds like  
2 most of it is agriculture. He said that someone not doing a business but has things on their property that  
3 appear as a business and if those things exceed the number of vehicles or equipment then those items would  
4 have to be in line with the RHO requirements.

5  
6 Mr. Passalacqua stated that basically it would come down to what could be stored outside and what is stored  
7 outside would require screening.

8  
9 Mr. Hall stated yes.

10  
11 Mr. Passalacqua asked Mr. Collins if he currently has any screening on his property.

12  
13 Mr. Collins stated that he parks equipment behind buildings or along the tree line. He said that he would  
14 like to see something that is not operated as a business to be exempt from the RHO and just be subject to the  
15 Nuisance Ordinance. He said that if does want to operate a business in the rural area there are ways that he  
16 is supposed to do it correctly.

17  
18 Mr. Passalacqua stated that if Mr. Collins has buildings that he is storing equipment behind he is probably in  
19 compliance already.

20  
21 Mr. Collins stated that the RHO requirements indicate only one sign placement. He asked if the requirement  
22 included someone's name on a piece of equipment.

23  
24 Mr. Hall stated no. He said that someone could have their name placed on every piece of equipment which  
25 is larger than a sign and the County Board is not concerned.

26  
27 Mr. Collins stated that he is a member of the Hensley Township Plan Commission, which he is not  
28 representing tonight , and he did not receive any information regarding this case but the case was brought up  
29 before the Hensley Township Board. He said that tonight is the first night that he has had an opportunity to  
30 review the information and as a resident of Champaign County he feels that the proposed RHO requirements  
31 are too restrictive in regards to the number of vehicles, screening, size of lots, etc.

32  
33 Mr. Hall stated that Mr. Collins would have received notice of this case in January of 2013. He asked Mr.  
34 Collins if his township would like to have more time to consider this case.

35  
36 Mr. Collins stated yes.

37  
38 Mr. Kass stated that Ben McCall is the contact person for the Hensley Township Plan Commission. He said

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1 that the Hensley Township Supervisor was also notified of the case.  
2  
3 Mr. Collins stated that there have been some new members added to the Plan Commission.  
4  
5 Mr. Thorsland stated that by signing the witness register he will now receive any future mailings regarding  
6 this case.  
7  
8 Mr. Thorsland asked the Board if there were any questions for Mr. Collins and there were none.  
9  
10 Mr. Thorsland asked if staff had any questions for Mr. Collins and there were none.  
11  
12 Mr. Thorsland stated that the Board should review all of the new information that has been presented  
13 tonight.  
14  
15 Mr. Thorsland asked Mr. Hall for a continuance date.  
16  
17 Mr. Hall requested that Case 732-AT-12 be continued to the September 26, 2013, meeting.  
18  
19 Mr. Thorsland entertained a motion to continue Case 732-AT-12 to the September 26, 2013, meeting.  
20  
21 **Ms. Capel moved, seconded by Mr. Palmgren to continue Case 732-AT-12 to the September 26, 2013,**  
22 **meeting. The motion carried by voice vote.**  
23  
24 Mr. Thorsland stated that the Board will now hear Case 756-AT-13.  
25  
26 **Case 756-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**  
27 **Champaign County Zoning Ordinance as follows: Amend paragraph 7.1.2K to add a requirement**  
28 **that any new RURAL HOME OCCUPATION with any outdoor storage area or outdoor operations**  
29 **area that is lighted or any wholly new outdoor storage area or wholly new outdoor operations area**  
30 **that is lighted that is added to any existing RURAL HOME OCCUPATION, shall have exterior**  
31 **lighting that is full-cutoff type lighting fixtures with limited light output and other relevant**  
32 **restrictions.**  
33  
34 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must  
35 sign the witness register for that public hearing. He reminded the audience that when they sign the  
36 witness register they are signing an oath.  
37  
38 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

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1  
2 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated August 15,  
3 2013, for the Board's review. He said that the memorandum indicates a change to the proposed amendment  
4 because the Board had originally expressed an interest that exterior lighting for outdoor storage and/or  
5 operations was necessary and staff extended it into the parking area. He said that as he has been working on  
6 bringing Case 732-AT-12 up to what the Board reviewed earlier he wondered if the Board believes that  
7 exterior lighting on a new building that is part of a RHO should also be full-cutoff, if it is just a security  
8 light.

9  
10 Mr. Passalacqua asked if this means after hours no lighting issues.

11  
12 Mr. Hall stated yes.

13  
14 Mr. Hall stated that this modest expansion was not included in the legal therefore if the Board feels that it is  
15 necessary then the case should be re-advertised.

16  
17 Mr. Passalacqua stated that the Board has had a lot of support for full cut-off in the rural areas because of the  
18 dark skies.

19  
20 Mr. Hall stated yes.

21  
22 Mr. Thorsland asked the Board if they wanted to include the modest expansion and if so does the Board want  
23 to re-advertise the case.

24  
25 Mr. Passalacqua stated he believes that the modest expansion should be added but he does not know if it the  
26 case needs to be re-advertised.

27  
28 Mr. Hall stated that right now if this amendment went to the County Board like this and someone walked in  
29 to the County Board meeting and said that what they are approving is not what was advertised then there will  
30 be a problem.

31  
32 The consensus of the Board was to include the modest expansion and re-advertise Case 756-AT-13.

33  
34 Mr. Hall stated that another thing that staff did with this change was manage to eliminate some lines of text  
35 just by simplifying it. He said that between now and when the case comes back he would appreciate it if the  
36 Board would see if they liked the way that staff has tried to cut out lines of text.

37  
38 Mr. Thorsland entertained a motion to continue Case 756-AT-13 to the September 26, 2013, meeting.

1  
 2 **Mr. Passalacqua moved, seconded by Mr. Palmgren to continue Case 756-AT-13 to the September 26,**  
 3 **2013, meeting. The motion carried by voice vote.**

4  
 5 Mr. Thorsland stated that the Board will now hear new public hearing Case 761-AT-13.

6  
 7 **6. New Public Hearings**

8  
 9 **Case 761-AT-13 Petitioner: Champaign County Zoning Administrator Request to amend the**  
 10 **Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and**  
 11 **Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and**  
 12 **subsection 5.4, as follows: Part A. Revise Table A in Appendix A of the Champaign County LESA**  
 13 **System to correct certain non-best prime farmland soil data and reclassify those soils to appropriate**  
 14 **Agriculture Value Groups as necessary. Part B. Revise Table A in Appendix A of the Champaign**  
 15 **County LESA System to revise the Farmland Classification category to be consistent with the USDA**  
 16 **Natural Resource Conservation Service “Farmland Classification” categories.**

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

21  
 22 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

23  
 24 Mr. John Hall, Zoning Administrator, stated that this is not a ground breaking text amendment. He said that  
 25 the new LESA was adopted within the last year and during the preparation of the new LESA staff had  
 26 consulted with the, State Soil Scientist with the USDA Natural Resource Conservation Service. Mr. Hall  
 27 said that after the LESA was adopted a copy was sent to the USDA/NRCS for their files. He said that the  
 28 new Soil Scientist with the USDA/NRCS reviewed it and read their own soil data that the County had used  
 29 and determined that they had bad soil data available to the public. He said that the bad soil data did not  
 30 affect any of the best prime farmland soils but it affected soils with an LE as high as 85 although it did not  
 31 change any of their productivity indices or the relative LE and only changed the LE for one soil and that was  
 32 Muskego Silty Clay Loam which is the one true muck soil that we have in the County and there is less than  
 33 50 acres in the whole County. He said that this is the soil that they built the wetland on up at the Middle  
 34 Fork Park because it is the best soil for the wetlands because it is a muck. He said that since it changed the  
 35 LE on that one soil it could conceivably change a best prime farmland determination on a property that has  
 36 that soil. He said that when the Board reviews the Summary Finding of Fact the Board will see that there are  
 37 a lot of LRMP objectives that staff is recommending that this amendment will help achieve and that is  
 38 because it could affect a best prime farmland determination and so many of the LRMP objectives are related

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1 to best prime farmland.

2  
3 Mr. Thorsland asked Mr. Hall that by stating effecting he means the LESA score.

4  
5 Mr. Hall stated that it would probably lower the LESA score. He said that staff is being a little obsessive  
6 with this but it is precisely because staff does not want to give anyone the chance to come in and say that we  
7 are not being careful enough with this amendment. He said that we know that the LESA is defective and this  
8 amendment will correct it and he doesn't believe that it is likely that it will ever affect a case that will come  
9 before this Board but there is that chance.

10  
11 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

12  
13 Mr. Thorsland stated that the Board should turn to the Summary Finding of Fact on page 18 of the Draft  
14 Finding of Fact and Final Determination dated August 15, 2013. He said that there are no decision points for  
15 the Board unless they disagree with staff's recommendations and if the Board is happy with the Summary of  
16 Evidence the Board can move forward without making any revisions. He said that he will not read the entire  
17 Summary of Evidence because it will be included in the record.

18  
19 **Summary Finding of Fact for Case 761-AT-13:**

20  
21 From the documents of record and the testimony and exhibits received at the public hearing conducted  
22 on, **August 15, 2013**, the Zoning Board of Appeals of Champaign County finds that:

23  
24 1. The proposed text amendment will **HELP ACHIEVE** the Land Resource Management Plan  
25 because of the following (objectives and policies are very briefly summarized):

26 A. The proposed text amendment will **HELP ACHIEVE** the following LRMP goals:

27  
28 **Goal 4 Agriculture** because while it will either not impede or is not relevant to the other  
29 Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- 30 • Objective **4.1 requiring minimization of the fragmentation of farmland, conservation**  
31 **of farmland, and stringent development standards on best prime farmland** because it  
32 will **HELP ACHIEVE** the following:
  - 33 • Policy **4.1.1 requiring that other land uses only be accommodated under very**  
34 **restricted conditions or in areas of less productive soils (see Item 9.A.(1)).**
  - 35 • Policy **4.1.5 requiring the County to allow landowner by right development that is**  
36 **proportionate to tract size on lots that are greater than 5 acres in area (see Item**  
37 **9.A.(2)).**

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- 1 • Policy 4.1.6 requiring that the use, design, site and location are consistent with
- 2 policies regarding suitability, adequacy of infrastructure and public services,
- 3 conflict with agriculture, conversion of farmland, and disturbance of natural areas
- 4 (see Item 9.A.(3)).
- 5 • Policy 4.1.7 requiring a maximum lot size on new lots established by right on best
- 6 prime farmland (see Item 9.A.(4)).
- 7 • Policy 4.1.8 requiring the County to consider LESA ratings when making land use
- 8 decisions regarding a discretionary development (see Item 9.A.(5)).
- 9
- 10 • Objective 4.3 requiring any discretionary development to be on a suitable site
- 11 because it will **HELP ACHIEVE** the following:
- 12 • Policy 4.3.2 requiring a proposed business in a rural area to support agriculture or
- 13 provide a service that is better provided in the rural area (see Item 9.B.(1)).
- 14 • Policy 4.3.5 requiring any business on best prime farmland to be appropriate in a
- 15 rural area and on a site that is well suited (see Item 9.B.(2)).
- 16
- 17 • It will **HELP ACHIEVE** Objective 4.5 requiring the County to review the Site
- 18 Assessment portion of the LESA for possible updates (see Item 9.C.).
- 19
- 20 **Goal 5 Urban Land Use** because while it will either not impede or is not relevant to the other
- 21 Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:
- 22 • Objective 5.1 ensure that the population growth and economic development is
- 23 accommodated by new urban development in or adjacent to existing population
- 24 centers because it will **HELP ACHIEVE** the following:
- 25 • Policy 5.1.4 requiring that discretionary development outside of the CUGA, but
- 26 within an ETJ to be consistent with the municipal comprehensive plan, if the site is
- 27 best prime farmland it must be well-suited, and the development is consistent with
- 28 the LRMP (see Item 10.A.(1)).
- 29 • Policy 5.1.9 requiring discretionary development that is located within an ETJ and
- 30 subject to an annexation agreement to undergo a coordinated municipal and
- 31 County review process (see Item 10.A.(2)).
- 32
- 33 • Objective 5.2 encourage any urban development to demonstrate good stewardship of
- 34 natural resources because it will **HELP ACHIEVE** the following:
- 35 • Policy 5.2.2 ensure that urban development on best prime farmland is efficiently
- 36 designed to avoid unnecessary conversion and encourage other jurisdictions to do
- 37 the same (Item 10.B.(1)).
- 38

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- 1       **Goal 8 Natural Resources** because while it will either not impede or is not relevant to the  
2 other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:
- 3       • Objective **8.1 requiring the County to ensure adequate and safe supplies of**  
4       **groundwater** because it will **HELP ACHIEVE** the following:
    - 5       • Policy **8.1.1 requiring the County to ensure that a proposed discretionary**  
6       **development will have an adequate supply of water for the proposed use (see Item**  
7       **13.A.(1)).**
    - 8       • Policy **8.1.5 requiring the County to ensure that groundwater contributions to**  
9       **natural surface hydrology are not disrupted by discretionary development (see**  
10       **Item 13.A.(2)).**
  - 11
  - 12       • Objective **8.2 requiring the County to conserve its soil resources to provide the**  
13       **greatest benefit to current and future generations** because it will **HELP ACHIEVE** the  
14       following:
    - 15       • Policy **8.2.1 requiring the County to minimize the destruction of its soil resources by**  
16       **non-agricultural development and will give special consideration to best prime**  
17       **farmland (see Item 13.B.(1)).**
  - 18
  - 19       • Objective **8.4 requiring the County to ensure that new development and ongoing**  
20       **land management practices maintain and improve surface water quality** because it  
21       will **HELP ACHIEVE** the following:
    - 22       • Policy **8.4.1 requiring the County to incorporate the recommendations of adopted**  
23       **watershed plans in discretionary review of new development (see Item 13.C.(1)).**
  - 24
  - 25       • Objective **8.5 requiring the County to encourage the maintenance and enhancement**  
26       **of aquatic and riparian habitats** because it will **HELP ACHIEVE** the following:
    - 27       • Policy **8.5.1 requiring discretionary development to preserve existing habitat,**  
28       **enhance degraded habitat and restore habitat (see Item 13.D.(1)).**
    - 29       • Policy **8.5.2 requiring discretionary development to cause no more than minimal**  
30       **disturbance to the stream corridor environment (see Item 13.D.(2)).**
  - 31
  - 32       • Objective **8.6 that avoids loss or degradation of habitat** because it will **HELP**  
33       **ACHIEVE** the following:
    - 34       • Policy **8.6.2 requiring new development to minimize the disturbance of habitat or to**  
35       **mitigate unavoidable disturbance of habitat (see Item 13.E.(1)).**

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- 1 • Policy **8.6.3** requiring the County to use credible sources of information to identify
- 2 **priority areas for protection, restoration, preservation or enhancement (see Item**
- 3 **13.E.(2)).**
- 4 • Policy **8.6.4** requiring implementation of IDNR recommendations for discretionary
- 5 **development sites that contain endangered or threatened species (see Item 13.E.(3)).**
- 6
- 7 • Objective **8.7** that requires the County to protect existing rural parkland and
- 8 **natural area preserves** because it will **HELP ACHIEVE** the following:
- 9 • Policy **8.7.1** requiring discretionary development to minimize the disturbance of
- 10 **natural quality, habitat value and aesthetic character of existing public and private**
- 11 **parks (see Item 13.F.(1)).**
- 12 • Policy **8.7.3** requiring discretionary development to a reasonable contribution to
- 13 **support development of parks and preserves (see Item 13.F.(2)).**
- 14
- 15 • Objective **8.8** that requires the County to encourage minimizing impacts on the
- 16 **atmosphere** because it will **HELP ACHIEVE** the following:
- 17 • Policy **8.8.1** requiring the County to require compliance with IEPA and IPCB
- 18 **standards for air quality in discretionary development (see Item 13.G.(1)).**
- 19 • Policy **8.8.2** requiring the County to identify existing source of air pollution and
- 20 **avoid locating sensitive land uses near those (see Item 13.G.(2)).**
- 21
- 22 • It will **HELP ACHIEVE** Objective **8.9** requiring the County to adopt a natural
- 23 **resources specific assessment system (see Item 13.H.).**
- 24
- 25 B. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):
- 26 • **Goal 1 Planning and Public Involvement**
- 27 • **Goal 2 Governmental Coordination**
- 28 • **Goal 6 Public Health and Public Safety**
- 29 • **Goal 7 Transportation**
- 30 • **Goal 9 Energy Conservation**
- 31
- 32 C. The proposed text amendment is **NOT RELEVANT** the following LRMP goal(s):
- 33 • **Goal 3 Prosperity**
- 34 • **Goal 10 Cultural Amenities**
- 35
- 36 2. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the
- 37 **Zoning Ordinance** because it is either not directly related to the purposes of the Zoning

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1 Ordinance or is directly related to the following purpose:

- 2 ● Protecting productive agricultural lands from haphazard and unplanned intrusions of urban uses  
3 (Purposed 2.0n.).  
4

5 3. The proposed text improvement **WILL IMPROVE the Zoning Ordinance** as follows:

- 6 ● Correct information in the LESA System to be consistent with the NRCS.  
7  
8 ● Provide updated soils data to ensure that LESA scores are being calculated correctly.  
9

10 Mr. Passalacqua stated that he has no revisions to the Summary Finding of Fact.  
11

12 Mr. Thorsland asked the Board if there were any necessary revisions to the Summary Finding of Fact and  
13 there were none.  
14

15 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary  
16 Finding of Fact as amended.  
17

18 **Mr. Passalacqua moved, seconded by Ms. Capel to adopt the Finding of Fact, Documents of Record  
19 and Summary Finding of Fact as amended. The motion carried by voice vote.**  
20

21 Mr. Thorsland entertained a motion to move to the Final Determination.  
22

23 **Mr. Palmgren moved, seconded by Ms. Capel to move to the Final Determination. The motion carried  
24 by voice vote.**  
25

26 Mr. Thorsland informed the petitioner that one Board member is absent and one Board seat is vacant  
27 therefore it is at his discretion to either continue Case 761-AT-13 until a full Board is present or request that  
28 the present Board move forward to the Final Determination. He informed the petitioner that four affirmative  
29 votes are required for approval.  
30

31 Mr. Hall requested that the present Board move to the Final Determination.  
32

33 **Final Determination for Case 761-AT-13:**  
34

35 **Mr. Passalacqua moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2  
36 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
37 determines that the Zoning Ordinance Amendment requested in Case 761-AT-13 should BE**

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1 ENACTED by the County Board in the form attached hereto.

2

3 Mr. Thorsland requested a roll call vote.

4

5 The roll was called as follows:

6

7	<b>Capel-yes</b>	<b>Miller-absent</b>	<b>Palmgren-yes</b>
8	<b>Passalacqua-yes</b>	<b>Randol-yes</b>	<b>Thorsland-yes</b>

9

10 **7. Staff Report**

11

12 None

13

14 **8. Other Business**

15 **A. Review of Docket**

16

17 Mr. Passalacqua asked staff if anyone has applied for the vacant Board seat.

18

19 Mr. Hall stated he has not received any notification of anyone applying for the vacant Board seat.

20

21 Mr. Hall asked Mr. Kass if there have been any new cases filed.

22

23 Mr. Kass stated that no new cases have been submitted since June.

24

25 Mr. Hall stated that the Board might note that in regards to Case 687-AM-11, Phillip and Sarabeth Jones, the  
 26 ZBA made a recommendation of denial, and ELUC recommended denial at their meeting in May, and then a  
 27 decision came from a pending court case that might have some bearing on that case therefore Case 687-AM-  
 28 11 was held at the County Board for two months. He said that in July the County Board sent the case back to  
 29 ELUC and on August 8<sup>th</sup> ELUC upheld the ZBA's recommendation for denial with no discussion. He said  
 30 that a lot of new information was distributed to ELUC by the petitioner which included a completely  
 31 alternative Finding of Fact with different recommendations on almost every goal. He said that the State's  
 32 Attorney has now determined that if the County Board wants to override the ZBA recommendation they can  
 33 in fact do so, if they do it in the right way which is using the evidence from the public hearing to determine a  
 34 different finding and to be fair that is what the petitioner attempted to do at the August 8<sup>th</sup> meeting. He said  
 35 that ELUC was very comfortable with the ZBA's recommendation and upheld that decision. He said that he  
 36 believes that the County Board will also uphold the ZBA's recommendation and that we will be in court for  
 37 another case very soon.

38

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1 Mr. Thorsland reminded the Board that the September 12<sup>th</sup> meeting has been cancelled.

2  
3 **9. Audience Participation with respect to matters other than cases pending before the Board**

4  
5 None

6  
7 **10. Adjournment**

8  
9 Mr. Thorsland entertained a motion to adjourn the meeting.

10  
11 **Mr. Passalacqua moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by**  
12 **voice vote.**

13  
14 The meeting adjourned at 9:11 p.m.

15  
16  
17  
18 Respectfully submitted

19  
20  
21  
22  
23 Secretary of Zoning Board of Appeals

24  
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