

CASE NO. 711-AT-12

SUPPLEMENTAL MEMORANDUM

August 30, 2012

Petitioner: Zoning Administrator

**Prepared by: John Hall, Zoning Administrator
Andrew Kass, Associate Planner**

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. In Section 3, revise the definition of “best prime farmland” as follows:

- a) **delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and**
- b) **add “prime farmland soils that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*”; and**
- c) **add “soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System”; and**
- d) **add “Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils”.**

Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

Part C. Revise paragraph 5.4.4 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

STATUS

A Draft Finding of Fact is attached. Evidence that was not included in prior memoranda is underlined and can be found on pages 7, 10, and 11.

ATTACHMENT

A Draft Finding of Fact

DRAFT

711-AT-12

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

Final Determination: **{RECOMMEND ENACTMENT/RECOMMEND DENIAL}**

Date: August 30, 2012

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- a) delete “Relative Value of 85” and “Land Evaluation rating of 85” and replace with “average Land Evaluation rating of 91 or higher”; and
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Part B. Revise Footnote 13 of Section 5.3 to strike references to “has a Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” and replace with “is made up of soils that are BEST PRIME FARMLAND”

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CONTENTS

FINDING OF FACT.....pages 2 – 11
DOCUMENTS OF RECORD.....pages 12 - 16
SUMMARY FINDING OF FACT.....page 17
FINAL DETERMINATION.....page 18
RECOMMENDED AMENDMENT..... page 19 – 20

FINDING OF FACT

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

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to reflect the recommendations of the LESA Update Committee recommendations as well as the changes in the LESA Update.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

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

The proposed amendment is not directly related to Goal 1 and is **NOT RELEVANT** to Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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

Goal 2 has two objectives and three policies. The proposed amendment is not directly related to Goal 2 but should **HELP ACHIEVE** Goal 2 because it should **HELP ACHIEVE** objective 2.1 that states that Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region, for the following reasons:

- A. The proposed amendment should **HELP ACHIEVE** objective 2.1 by the text amendment process whereby municipalities and townships with planning commissions are notified of any proposed text amendment and have the right to provide comments or even protest any text amendment.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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

Goal 3 has three objectives and no policies. The proposed amendment is not directly related to Goal 3 and is **NOT RELEVANT** to Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

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

Goal 4 has 9 objectives and 22 policies. Many of the policies under Goal 4 refer to “best prime farmland” but best prime farmland is not defined in Goal 4 and therefore the proposed amendment is **NOT RELEVANT** to Goal 4.

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

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

The proposed amendment is *NOT RELEVANT* to Goal 5 because Goal 5 relates to urban land use and a wind farm is not an urban land use.

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

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

The proposed amendment is *NOT RELEVANT* to Goal 6 in general.

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

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

The proposed amendment is *NOT RELEVANT* to Goal 7 in general.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

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

Goal 8 has 9 objectives and 36 policies. The proposed amendment should *HELP ACHIEVE* Goal 8 for the following reasons:

Objective 8.2 is the only relevant objective under Goal 8. Objective 8.2 states as follows:

Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.

The proposed Draft LESA will *HELP ACHIEVE* Objective 8.2 for the following reasons:

The only subsidiary policy under Objective 8.2 is policy 8.2.1 that reads as follows:

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

The proposed amendment will *HELP ACHIEVE* Policy 8.2.1 for the following reasons:

- A. Regarding the existing definition for “best prime farmland” as used in the Zoning Ordinance and the Land Resource Management Plan:
- (1) “Best prime farmland” as used in the Zoning Ordinance and the Land Resource Management Plan Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.
 - (2) The most productive prime farmland in the existing LESA System are the soils in Agriculture Value Group 1 (with Relative Value =100) which make up about 20.8% of the total acreage of the County in the existing LESA System.
 - (3) A memo to the LESA Update Committee dated 12/28/11 (and included as Att. P to the Preliminary Memorandum in related Case 710-AT-11) demonstrates that the existing Agriculture Value Group (AVG) 4 in the existing LESA System includes many soils with a productivity index of 130 which is approximately only 82% as productive as AVG 1. Thus, the current definition of best prime farmland applies to soils that are only 82% as productive as the most productive soils.
 - (4) The existing approach of averaging of LE values to determine what is best prime farmland means that when soils in existing Agriculture Value Groups (AVG) 5 (Relative Value (RV) =85), AVG 6 (RV=70), AVG 7 (RV=65), or AVG 8 (RV=41) are present with AVG 1 soils (RV=100) at as much as 25% to 73% of the site, the overall LE rating can easily be less than 85 and in those cases the AVG 1 soils are “at risk” of being converted to non-agricultural use in full conformance with the Zoning Ordinance and the LRMP policies. There is some degree of uncertainty in the estimation of AVG soils “at risk” because it is not known if these exact combinations of soils are even possible based on the actual geographic distribution of soils.
 - (5) The current definition of best prime farmland identifies 511,461 acres of land (about 80% of the County) as best prime farmland. Note that this acreage is from the existing LESA system and includes some acreage that is now already developed as urbanized area.
 - (6) The current definition of best prime farmland and the existing LESA system also leaves about 66,945 acres of LE=100 soils at risk of being overlooked due to the averaging of LE values under the current definition of “best prime farmland”.
- B. The subject of Zoning Case 710-AT-12 is a proposed updated LESA with a new LE analysis. Regarding the LE values in the existing LESA as compared to those in the proposed Draft LESA:
- (1) The productivity index in the existing LESA is from *Soil Productivity in Illinois*, Circular 1156, published in 1978 by the University of Illinois Cooperative Extension Service. Circular 1156 is no longer in publication and has been replaced by later bulletins.

- (2) As explained on the Illinois Department of Revenue website (see Attachment N to the Prelim. Memo.), there are two types of soil productivity index ratings for Illinois soils which are as follows:
- (a) *Average Crop, Pasture, and Forestry Productivity Ratings for Illinois Soils*, Bulletin 810, August 2000, published by the University of Illinois at Urbana-Champaign College of Agricultural, Consumer, and Environmental Sciences Office of Research. Regarding Bulletin 810:
 - Bulletin 810 contains the crop yields and productivity indices for crops under the average level of management used by all Illinois farmers for the 10 year period in the 1990's.
 - Bulletin 810 is the current source for farmland productivity under the Illinois Farmland Assessment Law.
 - (b) *Optimum Crop Productivity Ratings for Illinois Soils*, Bulletin 811, January 15, 2011, published by the University of Illinois at Urbana-Champaign College of Agricultural, Consumer, and Environmental Sciences Office of Research. Regarding Bulletin 811:
 - Bulletin 811 contains the crop yields and productivity indices for crops under the optimum level of management used by the top 16% Illinois farmers for the 10 year period in the 1990's.
 - As explained in Bulletin 811 the optimum level of management is near the level of management required for maximum profit.
- (3) The 10/04/11 LESA Update Committee memorandum included the following comments made by K.R. Olson, co-author of both Bulletin 810 and Bulletin 811, to RPC Planner Susan Monte:
- (a) Almost all of the optimum management productivity indices and crop yields in Bulletin 811 are 13% higher than the ones for average management in Bulletin 810.
 - (b) The values in Bulletin 810 represent the 10-year average crop yields for a soil with 50% of the farmers in the state with that soil getting higher crop yields and 50% lower crop yields. Tax assessors use these values.
 - (c) The crop yields in Bulletin 811 are the 10-year average crop yields that the top 16% of farmers get (which is one standard deviation above the mean value) with the other 84% getting lower yields. Land appraisers, real estate agents, and some regulatory agencies use these values.
- (4) Attachment B to the 10/4/2011 LESA Update Committee memorandum compares "average management" with "optimum management". Optimum management includes better drainage improvements and application of higher levels of basic nutrients. Optimum management will therefore have a higher operating cost.

- C. Regarding the proposed definition for “best prime farmland” as recommended by the LESA Update Committee:
- (1) The LESA Update Committee recommendation is based on the updated LE values in the Draft LESA.
 - (2) The LESA Update Committee recommendation for “best prime farmland” is as follows:

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

 - a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
 - c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
 - (3) The LESA Update Committee recommendation identifies 425,634 acres of land as best prime farmland and Attachment C to that memo indicates that only 14,708 acres of LE=100 soils would be put at risk by that recommendation. This estimate of at risk soils is based on the soil acreages outside of the existing incorporated areas (municipalities) and also outside of the “Contiguous Urban Growth Area” (or CUGA, that is identified in the Land Resource Management Plan as that part of the municipal extra-territorial area that is capable of being sewerred) and are given on page 3 of the LESA Update Committee memorandum dated 2/14/12 (included as Attachment C in this memo). This 425,634 acres is about 76.3% of all land in the County that is outside of the CUGA and existing incorporated areas.

D. Overall, the definition of “best prime farmland” recommended by the LESA Update Committee will protect about 24,165 fewer acres of prime farmland (using the acreages in Attachment B to the 12/29/11 LESA Update Committee memorandum reviewed at the 1/04/12 LESA Update Committee meeting) but will protect all prime farmland that has productivity within 90% of the highest productivity in the County (based on current soil productivity data) and will result in approximately 52,237 fewer acres of AVG 1,2,3 or 4 put at risk of loss. Therefore, the proposed amendment will **HELP ACHIEVE** Policy 8.2.1

- E. Adoption of this amendment based on the proposed definition of “best prime farmland” recommended by the LESA Update Committee will nonetheless be a change from policy 8.2.1 in the Land Resource Management Plan (LRMP) and Policy 8.2.1 should be amended to reflect this change at the next annual LRMP update.

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

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

The proposed amendment is *NOT RELEVANT* to Goal 9 in general.

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

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

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

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

The proposed amendment is not related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not related to this purpose.

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

The proposed amendment is not related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not related to this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is not related to this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is directly related to this purpose. The proposed amendment will change the existing definition of best prime farmland from soils with a Relative Value or a combination of soils with a Land Evaluation score of 85 to any combination of soils where at least 10% of the land has soils that belong to Agricultural Value groups 1, 2, 3, and 4 or has a Land Evaluation score of 91.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not related to this purpose.

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

The proposed amendment is not related to this purpose.

REGARDING OTHER RELEVANT EVIDENCE

17. The proposed text amendment will ***IMPROVE*** the text of the Zoning Ordinance because it **will replace the multiple current references in the Zoning Ordinance to “Land Evaluation score greater than or equal to 85 on the County’s Land Evaluation and Site Assessment System” with one definition that will be easier to manage in the future.**

DOCUMENTS OF RECORD

1. Preliminary Memorandum for Case 710-AT-12 dated June 8, 2012, with attachments:
 - A Description of Case from Legal Advertisement
 - B Champaign County Board Committee of the Whole Memorandum dated March 26, 2012, with attachments:
 - A Champaign County Resolution No. 7642
 - B Champaign County Resolution No. 7797
 - C Brief Comparison of Existing LESA to Proposed Update Draft LESA
 - D Champaign County Land Evaluation and Site Assessment (LESA) Update Draft dated March 7, 2012
 - C Resolution No. 2248 Adopting the Champaign County Land Evaluation and Site Assessment (LESA) System, February 1984 (existing LESA)
 - D U.S.D.A. N.R.C.S. Champaign County, Illinois Conversion Legend 1975 Map Symbol to 2001 Map Symbol
 - E Table 5. Acreages and Proportionate Extent of the Soils from *Soil Survey of Champaign County, Illinois* 2003 edition.
 - F Table 8. Land Capability and Yields per Acre of Crops and Pasture from *Soil Survey of Champaign County, Illinois* 2003 edition.
 - G Table 9. Prime Farmland from *Soil Survey of Champaign County, Illinois* 2003 edition.
 - H Chapter 4. Selecting and scaling Land Evaluation factors excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
 - I *Description of Data Used in Each LE Option*. Attachment D to the 10/04/11 LESA Update Committee memorandum
 - J *LE Scores for Each Option Applied to Test Sites*. Attachment E to the 10/04/11 LESA Update Committee memorandum
 - K *Comparing the LE Options*. Attachment F to the 10/04/11 LESA Update Committee memorandum
 - L Pages 129 to 135 excerpted from *Soil Survey of Champaign County, Illinois* 2003 edition.
 - M Parts 622.00 to 622.04 from the USDA Natural Resource Conservation Service (NRCS) National Soil Survey Handbook
 - N Soil Productivity Index Ratings for Illinois soils web page introductory pages
 - O Revised Option 4 Proposal 11/15/11 (Handout 1 for the 11/16/11 LESA Update Committee Meeting)
 - P Memorandum to LESA Update Committee dated 12/28/11 (Handout from John Hall to the LESA Update Committee on 1/4/12)

2. Preliminary Memorandum for Case 711-AT-12 dated June 14, 2012, with attachments:
 - A Champaign County Board Committee of the Whole Memorandum dated March 26, 2012, with attachments:
 - A Brief Comparison of Existing Best Prime Farmland to Proposed Best Prime Farmland
 - B Comparison of "At Risk Amounts" of LE=100 Soil Under Different Best Prime Farmland (BPF) Definitions (Attachment B to the 12/19/11 LESA Update Committee Memorandum)

- C (included separately) LESA Update Committee memorandum dated 2/14/12 (Memo#2 for the 2/22/12 LESA Update Committee meeting) with Attachments:
 - A Field Test Scores and BPF Definition Options
 - B Map of Soils Outside CUGA and Incorporated Areas
 - C BPF Definition Options Data on Soils Outside CUGA and Incorporated Areas
 - D Suggested Text for Best Prime Farmland Definition Recommendations

- 3. Supplemental Memorandum for Case 710-AT-12 dated June 14, 2012, with attachments:
 - A Description of Case from Legal Advertisement
 - B Memorandum to LESA Update Committee dated 10/04/11
 - C LE Calculation Recommendation to LESA Update Committee by Kevin Donoho dated 10/26/11
 - D Draft Evidence Regarding the Recommended Update to Land Evaluation Factors

- 4. Comments submitted by Norman Stenzel received June 15, 2012

- 5. Supplemental Memorandum for Case 710-AT-12 dated June 21, 2012, with attachments:
 - A Description of Case from Legal Advertisement
 - B *On the SA Portion of LESA: Validity and Reliability* submitted by Norman Stenzel on June 15, 2012
 - C Comparison Scoresheets for LESA Update Field Test Sites
 - D Comparing Existing LESA Scores to Recommended Draft LESA Score
 - E Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.) General Requirements Related to Size of Facility. February 15, 2007
 - F Documents from the from the LESA Update Committee:
 - (1) LESA Update Field Test Sites Handout November 2, 2011 (a handout at the November 2, 2011, LESA Update Committee meeting)
 - (2) Location Map of 18 Initial Test Parcels
 - (3) Various maps for LESA Update Field Test Sites
 - (4) Chapter 5. Selecting and scaling Site Assessment Factors excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
 - (5) Chapter 6. Combining and weighting factor ratings for a LESA System excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
 - (6) Illinois LESA System. Revised August 2001. Illinois Department of Agriculture
 - (7) Land Evaluation and Site Assessment System for Kendall County, Illinois
 - (8) Ogle County, Illinois Land Evaluation and Site Assessment System
 - (9) Article 11- Land Evaluation and Site Assessment (LESA) System excerpted from the McLean County, Illinois Zoning Ordinance
 - (10) DeKalb County, Illinois Land Evaluation and Site Assessment System

- 6. Level of Protection Handout for Case 711-AT-11 for June 28, 2012, meeting

7. Supplemental Memorandum for Case 710-AT-12 dated July 3, 2012, with attachments:
 - A Description of Case from Legal Advertisement
 - B *Farm Focused Alternative LESA* submitted by Norman Stenzel on July 1, 2012

8. Supplemental Memorandum for Case 710-AT-12 dated July 26, 2012, with attachments:
 - A Description of Case from Legal Advertisement
 - B Additional Draft Evidence Regarding the Draft Site Assessment Factors
 - C Approved Minutes of the June 8, 2011, LESA Update Committee with attachments
 - Memorandum from John Hall, Champaign County Zoning Administrator dated June 8, 2011, with Draft SA Factors
 - Site Assessment Factors submitted on June 8, 2011, by Bradley Uken, Champaign County Farm Bureau Manager
 - Images from the Powerpoint presentation including Preliminary SA Factors
 - D Approved Minutes of the June 21, 2011, LESA Update Committee
 - E Approved Minutes of the July 13, 2011, LESA Update Committee
 - F Approved Minutes of the August 10, 2011, LESA Update Committee with attachment:
 - Handout 1 Working Draft-SA Factors as of 8/10/11
 - G Approved Minutes of the September 7, 2011, LESA Update Committee with attachment:
 - Meeting 6- Review of Draft SA Factors (Attachment A to the 9/2/11 LESA Update Committee Memorandum)
 - H Approved Minutes of the October 12, 2011, LESA Update Committee with attachment:
 - 10/05/11 LESA Update Committee Memorandum with Attachment:
Attachment A Modified Draft SA Factors Based on Committee Review Comments on 9/7/11
 - I Approved Minutes of the November 2, 2011, LESA Update Committee with attachments:
 - 10/27/11 LESA Update Committee Memorandum with Attachments:
 - o Updated Version Draft LESA dated October 27, 2011
 - o Champaign County Review of Site Suitability Factors in Rezoning Cases
 - J Approved Minutes of the November 16, 2011, LESA Update Committee with attachments:
 - 11/11/11 LESA Update Committee Memorandum with Attachments:
 - o Attachment A Field Test Notes
 - o Attachment C Field Test Results
 - o Handout 2 Alternative Draft Site Assessment (from 11/16/11 LESA Update Committee Meeting)
 - o Handout 3 (from 11/16/11 LESA Update Committee Meeting)
 - K Approved Minutes of the November 29, 2011, LESA Update Committee with attachments:
 - 11/23/11 LESA Update Committee Memorandum
 - L Approved Minutes of the December 14, 2011, LESA Update Committee with attachments:
 - 12/06/11 LESA Update Committee Memorandum with Attachments:
 - o Attachment D Field Test Site Results
 - o Attachment E Proposed Revisions to Draft LESA Update
 - M Approved Minutes of the January 4, 2012, LESA Update Committee with attachments:
 - 12/29/11 LESA Update Committee Memorandum with Attachments:
 - o Handout (Memorandum) from John Hall, Zoning Administrator (from 1/04/12 LESA Update Committee Meeting)

- N Approved Minutes of the January 25, 2012, LESA Update Committee with attachment:
- 1/18/12 LESA Update Committee Memorandum
- O Approved Minutes of the February 22, 2012, LESA Update Committee with attachment:
- 2/10/12 LESA Update Committee Memorandum with attachment:
o Attachment A The creeping effect. Pages 121 & 122 excerpted from *Land Evaluation and Site Assessment: A Guidebook for Rating Agricultural Lands, Second Edition*. Soil and Water Conservation Society, 1983
- P Draft Minutes of the March 7, 2012, LESA Update Committee with attachment:
- 2/28/12 LESA Update Committee Memorandum
- Q Versions of the Draft Updated LESA (in notebooks at the tables during ZBA meetings and on the website):
- Updated Version Draft LESA dated October 27, 2011 (an attachment to the 10/27/11 LESA Update Committee Memorandum for the 11/02/11 LESA Update Committee Meeting)
 - Updated Version Revised Draft LESA dated November 17, 2011 (a handout in a 11/18/11 email from Susan Monte to the LESA Update Committee and a handout at the 11/29/11 LESA Update Committee Meeting)
 - Updated Version Revised Draft LESA dated December 5, 2011 (a handout in a 12/06/11 email from Susan Monte to the LESA Update Committee and a handout at the 12/14/11 LESA Update Committee Meeting)
 - Strikeout Copy of Updated Version Revised Draft LESA dated December 14, 2011 (a handout at the 12/14/11 LESA Update Committee Meeting)
 - Revised Draft LESA dated December 29, 2011 (a handout in a 12/29/11 email from Susan Monte to the LESA Update Committee and a handout at the 1/04/12 LESA Update Committee Meeting)
 - Alternate Revised Draft LESA dated December 29, 2011 (a handout in a 12/29/11 email from Susan Monte to the LESA Update Committee and a handout at the 1/04/12 LESA Update Committee Meeting)
 - Alternate Update Draft LESA dated January 18, 2012, that was an attachment to the January 25, 2012, LESA Update Committee Agenda
 - Strikeout Version of Revised Draft LESA dated February 10, 2012 (a handout in a 2/10/12 email from Susan Monte to the LESA Update Committee and a handout at the 2/22/12 LESA Update Committee Meeting)
 - Revised Draft LESA dated February 28, 2011 (a handout in a 2/29/12 email from Susan Monte to the LESA Update Committee and a handout at the 3/07/12 LESA Update Committee Meeting)
- R Comparison of Expected Draft LESA Scores For Hypothetical, Large, Non-CUGA. BPF Sites (a handout from the January 25, 2012, LESA Update Committee meeting)
9. Written Statement submitted by Norman Stenzel on August 9, 2012
10. Supplemental Memorandum for Case 710-AT-12 dated August 10, 2012, with attachments:
- A Description of Case from Legal Advertisement
 - B Written statement submitted by Norman Stenzel on August 9, 2012
 - C Comparative score sheet for Thorsland-Haynes property
 - D Map of SA Factor 8 analysis for Thorsland-Haynes property

11. Supplemental Memorandum for Case 710-AT-12 dated August 16, 2012, with attachments:
 - A Comparative score sheet for Seven Sisters Farms
 - B Map of SA Factor 8 analysis for Seven Sisters Farms
 - C Revised Map of SA Factor 8 analysis for Thorsland & Haynes

12. Supplemental Memorandum for Case 710-AT-12 dated August 30, 2012, with attachment:
 - A email dated March 7, 2012, from Terry Savko to Susan Monte
 - B Draft Finding of Fact

13. Supplemental Memorandum for Case 711-AT-12 dated August 30, 2012, with attachment:
 - A Draft Finding of Fact

SUMMARY FINDING OF FACT

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

1. The proposed Zoning Ordinance text amendment will *HELP ACHIEVE* the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will *HELP ACHIEVE* LRMP Goals 2 and 8.
 - B. The proposed Zoning Ordinance text amendment will *NOT IMPEDE* the achievement of the other LRMP Goals.
2. The proposed text amendment will *IMPROVE* the Zoning Ordinance.

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 711-AT-12** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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

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

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

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

13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:

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

Part C. Revise Subsection 5.4.4 to read as follows:

5.4.4 Average Maximum LOT AREA Requirement

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