

CASE NO. 905-AM-18

PRELIMINARY MEMORANDUM

MAY 24, 2018

- Petitioners:** Peter Folk, d.b.a. Gargoyle Technologies
- Request:** Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture and B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to establish and operate a business office.
- Location:** A tract in the Northeast Quarter of the Southwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3310 N. Cunningham Ave., Urbana.
- Site Area:** 2 acres
- Time Schedule for Development:** As soon as possible
- Prepared by:** **Susan Burgstrom**
Senior Planner
- John Hall**
Zoning Administrator

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

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

The petitioners would like to establish a business office in the vacant residential structure on the west half of the property. Future development would include a fenced outdoor storage area and two detached accessory structures for office expansion and storage. A business office is not an authorized use in the B-3 Highway Business or AG-2 Agriculture Zoning Districts, but is allowed by-right in the B-4 Zoning District.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Vacant building, agriculture	B-3 Highway Business and AG-2 Agriculture (Proposed rezoning to B-4)
North	Residential	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture
West	Commercial (Cross Construction)	I-1 Light Industrial
South	Commercial (truck parts and service)	B-4 General Business

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.

The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.

DECISION POINTS

Regarding LRMP Goal 4 Agriculture, Objective 4.1/Policy 4.1.1: While staff does not recommend any negative findings under this Goal, the ZBA is being asked to consider whether this Objective is achieved because the property is Best Prime Farmland with an LE of 100, but is also surrounded by industrial, commercial, and residential uses on 3 sides. The map amendment would not remove any farmland from production, but the by-right proposed use would remove approximately 1.15 acres of farmland from production.

- D. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.1.1 because the Site Plan received April 4, 2018, will remove approximately 1.15 acres from agricultural production.

PROPOSED SPECIAL CONDITIONS

The following special conditions are proposed for the Map Amendment:

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

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

- B. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.

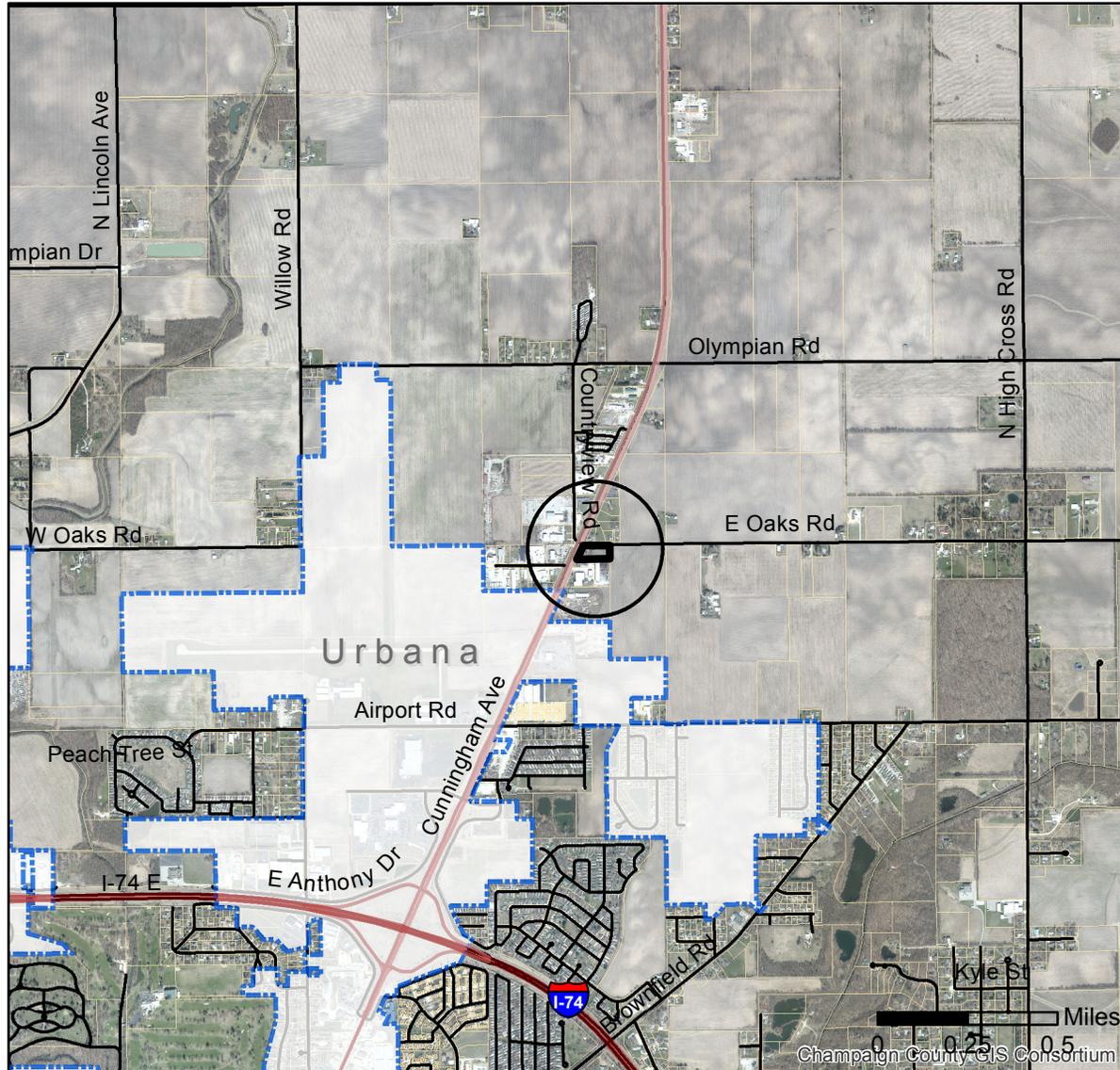
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Approved Site Plan from ZUPA 95-18-01 received April 4, 2018, and approved April 23, 2018
- C Approved Floor plan received April 17, 2018 and approved April 23, 2018
- D 2008 Contour Map on 2017 Aerial Photo
- E ZUPA #95-18-01, including special conditions, approved April 23, 2018
- F Email from Peter Folk received December 15, 2017
- G Email from Michael Flanagan, Champaign County Public Health, received May 17, 2018
- H LRMP Land Use Goals, Objectives, and Policies
- I LRMP Appendix of Defined Terms
- J Copy of Right to Farm Resolution 3425
- K LESA worksheet completed by staff on May 14, 2018
- L Site Images packet taken May 8, 2018
- M Summary of Evidence, Finding of Fact, and Final Determination dated May 31, 2018

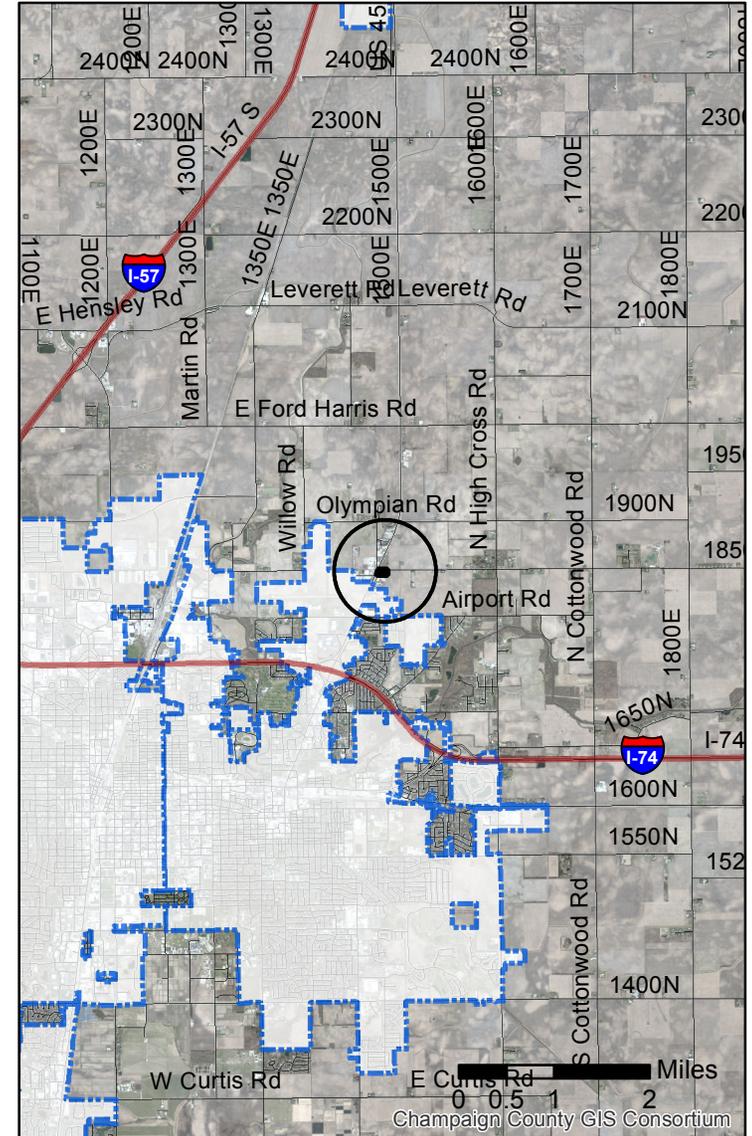
Location Map

Case 905-AM-18
May 31, 2018

Subject Property



Property location in Champaign County



Legend

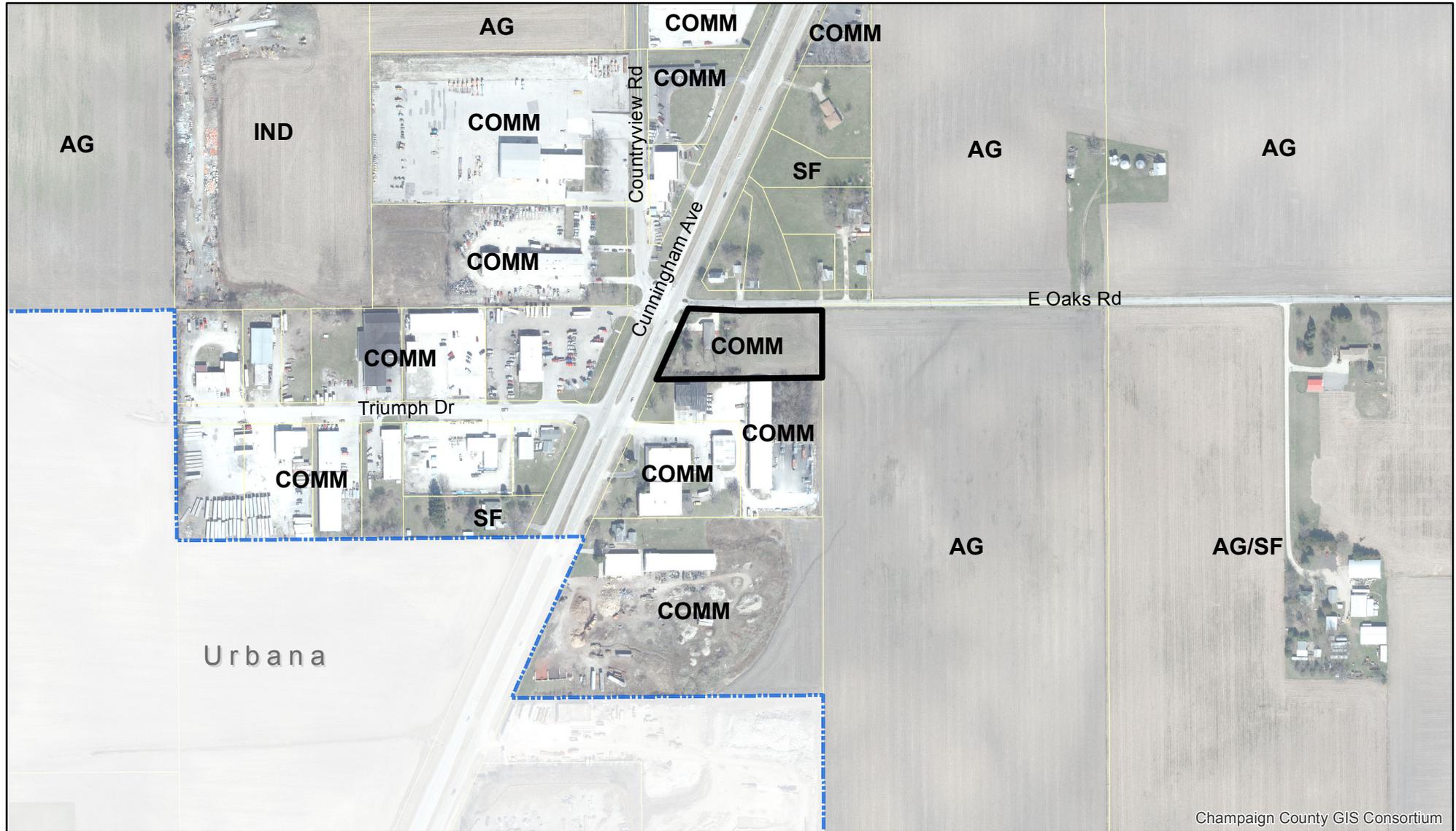
- Subject Property
- Corporate Limits
- Parcels
- Streets



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 905-AM-18
May 31, 2018



Champaign County GIS Consortium

Legend

-  Parcels
-  Subject Property
- SF Single Family Residential
- AG Agriculture
- COMM Commercial

0 100 200 400 Feet

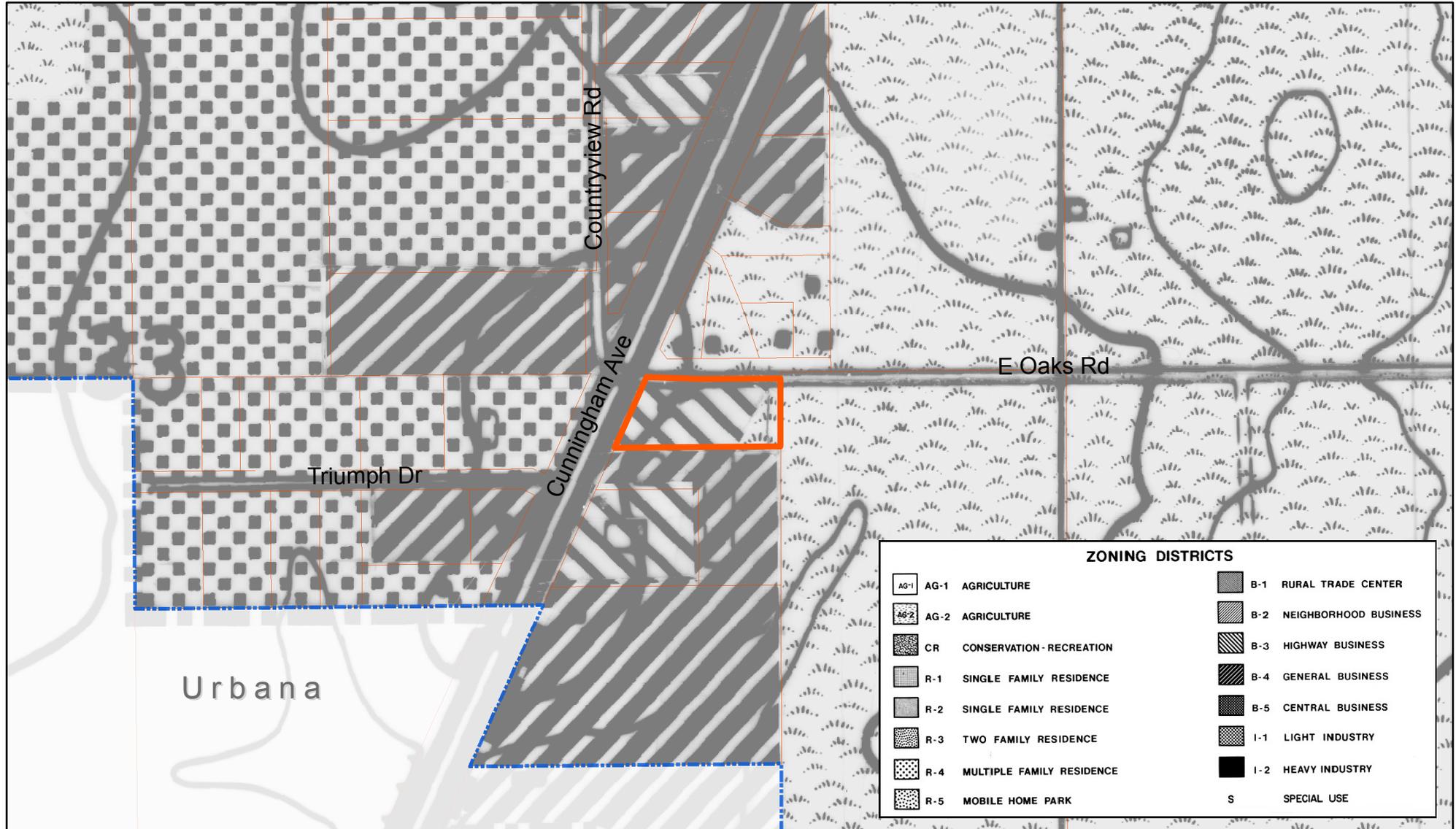


Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 905-AM-18
May 31, 2018

Official Zoning Map does not scale exactly to the official CCGIS parcel layer.
Subject property is split zoned B-3 and AG-2.



Legend

- Subject Property
- Parcels
- Urbana Corporate Limit

Champaign County
Department of
**PLANNING &
ZONING**

0 100 200 400 Feet

Site Plan - 3310 N. Cunningham Ave., Urbana

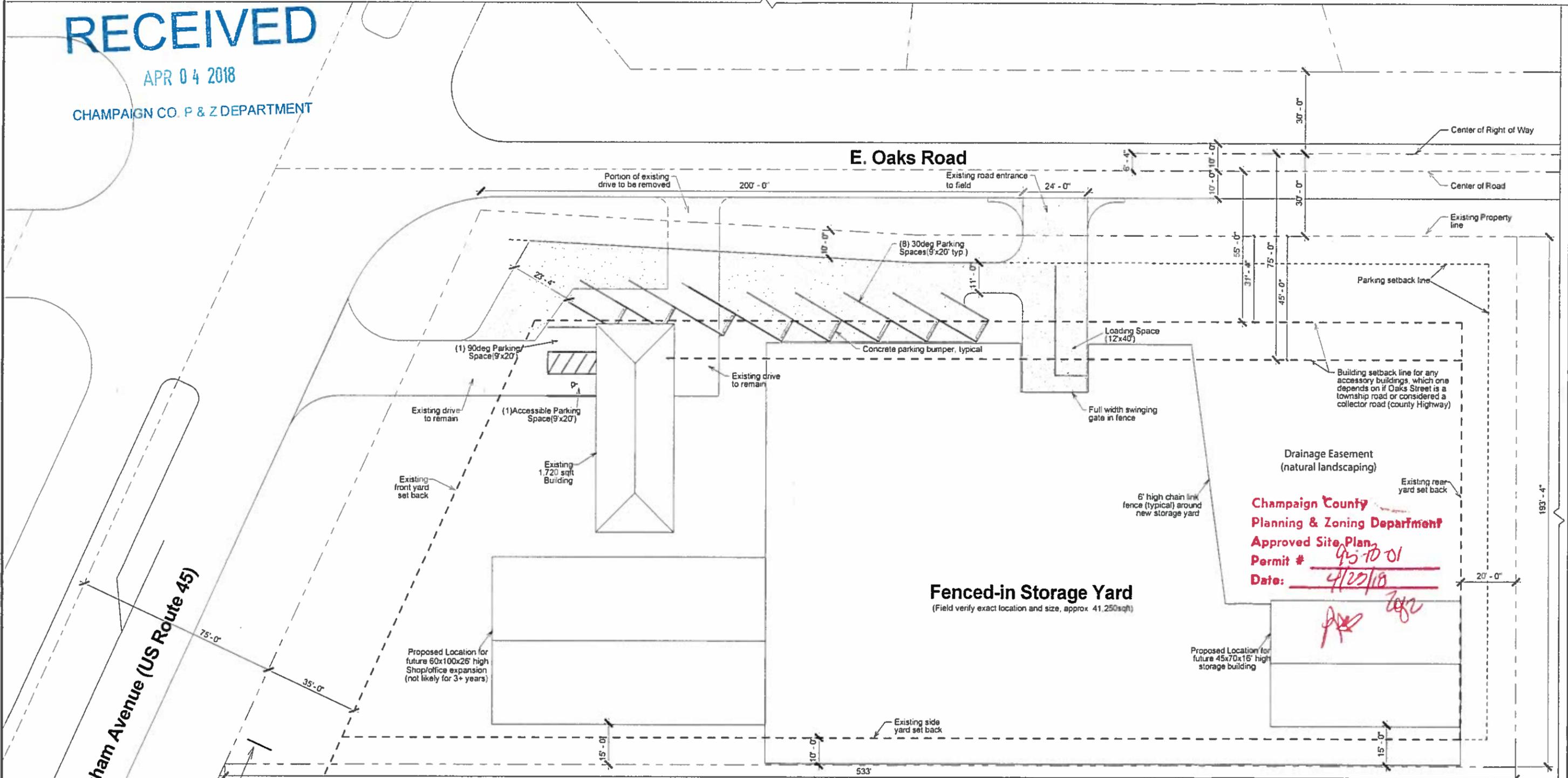
3310 N. Cunningham Avenue, Champaign County, Illinois



RECEIVED

APR 04 2018

CHAMPAIGN CO. P & Z DEPARTMENT



**Champaign County
Planning & Zoning Department**
Approved Site Plan
Permit # 957001
Date: 4/25/18

APR 2018

Cunningham Avenue (US Route 45)

15' tall, 10' wide sign
(modelled after Beck's
sign two lots S)

Proposed Location for
future 60x100x26' high
Shop/office expansion
(not likely for 3+ years)

Existing
1,720 sqft
Building

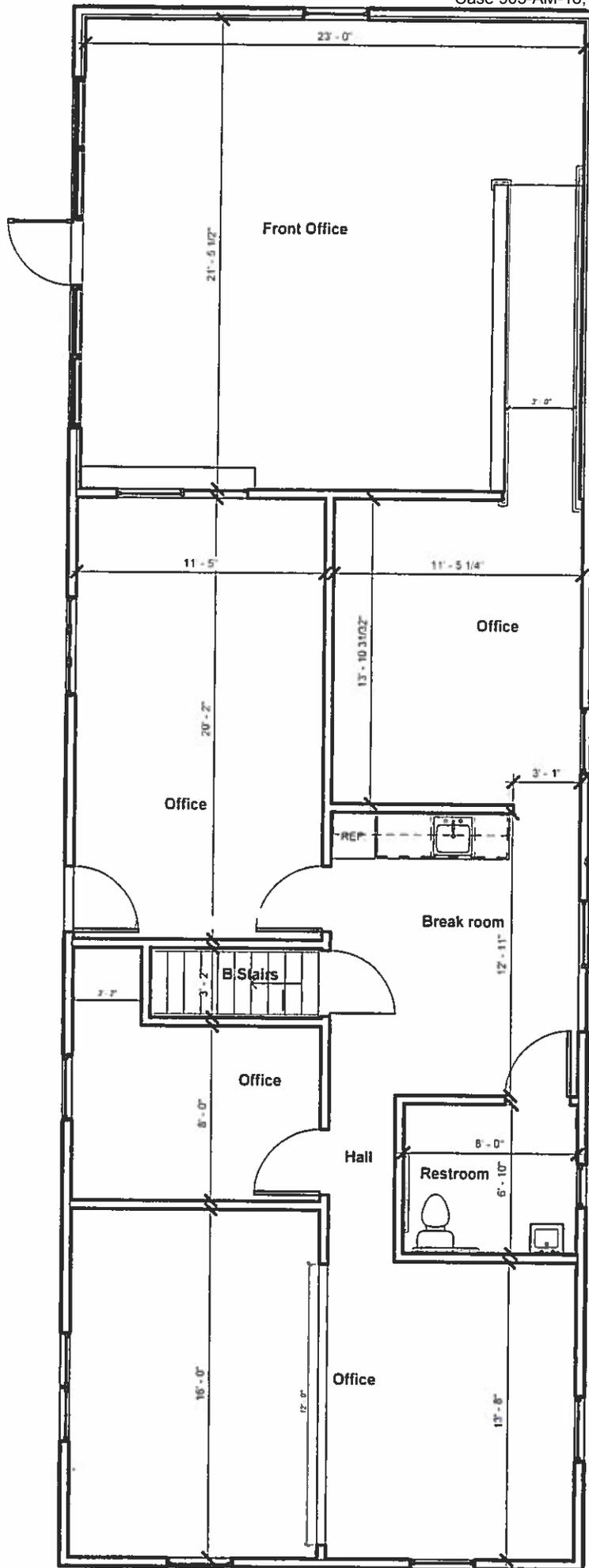
Fenced-in Storage Yard
(Field verify exact location and size, approx. 41,250sqft)

Proposed Location for
future 45x70x16' high
storage building

Existing building located on lot
directly S of property, lot is Zoned
B-4 General Business

Existing building located on lot
directly S of property, lot is Zoned
B-4 General Business

Volo Office Building Buildout 3310 N Cunningham, Champaign County, IL	Date 04/04/18
HAMPEL ARCHITECTS, AIA. 314 Wheaton Ave., Champaign, Illinois 61820 Phone (217)621-8901 g.hampel@comcast.net	Job# 1117-5
	Drawing A101



Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Permit # 95-18-01
 Date: 4/22/18

RECEIVED

APR 17 2018

CHAMPAIGN CO P & Z DEPARTMENT

[Handwritten signature] 182

CHAMPAIGN COUNTY, ILLINOIS
ZONING USE PERMIT

Case 905-AM-18, ZBA 05/31/18,
Attachment E Page 1 of 1
No.: **95-18-01**

Application Date: 04/05/18

Township: Somer Section: 33 Receipt #: 5709

P.I.N.: 25-15-33-426-001 Fee: \$98.00

Location (Address, directions, etc.): 3310 N. Cunningham Avenue, Urbana, Illinois

Owner/s: Gargoyle Technologies

Issued to: Owner: Agent: Zoning District: B-3 Lot Area: 2 acres

Legal Description: The North 213.33 feet of the SE 1/4 of Section 33, T20N, R9E of the 3rd P.M., lying East of the Right of Way Line in the East Side of State Highway U.S. 45, except the East 819.64 feet thereof, in Champaign County, Illinois

Project Is To: Change the Use to establish a business office

Use Is: Accessory: Principal: Conforming: Non-Conforming:

By: Appeal #: Special Use #: Variance #:

- Special Conditions:**
1. Applicant shall abide by the decision and any Special Conditions made in the pending Zoning Case 905-AM-18 including, if necessary, ceasing business office activities within 6 months of a final determination.
 2. No signs are approved in this permit.

Standard Conditions

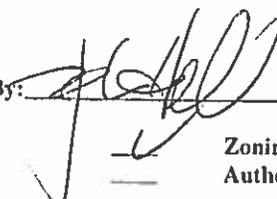
1. This permit is issued with the understanding that all construction, use and occupancy will be in compliance with the application as filed with the Planning and Zoning Department, and with all provisions of the Champaign County Zoning Ordinance.

2. This Zoning Use Permit expires if the work described in the application has not begun within 180 consecutive days from issuance or if the work is not substantially completed within 365 consecutive days from issuance.

3. As evidenced in the Zoning Use Permit Application, the owner has expressly granted permission for representatives of the Champaign County Department of Planning & Zoning to enter the premises at reasonable times for the purpose of inspection to ensure compliance with the Champaign County Zoning Ordinance.

4. A Zoning Compliance Certificate must be obtained from the Department of Planning and Zoning, in writing, prior to occupancy or use of the work or structures covered by this permit (Section 9.1.3).

Date: 4/23/18

Signed By: 
Zoning Administrator
Authorized Agent

Susan Burgstrom

From: Peter Folk <peter@volo.net>
Sent: Friday, December 15, 2017 6:06 PM
To: Susan Burgstrom
Subject: Re: 3310 N Cunningham
Attachments: signature.asc

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DEC 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT

We spoke with Urbana about an annexation agreement, and they have no problem with our proposed use under their B3 zoning designation as a Utility Provider, but our architect strongly recommended we do what we can to stay "in the county". We would like to find a way to work with you, if possible.

We want to avoid a map amendment at the outset due to the delay that will present in occupying the property. We are happy to pursue a map amendment once we are operating, at a basic level, out of the property, as our needs change.

I would like to discuss what leads your Zoning Administrator to reject us under the Telephone Exchange or Telegraph Office use. I believe our usage is very similar to what would have previously been done under Telephone Exchange--behind the scenes operation of a communications network (and I'll note that our network does carry voice traffic) serving the surrounding population, with a small amount of customer interaction related to billing and support. Furthermore, our location on a highway facilitates access to us for support and billing purposes from our largely-rural clientele.

I'd appreciate a meeting with the appropriate person to discuss how we might move forward with the county vs the city. If you'd recommend our architect or lawyer be present I can arrange that, or I'm happy to come in just with myself and one of my staff (who has a lot more development experience than I do).

Peter

On 12/15/2017 2:32 PM, Susan Burgstrom wrote:

Hi Peter,

Our Zoning Administrator is not inclined to allow your proposed use under the Telephone Exchange use. With any potential map amendment that is adjacent to a municipality, we suggest that you speak with the City of Urbana Community Development Department to discuss a possible annexation or annexation agreement. If you have already done this, could you please let me know what was discussed?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner
Champaign County Department of Planning & Zoning
1776 East Washington Street
Urbana, IL 61802

P: 217-384-3708
F: 217-819-4021

--

Peter Folk, CEO - Volo Broadband
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Susan Burgstrom

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Thursday, May 17, 2018 11:53 AM
To: Peter Folk
Cc: Susan Burgstrom; Kristin Probst
Subject: RE: 3310 N. Cunningham, Urbana

Mr. Folk,

As the property in questing currently has an onsite wastewater disposal system there would be no requirements at this time from the Champaign County Public Health Department. I would recommend however, that you take into consideration that a new system may be required in the future if the current system fails due to age or overuse. Most conventional system have an average lifespan of between 20-40 years when maintained properly. I strongly encourage you to have a licensed septic installer inspect your tank and field to ensure that it is in good condition, and moving forward to have your tank pumped every 3 years or as needed.

If you have any questions please feel free to contact me.

Thanks,

RECEIVED

MAY 17 2018

CHAMPAIGN CO. P & Z DEPARTMENT

Michael Flanagan, LEHP
Program Coordinator
Champaign-Urbana Public Health District
201 W. Kenyon Rd.
Champaign, IL 61820
Phone: 217-531-2908 Secure Fax: 217-373-7905
mflanagan@c-uphd.org



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www.stock2forflu.com

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From: Peter Folk [<mailto:peter@volo.net>]
Sent: Wednesday, May 16, 2018 11:40 AM
To: Michael Flanagan
Cc: Susan Burgstrom; Kristin Probst
Subject: Re: 3310 N. Cunningham, Urbana

Mr. Flanagan,

Susan Burgstrom said we needed to talk with you about what, if anything, we needed to do to 3310 N Cunningham regarding its existing septic and well systems. Our expectation is that those systems will be adequate for our needs (that office will support 3.5 FTE office staff and have little customer traffic).

Please see the below email from UCSD which you were copied on in October, for background.

We are currently in the queue for a Zoning Map change to re-classify the property from (County) B3 to (County) B4, with the Zoning Board of Appeals set to hear the case 5/31 (at least, that is my understanding).

Peter

From: Mark Radi [<mailto:mlradi@u-csd.com>]
Sent: Wednesday, October 18, 2017 10:16 AM
To: Paul Cole <paul.cole@erwinlaw.com>
Cc: Steve Bickers <sabickers@u-csd.com>; 'Michael Flanagan' <mflanagan@c-uphd.org>
Subject: RE: 3310 N. Cunningham, Urbana

Hi Paul...good to hear from you ...Maureen and I are doing well

The subject property line, as shown on the attached map, is more than 200' from any public sewer, so UCSD does not require connection to public sewer.

You would need to work with the County in regards to any on-site treatment system concerns. I usually speak with Mike Flanagan, 217-531-2908 at the County.

From: Paul Cole [<mailto:paul.cole@erwinlaw.com>]
Sent: Wednesday, October 18, 2017 9:05 AM
To: Mark Radi
Subject: 3310 N. Cunningham, Urbana

Good morning, Mark.

I have a client interested in office development of the referenced property at the southeast corner of the intersection of Rt.45 and E. Oaks Road in Urbana. A primary concern is whether this property would have to be connected to the District system as a condition of re-configuration of the current improvements on site to accommodate a cable service provider office and vehicle storage. The property is currently subject to county zoning, but in Urbana's ETJ. Is there anything you can tell me?

Paul

Paul R. Cole
Erwin, Martinkus & Cole, Ltd.
411 W. University Avenue
Champaign, IL 61820
217-351-4040

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Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the Champaign County Land Resource Management Plan (LRMP) that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

Champaign County will consult the LRMP that formally establishes County land resource management policies and serves as an important source of guidance for the making of County land resource management decisions.

Objective 1.2 Updating Officials

Champaign County will annually update County Board members with regard to land resource management conditions within the County.

Policy 1.2.1

County planning staff will provide an annual update to County Board members with regard to land resource management conditions within the County.

Objective 1.3 Incremental Updates

Champaign County will update the LRMP, incrementally, on an annual or biannual basis to make minor changes to the LRMP or to adjust boundaries of LRMP Future Land Use Map areas to reflect current conditions, (e.g., Contiguous Urban Growth Area, or Rural Residential Area).

Policy 1.3.1

ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Objective 1.4 Comprehensive Updates

Champaign County will comprehensively update the LRMP at a regular interval of no more than 15 or less than 10 years, to allow for the utilization of available updated census data and other information.

Policy 1.4.1

A Steering Committee that is broadly representative of the constituencies in the County but weighted towards the unincorporated area will oversee comprehensive updates of the LRMP.

Policy 1.4.2

The County will provide opportunities for public input throughout any comprehensive update of the LRMP.

Goal 2 Governmental Coordination

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 Objectives

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

Champaign County will coordinate land resource management planning with all County jurisdictions and, to the extent possible, in the larger region.

Policy 2.1.1

The County will maintain an inventory through the LRMP, of contiguous urban growth areas where connected sanitary service is already available or is planned to be made available by a public sanitary sewer service plan, and development is intended to occur upon annexation.

Policy 2.1.2

The County will continue to work to seek a county-wide arrangement that respects and coordinates the interests of all jurisdictions and that provides for the logical extension of municipal land use jurisdiction by annexation agreements.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Policy 2.1.3

The County will encourage municipal adoption of plan and ordinance elements which reflect mutually consistent (County and municipality) approach to the protection of best prime farmland and other natural, historic, or cultural resources.

Objective 2.2 Information Sharing

Champaign County will work cooperatively with other units of government to ensure that the Geographic Information Systems Consortium and Regional Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain and share commonly used land resource management data between local jurisdictions and County agencies that will help support land use decisions.

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

Objective 3.2 Efficient County Administration

Champaign County will ensure that its regulations are administrated efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.

Objective 3.3 County Economic Development Policy

Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

continued

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Objective 4.3 Site Suitability for Discretionary Review Development**

Champaign County will require that each *discretionary review* development is located on a suitable site.

Objective 4.4 Regulations for Rural Residential Discretionary Review

Champaign County will update County regulations that pertain to rural residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the Champaign County Land Evaluation and Site Assessment System (LESA) for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Goal 4 Objectives and Policies**Objective 4.1 Agricultural Land Fragmentation and Conservation**

Champaign County will strive to minimize the fragmentation of the County's agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.

Policy 4.1.1

Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.

Policy 4.1.2

The County will guarantee all landowners a *by right development* allowance to establish a non-agricultural use, provided that public health, safety and site development regulations (e.g., floodplain and zoning regulations) are met.

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a



reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

Policy 4.1.4 The County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a *good zoning lot* (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the *by right development* allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met.

Policy 4.1.5

a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:

- 1 new lot allowed per parcel less than 40 acres in area;
- 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
- 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.

b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or

b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or

c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

To minimize the conversion of *best prime farmland*, the County will require a maximum lot size limit on new lots established as *by right development* on *best prime farmland*.

Policy 4.1.8

The County will consider the LESA rating for farmland protection when making land use decisions regarding a *discretionary development*.

Policy 4.1.9

The County will set a minimum lot size standard for a farm residence on land used for agricultural purposes.



Objective 4.2 Development Conflicts with Agricultural Operations

Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.

Policy 4.2.1

The County may authorize a proposed business or other non-residential *discretionary review* development in a *rural* area if the proposed development supports agriculture or involves a product or service that is provided better in a *rural* area than in an urban area.

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

Champaign County will require that each *discretionary review* development is located on a suitable site.

Policy 4.3.1

On other than *best prime farmland*, the County may authorize a *discretionary review* development provided that the site with proposed improvements is *suited overall* for the proposed land use.

Policy 4.3.2

On *best prime farmland*, the County may authorize a *discretionary review* development provided the site with proposed improvements is *well-suited overall* for the proposed land use.

Policy 4.3.3

The County may authorize a *discretionary review* development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.

Policy 4.3.4

The County may authorize a *discretionary review* development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.

**Policy 4.3.5**

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

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

Objective 4.4 Regulations for Rural Residential *Discretionary Review*

Champaign County will update County regulations that pertain to *rural* residential *discretionary review* developments to best provide for site specific conditions by 2010.

Objective 4.5 LESA Site Assessment Review and Updates

By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.

Objective 4.6 Protecting Productive Farmland

Champaign County will seek means to encourage and protect productive farmland within the County.

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.

Objective 4.8 Locally Grown Foods

Champaign County acknowledges the importance of and encourages the production, purchase, and consumption of locally grown food.

Objective 4.9 Landscape Character

Champaign County will seek to preserve the landscape character of the agricultural and *rural* areas of the County, and, at the same time, allow for potential *discretionary development* that supports agriculture or involves a product or service that is provided better in a *rural* area.

Policy 4.9.1

The County will develop and adopt standards to manage the visual and physical characteristics of *discretionary development* in *rural* areas of the County.



Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new *urban development* in or adjacent to existing population centers.

Policy 5.1.1

The County will encourage new *urban development* to occur within the boundaries of incorporated municipalities.

Policy 5.1.2

- a. The County will encourage that only compact and contiguous *discretionary development* occur within or adjacent to existing villages that have not yet adopted a municipal comprehensive land use plan.
- b. The County will require that only compact and contiguous *discretionary development* occur within or adjacent to existing unincorporated settlements.

Policy 5.1 3

The County will consider municipal extra-territorial jurisdiction areas that are currently served by or that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas are identified on the Future Land Use Map.

Policy 5.1.4

The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:

- a. the development is consistent with the municipal comprehensive plan and relevant municipal requirements;
- b. the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and
- c. the development is generally consistent with all relevant LRMP objectives and policies.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 5.1 5**

The County will encourage *urban development* to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.

Policy 5.1.6

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

Policy 5.1.7

The County will oppose new *urban development* or development authorized pursuant to a municipal annexation agreement that is located more than one and one half miles from a municipality's corporate limit unless the Champaign County Board determines that the development is otherwise consistent with the LRMP, and that such extraordinary exercise of extra-territorial jurisdiction is in the interest of the County as a whole.

Policy 5.1.8

The County will support legislative initiatives or intergovernmental agreements which specify that property subject to annexation agreements will continue to be under the ordinances, control, and jurisdiction of the County until such time that the property is actually annexed, except that within 1-1/2 miles of the corporate limit of a municipality with an adopted comprehensive land use plan, the subdivision ordinance of the municipality shall apply.

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

When new *urban development* is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.

Policy 5.2.1

The County will encourage the reuse and redevelopment of older and vacant properties within *urban land* when feasible.

Policy 5.2 2

The County will:

- a. ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and
- b. encourage, when possible, other jurisdictions to ensure that *urban development* proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland.

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and



- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality.

Objective 5.3 Adequate Public Infrastructure and Services

Champaign County will oppose proposed new *urban development* unless adequate utilities, infrastructure, and *public services* are provided.

Policy 5.3.1

The County will:

- a. require that proposed new *urban development* in unincorporated areas is sufficiently served by available *public services* and without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development* is sufficiently served by available *public services* and without undue public expense.

Policy 5.3.2

The County will:

- a. require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense; and
- b. encourage, when possible, other jurisdictions to require that proposed new *urban development*, with proposed improvements, will be adequately served by *public infrastructure*, and that related needed improvements to *public infrastructure* are made without undue public expense.

Policy 5.3.3

The County will encourage a regional cooperative approach to identifying and assessing the incremental costs of public utilities and services imposed by new development.

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that *rural* development does not endanger public health or safety.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.

Policy 6.1.1

The County will establish minimum lot location and dimension requirements for all new *rural* residential development that provide ample and appropriate areas for onsite wastewater and septic systems.

Policy 6.1.2

The County will ensure that the proposed wastewater disposal and treatment systems of *discretionary development* will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.

Policy 6.1.3

The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.

Policy 6.1.4

The County will seek to abate blight and to prevent and rectify improper dumping.

Objective 6.2 Public Assembly Land Uses

Champaign County will seek to ensure that public assembly, dependent population, and multifamily land uses provide safe and secure environments for their occupants.

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

Champaign County will seek to ensure that all new non-agricultural construction in the unincorporated area will comply with a building code by 2015.

Objective 6.4 Countywide Waste Management Plan

Champaign County will develop an updated Champaign County Waste Management Plan by 2015 to address the re-use, recycling, and safe disposal of wastes including: landscape waste; agricultural waste; construction/demolition debris; hazardous waste; medical waste; and municipal solid waste.



Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.

Policy 7.1.1

The County will include traffic impact analyses in *discretionary review* development proposals with significant traffic generation.

Objective 7.2 Countywide Transportation System

Champaign County will strive to attain a countywide transportation network including a variety of transportation modes which will provide rapid, safe, and economical movement of people and goods.

Policy 7.2.1

The County will encourage development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP.

Policy 7.2.2

The County will encourage the maintenance and improvement of existing County railroad system lines and services.

Policy 7.2.3

The County will encourage the maintenance and improvement of the existing County road system, considering fiscal constraints, in order to promote agricultural production and marketing.

Policy 7.2.4

The County will seek to implement the County's Greenways and Trails Plan.

Policy 7.2.5

The County will seek to prevent establishment of incompatible *discretionary development* in areas exposed to noise and hazards of vehicular, aircraft and rail transport.

Policy 7.2.6

The County will seek to protect *public infrastructure* elements which exhibit unique scenic, cultural, or historic qualities.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public *parks and preserves* and protected private lands.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.



Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.

Policy 8.1.1

The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.

Policy 8.1.2

The County will encourage regional cooperation in protecting the quality and availability of groundwater from the Mahomet Aquifer.

Policy 8.1.3

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

Policy 8.1.4

To the extent that distinct recharge areas are identified for any aquifers, the County will work to prevent development of such areas that would significantly impair recharge to the aquifers.

Policy 8.1.5

To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.

Policy 8.1.6

The County will encourage the development and refinement of knowledge regarding the geology, hydrology, and other features of the County's groundwater resources.

Policy 8.1.7

The County will ensure that existing and new developments do not pollute the groundwater supply.

Policy 8.1.8

The County will protect community well heads, distinct aquifer recharge areas and other critical areas from potential sources of groundwater pollution.

Policy 8.1.9

The County will work to ensure the remediation of contaminated land or groundwater and the elimination of potential contamination pathways.

Objective 8.2 Soil

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

**Policy 8.2.1**

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

Champaign County will work to ensure future access to its underground mineral and energy resources and to ensure that their extraction does not create nuisances or detract from the long-term beneficial use of the affected property.

Policy 8.3.1

The County will allow expansion or establishment of underground mineral and energy resource extraction operations only if:

- a) the operation poses no significant adverse impact to existing land uses;
- b) the operation creates no significant adverse impact to surface water quality or other natural resources; and
- c) provisions are made to fully reclaim the site for a beneficial use.

Objective 8.4 Surface Water Protection

Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.

Policy 8.4.1

The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.

Policy 8.4.2

The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.

Policy 8.4.3

The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.

Policy 8.4.4

The County will ensure that point discharges including those from new development, and including surface discharging on-site wastewater systems, meet or exceed state and federal water quality standards.

Policy 8.4.5

The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.

Policy 8.4.6

The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.



Objective 8.5 Aquatic and Riparian Ecosystems

Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.

Policy 8.5.1

For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.

Policy 8.5.2

The County will require in its *discretionary review* that new development cause no more than minimal disturbance to the stream corridor environment.

Policy 8.5.3

The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.

Policy 8.5.4

The County will support efforts to control and eliminate invasive species.

Policy 8.5.5

The County will promote drainage system maintenance practices that provide for effective drainage, promote channel stability, minimize erosion and sedimentation, minimize ditch maintenance costs and, when feasible, support healthy aquatic ecosystems.

Objective 8.6 Natural Areas and Habitat

Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.

Policy 8.6.1

The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

Policy 8.6.2

- a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.
- b. With regard to *by-right development* on *good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.

Policy 8.6.3

For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.

Policy 8.6.4

The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.

**Policy 8.6.5**

The County will continue to allow the reservation and establishment of private and public hunting grounds where conflicts with surrounding land uses can be minimized.

Policy 8.6.6

The County will encourage the purchase, donation, or transfer of development rights and the like, by public and private entities, of significant natural areas and habitat for native and game species for the purpose of preservation.

Objective 8.7 Parks and Preserves

Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.

Policy 8.7.1

The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.

Policy 8.7.2

The County will strive to attract alternative funding sources that assist in the establishment and maintenance of parks and preserves in the County.

Policy 8.7.3

The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.

Policy 8.7.4

The County will encourage the establishment of public-private partnerships to conserve woodlands and other significant areas of natural environmental quality in Champaign County.

Policy 8.7.5

The County will implement, where possible, incentives to encourage land development and management practices that preserve, enhance natural areas, wildlife habitat and/or opportunities for hunting and other recreational uses on private land.

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.

Policy 8.8.1 The County will require compliance with all applicable Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.

Policy 8.8.2 In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.



Objective 8.9 Natural Resources Assessment System

Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including: groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

Champaign County will seek to reduce the discharge of greenhouse gases.

Policy 9.1.1

The County will promote land use patterns, site design standards and land management practices that minimize the discharge of greenhouse gases.

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

The County will strive to minimize the discharge of greenhouse gases from its own facilities and operations.

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

**Policy 9.2.1**

The County will enforce the Illinois Energy Efficient Commercial Building Act (20 ILCS 3125/1).

Policy 9.2.2

The County will strive to incorporate and utilize energy efficient building design in its own facilities.

Objective 9.3 Land Use and Transportation Policies

Champaign County will encourage land use and transportation planning policies that maximize energy conservation and efficiency.

Objective 9.4 Reuse and Recycling

Champaign County will promote efficient resource use and re-use and recycling of potentially recyclable materials.

Objective 9.5 Renewable Energy Sources

Champaign County will encourage the development and use of renewable energy sources where appropriate and compatible with existing land uses.

Goal 10 Cultural Amenities

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

Goal 10 Objective**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

Champaign County will encourage the development and maintenance of cultural, educational, recreational, and other amenities that contribute to the quality of life of its citizens.

Policy 10.1.1

The County will work to identify historic structures, places and landscapes in the County.

Note: The Appendix contains defined terms, shown as italicized text in this Chapter.

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of 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.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

Unincorporated land within the County that meets one of the following criteria:

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

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

The County may authorize certain non-agricultural land uses in unincorporated areas of the County provided that a public review process takes place and provided that the County Board or County Zoning Board of Appeals (ZBA) finds that the development meets specified criteria and approves the development request. This is referred to as the 'discretionary review' process.

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

good zoning lot (commonly referred to as a 'conforming lot')

A lot that meets all County zoning, applicable County or municipal subdivisions standards, and other requirements in effect at the time the lot is created.

parks and preserves

Public land established for recreation and preservation of the environment or privately owned land that is participating in a conservation or preservation program

pre-settlement environment

When used in reference to outlying Champaign County areas, this phrase refers to the predominant land cover during the early 1800s, when prairie comprised approximately 92.5 percent of land surface; forestland comprised roughly 7 percent; with remaining areas of wetlands and open water. Riparian areas along stream corridors containing 'Forest Soils' and 'Bottomland Soils' are thought to most likely be the areas that were forested during the early 1800s.

public infrastructure

'Public infrastructure' when used in the context of rural areas of the County generally refers to drainage systems, bridges or roads.

public services

'Public services' typically refers to public services in rural areas of the County, such as police protection services provided the County Sheriff office, fire protection principally provided by fire protection districts, and emergency ambulance service.

rural

Rural lands are unincorporated lands that are not expected to be served by any public sanitary sewer system.

site of historic or archeological significance

A site designated by the Illinois Historic Preservation Agency (IHPA) and identified through mapping of high probability areas for the occurrence of archeological resources in accordance with the Illinois State Agency Historic Resources Preservation Act (20 ILCS 3420/3). The County requires Agency Report from the IHPA be submitted for the County's consideration during discretionary review of rezoning and certain special use requests. The Agency Report addresses whether such a site is present and/or nearby and subject to impacts by a proposed development and whether further consultation is necessary.

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

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

urban development

The construction, extension or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system.

urban land

Land within the County that meets any of the following criteria:

- within municipal corporate limits; or
- unincorporated land that is designated for future urban land use on an adopted municipal comprehensive plan, adopted intergovernmental plan or special area plan and served by or located within the service area of a public sanitary sewer system.

urban land use

Generally, land use that is connected and served by a public sanitary sewer system.

RESOLUTION NO. 3425

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

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

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

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

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

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

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

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

RESOLUTION NO. 3425

Page 2

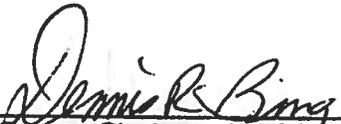
4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

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



Chairman, County Board of the
County of Champaign, Illinois

ATTEST:



County Clerk and Ex-Officio
Clerk of the County Board

SA WORKSHEET 905-AM-18

5-14-18

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

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

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

2a	Is the subject site Best Prime Farmland ?	Yes	30 points	<u>30</u>
		No	0 points	

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

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

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

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

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

Factor 2b (continued)

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

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

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

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

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

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

3	Is the subject site located within the Contiguous Urban Growth Area?	no	40 points	<u>0</u>
		yes	0 points	

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

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

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

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

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

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

4	<p>Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture.</p> <p>a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture that existed on April 12, 2011.</p> <p>b) If the subject site is less than 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture.</p>	<p>91 to 100% of perimeter 20 points 81 to 90% of perimeter 18 points 71 to 80% of perimeter 16 points 61 to 70% of perimeter 14 points 51 to 60% of perimeter 12 points 41 to 50% of perimeter 10 points 31 to 40% of perimeter 8 points 21 to 30% of perimeter 6 points 11 to 20% of perimeter 4 points 1 to 10% of perimeter 2 points none 0 points</p> <p>$213.33 / 1277.4 = 16.7\%$</p>	<p><u>4</u></p>
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Factor 4 assesses the amount of the perimeter of the subject site that is adjacent to parcels that have the principal use of agriculture. The assessment is made based on principal use of each parcel that is adjacent to the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

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

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

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

Defined terms relevant to the scoring of this factor include:

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

Scoring Factor 4 (continued)

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

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

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

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

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

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

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

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

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

6	The highest percentage of the subject site in agricultural production in any of the last 5 years.	80 to 100% 15 points 60 to 79% 11 points 40 to 59% 7 points 20 to 39% 3 points less than 20% 0 points	7
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Factor 6 is intended to serve as a general indicator of the agricultural viability of a subject site.

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

Defined terms relevant to the scoring of this factor include:

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

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

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

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

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

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

7	Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation-Recreation within 1 mile of subject site. <i>1045/2165 acres = 48%</i>	91 to 100%	10 points	5
		81 to 90%	9 points	
		71 to 80%	8 points	
		61 to 70%	7 points	
		51 to 60%	6 points	
		<u>41 to 50%</u>	<u>5 points</u>	
		31 to 40%	4 points	
		21 to 30%	3 points	
		11 to 20%	2 points	
		1 to 10%	1 points	
		none	0 points	

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

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

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

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

8	Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture.	91 to 100%	20 points	
		81 to 90%	18 points	
	a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland,	71 to 80%	16 points	<u>14</u>
	the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture that existed on April 12, 2011.	61 to 70%	14 points	
	b) If the subject site is less than 51% Prime Farmland,	51 to 60%	12 points	
	the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture.	41 to 50%	10 points	
		31 to 40%	8 points	
		21 to 30%	6 points	
		11 to 20%	4 points	
		1 to 10%	2 points	
		none	0 points	
	$1510 / 2165 = 69.7$			

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

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

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

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

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

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

Scoring Factor 8 (continued)

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

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

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

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

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

9	What is the distance from the subject site to the nearest 10 non-farm dwellings?	more than 1 mile	20 points	<u>12</u>
		0.76 to 1 mile	18 points	
		0.51 to 0.75 mile	16 points	
		0.26 to 0.50 mile	14 points	
		<u>0.01 to 0.25 mile</u>	12 points	
		adjacent	0 points	

Factor 9 considers the proximity of the nearest 10 non-farm dwellings as a general indicator of an existing land use incompatibility with production agriculture and an incompatibility with livestock facilities vis-a-vis the *Illinois Livestock Management Facilities Act (510 ILCS 77/ et seq.)*

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

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

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

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

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

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

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

The maximum points possible for this factor is 10 points.

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

SA Total Score	77
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CALCULATING THE TOTAL LESA SCORE

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

LE Total	100
SA Total	77
Total LESA Score	177

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

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

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



From East Oaks Road at US45, facing SE



From East Oaks Road, facing SSW



From west side of US45, facing ESE

PRELIMINARY DRAFT

905-AM-18

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: ***{May 31, 2018}***

Petitioners: **Peter Folk, d.b.a. Gargoyle Technologies**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture and B-3 Highway Business Zoning District to the B-4 General Business Zoning District in order to establish and operate a business office**

Table of Contents

Finding of Fact1 - 23
Documents of Record..... 24
Case 905-AM-18 Summary Finding of Fact.....25 - 27
Case 905-AM-18 Final Determination 28

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Peter Folk, d.b.a. Gargoyle Technologies, Inc., is purchasing the property on contract from Robert Lakey, per recorded document #2018R02406 dated February 16, 2018.
2. The subject property is a 2 acre tract in the Northeast Quarter of the Southwest Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3310 North Cunningham Avenue, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the City.
 - B. The subject property is located within Somer Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights in Map Amendment cases.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Current zoned B-3 but has been used as a residence.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated the following: **“B-3 zoning does not permit office/business use however adjacent properties are zoned B-2 and B-4 which do allow such a use.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 2 acre tract and has been split-zoned B-3 Highway Business and AG-2 Agriculture since the adoption of the Zoning Ordinance on October 10, 1973. The property has a vacant house that the petitioner is converting to an office for an internet service company. The entire tract would be rezoned to B-4 General Business.
 - B. Land to the north of the subject property is zoned AG-2 Agriculture and is residential in use.
 - C. Land to the east of the subject property is zoned AG-2 Agriculture and is in agricultural production.
 - D. Land to the south of the subject property is zoned B-4 General Business and is occupied by a Truck parts and service company.
 - E. Land to the west is zoned I-1 Light Industrial and is occupied by Cross Construction.

PRELIMINARY DRAFT**Cases 905-AM-18**

Page 3 of 28

7. Regarding the site plan and proposed operations of the subject property:
- A. The approved site plan for ZUPA #95-18-01 received April 4, 2018, indicates the following existing and proposed features:
- (1) Existing features are:
 - a. One 1,720 square feet building which was formerly a residence;
 - b. An existing driveway accessed from Cunningham Avenue (US45 North);
 - c. An existing driveway accessed from East Oaks Road; and
 - d. An existing road entrance to a field behind the principal building, accessed from East Oaks Road.
 - (2) Proposed improvements include:
 - a. 10 parking spaces, including 1 handicapped accessible space;
 - b. Removing the westernmost driveway access to East Oaks Road, with the exception of an approximately 15 feet by 15 feet area behind the principal building;
 - c. A fenced-in storage yard, approximately 41,250 square feet;
 - d. 6 feet high chain link fence to surround the new storage yard;
 - e. A drainage easement (natural landscaping) in the northeast corner of the property;
 - f. A 45 feet by 70 feet storage building in the southeast corner of the property;
 - g. A 60 feet by 100 feet shop/office expansion (not likely for 3+ years) in the southwest corner of the property; and
 - h. A 15 feet tall by 10 feet wide sign in the southwest corner of the property.
- B. Previous Zoning Use Permits on the subject property are as follows:
- (1) ZUPA #95-18-01 was approved on April 23, 2018 for the petitioner to change the use to establish a business office, contingent upon two special conditions:
 - a. The applicant shall abide by the decision and any Special Conditions made in the pending Zoning Case 905-AM-18 including, if necessary, ceasing business office activities within 6 months of a final determination; and
 - b. No signs are approved in this permit.
- C. There are no previous zoning use permits on the subject property. The house existed prior to adoption of the Zoning Ordinance on October 10, 1973.
- D. Previous Zoning Cases in close proximity to the subject property are as follows:

PRELIMINARY DRAFT

- (1) Case 60-AM-74 was approved on January 27, 1975, to rezone the property directly south of the subject property from B-3 to B-4.
- (2) Case 727-AM-90 was approved on October 16, 1990, to rezone the property on the northwest corner of Cunningham Avenue at Countryview Rd across from the subject property from I-1 to B-4.
- (3) Case 784-AM-91 was approved on January 21, 1992, to rezone the property on the southwest corner of Cunningham Avenue at Triumph Drive from I-1 to B-4.
- (4) Case 403-AM-03 was approved on October 23, 2003, to rezone a property on the west side of Countryview Rd from I-1 to B-4.
- (5) In Somer Township Section 33, there have been 8 properties rezoned from B-3 to B-4 since the Zoning Ordinance was adopted on October 10, 1973.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The B-3, Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
 - (2) The B-4, General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
 - B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 48 types of uses authorized by right in the B-3 District and there are 117 types of uses authorized by right in the B-4 District:
 - a. There are 44 uses authorized by right in the B-3 District that are also authorized by right in the B-4 District:
 - (a) HOTEL – no more than 15 LODGING UNITS;
 - (b) HOTEL – over 15 LODGING UNITS;
 - (c) SUBDIVISIONS totaling 3 LOTS or less;
 - (d) SUBDIVISIONS totaling more than 3 LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (e) AGRICULTURE;
 - (f) Minor RURAL SPECIALTY BUSINESS;
 - (g) Major RURAL SPECIALTY BUSINESS;
 - (h) Commercial greenhouse;
 - (i) Greenhouse (not exceeding 1,000 square feet);
 - (j) Garden Shop;
 - (k) Plant Nursery;

PRELIMINARY DRAFT**Cases 905-AM-18**

Page 5 of 28

- (l) Municipal or GOVERNMENT BUILDING;
 - (m) Township Highway Maintenance Garage;
 - (n) Police station or fire station;
 - (o) Public park or recreational facility;
 - (p) PARKING GARAGE;
 - (q) PARKING LOT;
 - (r) Telephone Exchange;
 - (s) Telegraph Office;
 - (t) MOTOR BUS Station;
 - (u) Roadside Produce Sales Stand;
 - (v) Artist Studio;
 - (w) Restaurant (indoor service only);
 - (x) Supermarket or grocery store;
 - (y) Drive-in Restaurant;
 - (z) Tavern or Night Club;
 - (aa) Bakery (less than 2,500 SF);
 - (bb) Dairy Store;
 - (cc) Delicatessen;
 - (dd) Confectionery Store;
 - (ee) Retail Liquor Store;
 - (ff) Locker, Cold Storage for Individual Use;
 - (gg) Major AUTOMOBILE Repair (all indoors);
 - (hh) Minor AUTOMOBILE Repair (all indoors);
 - (ii) Gasoline Service Station;
 - (jj) AUTOMOBILE washing facility;
 - (kk) Automotive Accessories (new);
 - (ll) Antique sales and service;
 - (mm) Lawnmower sales and service;
 - (nn) Bait sales;
 - (oo) Outdoor commercial recreational enterprise (except amusement park);
 - (pp) Private Indoor Recreational Development;
 - (qq) Commercial Fishing Lake; and
 - (rr) Christmas Tree Sales Lot.
- b. The following 67 uses are authorized by right in the B-4 District and not at all in the B-3 District:
- (a) Institution of an Educational, Philanthropic, or Eleemosynary Nature;
 - (b) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (c) Library, museum, or gallery;
 - (d) Railway Station;
 - (e) Truck Terminal;
 - (f) Barber shop;
 - (g) Beauty shop;
 - (h) Reducing salon;
 - (i) Dressmaking shop;
 - (j) Drycleaning ESTABLISHMENT;

PRELIMINARY DRAFT

- (k) Laundry and/or dry-cleaning pick-up;
- (l) Millinery shop;
- (m) Self-service laundry;
- (n) Shoe repair shop;
- (o) Tailor and pressing shop;
- (p) Diaper service ESTABLISHMENT;
- (q) Clothing repair and storage;
- (r) Mortuary or Funeral Home;
- (s) Medical and dental clinic;
- (t) Farm Equipment Sales & Service;
- (u) Feed and Grain (sales only);
- (v) Banks, Savings and Loan Associations;
- (w) Insurance and Real Estate Offices;
- (x) **Business Office;**
- (y) Professional Office;
- (z) Private Kindergarten or Day Care Facility;
- (aa) Vocational, Trade, or Business SCHOOL;
- (bb) Meat and Fish Market;
- (cc) AUTOMOBILE, Truck Trailer and Boat Sales room (all indoors);
- (dd) AUTOMOBILE or Trailer Sales area (open lot);
- (ee) Building material sales (excluding concrete or asphalt mixing);
- (ff) Hardware Store;
- (gg) Electrical or gas appliance sales and service;
- (hh) Department Store;
- (ii) Apparel shop;
- (jj) Shoe store;
- (kk) Jewelry store;
- (ll) Stationery-gift shop-art supplies;
- (mm) Florist;
- (nn) Newsstand-bookstore;
- (oo) Tobacconist;
- (pp) Variety-dry goods store;
- (qq) Music store;
- (rr) Drugstore;
- (ss) Photographic studio and equipment sales and service;
- (tt) Furniture Store – Office Equipment sales;
- (uu) Used Furniture Sales and Service;
- (vv) Pet store;
- (ww) Bicycle sales and service;
- (xx) Fuel Oil, ice, coal, wood (sales only);
- (yy) Monument Sales (excludes stone cutting);
- (zz) Pawn Shop;
- (aaa) Sporting good sales and service;
- (bbb) Heating, ventilating, air conditioning sales and service;
- (ccc) Billiard room;
- (ddd) Bowling Alley;
- (eee) Dancing Academy or hall;

PRELIMINARY DRAFT**Cases 905-AM-18**

Page 7 of 28

- (fff) Lodge or private club;
 - (ggg) THEATER, indoor;
 - (hhh) Wholesale business;
 - (iii) Auction house (non-animal);
 - (jjj) SEXUALLY ORIENTED BUSINESSES;
 - (kkk) Contractors facilities with no outdoor STORAGE nor outdoor OPERATIONS;
 - (lll) Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS (all outdoor storage in screened rear yard);
 - (mmm) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
 - (nnn) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS (all outdoor storage in screened rear yard); and
 - (ooo) SMALL SCALE METAL FABRICATING SHOP.
- c. There are no uses authorized by right in the B-3 District that require a Special Use Permit in the B-4 District.
- d. The following 3 uses are authorized by right in the B-3 District but not at all in the B-4 District:
- (a) TRAVEL TRAILER camp;
 - (b) Roadside Stand Operated by Farm Operator; and
 - (c) Public CAMP or picnic area.
- e. The following 6 uses are authorized by right in the B-4 District but require a Special Use Permit in the B-3 District:
- (a) Township Highway Maintenance Garage;
 - (b) Radio or Television Station;
 - (c) VETERINARY HOSPITAL;
 - (d) Warehouse;
 - (e) Self-storage warehouses, providing heat and utilities to individual units; and
 - (f) Self-storage warehouses, not providing heat and utilities to individual units.
- (2) There are 12 types of uses authorized by Special Use Permit (SUP) in the B-3 District (including the 6 uses authorized by right in the B-4 District, see above) and 12 types of uses authorized by SUP in the B-4 District:
- a. The following 4 uses may be authorized by SUP in both the B-3 District and B-4 District:
- (a) Adaptive reuse of government buildings for any use permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
 - (b) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (c) Electrical substation; and
 - (d) HELIPORT-RESTRICTED LANDING AREAS.

PRELIMINARY DRAFT

- b. The following use may be authorized by SUP in the B-3 District and not at all in the B-4 District:
 - (a) Gasoline and Volatile Oils Storage up to and including 80,000 gallons but no more than 175,000 gallon capacity in the aggregate.
- c. The following 8 uses may be authorized by SUP in the B-4 District and not at all in the B-3 District:
 - (a) HOSPITAL;
 - (b) Bakery (more than 2,500 SF):
 - (c) Amusement Park;
 - (d) KENNEL;
 - (e) Recycling of non-hazardous materials (all storage and processing indoors);
 - (f) Contractors facilities with outdoor STORAGE and/or outdoor OPERATIONS;
 - (g) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
 - (h) LIGHT ASSEMBLY.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

PRELIMINARY DRAFT**Cases 905-AM-18**
Page 9 of 28**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

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

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

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

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

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

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

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

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

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. The proposed amendment will **HELP ACHIEVE** Goal 4 for the following reasons:

- A. The proposed amendment is not relevant to Objectives 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, and 4.10 and their subsidiary policies.
- B. Objective 4.3 is entitled "Site Suitability for Discretionary Review Development" and states: "Champaign County will require that each discretionary review development is located on a suitable site."

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

- (1) Objective 4.3 includes 5 subsidiary policies. Policy 4.3.1 is not relevant to the proposed rezoning.

PRELIMINARY DRAFT

- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

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

- a. The soil on the subject property is best prime farmland and consists of 154A Flanagan silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100. The eastern 1.15 acres of the subject property appears to be in agricultural production in 2017 aerial photography.
- b. Approximately 0.85 acres of the subject property was converted out of agricultural production to create a residence prior to the adoption of the Zoning Ordinance on October 10, 1973. There are two existing paved access drives and an existing building suitable to the purposes of proposed operations, making the subject property well-suited overall.
- c. The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings and storage yard shown in the Site Plan received April 4, 2018, will trigger the need for a Stormwater Drainage Plan; a special condition has been added to ensure compliance.
- d. The proposed site plan received April 4, 2018, indicates a “drainage easement” with natural landscaping in the northeast corner of the property. No further details have been provided about the easement’s function or capacity.
- e. There is an existing well and septic system on the property.
 - (a) In an email received May 17, 2018, Michael Flanagan from the Champaign County Public Health Department, stated, “As the property in question currently has an onsite wastewater disposal system there would be no requirements at this time from the Champaign County Public Health Department. I would recommend however, that you take into consideration that a new system may be required in the future if the current system fails due to age or overuse. Most conventional systems have an average lifespan of between 20-40 years when maintained properly. I strongly encourage you to have a licensed septic installer inspect your tank and field to ensure that it is in good condition, and moving forward to have your tank pumped every 3 years or as needed.”
- f. There is a mix of residential, commercial, and agricultural uses surrounding the subject property.
- g. The B-4 General Business District is intended to accommodate a range of commercial uses and is intended for application only adjacent to the urbanized areas of the county.

PRELIMINARY DRAFT**Cases 905-AM-18**
Page 11 of 28

- h. The subject property is located on US Route 45 North at the southeast corner of Oaks Road, approximately 500 feet from the City of Urbana corporate limits and approximately 630 feet from the nearest sanitary sewer connection.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The subject property is located approximately 2.8 road miles from the Carroll Fire Protection District station. Notice of this case was sent to the Carroll Fire Protection District, but no comments have been received.
- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed rezoning will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. No roadway improvements are necessary for the proposed project.
- b. No connection to public water or sewer is planned; the petitioners plan to utilize the existing well and septic system.
- (a) In an email received May 17, 2018, Michael Flanagan from the Champaign County Public Health Department, stated, “As the property in questing currently has an onsite wastewater disposal system there would be no requirements at this time from the Champaign County Public Health Department. I would recommend however, that you take into consideration that a new system may be required in the future if the current system fails due to age or overuse. Most conventional system have an average lifespan of between 20-40 years when maintained properly. I strongly encourage you to have a licensed septic installer inspect your tank and field to ensure that it is in good condition, and moving forward to have your tank pumped every 3 years or as needed.”
- c. The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings and storage yard shown in the Site Plan received April 4, 2018, will trigger the need for a Stormwater Drainage Plan; a special condition has been added to ensure compliance.

PRELIMINARY DRAFT

- d. The proposed site plan received April 4, 2018, indicates a “drainage easement” with natural landscaping in the northeast corner of the property. No further details have been provided about the easement’s function or capacity.
- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a) **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
- b) **The use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

- a. The proposed use *DOES NOT* serve surrounding agricultural land uses or an important public need.
- b. The subject property is 500 feet from the City of Urbana and the City’s most recent Future Land Use Map from 2005 shows the western portion of the subject property to be in the Regional Business future land use area, and the eastern portion to be in a “residential expansion opportunity” area.
- c. A business office is a by-right USE in the B-4 DISTRICT.
- d. Based on the approved Site Plan from ZUPA #95-18-01, the petitioner proposes having a storage yard and two accessory structures in the future. Outdoor Storage and/or Outdoor Operations are allowed in all DISTRICTS subject to the requirements in Section 7.6. of the Zoning Ordinance.
- e. The proposed business office use *IS* otherwise appropriate in a rural area based on the following:
- (a) In item 13.C.(2)b. of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property *DOES NOT* negatively affect agricultural activities.
- (b) In item 13.C.(2)c. of this Finding of Fact, the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property *IS NOT* negatively affected by surrounding agricultural activities; and
- (c) In items 13.B.(2)c.(a), and (b) of this Finding of Fact the Zoning Board of Appeals has recommended that the existing and proposed use of the subject property *WILL NOT* damage or negatively affect

PRELIMINARY DRAFT**Cases 905-AM-18**

Page 13 of 28

the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.

- f. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.

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

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

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. On the basis of the proposed business office use, the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 based on the following:
- (a) The proposed business office use **DOES NOT** support agriculture.
- (b) Approximately 0.85 acres of the subject property was converted out of agricultural production to create a residence prior to the adoption of the Zoning Ordinance on October 10, 1973. There are two existing paved access drives and an existing building suitable to the purposes of proposed operations, making the subject property well-suited overall.
- (c) In an email received December 15, 2017, Peter Folk stated, “our location on a highway facilitates access to us for support and billing purposes from our largely-rural clientele.”
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
- b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

PRELIMINARY DRAFT

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The traffic generated by the proposed rezoning will likely come from Cunningham Avenue (US 45) rather than adjacent rural roads.
 - b. The former residence has been located next to agriculture for decades, and it would appear that use of the subject property **IS NOT** negatively affected by surrounding agricultural activities.
 - c. The former residence has been located next to agriculture for decades, and it would appear that use of the subject property **WILL NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems based on the following:
 - (a) The Site Plan received April 4, 2018, shows a drainage easement and a storage building, which will serve as a buffer to the farmland located on the east side of the subject property. The site plan also shows a 20 feet wide rear yard between those features and the farmland.
 - (b) It is unclear if agricultural drainage might be affected. The subject property generally drains east toward the adjacent farmland. The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings and storage yard shown in the Site Plan received April 4, 2018, will trigger the need for stormwater management; this will be a part of the construction permit approval process.
- (3) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. A special condition has been added to the map amendment regarding Champaign County’s Right to Farm Resolution.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.2.4 for the following reasons:

- a. The proposed use on the subject property **WILL NOT** create nuisance conditions or inhibit adjacent agricultural activities. A buffer between the use and nearby agriculture is not warranted.

PRELIMINARY DRAFT**Cases 905-AM-18
Page 15 of 28**

- D. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed rezoning.
- (2) Policy 4.1.1 states, “**Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.**”

The proposed rezoning **{WILL/WILL NOT} HELP ACHIEVE** Policy 4.1.1 because the Site Plan received April 4, 2018, will remove approximately 1.15 acres from agricultural production.

- (3) Policy 4.1.6 states: “**Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. **Suitability of the site for the proposed use;**
 - ii. **Adequacy of infrastructure and public services for the proposed use;**
 - iii. **Minimizing conflict with agriculture;**
 - iv. **Minimizing the conversion of farmland; and**
 - v. **Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) **On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) **The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 154A Flanagan silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100. The eastern 1.15 acres of the subject property appears to be in agricultural production in 2017 aerial photography.

PRELIMINARY DRAFT

- b. Regarding compliance with policies having to do with the suitability of the site for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland and will **HELP ACHIEVE** Policy 4.3.5.”
 - c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
 - d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policies 4.2.1, 4.2.2, 4.2.3, and 4.2.4.
 - e. Regarding compliance with policies having to do with minimizing the conversion of best prime farmland, the proposed site plan received April 4, 2018, shows approximately 1.15 acres being removed from agricultural production.
 - f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas, there are no natural areas on the subject property and the proposed amendment **WILL NOT IMPEDE** the achievement of Goal 8.
- (4) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

- a. The soil on the subject property is best prime farmland and consists of 154A Flanagan silt loam and 152A Drummer silty clay loam, and has an average Land Evaluation (LE) of 100. The eastern 1.15 acres of the subject property appears to be in agricultural production in 2017 aerial photography.
 - b. The Site Assessment (SA) portion of the LESA analysis scored 77 out of 200 points.
 - c. The total LESA Score of 177 receives the second lowest protection rating in LESA which is “moderate rating for protection.” Even though the LESA score indicates a “moderate rating for protection”, almost half of this property has been out of agricultural production and in use as a residence for decades.
- E. The subject property has been mixed zoned B-3 Highway Business and AG-2 Agriculture since the Zoning Ordinance was adopted on October 10, 1973.

PRELIMINARY DRAFT**Cases 905-AM-18
Page 17 of 28**

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

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

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5 for the following reasons:

- A. The Land Resource Management Plan defines “urban land use” as generally any land use that is connected and served by a public sanitary system and “urban development” is defined as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary system.
 - B. The subject property is not serviced by sanitary sewer or a public water supply.
 - C. The proposed business use does not need access to a sanitary sewer or a public water supply and should not be considered “urban development”.
 - D. The subject property is approximately 500 feet from the current City of Urbana corporate limits and approximately 630 feet from the nearest sanitary sewer connection..
15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:
Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:
Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

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

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

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

PRELIMINARY DRAFT

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

The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

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

A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 summarizes the land uses and zoning of the subject property and nearby properties.

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Vacant building, agriculture	B-3 Highway Business and AG-2 Agriculture (Proposed rezoning to B-4)
North	Residential	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture
West	Commercial (Cross Construction)	I-1 Light Industrial
South	Commercial (truck parts and service)	B-4 General Business

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) This area has a broad range of land uses and the subject property has been a vacant residence for some time.
- (3) In regards to the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.

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

- (1) There has been no evidence submitted regarding property values.

PRELIMINARY DRAFT**Cases 905-AM-18**
Page 19 of 28

- (2) This area has a broad range of land uses and the subject property has been a vacant residence for some time.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning is positive because it will develop a vacant residential structure that has not been used as a residence for some time.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.** Regarding whether the site is well suited to the proposed land use, the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) This area has a broad range of land uses and the subject property has been a vacant residence for some time.
- (2) The subject property has been split zoned B-3 Highway Business and AG-2 Agriculture since adoption of the Zoning Ordinance on October 10, 1973.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- (2) In the review of Policy 4.3.5, the ZBA has recommended the following:
- a. The proposed use **DOES NOT** serve surrounding agricultural land uses or an important public need.
 - b. The proposed development **IS** otherwise appropriate in a rural area.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- (2) The subject property is 500 feet from the City of Urbana and the City's most recent Future Land Use Map from 2005 shows the western portion of the subject property to be in the Regional Business future land use area, and the eastern portion to be in a "residential expansion opportunity" area.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

PRELIMINARY DRAFT

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment will **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.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.

- 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.

It is not clear whether or not the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

- 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 ZBA has recommended that the proposed rezoning will **NOT IMPEDE** Goal 7 Transportation regarding coordination with existing plans and policies, but no Traffic Impact Assessment has been made.

- 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.

(1) The proposed rezoning will not trigger the need for stormwater management; however, creation of additional impervious area due to the construction of the proposed buildings and storage yard shown in the Site Plan received April 4, 2018, will trigger the need for stormwater management; a special condition has been added to ensure compliance.

(2) No Stormwater Management Plan has been submitted.

(3) The Site Plan received April 4, 2018, includes a drainage easement (natural landscaping) in the northeast corner of the property.

- 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.

(1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

PRELIMINARY DRAFT**Cases 905-AM-18
Page 21 of 28**

(2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing 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; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

H. 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.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed use would have to be conducted in compliance with those requirements.

I. 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.

PRELIMINARY DRAFT

- (1) The proposed use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
- (2) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed business office is not urban in use.

J. 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 subject property does not contain any natural features.

K. 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 use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

L. 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 use will remove approximately 1.15 acres from agricultural production. The subject property is surrounded on 3 sides by non-agricultural uses.

M. 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 rezoning will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. Proposed Special Conditions of Approval:

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

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

PRELIMINARY DRAFT

Cases 905-AM-18

Page 23 of 28

- B. A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Map Amendment received April 17, 2018, with attachments:
 - A. Approved Site Plan from ZUPA 95-18-01
 - B. Approved Floor plan received April 17, 2018 and approved April 23, 2018
 - C. Legal description
2. ZUPA #95-18-01, including special conditions, approved April 23, 2018
3. Memorandum of Installment Sale Contract - recorded document #2018R02406 dated February 16, 2018
4. Email from Peter Folk received December 15, 2017
5. LESA scoresheet completed by staff on May 14, 2018
6. Preliminary Memorandum dated May 24, 2018, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan from ZUPA 95-18-01 received April 4, 2018, and approved April 23, 2018
 - C Approved Floor plan received April 17, 2018 and approved April 23, 2018
 - D 2008 Contour Map on 2017 Aerial Photo
 - E ZUPA #95-18-01, including special conditions, approved April 23, 2018
 - F Email from Peter Folk received December 15, 2017
 - G Email from Michael Flanagan, Champaign County Public Health, received May 17, 2018
 - H LRMP Land Use Goals, Objectives, and Policies
 - I LRMP Appendix of Defined Terms
 - J Copy of Right to Farm Resolution 3425
 - K LESA worksheet completed by staff on May 14, 2018
 - L Site Images packet taken May 8, 2018
 - M Summary of Evidence, Finding of Fact, and Final Determination dated May 31, 2018

PRELIMINARY DRAFT**Cases 905-AM-18
Page 25 of 28****SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 31, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 4:
 - (1) It **{WILL/WILL NOT} HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because of the following:
 - a. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.D.(2)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.D.(3)).
 - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.D.(4)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
 - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.C.(1)).
 - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.C.(2)).
 - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.C.(3)).
 - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.C.(4)).
 - (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:

PRELIMINARY DRAFT

- a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.B.(2)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.B.(3)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.B.(4)).
 - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 13.B.(5)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will ***HELP ACHIEVE*** Goal 4 Agriculture.
- B. 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 8 Natural Resources
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- C. Overall, the proposed map amendment will ***HELP ACHIEVE*** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment ***IS*** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. This area has a mix of commercial, industrial, and single family residential uses. The subject property was a single-family residence that has not been occupied for some time.
 - B. It is impossible to establish property values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - C. The gain to the public of the proposed rezoning is positive because it will develop a vacant residential structure that has not been used as a residence for some time.
 - D. The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.

PRELIMINARY DRAFT

**Cases 905-AM-18
Page 27 of 28**

- E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-4 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).
 - B. Establishing the B-4 District at this location **WILL** help secure adequate light, pure air, and safety from fire and other dangers (Purpose 2.0 (a), see Item 21.A.).
 - C. Establishing the B-4 District at this location **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d), see Item 21.D.).
 - D. The proposed rezoning **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
4. The proposed Zoning Ordinance map amendment is subject to the following special condition:
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**

The above special condition is necessary to ensure the following:

Conformance with Land Resource Management Plan Policy 4.2.3.

- B. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

That the drainage improvements conform to the requirements of the Stormwater Management and Erosion Control Ordinance.

Cases 905-AM-18

PRELIMINARY DRAFT

Page 28 of 28

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 905-AM-18** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board ***SUBJECT TO THE FOLLOWING SPECIAL CONDITION:***

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**
- B. **A complete Stormwater Drainage Plan that conforms to the requirements of the Stormwater Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

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

SIGNED:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date