

CASES 924-AM-19 & 925-S-19

PRELIMINARY MEMORANDUM

FEBRUARY 21, 2019

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

Case 924-AM-19

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

Case 925-S-19

Request: Authorize the remodeling of existing farm buildings and/or the construction of new buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19, with the following waiver:

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

Location: A 10.3 acre tract in the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079 CR 2600N, Gifford.

Site Area: 10.3 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioners propose to renovate the existing barn to create a 300 guest capacity event center. They have included potential expansion options on their site plan should demand for the facility warrant the expansion in the future.

Current zoning does not allow Private Indoor Recreational Developments or Outdoor Commercial Recreation Enterprises without a Special Use Permit. The Petitioners seek to rezone to AG-2 to allow this type of establishment.

EXISTING LAND USE AND ZONING
Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential and Agriculture	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Residential and Agriculture	AG-1 Agriculture
West	Residential and Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

The subject property is located within Compromise Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township has been notified of this case.

REQUIRED WAIVER

An “outdoor commercial recreational enterprise” requires a separation of 200 feet to any residential use, per Section 6.1.3 of the Zoning Ordinance. The event center barn is located approximately 100 feet from the residential lot across the street. Without the waiver, the petitioners could not establish the event center, parking area, or any potential expansion within 200 feet of that lot.

Both neighbors across the street have written letters in support of the proposed event center, and have not expressed any concerns.

PROPOSED SEPTIC SYSTEM

The petitioners stated that they contacted Michael Flanagan at Champaign-Urbana Public Health District regarding restroom requirements. They said that Mr. Flanagan explained that there are no specific requirements since they plan to run on a temporary liquor license or utilize a caterer’s liquor license for now. They said that they will provide at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will also be given the option of renting a portable restroom trailer. They said that they have future plans to build or repurpose a shed for a reception hall which will include plumbed restrooms and a beverage bar, and that they will contact Public Health when they are ready to take these next steps to discuss necessary precautions and requirements.

P&Z Staff contacted Michael Flanagan on December 7, 2018, to ask about septic requirements if the petitioners were going to operate using a Temporary Use Permit. Mr. Flanagan indicated that portable restrooms would be allowed. After that conversation, the petitioners decided to proceed with a Special Use Permit even though they are unsure if the event center will be successful and they had no events booked at the time. P&Z Staff emailed Mr. Flanagan on February 11, 2019, to ask what trigger/threshold there might be to determine when portable facilities would no longer be allowed, but he is out of the office until February 25th, so we will not have a complete recommendation until P&Z Staff can coordinate with Mr. Flanagan.

With one exception, previous event centers approved for Special Use Permits have required separate septic systems dedicated to the event center. Hudson Farm (Cases 799-AM-15/800-S-15), with an event center capacity of 250, was allowed to provide portable toilets while their septic system and restrooms were under construction (construction had already begun). Farm Lake (Cases 817-AM-15/ 808-S-15) was the exception because no new facilities were being proposed, and the barns had been in use for decades as event centers using portable restrooms. Willow Creek Farms (Cases 830-AM-16/831-S-16), capacity of 150, had a septic system constructed prior to approval of their Special Use Permit. Bluestem Hall (Cases 858-AM-16/859-S-16), capacity of 350, also required a septic system.

PROPOSED PARKING

The Petitioners propose to install a 200 feet by 110 feet (22,000 square feet) parking lot that could accommodate 73 spaces by minimum zoning requirements. The petitioner also proposes to install two accessible parking spaces with concrete pavement directly east of the events center. The parking area does not require screening because it is at least 100 feet away from any lot with a residential use.

BEST PRIME FARMLAND AND LESA RATING

Land Evaluation and Site Assessment (LESA) analysis was completed for the subject property. Regarding the LE score, soils are considered Best Prime Farmland, with an average LE score of 98. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points, for an overall LESA score of 258. This falls under the highest protection rating in LESA, which is “very high rating for protection.”

The event center barn will not take any land out of production, but the proposed parking area will remove approximately 22,000 square feet (0.51 acre) from production.

ONGOING LIFE SAFETY REVIEW

The petitioners stated that they spoke with the Gifford Fire Chief, and that he had no comments or requirements at the time. P&Z Staff are concerned about ensuring adequate life safety for the proposed use, including National Fire Protection Association (NFPA) recommendations for fire lanes. Special conditions regarding life safety could be required for the Zoning Use Permit based on their research.

COMMENTS RECEIVED

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

- Janet Miller, who resides just north of the subject property at 2086 CR 2600N, supports the project.
- Dale and Kathy Miller, who reside just north of the subject property at 2078 CR 2600N, support the project.
- Gary and Elaine Busboom, who reside at 2073 CR 2600N to the west of the subject property, support the project but ask for consideration of the following: any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC; and no parking will be allowed along township road 2600 North or on neighboring property.
- The following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.

- Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
- The following comments were received via phone on February 13, 2019 from Highway Commissioner Marvin Johnson:
 - Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.
 - Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
 - The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
 - The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

DECISION POINTS

P&Z Staff have made recommendations on many items in the Finding of Fact for the map amendment, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. There are other decision points, denoted by text in **{BOLD PARENTHESSES}**, which need to be considered and decided upon by the Board.

The following decision points can be found in the Finding of Fact for Case 924-AM-19. Please discuss them in the following order because some decision points are based on others:

Decision points for Goal 4: Agriculture

		<u>HELP ACHIEVE?</u>
• Objective 4.3		
○ Policy 4.3.2	Item 13.A.(2), page 10 of 37	WILL / WILL NOT
○ Policy 4.3.5	Item 13.A.(5), page 11 of 37	WILL / WILL NOT
○ Objective 4.3 (overall)	Item 13.A., page 10 of 37	WILL / WILL NOT
• Objective 4.2		
○ Policy 4.2.2 (subset)	Item 13.B.(2)b., page 12 of 37	WILL / WILL NOT
○ Policy 4.2.2 (overall)	Item 13.B.(2), page 12 of 37	WILL / WILL NOT
○ Objective 4.2 (overall)	Item 13.B., page 12 of 37	WILL / WILL NOT
• Objective 4.1		
○ Policy 4.1.1	Item 13.C.(2), page 15 of 37	WILL / WILL NOT
○ Policy 4.1.6 (subset)	Item 13.C.(3)f., page 16 of 37	WILL / WILL NOT
○ Policy 4.1.6 (subset)	Item 13.C.(3)h., page 16 of 37	WILL / WILL NOT
○ Policy 4.1.6 (overall)	Item 13.C.(3), page 16 of 37	WILL / WILL NOT
○ Objective 4.1 (overall)	Item 13.C., page 15 of 37	WILL / WILL NOT
• Goal 4 (overall)	Item 13, page 9 of 37	WILL / WILL NOT

Decision points for Goal 7: Transportation

• Objective 7.1		
○ Policy 7.1.1	Item 16.A.(1), page 19 of 37	WILL / WILL NOT
○ Objective 7.1 (overall)	Item 16.A., page 19 of 37	WILL / WILL NOT
• Goal 7 (overall)	Item 16, page 19 of 37	WILL / WILL NOT

Decision points for Goal 8: Natural Resources

- Objective 8.2
 - Policy 8.2.1 Item 17.C.(1), page 21 of 37 WILL / WILL NOT
 - Objective 8.2 (overall) Item 17.C., page 21 of 37 WILL / WILL NOT
- Objective 8.1
 - Policy 8.1.1 Item 17.D.(1), page 23 of 37 WILL / WILL NOT
 - Objective 8.1 (overall) Item 17.D., page 23 of 37 WILL / WILL NOT
- **Goal 8 (overall)** **Item 17, page 21 of 37** WILL / WILL NOT

Decision points for LaSalle and Sinclair Factors

- LaSalle Factor E Item 20.E., page 25 of 37 WILL / WILL NOT
- Sinclair Factor H Item 20.H., page 26 of 37 WILL / WILL NOT
- **Factor I (overall)** **Item 20.I., page 26 of 37** IS / IS NOT CONSISTENT

Decision points for Purpose of the Zoning Ordinance

- Purpose 2.0 (c) Item 21.C., page 27 of 37 WILL / WILL NOT LESSEN
- Purpose 2.0 (n) Item 21.I., page 29 of 37 WILL / WILL NOT PROTECT
- **Purpose (overall)** **Item 21., page 27 of 37** WILL / WILL NOT HELP ACHIEVE

PROPOSED SPECIAL CONDITIONS

The following is a proposed special condition for Case 924-AM-19.

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

The following are proposed special conditions for Case 925-S-19.

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

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

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

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

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

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

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

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

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

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

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

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

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

The special condition stated above is to ensure the following:

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

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

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

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

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

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

That events held on the subject property adequately consider neighbors.

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

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

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

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

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

To protect public health.

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

- (1) **For events with no more than 20 guest vehicles or the equivalent 20 vehicle round trips (including shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the**

calendar year and the guest attendance at each event shall be limited to no more than 300 guests.

- (2) "Larger" events with more than 20 guest vehicles at the subject property shall be limited as follows:
- a. The guest attendance at each event shall be limited to no more than 300 guests; and
 - b. The total number of larger events shall be limited to no more than 20 events in any 365-day period; and
 - c. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and
 - d. The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.

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

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

- K. **The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).**

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

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

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

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

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

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

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

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

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

The above special condition is necessary to ensure the following:

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

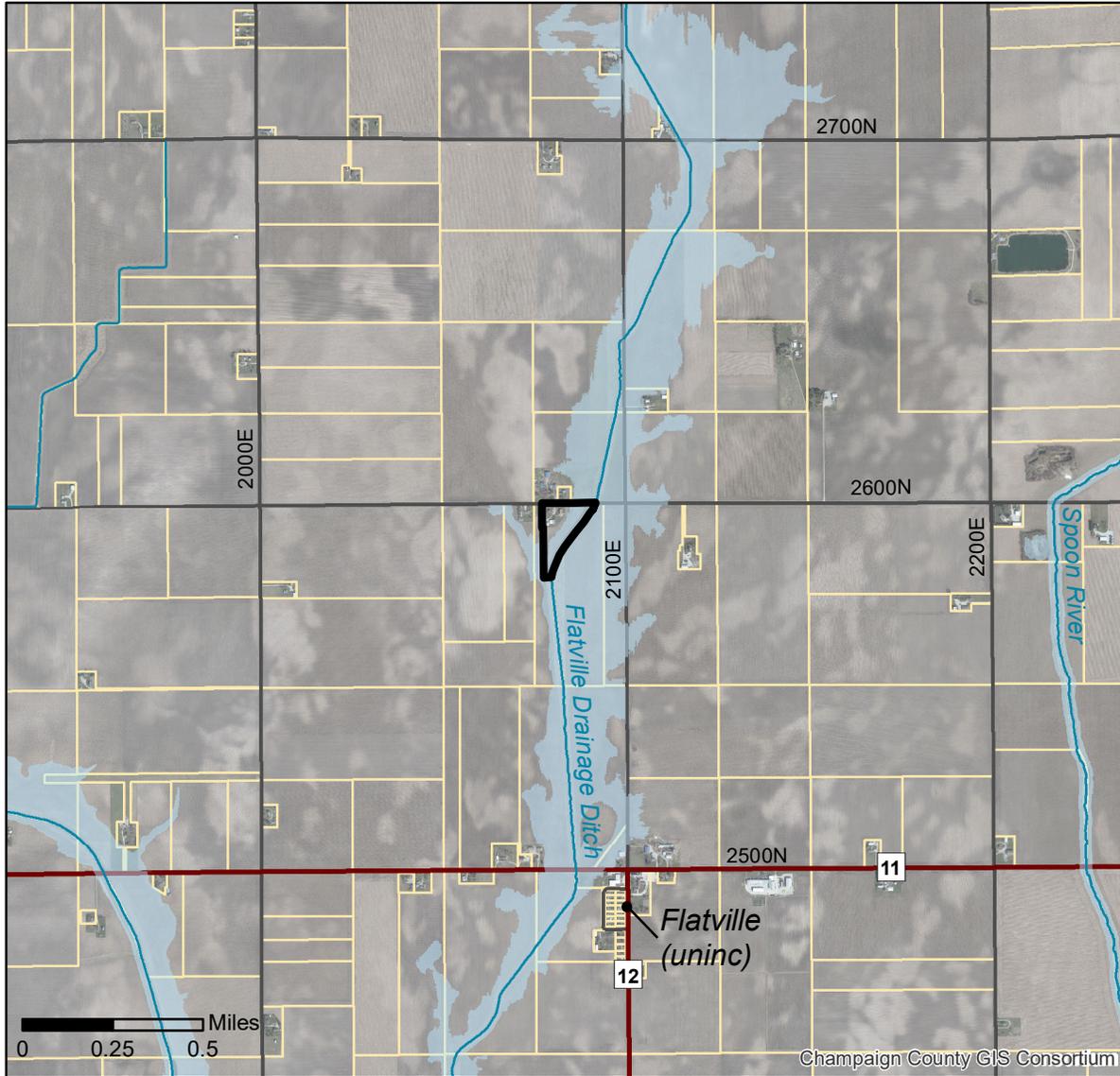
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Subject Property Aerial Photo created by P&Z Staff on February 20, 2019
- C Proposed Site Plan received January 2, 2019
- D Revised Site Plan received February 13, 2019
- E LRMP Land Use Goals, Objectives, and Policies
- F LRMP Appendix of Defined Terms
- G Right to Farm Resolution 3425
- H Letter regarding Natural Resource Report from the Champaign County Soil and Water Conservation District dated December 27, 2018 and received January 2, 2019
- I Preliminary EcoCAT consultation completed online January 31, 2019
- J Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
- K Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019
- L Letter of support from Janet Miller dated December 16, 2018
- M Letter of support from Dale and Kathy Miller dated December 16, 2018
- N Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment: Info Sheet
- O Revised Info Sheet received February 15, 2019
- P Email from Kyli Miller received February 15, 2019
- Q Site Visit Photos taken February 14, 2019
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 924-AM-19
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19

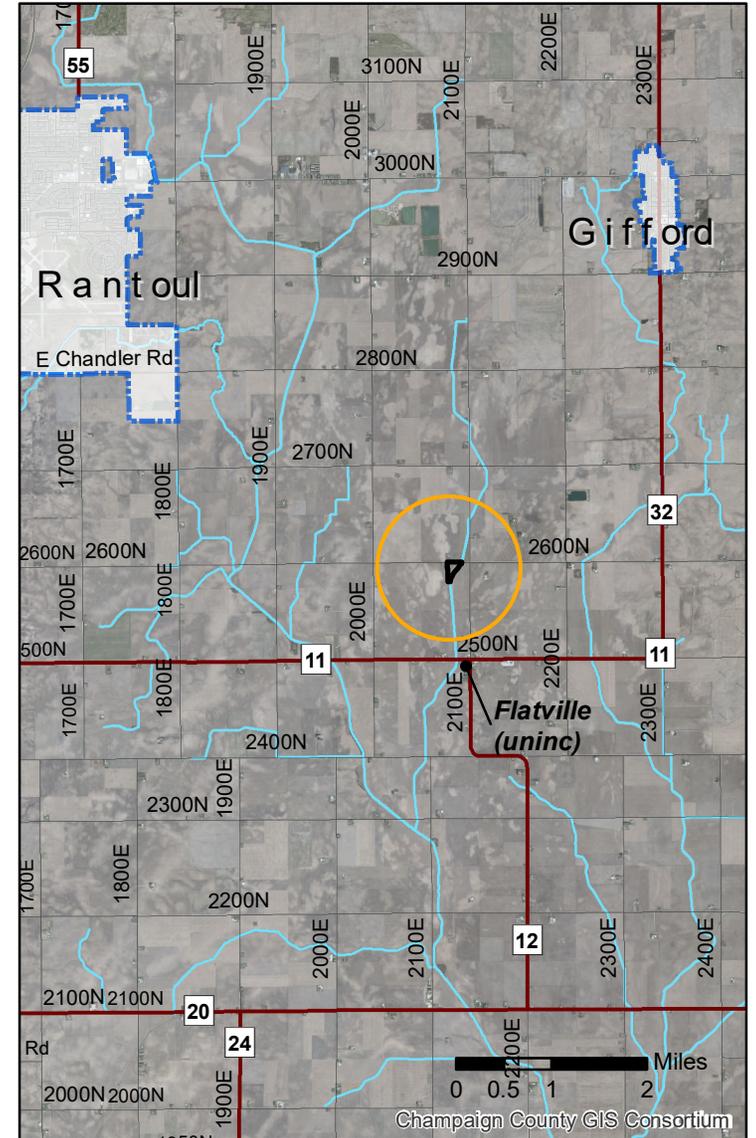
Location Map

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

Subject Property



Property location in Champaign County



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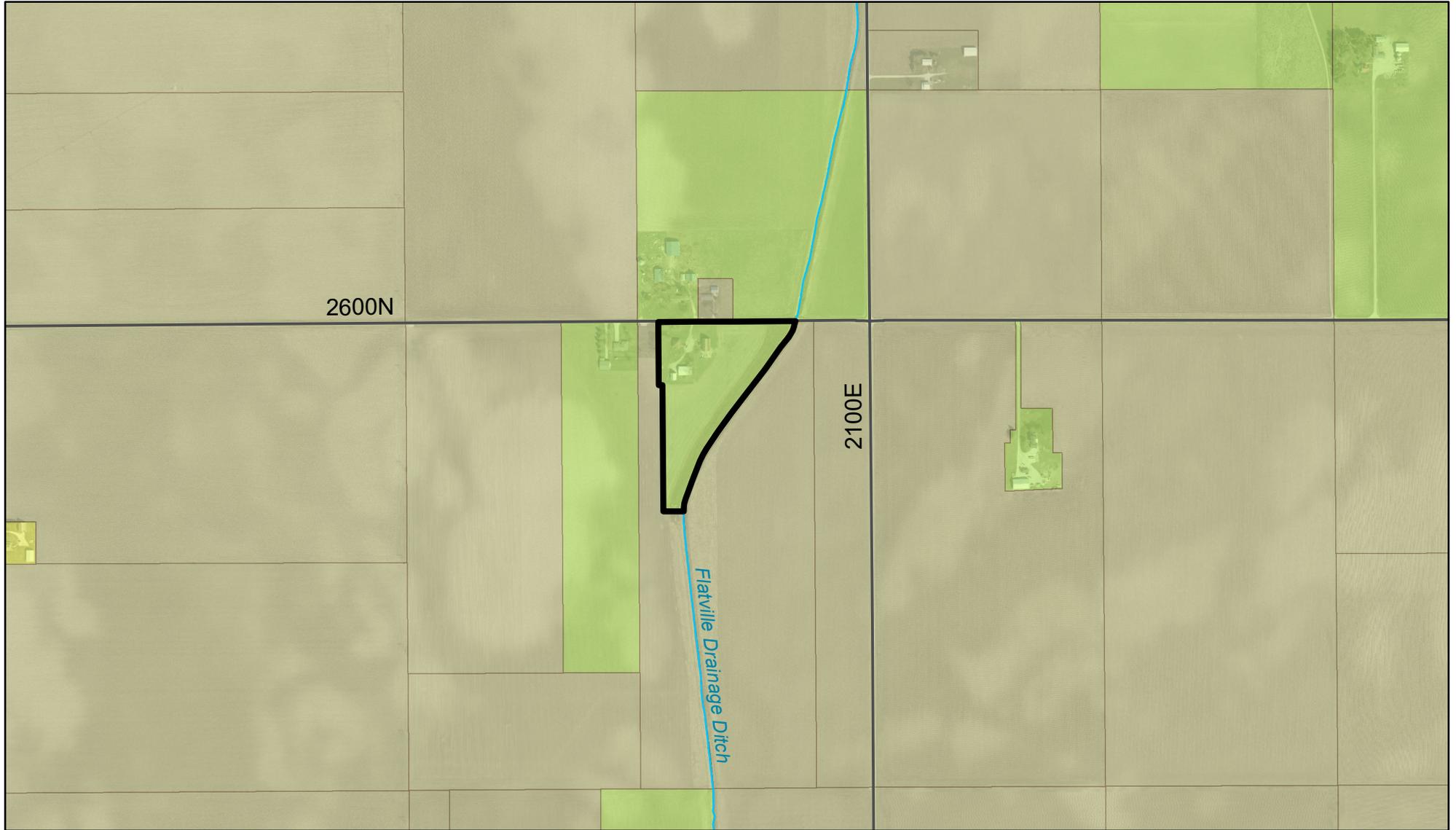
-  Subject Property
-  Streams
-  County Highways
-  Parcels
-  Floodzone
-  Streets
-  Municipal Boundary



Champaign County
Department of
**PLANNING &
ZONING**

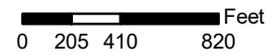
Land Use Map

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



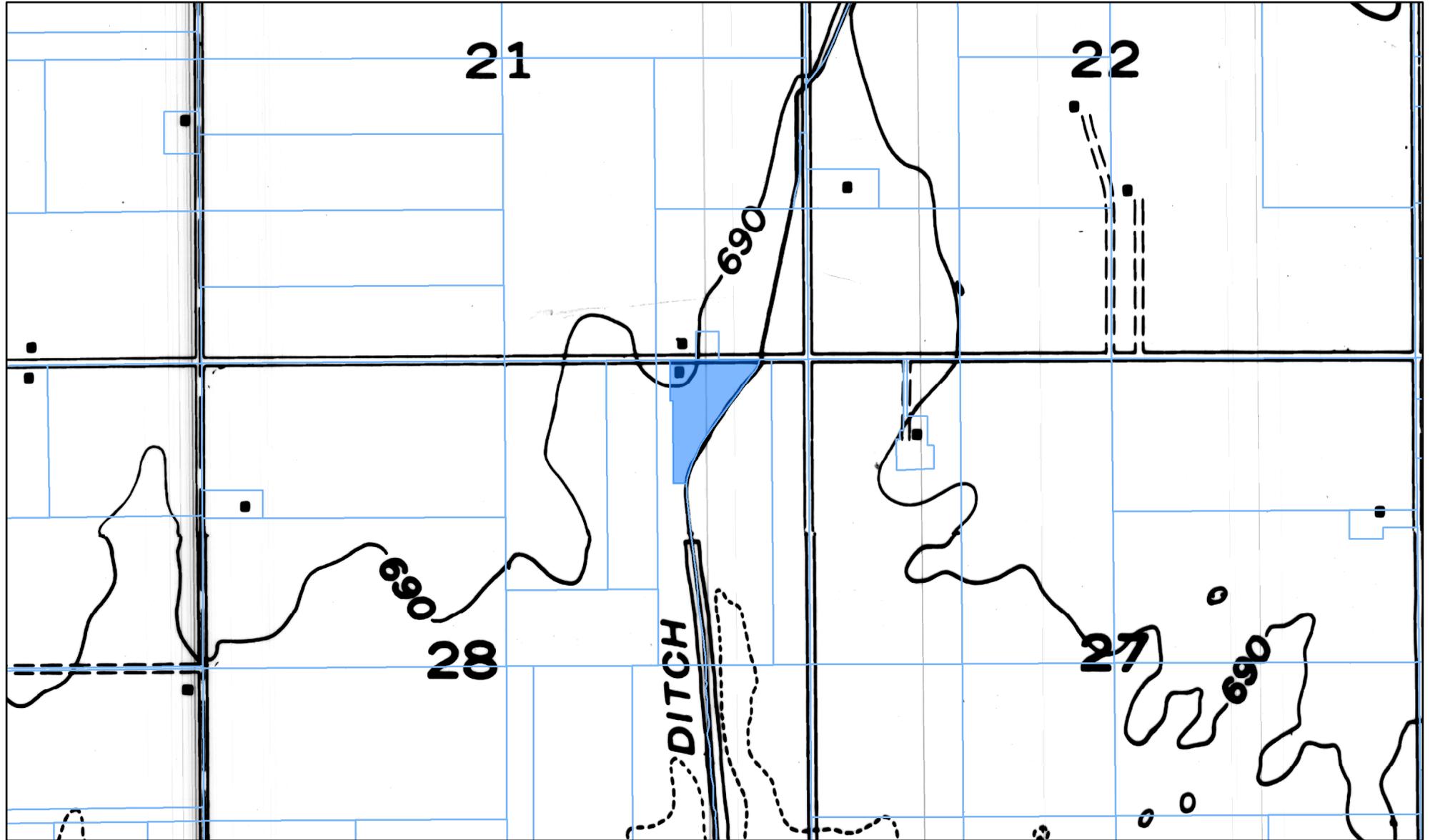
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-  Subject Property
-  Streams
-  Streets
-  Residential
-  Ag-Residential
-  Agriculture



Zoning Map

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



Legend

-  Subject Property
-  Parcels

0 300 600 1,200 Feet



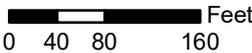
Subject Property

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



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-  Subject Property
-  Parcels
-  Flood Hazard Area



Creek

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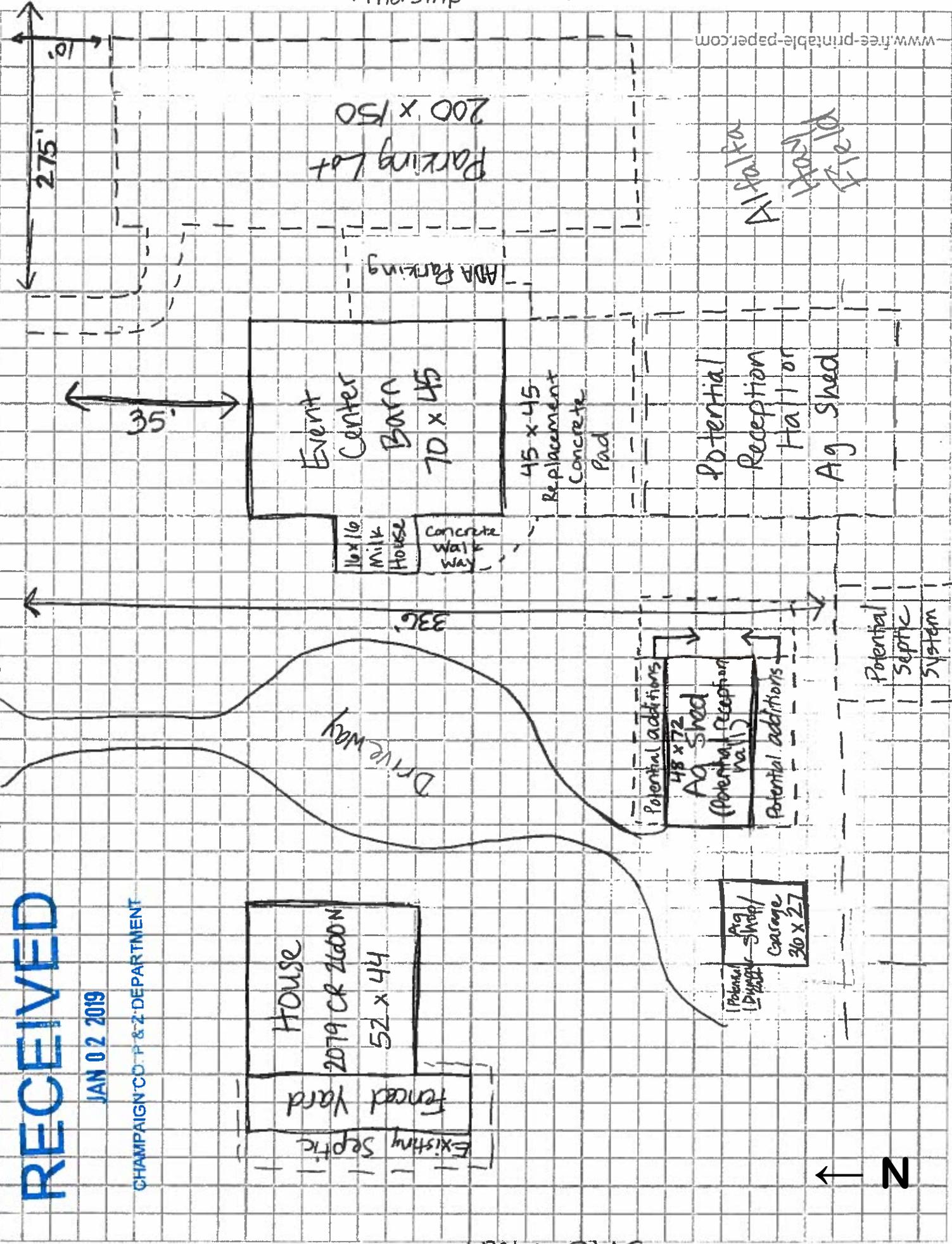
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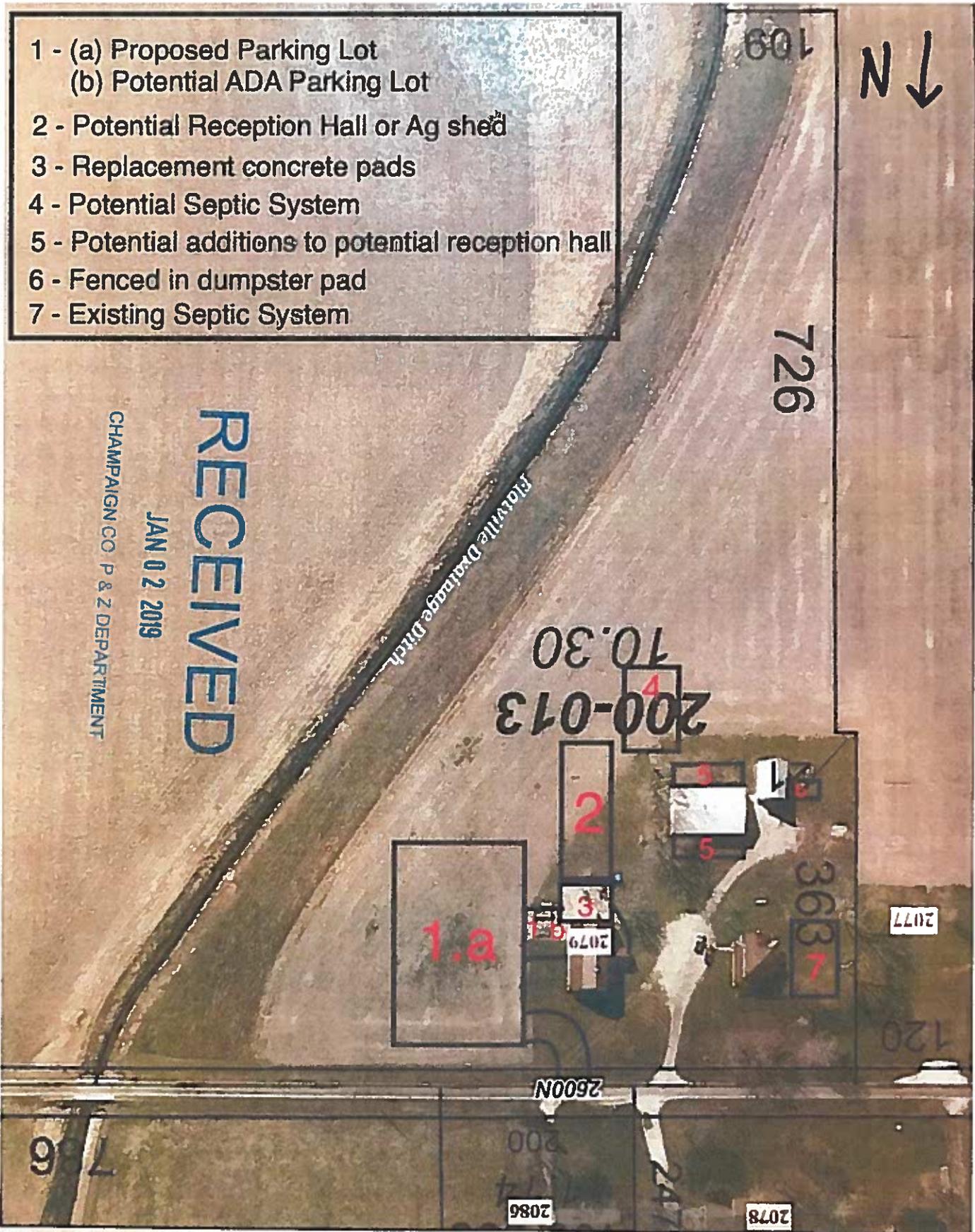
JAN 02 2019

CHAMPAIGN CO. P & Z DEPARTMENT



Site Plan

- 1 - (a) Proposed Parking Lot
(b) Potential ADA Parking Lot
- 2 - Potential Reception Hall or Ag shed
- 3 - Replacement concrete pads
- 4 - Potential Septic System
- 5 - Potential additions to potential reception hall
- 6 - Fenced in dumpster pad
- 7 - Existing Septic System



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 CHAMPAIGN CO P & Z DEPARTMENT

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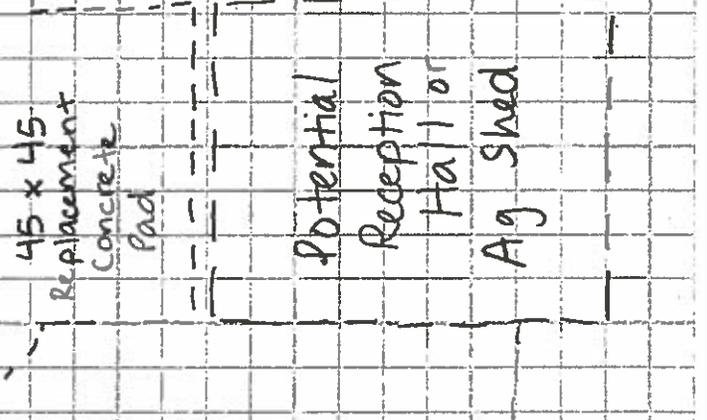
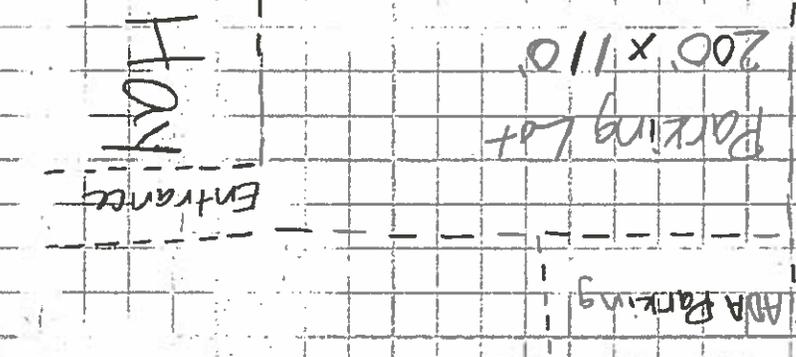
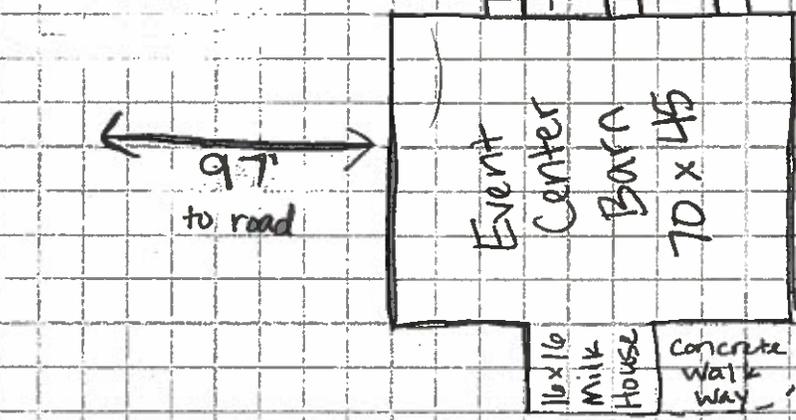
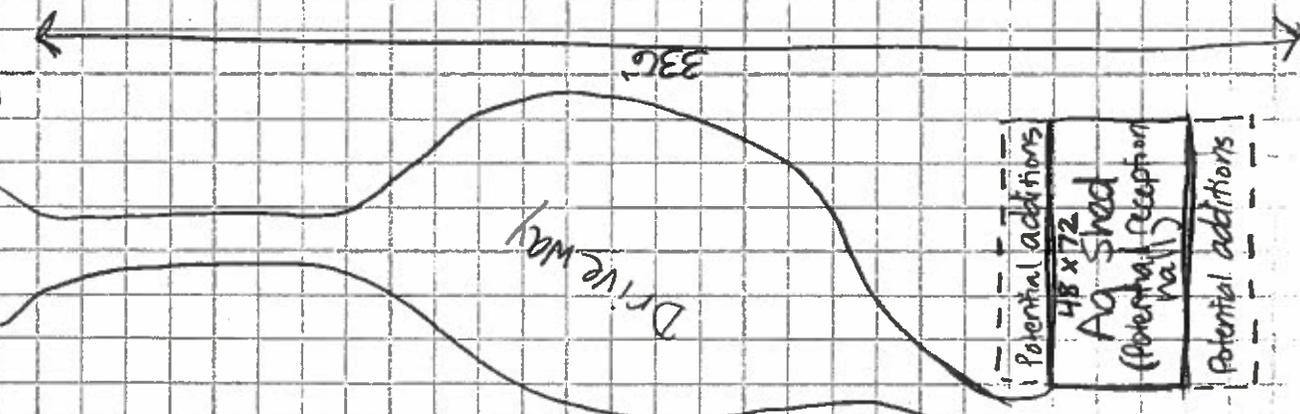
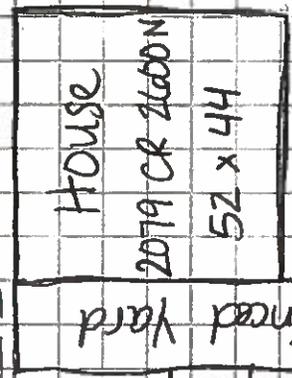
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PLANNING & ZONING DEPARTMENT



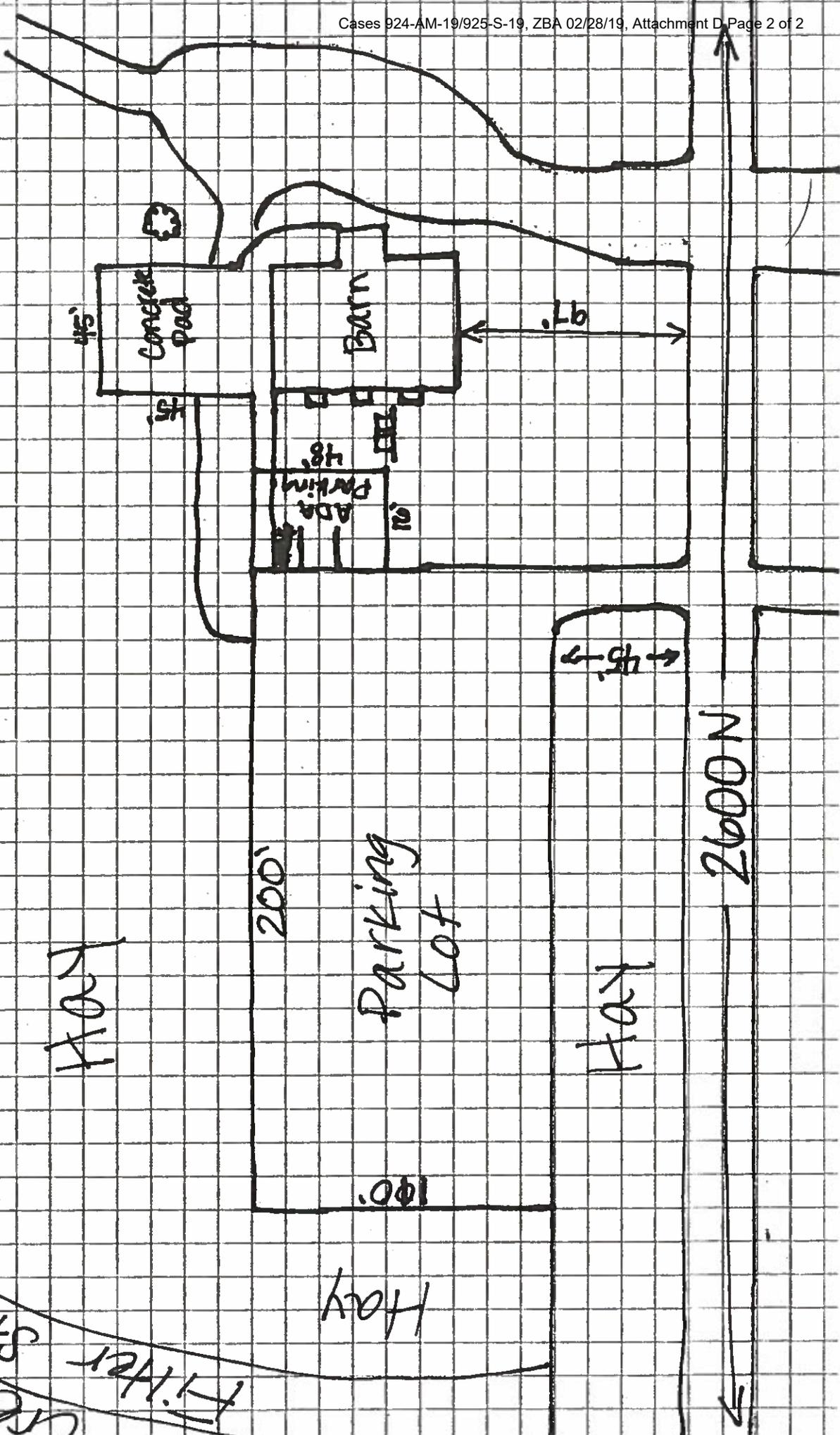
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HAY

200'
Parking Lot

HAY

2600N





Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

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.
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.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
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 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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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 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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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 Land Resource Management Plan Goals, Objectives and Policies

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.

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.



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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.

APPENDIX: LRMP 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 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

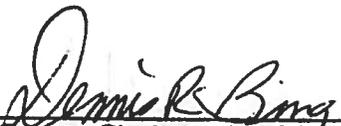
Page 2

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



Champaign County

Soil and Water Conservation District
2110 West Park Court Suite C Champaign, IL 61821
(217) 352-3536 Extension 3 — www.ccsxcd.com

December 27, 2018

Attn: Arik Miller
2079 CR 2600 N,
Gifford, IL 61847

Dear Arik Miller:

The Champaign County Soil and Water Conservation District does not have any concerns with the change in the property currently. Should there be any proposed construction or installation of septic, our office should be contacted. The Property has been reviewed and our records checked.

Should you have any questions contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Hannah McDonald".

Hannah McDonald
Conservation Coordinator

RECEIVED

JAN 02 2019

CHAMPAIGN CO. P & Z DEPARTMENT



Applicant: Champaign County Planning & Zoning
Contact: Susan Burgstrom
Address: 1776 E Washington St
 Urbana, IL 61802

IDNR Project Number: 1907301
Date: 01/31/2019
Alternate Number: 924-AM-19

Project: Miller Events Center
Address: 2079 County Road 2600 N, Gifford

Description: establish events center in barn

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Champaign

Township, Range, Section:

21N, 10E, 21

21N, 10E, 28



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CHAMPAIGN CO. P & Z DEPARTMENT

IL Department of Natural Resources

Contact

Justin Dillard

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Champaign County

Susan Burgstrom

1776 East Washington St

Urbana, Illinois 61802

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

IDNR Project Number: 1907301

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Kyli Miller <kylimiller17@gmail.com>

proposed events center

1 message

Susan Burgstrom <sburgstrom@co.champaign.il.us>

Tue, Dec 11, 2018 at 10:51 AM

To: Kyli Miller <kylimiller17@gmail.com>, "arikmiller2689@gmail.com" <arikmiller2689@gmail.com>

Hi Arik and Kyli,

I spoke with Mike Flanagan at the Health Department, and he sent the email below regarding our conversation.

At this point, if you would like to apply for a Temporary Use Permit, you will need to identify 5 specific dates within a 90 day period. We will need any details you have on liquor, catering, parking, and anything else that you think would be useful.

Thanks,

Susan

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Friday, December 7, 2018 9:33 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Erik Miller Wedding venue

Susan,

In regards to the use of portable toilets in a wedding venue.

If the venue is issued a temporary use permit from Planning and Zoning according to the Health Ordinance of Champaign County;

6.2.4 Limited Use Systems

Privies, chemical toilets, and recirculating toilets shall not provide the required means of sewage disposal for any premises except that they may be permitted for premises occupied on a temporary basis only under the following conditions:

B. Premises used for temporary public gatherings or other events during the time that any local permit or license authorizing such event is in effect.

The Illinois Sewage Disposal Licensing Act and Code states the following

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CHAMPAIGN CO. P & Z DEPARTMENT

Number of portable toilets and portable potable hand washing units at a site

- A) An adequate number of portable toilets and portable hand washing units shall be provided to be used by the number of persons anticipated.
- B) The portable toilets and portable potable hand washing units shall be serviced at a frequency that maintains the units in a sanitary condition and free of odors.
- C) The employer, property owner or event coordinator shall acquire more units or adjust the service and maintenance frequently to ensure sanitary conditions.
- D) The property owner's failing to provide a sufficient number of portable toilets or portable potable hand washing units or a frequency of service and maintenance capable of ensuring a sanitary condition is a violation of the Act and this Part.

Hope this helps you out.

Michael Flanagan, LEHP

Environmental Program Coordinator

Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Office: (217) 531-2908

Fax: (217) 373-7905

24/7 Answering service: (217) 352-7961

KD9JMF

mflanagan@c-uphd.org
www.c-uphd.org



SA WORKSHEET

1	What size is the subject site?	More than 25 acres 10 points 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	<u>2</u>
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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 No 0 points	<u>30</u>
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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: (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)	10 points	<u>0</u>
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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	If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct: (1) The subject site is larger than 25 acres. (Yes 10 points) (2) All of the following statements are true: 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. (Yes 10 points) (3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)		<u>0</u>
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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
		yes	0 points

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

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.

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 style="text-align: right; font-size: 1.5em;">2670/3290 81%</p> <p style="text-align: right; font-size: 1.5em;">18</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

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	15
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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.

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.)

<p>Guidelines for measuring perimeter of subject site adjacent to parcels with principal use of agriculture:</p> <p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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 <i>Champaign County Zoning Ordinance</i>.
--

6	The highest percentage of the subject site in agricultural production in any of the last 5 years. <i>4.63/10.3 = 45%</i>	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.)

<p>Guidelines for estimating percentage of subject site in agricultural production in any of the last 5 years</p> <p>Based on review of digital orthophotography of the subject site for the most recent five years,</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
--

7	Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation-Recreation within 1 mile of subject site. <i>98%</i>	91 to 100% 10 points 81 to 90% 9 points 71 to 80% 8 points 61 to 70% 7 points 51 to 60% 6 points 41 to 50% 5 points 31 to 40% 4 points 21 to 30% 3 points 11 to 20% 2 points 1 to 10% 1 point none 0 points	10
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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	<p>Percentage of area within 1 mile of a subject site which consists of 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 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.</p> <p>b) If the subject site is less than 51% Prime Farmland, the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture.</p>	<p>91 to 100% 20 points 81 to 90% 18 points 71 to 80% 16 points 61 to 70% 14 points 51 to 60% 12 points 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</p>
		20
		2375/2407 = 98.7

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 LEISA 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 0.76 to 1 mile 0.51 to 0.75 mile 0.26 to 0.50 mile 0.01 to 0.25 mile adjacent	20 points 18 points 16 points 14 points 12 points 0 points	<u>18</u>
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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? <i>Answer: Parts b or c) only if the subject site is more than 1 mile from a known livestock management facility of 400 or more animal units.</i></p> <p>b) How close is the subject site to a known livestock management facility of 200 - 399 animal units? <i>Answer: Part c) only if the subject site is more than 1 mile from a known livestock management facility of 200-399 animal units.</i></p> <p>c) How close is the subject site to a known livestock management facility of 50 - 199 animal units?</p>	adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile adjacent to 0.25 mile 0.26 to 0.5 mile 0.51 to 0.75 mile 0.76 to 1 mile more than 1 mile	10 points 9 points 8 points 7 points n/a 7 points 6 points 5 points 4 points n/a 4 points 3 points 2 points 1 point 0 points	<u>0</u>
-----------	--	--	--	----------

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	<u>160</u>
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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	98
SA Total	160
Total LESA Score	258

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

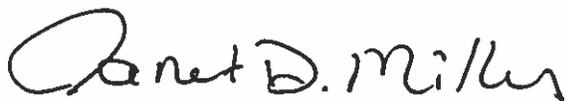
- * The maximum LE score possible for a site is 100 points.
- The maximum SA score possible for a site is 200 points.

December 16, 2018

To Whom It May Concern:

We are writing to express our support for the Miller Farms Barn, LLC request to open an event center on their property. It has been brought to our attention that they have taken the proper precautions and are seeking our support to assure the future success of their business. We have discussed the matter and would like to extend our full encouragement of this opportunity. We believe this will bring a great asset to the community and provide a wonderful business opportunity to the area. If any questions or concerns arise, they will be directly addressed with the property owners. Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Janet D. Miller". The signature is written in a cursive style with a large initial "J".

Janet Miller

RECEIVED

JAN 02 2019

CHAMPAIGN CO. P & Z DEPARTMENT

December 16, 2018

To Whom It May Concern:

We are writing to express our support for the Miller Farms Barn, LLC request to open an event center on their property. It has been brought to our attention that they have taken the proper precautions and are seeking our support to assure the future success of their business. We have discussed the matter and would like to extend our full encouragement of this opportunity. We believe this will bring a great asset to the community and provide a wonderful business opportunity to the area. If any questions or concerns arise, they will be directly addressed with the property owners. Thank you for your time.

Sincerely,

Dale Miller
Kathy Miller

Dale Miller and Kathy Miller

RECEIVED

JAN 02 2019

CHAMPAIGN CO. P & Z DEPARTMENT

January, 2, 2019

To whom it may concern:

We are writing to express our support for the Miller Farms Barn, LLC request to open an event center on their property. We believe that they must take the proper precautions to make sure this business is safe for the people attending and also the neighboring community. In order to protect the neighboring property and residences we believe the following items must be considered:

- Any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC
- No parking will be allowed along township road 2600 North or on neighboring property

We believe that if this business is properly run and monitored it could be a good asset to the community. Any questions or concerns should be directed to Miller Farms Barn, LLC.

Sincerely yours

Gary A. Busboom

Elaine R. Busboom

Gary and Elaine Busboom

RECEIVED

IAN 07 2019

CHAMPWICK TWP ZBA DEPARTMENT

RECEIVED**JAN 07 2019**

Petitioners: Arik and Kyli Miller

CHAMPAIGN CO. P & Z DEPARTMENT

Proposed Special Use: Event Center at Miller Farms Barn, LLC

1. Existing buildings and structures:
 - a. A 2,094 sqft residence built in 1859.
 - b. A 3,406 sqft barn located to the east of the residence. This structure is being proposed as the event center.
 - i. The barn itself is 3,150 sqft with an additional 256 sqft milk house room attached on the west side of the barn.
 - ii. There are a total of 5 exit doors and 1 overhead door that will be used and labeled for emergency exits.
 - c. An Ag shed that is 3,456 sqft currently used for agriculture equipment storage.
 - d. A corn crib converted into a garage/shop that is 972 sqft.
2. Renovations in progress:
 - a. Replacing concrete pads on south side and east side of the proposed event center.
 - i. East side concrete will be designated for 2 ADA compliant parking spaces.
3. Proposed long-term improvements:
 - a. Addition of a 200 feet by 150 feet parking lot
 - i. Addition of ordinance compliant lighting will be added
 - b. Potential addition of Reception Hall shed or Ag shed
 - i. Will include restrooms and beverage bar in Reception Hall
 - ii. Based on initial success of Event Center
 - c. Potential conversion of existing Ag shed into Reception Hall
 - i. Potential additions to existing shed
 - ii. Potential addition of restrooms and beverage bar in existing shed
 - d. Addition of permanent signage
4. General information:
 - a. The barn can accommodate 250 guests.
 - b. Have spoken with local road commissioner regarding traffic concerns, need for signage to direct traffic, etc
 - i. He has no current concerns other than on-street parking. This should not be an issue due to plans to provide ample parking in designated parking lot. He states there is no need for signage specifically to direct traffic.
 - c. Have spoken with our insurance agent in regards to their requirements.
 - i. He explained requirements of illuminated exit signs at every door, well lit exit/entryways, and fire extinguishers on every wall. No other concerns.
 - d. Local fire chief was contact and he has no concerns or requirements at this time.
 - e. Discussed our plans with all neighbors and received signed letters of support from each of them.
 - f. Contacted Public Health and spoke with Mike Flannigan regarding restroom requirements. He explained there are no specific requirements as of now since

we plan to run on a temporary liquor license or utilize caterer's liquor license for now. We will provide guests with at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will also be given the option of renting a portable restroom trailer.

- g. As stated above, we currently plan to run off of a temporary liquor license or utilize caterer's liquor licenses until things take off with the event center. We have future plans to apply for more permanent license once we get going and build or repurpose a shed for a reception hall which will include plumbed restrooms and a beverage bar. Will contact public health when we are ready to take these next steps to discuss the necessary precautions and requirements.
- h. Contacted Soil and Water, they stated nothing is necessary at this time since it is just a parking lot in question. Once we are ready to break ground for septic system or building, we were instructed to contact them. A letter from their office has been included with application paperwork.

Petitioners: Arik and Kyli Miller

Proposed Special Use: Rezoning from AG-1 to AG-2 for purpose of Event Center at Miller Farms Barn, LLC

1. Existing buildings and structures:
 - a. A 2,094 sqft residence built in 1859.
 - b. A 3,406 sqft barn located to the east of the residence. This structure is being proposed as the event center.
 - i. The barn itself is 3,150 sqft with an additional 256 sqft milk house room attached on the west side of the barn.
 - ii. There are a total of 5 exit doors and 1 overhead door that will be used and labeled for emergency exits.
 - c. An Ag shed that is 3,456 sqft currently used for agriculture equipment storage.
 - d. A corn crib converted into a garage/shop that is 972 sqft.
2. Renovations in progress:
 - a. Replacing concrete pads on south side and east side of the proposed event center.
 - i. East side concrete will be designated for 2 ADA compliant parking spaces.
3. Proposed long-term improvements:
 - a. Addition of a 200 feet by 110 feet parking lot
 - i. Addition of ordinance compliant lighting will be added
 - b. Potential addition of Reception Hall shed or Ag shed
 - i. Will include restrooms and beverage bar in Reception Hall
 - ii. Based on initial success of Event Center
 - c. Potential conversion of existing Ag shed into Reception Hall
 - i. Potential additions to existing shed
 - ii. Potential addition of restrooms and beverage bar in existing shed
 - d. Addition of permanent signage
4. General information:
 - a. The barn can accommodate 300 guests.
 - b. Have spoken with local road commissioner regarding traffic concerns, need for signage to direct traffic, etc
 - i. He has no current concerns other than on-street parking. This should not be an issue due to plans to provide ample parking in designated parking lot. He states there is no need for signage specifically to direct traffic.
 - c. Have spoken with our insurance agent in regards to their requirements.
 - i. He explained requirements of illuminated exit signs at every door, well lit exit/entryways, and fire extinguishers on every wall. No other concerns.
 - d. Local fire chief was contact and he has no concerns or requirements at this time.
 - e. Discussed our plans with all neighbors and received signed letters of support from each of them.

RECEIVED

FEB 15 2019

CHAMPAIGN COUNTY POLICE DEPARTMENT

- f. Contacted Public Health and spoke with Mike Flannigan regarding restroom requirements. He explained there are no specific requirements as of now since we plan to run on a temporary liquor license or utilize caterer's liquor license for now. We will provide guests with at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will also be given the option of renting a portable restroom trailer.
- g. As stated above, we currently plan to run off of a temporary liquor license or utilize caterer's liquor licenses until things take off with the event center. We have future plans to apply for more permanent license once we get going and build or repurpose a shed for a reception hall which will include plumbed restrooms and a beverage bar. Will contact public health when we are ready to take these next steps to discuss the necessary precautions and requirements.
- h. Contacted Soil and Water, they stated nothing is necessary at this time since it is just a parking lot in question. Once we are ready to break ground for septic system or building, we were instructed to contact them. A letter from their office has been included with application paperwork.

RECEIVED

FEB 15 2019

GENERAL DEPARTMENT

Susan Burgstrom

From: Kyli Miller <kylimiller17@gmail.com>
Sent: Friday, February 15, 2019 4:55 PM
To: Susan Burgstrom
Subject: Re: Event center - Miller Farms Barn

RECEIVED

FEB 15 2019

CHAMPAIGN COUNTY P & Z DEPARTMENT

Good evening,

Here are the answers to your questions,

1. If renovations to create the event center will be \$50,000 or more, you will need a set of signed/sealed plans prepared by an architect or engineer licensed in Illinois. Those plans must show compliance with the Illinois Accessibility Code/Environmental Barriers Act.

Renovations to the current structure will be under that \$50,000.

2. Is there a second floor area to the barn? If so, how might it be used for events?

There is a small space upstairs that will currently not be used until a staircase and handrails are installed in the future. We hope to eventually use this space for things like a beverage bar, couples to take pictures, an alternative ceremony space for wedding party to stand, or to put a DJ to free up space on the lower level.

3. A new septic system will likely be required. I don't know how the Board will handle the timing of that, i.e. if they will let you operate temporarily with portable restrooms, if they will set a deadline for construction, or require you to build the septic system before you can operate.

4. Did you want to limit the Special Use Permit area to a certain portion of your property? Just remember that anything you or future guests might do, such as taking photos, must fit within the special use permit area.

We do not want to limit the Special Use Permit to any specific area; we paid the fee for the whole property to be used.

5. Are you intending to operate multiple events at once, such as a wedding in the barn and a conference in the proposed banquet hall at the same time?

We do not currently plan to operate multiple events in the same day.

6. Is your capacity limited to 250 even if clients want to bring in tents or have a mixed outdoor/indoor event?

The updated detail sheet I emailed you today increased our max capacity to 300 guests just to be safe. We will maintain this max capacity regardless of the use of tents.

7. The two site plan sheets you gave me most recently show the parking lot aligned two different ways. Will it be 200 feet parallel to the road and 110 feet parallel to the barn, or will it be 110 feet parallel to the road and 200 feet parallel to the barn?

My apologies, the parking lot will be 200 feet parallel to the road.

8. Will the parking lot be grass, gravel, or paved?

The 200x110' parking lot will initially be grass with the intention to put in gravel by the end of 2019.

If there is anything else I can answer or need to address, please let me know!

924-AM-19 & 925-S-19 Site Images



From CR 2600N facing East



From CR 2600N facing SE

924-AM-19 & 925-S-19 Site Images



From CR 2600N facing South



From east side of Flatville Drainage Ditch, on CR 2600N facing West

924-AM-19 & 925-S-19 Site Images



From intersection of CR 2600N and CR 2100E facing West



From CR 2600N in front of subject property facing West

PRELIMINARY DRAFT

924-AM-19

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

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

Date: ***{February 28, 2019}***

Petitioners: **Arik and Kyli Miller**

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

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Case 924-AM-19

PRELIMINARY DRAFT

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FINDING OF FACT

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

(Note: asterisk indicates items of evidence that are identical to evidence in Case 925-S-19)

- *1. Petitioners Arik and Kyli Miller own the subject property. They are the sole owners and officers of Miller Farms Barn, LLC.
- *2. The subject property is a 10.3 acre tract in the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079 CR 2600N, Gifford.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - *B. The subject property is located within Compromise Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township has been notified of this case.
- 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: **“AG-1 does not permit the special use of ‘Outdoor Commercial Recreational Enterprises’ or ‘Private Indoor Recreational Development’.”**
- 5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the rezoning, the petitioners stated the following: **“To generate revenue and promote local business within the community. Rezoning will provide an opportunity to serve a growing need for event centers in the area.”**

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 10.3 acres that is currently zoned AG-1 Agriculture.
 - * B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - * (1) Land to the north and west is in agricultural and residential use.
 - * (2) Land to the east and south is in agricultural production.
- *7. Regarding the site plan and proposed operations:
 - *A. The Site Plan received January 2, 2019, indicates the following existing conditions and proposed improvements:
 - * (1) Existing buildings and structures include:

PRELIMINARY DRAFT**Case 924-AM-19**
Page 3 of 39

- *a. A 2,094 square feet single-family residence;
 - *b. One 70 feet by 45 feet “Event Center Barn”, to be converted into the proposed Events Center;
 - *c. One 16 feet by 16 feet milk house attached to the barn;
 - *d. One 48 feet by 72 feet detached “Ag Shed (Potential Reception Hall)”;
 - *e. One 36 feet by 27 feet “Ag Shop/Garage”;
 - *f. A gravel access drive extending from CR 2600N; and
 - *g. A septic system west of the residence.
- * (2) Proposed improvements include the following:
- *a. The existing 70 feet by 45 feet barn would be converted to an events center under proposed Special Use Permit 925-S-19;
 - *b. A new access driveway for the events center off CR 2600N;
 - *c. A paved accessible parking area east of the barn;
 - *d. A 200 feet by 150 feet (30,000 square feet) parking lot that could accommodate 100 spaces by minimum zoning requirements;
 - *e. A 45 feet by 45 feet replacement concrete pad south of the barn;
 - *f. A “Potential Reception Hall or Ag Shed” south of the barn and replacement concrete pad;
 - *g. Potential additions to the existing 48 feet by 72 feet “Ag Shed (Potential Reception Hall)”;
 - *h. A potential septic system south of the 48 feet by 72 feet Ag Shed; and
 - (1) The petitioners intend to start their business with portable restrooms, and invest in a septic system later.
 - *i. A potential dumpster pad west of the Ag Shop/Garage.
- * (3) The petitioners provided additional information on facilities and operations with the application received January 7, 2019:
- *a. The barn has 5 exit doors and 1 overhead door that will be used and labeled for emergency exits.
 - *b. They are in the process of replacing the concrete pads on the south and east sides of the proposed event center.

PRELIMINARY DRAFT

- * (a) The east side concrete pad will be designated for 2 ADA compliant parking spaces.
 - *c. They plan to install ordinance compliant lighting in the proposed parking lot.
 - *d. If they add the “Potential Reception Hall or Ag Shed”, they will include restrooms and a beverage bar.
 - * (a) They will contact Public Health when they are ready to expand to discuss necessary precautions and requirements.
 - *e. If they decide to renovate the 48 feet by 72 feet Ag Shed into a Reception Hall, they propose adding square footage, and would put the restrooms and beverage bar in that building.
 - *f. The barn can accommodate 250 guests.
 - * (a) The petitioners increased the event center capacity to 300 guests in an updated Information Sheet received February 15, 2019.
 - *g. They plan to run their business using a temporary liquor license or utilize the caterer’s liquor license.
 - *h. They will provide guests with at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will be given the option of renting a portable restroom trailer.
 - *i. They have plans to apply for permanent licenses once they build or repurpose a shed for a reception hall, which would include plumbed restrooms and a beverage bar.
- * (4) A revised Site Plan was received on February 13, 2019, provided the following new information:
- *a. The existing well is located near the northeast corner of the house;
 - *b. The proposed parking lot was resized to 200 feet by 110 feet (22,000 square feet) instead of 200 feet by 150 feet (30,000 square feet);
 - *c. The petitioners will have a strip of hay crop between the CR 2600N right-of-way and the parking lot;
 - *d. They will add a concrete walkway between the concrete pad south of the event center barn and the milk house;
 - *e. They provided a corrected measurement of 97 feet between the street centerline of CR 2600N and the event center barn.
- * (5) Emails received from the petitioners on February 15, 2019, provided the following additional information:

PRELIMINARY DRAFT**Case 924-AM-19****Page 5 of 39**

- *a. They increased their maximum number of guests from 250 to 300.
 - *b. There is a small space upstairs that will currently not be used until a staircase and handrails are installed in the future. We hope to eventually use this space for things like a beverage bar, couples to take pictures, an alternative ceremony space for wedding party to stand, or to put a DJ to free up space on the lower level.
 - *c. We do not want to limit the Special Use Permit to any specific area; we paid the fee for the whole property to be used.
 - *d. We do not currently plan to operate multiple events in the same day.
 - *e. The updated detail sheet I emailed you today increased our max capacity to 300 guests just to be safe. We will maintain this max capacity regardless of the use of tents.
 - *f. The parking lot will be 200 feet parallel to the road.
 - *g. The 200 feet by 110 feet parking lot will initially be grass with the intention to put in gravel by the end of 2019.
- *B. There are no zoning permits for the subject property.
 - *C. There are no previous zoning cases for the subject property.

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 AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - * (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 District is generally located throughout the county in areas that have not been placed in any other Zoning Districts.
 - (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

PRELIMINARY DRAFT

- (3) The subject property is approximately 0.85 miles from the unincorporated town of Flatville, 3.2 miles from the Village of Rantoul, and 3.2 miles from the Village of Gifford.

C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:

- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 13 types of uses authorized by right in the AG-2 District:
- a. All 11 uses authorized by right in the AG-1 District are also authorized by right in the AG-2 District:
 - (a) Single family dwelling;
 - (b) Subdivisions totaling three lots or less;
 - (c) Agriculture, including customary accessory uses;
 - (d) Roadside stand operated by farm operator;
 - (e) Minor rural specialty business;
 - (f) Plant nursery;
 - (g) Township Highway maintenance garage;
 - (h) Christmas tree sales lot;
 - (i) Off-premises sign within 660 feet of the edge of the right-of-way of an interstate highway;
 - (j) Off-premises sign along federal highways except interstate highways; and
 - (k) Temporary uses.
 - b. The following two uses are authorized by right in the AG-2 District and not at all in the AG-1 District:
 - (a) Country club or golf course, and
 - (b) Commercial breeding facility.
 - c. There are no uses that are authorized by right in the AG-2 District but require a Special Use Permit in the AG-1 District.
- (2) There are 54 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 11 uses authorized by right in the AG-2 District, see above) and 36 types of uses authorized by SUP in the AG-2 District:
- a. The following 43 uses may be authorized by SUP in the both the AG-1 District and AG-2 District:
 - (a) Hotel – no more than 15 lodging units;
 - (b) Residential Planned Unit Development;
 - (c) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
 - (d) Major rural specialty business;
 - (e) Artificial lake of 1 or more acres;
 - (f) Mineral extraction, quarrying, topsoil removal and allied activities;
 - (g) Elementary school, Jr. High school, or High school;
 - (h) Church, temple, or church related temporary uses on church property;
 - (i) Municipal or government building;

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- (j) 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;
 - (k) Penal or correctional institution;
 - (l) Police station or fire station;
 - (m) Library, museum or gallery;
 - (n) Public park or recreational facility;
 - (o) Sewage disposal plant or lagoon;
 - (p) Private or commercial transmission and receiving towers (including antennas) over 100 feet in height;
 - (q) Radio or television station;
 - (r) Electrical substation;
 - (s) Telephone exchange;
 - (t) Residential airports;
 - (u) Restricted landing areas;
 - (v) Heliport-restricted landing areas;
 - (w) Farm chemicals and fertilizer sales including incidental storage and mixing of blended fertilizer;
 - (x) Livestock sales facility and stockyards;
 - (y) Slaughter houses;
 - (z) Grain storage elevator and bins;
 - (aa) Riding stable;
 - (bb) Commercial fishing lake;
 - (cc) Cemetery or crematory;
 - (dd) Pet cemetery;
 - (ee) KENNEL;
 - (ff) Veterinary hospital;
 - (gg) Off-premises sign beyond 660 feet of the edge of the right-of-way of an interstate highway;
 - (hh) Contractors facilities (with no outdoor storage nor outdoor operations);
 - (ii) Contractors facilities with outdoor storage and/or outdoor operations;
 - (jj) Agricultural drainage contractor facility with no outdoor storage and/or outdoor operations;
 - (kk) Agricultural drainage contractor facility with outdoor storage and/or outdoor operations;
 - (ll) Small scale metal fabricating shop;
 - (mm) Gas turbine peaker;
 - (nn) Big wind turbine tower (1-3 big wind turbine towers);
 - (oo) Photovoltaic solar farm (requires SUP approval by County Board);
 - (pp) Sawmills and planing mills, and related activities; and
 - (qq) Pre-existing industrial uses (existing prior to October 10, 1973).
- b. The following use may be authorized by Special Use Permit in the AG-1 District and not at all in the AG-2 District:
- (1) Wind Farm (requires SUP approval by County Board).

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- c. The following 35 uses may be authorized by SUP in the AG-2 District and not at all in the AG-1 District:
- (a) Two family dwelling;
 - (b) Home for the aged;
 - (c) Nursing home;
 - (d) Travel trailer camp;
 - (e) Commercial greenhouse;
 - (f) Greenhouse (not exceeding 1,000 square feet);
 - (g) Garden shop;
 - (h) Water treatment plant;
 - (i) Public fairgrounds;
 - (j) Motor bus station;
 - (k) Truck terminal;
 - (l) Railroad yards and freight terminals;
 - (m) Airport;
 - (n) Heliport/helistops;
 - (o) Mortuary or funeral home;
 - (p) Roadside produce sales stand;
 - (q) Feed and grain (sales only);
 - (r) Artist studio;
 - (s) Residential recovery center;
 - (t) Antique sales and service;
 - (u) Amusement park;
 - (v) Resort or organized camp;
 - (w) Bait sales;
 - (x) Country club clubhouse;
 - (y) Lodge or private club;
 - (z) **Outdoor commercial recreational enterprise** (except amusement park);
 - (aa) **Private indoor recreational development;**
 - (bb) Public camp or picnic area;
 - (cc) Seasonal hunting or fishing lodge;
 - (dd) Stadium or coliseum;
 - (ee) Outdoor theatre;
 - (ff) Aviation sales, service or storage;
 - (gg) Self-storage warehouses, not providing heat/utilities to individual units;
 - (hh) Landscape waste processing facilities; and
 - (ii) Wood fabricating shop and related activities.
- (4) Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

9. The County Board adopted the *Champaign County Land Resource Management Plan* (LRMP) on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and

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public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:

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

REGARDING 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 **HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.

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- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioner to hold events on the subject property with proper zoning and to serve residents of Champaign County; therefore the proposed rezoning will **HELP ACHIEVE** 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. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 4 for the following reasons:

A. Objective 4.7 is entitled “Right to Farm Resolution” and states: “Champaign County affirms County Resolution 3425 pertaining to the right to farm in Champaign County.”

Objective 4.7 has no subsidiary policies. The proposed rezoning will **HELP ACHIEVE** Objective 4.7 because of the following:

(1) A special condition has been added regarding Right to Farm Resolution 3425.

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 / WILL NOT} HELP ACHIEVE** Objective 4.3 because of the following:

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

(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 / WILL NOT} HELP ACHIEVE** Policy 4.3.2 because the proposed site **{IS / IS NOT} WELL SUITED OVERALL** for the development proposed in related Case 925-S-19 for the following reasons:

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

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- b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points.
- c. The total LESA Score of 258 for the subject property receives the highest protection rating in LESA, which is “very high rating for protection.”
- *d. Agricultural drainage might be affected.
 - (1) The property abuts the Flatville Drainage Ditch.
 - (2) The petitioner proposes to convert 22,000 square feet of land in crop production into a parking lot for the events center.
- *e. With the exception of the proposed parking lot, all proposed improvements would be located on land that is not in crop production.
- *f. Regarding wastewater treatment and disposal on the subject property:
 - (1) The subject property residence has a septic system, and the petitioners plan to use portable restrooms until such time that the events center warrants permanent restrooms and a new, separate septic system.
- g. Any proposed Special Use Permit can be evaluated on a case by case basis for compatibility with adjacent AG-1 uses separate from this proposed map amendment. However, the map amendment is not needed if there is no Special Use Permit approved and the County Board is likely to have doubts about approving the map amendment if there is no information regarding an approved Special Use Permit.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support 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 6.4 road miles from the Gifford Fire Protection District station. P&Z Staff sent notification of this case to the FPD Chief, and 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. Item 13.B.(2) regarding Policy 4.2.2. provides information on traffic impacts that is relevant to Policy 4.3.4.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**

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- 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 / WILL NOT**} **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. The proposed use in related Case 925-S-19 **DOES NOT** serve surrounding agricultural land uses or an important public need.
 - b. Regarding whether the proposed development in related Case 925-S-19 **IS** otherwise appropriate in a rural area:
 - (a) The events center will host events that highlight the agricultural surroundings.
 - (b) The Event Center Barn is located on land that is not in crop production, but the proposed parking lot and potential future expansion could be located on land that is currently in production.
 - (c) The use on the subject property is intended to highlight the rural landscape, so a buffer between the use and nearby agriculture is not warranted.
 - (d) The Petitioner has testified on the application in related Case 925-S-19: **“No major changes have been made to affect the essential character. The proposed use will not hinder agricultural production and will still be able to occur on site.”**
 - (e) The traffic generated by the proposed use will primarily occur on weekends. Parking for events will be in a proposed lot east of the events center; no parking will be allowed on adjacent roads.
 - (f) There are no visual obstacles for traffic on CR 2600N.
 - c. Regarding whether the site is very well suited to the proposed land use, the ZBA has recommended that the proposed rezoning {**WILL / WILL NOT**} **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 / WILL NOT**} **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**

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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. The proposed development in related Case 925-S-19 **DOES NOT** support agriculture.
- c. Regarding whether the proposed development in related Case 925-S-19 **IS** a service better provided in a rural area:
 - (a) The proposed Special Use will host weddings and events that will highlight the rural landscape.
 - (b) The proposed Special Use repurposes an existing barn.

(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.”**

The proposed rezoning {**WILL / WILL NOT**} **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed use of the subject property is **NOT NEGATIVELY AFFECTED** by agricultural activities because it will host events that highlight the rural landscape.
- b. The proposed development in related Case 925-S-19 {**WILL / WILL NOT**} interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
 - (a) The proposed events center would be located on land that is not in crop production.
 - (b) Agricultural drainage might be affected by the land disturbance.
 - i. The property abuts the Flatville Drainage Ditch.
 - ii. The petitioner proposes converting 22,000 square feet of land in crop production into a parking lot for the events center.
 - (c) The proposed access drive can be used by agricultural vehicles for the parts of the subject property parcels that will remain in agricultural production.

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- (d) Regarding traffic on rural roads:
- i. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR2600N west of CR 1900E had an ADT of 25. CR 2100E north of CR 2600N had an ADT of 300.
 - ii. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
 - (i) The pavement surface of CR 2600N near the subject property is oil and chip. The pavement width is about 12-15 feet.
 - iii. Traffic volumes are expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:
 - (i) A typical residence averages 10 vehicle trips per day.
 - (ii) Should an event utilize the proposed 75 available parking spaces at the subject property, an additional 150 vehicle trips would be added to CR 2600N.
 - (iii) The events center will primarily hold events during evenings on weekends, which should not affect the typical peak travel hours associated with work commutes.
 - iv. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
 - v. The petitioner stated in the application received January 8, 2019 that the Compromise Township Road Commissioner was contacted, and he had no current concerns other than not allowing on-street parking.
 - vi. The Compromise Township Highway Commissioner was notified of this case. In a phone call on February 13, 2019, Highway Commissioner Marvin Johnson provided the following information:
 - * (i) Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made

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parking on the property difficult, such as a muddy unpaved field.

- * (ii) Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
- * (iii) The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
- * (iv) The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

- (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 reasons:

- a. The Petitioners understand that this is a rural area where agricultural activities take place and desire the rural setting for their business.
- b. A special condition has been proposed to ensure that any subsequent owner recognizes the rights of agricultural activities.

- (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 subject property is surrounded by residences and land in agricultural production.
- b. The use on the subject property is intended to highlight the rural landscape, so a buffer between the use and nearby agriculture is not warranted.
- c. The petitioners have secured letters of support from each of their immediate neighbors, and none has requested a buffer.

- 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:

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- (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 for the following reasons:
 - *a. The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
 - *b. Approximately 0.51 acre of farmland would be taken out of production in order to construct the parking lot for the events center.
 - *c. With the exception of the proposed parking lot, all proposed improvements would be located on land that is not in crop 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 / WILL NOT} HELP ACHIEVE Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
- b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points.

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- c. The total LESA Score of 258 for the subject property receives the highest protection rating in LESA, which is “very high rating for protection”.
 - d. Agricultural drainage might be affected.
 - (1) The property abuts the Flatville Drainage Ditch.
 - (2) The petitioner proposes to convert 22,000 square feet of land in crop production into a parking lot for the events center.
 - e. With the exception of the proposed parking lot, all proposed improvements would be located on land that is not in crop production.
 - f. 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 / WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding site suitability on best prime farmland.
 - g. 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.
 - h. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed rezoning will **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.2.1, Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
 - i. There are no relevant policies having to do with minimizing the conversion of farmland; 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.
 - j. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
 - (a) The subject property does not contain any natural areas.
 - (b) Additional information on natural resources is provided under Item 17 of this Finding of Fact (Goal 8: Natural Resources).
 - k. In a letter received January 2, 2019, the Champaign County Soil and Water Conservation District stated that they “do not have any concerns with the change in the Arik Miller property currently. Should there be any proposed construction or installation of septic, our office should be contacted. The property has been reviewed and our records checked.”
- (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:

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- a. The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
- b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points.
- c. The total LESA Score of 258 for the subject property receives the highest protection rating in LESA, which is “very high rating for protection”.
- d. 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.

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. Objectives 5.2, 5.3, and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment **WILL NOT IMPEDE** Goal 5 because of the following:

- A. Objective 5.1 is entitled “Population Growth and Economic Development” and states, “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.”

The proposed rezoning **WILL NOT IMPEDE** Objective 5.1 because of the following:

- (1) Objective 5.1 includes nine subsidiary policies. Policies 5.1.2, 5.1.3, 5.1.4, 5.1.5, 5.1.6, 5.1.7, 5.1.8, and 5.1.9 do not appear to be relevant to the proposed amendment.
- (2) Policy 5.1.1 states, **“The County will encourage new urban development to occur within the boundaries of incorporated municipalities.**

The proposed rezoning **WILL NOT IMPEDE** Policy 5.1.1 because of the following:

- a. The subject property is not served by sanitary sewer.
- b. The Appendix to Volume 2 of the LRMP defines “urban development” as the construction, extension, or establishment of a land use that requires or is best served by a connection to a public sanitary sewer system and “urban land use” as generally, land use that is connected and served by a public sanitary sewer system.
- c. The AG-2 District contains many uses that can be considered urban development as defined by the LRMP such as a stadium or coliseum and any use which generates a substantial wastewater load but the proposed use is not urban development because it is too far away from a public sanitary sewer system to connect. The subject property residence has a septic system, and the Petitioners propose to install a new septic system for the events center should demand for the events center warrant the investment.

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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. Objectives 6.2, 6.3, 6.4 and their subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

- A. Objective 6.1 is entitled “Protect Public Health and Safety” and states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.”

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because of the following:

- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, “**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.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 for the following reasons:

- a. The subject property residence has a septic system, and the petitioners plan to install a separate septic system that is approved by the Public Health Department with sufficient capacity for the events center should demand for the events center warrant the investment.
- (3) Policy 6.1.3 states, “**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.**”
The proposed rezoning will **HELP ACHIEVE** Policy 6.1.3 for the following reason:
 - a. The petitioners plan to install outdoor lighting in the parking area, and state in their application that it will be compliant with the Zoning Ordinance.
 - b. A special condition has been added to ensure compliance with the Zoning Ordinance.
- (4) Policy 6.1.4 states, “**The County will seek to abate blight and to prevent and rectify improper dumping.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.4 for the following reason:

- a. The petitioner included a dumpster area on their site plan received January 2, 2019.

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.

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Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 for the following reasons:

- A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.”

The proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 7.1.1 because:

- *a. The proposed Event Center will accommodate up to 300 people and the Zoning Ordinance requires at least 1 parking space per 5 guests, or 60 parking spaces.
- *b. The revised Site Plan received February 13, 2019, indicates a 110 feet by 200 feet (22,000 square feet) parking lot that could accommodate 73 spaces (plus 2 accessible spaces) by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
- *c. The subject property fronts the south side of CR 2600N. As reviewed in related Case 925-S-19 regarding the general traffic conditions on CR2600N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
- (a) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 in the vicinity of the subject property. CR2600N west of CR 1900E had an ADT of 25. CR 2100E north of CR 2600N had an ADT of 300.
 - (b) The Illinois Department of Transportation’s *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
 - i. The pavement surface of CR 2600N near the subject property is oil and chip. The pavement width is about 12-15 feet.
 - (c) Traffic volumes are expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:
 - i. A typical residence averages 10 vehicle trips per day.

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- ii. Should an event utilize the proposed 75 available parking spaces at the subject property, an additional 150 vehicle trips would be added to CR 2600N.
- iii. The events center will primarily hold events during evenings on weekends, which should not affect the typical peak travel hours associated with work commutes.
- (d) The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- (e) In additional application materials received January 7, 2019, the petitioner stated that the Compromise Township Road Commissioner was contacted, and he had no current concerns other than on-street parking.
- *e. The Compromise Township Highway Commissioner was notified of this case.
 - *(a) In a phone call on February 13, 2019, Highway Commissioner Marvin Johnson provided the following information:
 - *i. Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.
 - *ii. Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
 - *iii. The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
 - *iv. The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.
 - *f. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.

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.

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.5, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

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- A. Objective 8.6 states, “**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.**”

Policies 8.6.1, 8.6.5, and 8.6.6 are not relevant to the proposed amendment. The proposed rezoning will *HELP ACHIEVE* Objective 8.6 because of the following:

- (1) Policy 8.6.4 states, “**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**”.

The proposed rezoning will *HELP ACHIEVE* Policy 8.6.4 for the following reasons:

- a. On January 31, 2019, staff requested an EcoCAT assessment from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. There was no record of threatened or endangered species or sensitive environmental sites.

- (2) Policy 8.6.3 states, “**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.**”

The proposed rezoning will *HELP ACHIEVE* Policy 8.6.3 for the following reasons:

- a. The EcoCAT assessment includes INAI sites and sensitive environmental areas, and none was found near the subject property.

- (3) Policy 8.6.2 states, “**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**”.

The proposed rezoning will *HELP ACHIEVE* Policy 8.6.2 for the following reasons:

- a. The proposed events center would largely be located on already disturbed land, with the exception of the parking lot, which would be located approximately 50 feet from the filter strip next to the Flatville Drainage Ditch that runs along the east property line. It is unknown if the drainage ditch provides any significant habitat area.
- b. The Zoning Board of Appeals will recommend special conditions of approval to sufficiently mitigate or minimize any incompatibilities between the

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proposed Special Use Permit and adjacent uses, and will ensure that the special conditions adequately mitigate any problematic conditions.

- B. Objective 8.4 states, “**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.**”

Policies 8.4.3, 8.4.4, and 8.4.5 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.4 because of the following:

- (1) Policy 8.4.1 states, “**The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development.**”
 - a. The *Watershed Implementation Plan for the Upper Salt Fork of the Vermilion River* dated May 2007 indicates the following general goals related to the Spoon River:
 - (a) Increasing aquatic wildlife habitat; and
 - (b) Reducing nitrate-nitrogen, phosphorus, and sediment loads.
 - *b. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - *a) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - *b) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
 - c. The subject property has a filter strip along the drainage ditch, and no part of the proposed improvements will be constructed within 50 feet of the drainage ditch.
- (2) Policy 8.4.2 states, “**The County will require storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.**”
 - *a. A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a) Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - *b. The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.

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- (3) Policy 8.4.6 states, **“The County recognizes the importance of the drainage districts in the operation and maintenance of drainage.”**

- *a. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
- *a) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
- *b) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.

- C. Objective 8.2 states, **“Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations.”**

The proposed rezoning {WILL / WILL NOT} **HELP ACHIEVE** Objective 8.2 because of the following:

- (1) Policy 8.2.1 states, **“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 91 and includes land parcels with mixed soils that have a Land Evaluation score of 91 or greater as defined in the LESA.”**
- a. The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
- b. The Site Assessment (SA) portion of the LESA analysis for the subject property scored 160 out of 200 points.
- c. The total LESA Score of 258 for the subject property receives the highest protection rating in LESA, which is “very high rating for protection.”
- d. The majority of the event center would be located on already disturbed land (farmstead) that has not been in agricultural production for many years. 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.

- D. Objective 8.1 states, **“Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.”**

Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 are not relevant to the proposed amendment. The proposed rezoning {WILL / WILL NOT} **HELP ACHIEVE** Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, **“The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate**

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supply of water for the proposed use is available without impairing the supply to any existing well user.”

- a. In an email received February 1, 2019, Arik Miller stated, “We do not know what the well can handle. We would first look into upgrading the current well if possible. If it will not suffice, we will have to contact health department on new septic anyway and would work with them on where the second well would have to be placed.”
- b. The subject property is located over the Mahomet Aquifer.

- 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:
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 below 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	Agriculture and Residential	AG-1 Agriculture (Proposed rezoning to AG-2)
North	Agriculture and Residential	AG-1 Agriculture
West	Agriculture and Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

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- 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 is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production and a residence.
 - (3) Regarding the effect of the proposed amendment on the value of nearby properties:
 - a. The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
- 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.**
- (1) There has been no evidence submitted regarding property values.
 - (2) If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence and agricultural land.
- 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 could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural uses and activities.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
 - (2) The subject property is adjacent to a rural road that was designed for fewer than 250 vehicles per day; the proposed special use would increase traffic and create additional wear and tear on the road. There are no visual obstacles for traffic on CR 2600N.
- 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) The subject property is occupied and in residential/agricultural use as zoned AG-1.
 - (2) Agricultural and residential uses surround the subject property, and there has been no significant development in the area.
- 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.

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- (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 / WILL NOT} HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **{IS / IS NOT} CONSISTENT** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

21. The proposed amendment **{WILL / WILL NOT} 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.

The proposed rezoning **WILL** conserve the value of real estate throughout the COUNTY, based on the following:

- * (1) 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.
- * (2) The proposed rezoning could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:
- *a. An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

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* (3) In regards to the value of the subject property it also is not clear if the requested Special Use Permit would have any effect. Regarding the effect on the value of the subject property:

*a. If the petitioners are denied the map amendment and special use permit, the properties can still be used as a residence and agricultural land.

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

The proposed rezoning **{WILL / WILL NOT}** lessen and avoid congestion in the public streets as follows:

(1) Probable traffic impacts are reviewed under Policy 7.1.1.

*a. The traffic generated by the proposed use will primarily occur on weekends.

*b. Should an event utilize the proposed 75 available parking spaces at the subject property, an additional 150 vehicle trips would be added to CR 2600N, which would result in a possible sixfold increase in daily traffic volumes on event days.

*c. In a phone call on February 13, 2019, Highway Commissioner Marvin Johnson provided the following information:

* (a) Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.

* (b) Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.

* (c) The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.

* (d) The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

* (2) The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.

*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) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.

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- a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
- * (2) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- *E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare as follows:
- * (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.
- * (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.
- * (3) The petitioners collected several letters of support, which were received with their application on January 2, 2019:
- *a. Janet Miller, who resides just north of the subject property at 2086 CR 2600N, supports the project.
- *b. Dale and Kathy Miller, who reside just north of the subject property at 2078 CR 2600N, support the project.
- *c. Gary and Elaine Busboom, who reside at 2073 CR 2600N to the west of the subject property, support the project but ask for consideration of the following: any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC; and no parking will be allowed along township road 2600 North or on neighboring property.
- *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.

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- *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 Special Use Permit 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 Special Use will 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.

The proposed rezoning **{WILL / WILL NOT}** protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses as follows:

- * (1) The proposed Special Use in related Case 925-S-19 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 / WILL NOT}** **HELP ACHIEVE** Goal 4 Agriculture of the Champaign County Land Resource Management Plan, although the proposed Special Use Permit 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.
- * (1) On January 31, 2019, staff requested an EcoCAT assessment from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. There was no record of threatened or endangered species or sensitive environmental sites.

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- *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.
 - *a. The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - *b. Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
- *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.
 - *1) The proposed Special Use in related Case 925-S-19 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) 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.
 - *3) This is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production. Land surrounding the parcel remains in agricultural production.
- *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.
 - *1) The proposed rezoning and proposed Special Use 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.**

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

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1. Application for Special Use Permit received January 2, 2019, with attachments:
 - A Proposed Site Plan
 - B Annotated aerial photo
 - C Legal description
 - D Photo of barn to be converted to event center
 - E Letter of support from Janet Miller dated December 16, 2018
 - F Letter of support from Dale and Kathy Miller dated December 16, 2018
 - G Letter from Hannah McDonald, Conservation Coordinator, Champaign County Soil and Water Conservation District dated December 27, 2018
2. Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
3. Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment:
 - A Information Sheet from petitioners
4. Application for Map Amendment received January 8, 2019
5. Preliminary EcoCAT consultation completed online January 31, 2019
6. Land Evaluation and Site Assessment Score Worksheet completed by staff on January 31, 2019
7. Revised Site Plan received February 13, 2019
8. Revised Information Sheet received February 15, 2019
9. Email from Kyli Miller received February 15, 2019
10. Preliminary Memorandum dated February 21, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Subject Property Aerial Photo created by P&Z Staff on February 20, 2019
 - C Proposed Site Plan received January 2, 2019
 - D Revised Site Plan received February 13, 2019
 - E LRMP Land Use Goals, Objectives, and Policies
 - F LRMP Appendix of Defined Terms
 - G Right to Farm Resolution 3425
 - H Letter regarding Natural Resource Report from the Champaign County Soil and Water Conservation District dated December 27, 2018 and received January 2, 2019
 - I Preliminary EcoCAT consultation completed online January 31, 2019
 - J Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
 - K Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019
 - L Letter of support from Janet Miller dated December 16, 2018
 - M Letter of support from Dale and Kathy Miller dated December 16, 2018
 - N Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment: Info Sheet
 - O Revised Info Sheet received February 15, 2019

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- P Email from Kyli Miller received February 15, 2019
- Q Site Visit Photos taken February 14, 2019
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 924-AM-19
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19

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SUMMARY FINDING OF FACT FOR CASE 924-AM-19

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

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

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- b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.C.(3)).
 - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.C.(2)).
 - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 13.C.(1)).
- (4) It **{WILL / 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 it **{WILL / WILL NOT} HELP ACHIEVE** the following:
- a. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 13.D.(4)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.D.(3)).
 - c. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.D.(2)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 4 Agriculture.
- C. Regarding Goal 5:
- (1) The proposed amendment **WILL NOT IMPEDE** Goal 5 because it **WILL NOT IMPEDE** the following:
 - a. Policy 5.1.1 requiring that the County will encourage new urban development to occur within the boundaries of incorporated municipalities (see Item 14.A.(2)).
 - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **WILL NOT IMPEDE** Goal 5 Urban Land Use.
- D. Regarding Goal 6:
- (1) The proposed amendment will **HELP ACHIEVE** Goal 6 because it will **HELP ACHIEVE** the following:

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- a. Policy 6.1.3 requiring that the County seek to prevent nuisances created by light and glare and endeavor to limit excessive night lighting (see Item 15.A.(3)).
 - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).
- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.
- E. Regarding Goal 7:
- (1) The proposed amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
 - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).
 - (2) Based on achievement of the above Objective and Policy, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 7 Transportation.
- F. Regarding Goal 8:
- (1) The proposed amendment **{WILL / WILL NOT} HELP ACHIEVE** Goal 8 because it **{WILL / WILL NOT} HELP ACHIEVE** the following:
 - a. Policy 8.6.4 requiring implementation of IDNR recommendations regarding protection of endangered or threatened species (see Item 17.A.(3)).
 - b. Policy 8.6.3 requiring use of the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection (see Item 17.A.(2)).
 - c. Policy 8.6.2 requiring land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas (see Item 17.A.(1)).
 - d. Policy 8.4.2 requiring storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 17.B.(2)).
 - e. Policy 8.4.1 requiring the County to incorporate recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development (see Item 17.B.(1)).
 - f. Policy 8.2.1 requiring the County to strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland (see Item 17.C.(1)).

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- g. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 17.D.(1)).
- G. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 9 Energy Conservation
 - Goal 10 Cultural Amenities
- H. Overall, the proposed map amendment **{WILL / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **{IS / IS NOT}** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- B. This is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production and a residence.
- C. In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
- (1) The rezoning will still be an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.
 - (2) The traffic generated by the proposed use will primarily occur on weekends.
- D. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow the Petitioner to provide a service to the community while preserving agricultural uses and activities.
- E. Regarding whether the site is well suited to the proposed land use, the ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use **IS** a service better provided in a rural area.
- G. The ZBA has recommended that the proposed rezoning **{WILL / WILL NOT} HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- H. Overall, the proposed map amendment **{IS / IS NOT}** consistent with the *LaSalle* and *Sinclair* factors.
3. The proposed Zoning Ordinance map amendment **{WILL / WILL NOT} HELP ACHIEVE** the purpose of the Zoning Ordinance because:

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- A. Establishing the special use as originally proposed by the Petitioner, which requires rezoning to AG-2, **{WILL / WILL NOT}** lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 21.C.).
- B. The proposed rezoning **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) Item 21.D.).
- C. The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 E. Item 21.E.)
- D. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
- E. The proposed rezoning and proposed Special Use will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 924-AM-19** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

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**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{February 28, 2019}*

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

Request: **Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19 with the following waiver to the standard conditions for an Outdoor Commercial Recreational Enterprise:**

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

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

(Note: asterisk indicates items of evidence that are identical to evidence in Case 924-AM-19)

- *1. Petitioners Arik and Kyli Miller own the subject property. They are the sole owners and officers of Miller Farms Barn, LLC.
- *2. The subject property is a 10.3 acre tract in the East Half of the Northeast Quarter of Section 28 of Township 21N, Range 10 East of the Third Principal Meridian in Compromise Township and commonly known as the farmstead located at 2079 CR 2600N, Gifford.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - *B. The subject property is located within Compromise Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a Map Amendment. The Township has been notified of this case.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *4. Land use and zoning on the subject property and in the vicinity are as follows:
 - *A. The subject property is 10.3 acres that is currently zoned AG-1 Agriculture.
 - *B. Land on the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in use as follows:
 - * (1) Land to the north and west is in agricultural and residential use.
 - * (2) Land to the east and south is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

- *5. Regarding the site plan and operations of the proposed Special Use:
 - *A. The Site Plan received January 2, 2019, indicates the following existing conditions and proposed improvements:
 - * (1) Existing buildings and structures include:
 - *a. A 2,094 square feet single-family residence;
 - *b. One 70 feet by 45 feet "Event Center Barn", to be converted into the proposed Events Center;
 - *c. One 16 feet by 16 feet milk house attached to the barn;
 - *d. One 48 feet by 72 feet detached "Ag Shed (Potential Reception Hall);

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- *e. One 36 feet by 27 feet “Ag Shop/Garage”;
 - *f. A gravel access drive extending from CR 2600N; and
 - *g. A septic system west of the residence.
- * (2) Proposed improvements include the following:
- *a. The existing 70 feet by 45 feet barn would be converted to an events center under proposed Special Use Permit 925-S-19;
 - *b. A new access driveway for the events center off CR 2600N;
 - *c. A paved accessible parking area east of the barn;
 - *d. A 200 feet by 150 feet (30,000 square feet) parking lot that could accommodate 100 spaces by minimum zoning requirements;
 - *e. A 45 feet by 45 feet replacement concrete pad south of the barn;
 - *f. A “Potential Reception Hall or Ag Shed” south of the barn and replacement concrete pad;
 - *g. Potential additions to the existing 48 feet by 72 feet “Ag Shed (Potential Reception Hall)”;
 - *h. A potential septic system south of the 48 feet by 72 feet Ag Shed; and
 - (1) The petitioners intend to start their business with portable restrooms, and invest in a septic system later.
 - *i. A potential dumpster pad west of the Ag Shop/Garage.
- * (3) The petitioners provided additional information on facilities and operations with the application received January 7, 2019:
- *a. The barn has 5 exit doors and 1 overhead door that will be used and labeled for emergency exits.
 - *b. They are in the process of replacing the concrete pads on the south and east sides of the proposed event center.
 - * (a) The east side concrete pad will be designated for 2 ADA compliant parking spaces.
 - *c. They plan to install ordinance compliant lighting in the proposed parking lot.
 - *d. If they add the “Potential Reception Hall or Ag Shed”, they will include restrooms and a beverage bar.
 - * (a) They will contact Public Health when they are ready to expand to discuss necessary precautions and requirements.

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- *e. If they decide to renovate the 48 feet by 72 feet Ag Shed into a Reception Hall, they propose adding square footage, and would put the restrooms and beverage bar in that building.
 - *f. The barn can accommodate 250 guests.
 - *(a) The petitioners increased the event center capacity to 300 guests in an updated Information Sheet received February 15, 2019.
 - *g. They plan to run their business using a temporary liquor license or utilize the caterer's liquor license.
 - *h. They will provide guests with at least two portable toilets, one of which will be ADA compliant, as well as hand washing stations. Guests will be given the option of renting a portable restroom trailer.
 - *i. They have plans to apply for permanent licenses once they build or repurpose a shed for a reception hall, which would include plumbed restrooms and a beverage bar.
- * (4) A revised Site Plan was received on February 13, 2019, provided the following new information:
- *a. The existing well is located near the northeast corner of the house;
 - *b. The proposed parking lot was resized to 200 feet by 110 feet (22,000 square feet) instead of 200 feet by 150 feet (30,000 square feet);
 - *c. The petitioners will have a strip of hay crop between the CR 2600N right-of-way and the proposed parking lot;
 - *d. They will add a concrete walkway between the concrete pad south of the event center barn and the milk house;
 - *e. They provided a corrected measurement of 97 feet between the street centerline of CR 2600N and the event center barn.
- * (5) Emails received from the petitioners on February 15, 2019, provided the following additional information:
- *a. They increased their maximum number of guests from 250 to 300.
 - *b. There is a small space upstairs that will currently not be used until a staircase and handrails are installed in the future. We hope to eventually use this space for things like a beverage bar, couples to take pictures, an alternative ceremony space for wedding party to stand, or to put a DJ to free up space on the lower level.
 - *c. We do not want to limit the Special Use Permit to any specific area; we paid the fee for the whole property to be used.

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- *d. We do not currently plan to operate multiple events in the same day.
 - *e. The updated detail sheet I emailed you today increased our max capacity to 300 guests just to be safe. We will maintain this max capacity regardless of the use of tents.
 - *f. The parking lot will be 200 feet parallel to the road.
 - *g. The 200 feet by 110 feet parking lot will initially be grass with the intention to put in gravel by the end of 2019.
- *B. There are no zoning permits for the subject property.
 - *C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

6. Regarding authorization for a combined “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (3) “AGRICULTURE” is 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. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

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- (4) “ALTERATION” is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
- (5) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
- (6) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
- a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (7) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (8) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
- (9) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (10) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
- (11) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (12) “DISCRETIONARY DEVELOPMENT” is a non-agricultural land USE that may occur provided that a SPECIAL USE permit and/or a rezoning request is granted by the BOARD and/or by the GOVERNING BODY following a DISCRETIONARY review process and additionally provided that the USE complies with provisions of the Zoning Ordinance and other applicable ordinances and regulations.

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- (13) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
- (14) “ESTABLISHMENT” is a business, retail, office, or commercial USE. When used in the singular this term shall be construed to mean a single USE, BUILDING, STRUCTURE, or PREMISES of one of the types here noted.
- (15) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (16) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (17) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (18) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (19) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
- (20) “SCREEN PLANTING” is a vegetative material of sufficient height and density to filter adequately from view, in adjoining DISTRICTS, STRUCTURES, and USES on the PREMISES upon which the SCREEN PLANTING is located.
- (21) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (22) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (23) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (24) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (25) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A

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STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (26) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (27) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (28) WELL SUITED OVERALL: A discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. 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 effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- (29) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (30) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.

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- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
 - (2) Subsection 6.1.3 establishes the following standard condition for an Outdoor Commercial Recreational Enterprise:
 - a. A separation distance of 200 feet between any R DISTRICT or residential or INSTITUTIONAL USE.
- C. Section 7.4.1 refers to parking requirements for a facility such as the proposed Special Use:
- (1) For BUILDINGS and other enclosed STRUCTURES, one PARKING SPACE for each five seats provided for patrons use, or at least one PARKING SPACE for each 200 square feet of floor area, whichever requires the greater number of PARKING SPACES.
 - (2) For outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
 - (3) When a USE involves a combination of enclosed BUILDINGS or STRUCTURES and an outdoor area, the required PARKING SPACES shall be calculated separately per the above standards and then totaled to obtain the required PARKING SPACES for said USE.
 - (4) Section 7.4.1 C.4. states that required parking screens for commercial establishments shall be provided as follows:

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- a. Parking areas for more than four vehicles of no more than 8,000 pounds gross vehicle weight each, excluding any vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials, located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type A SCREEN except that a TYPE B SCREEN may be erected along the rear LOT LINE of the business PROPERTY.
 - b. Parking areas for any number of vehicles exceeding 8,000 pounds in gross vehicle weight each or any number of vehicles used for hauling solid waste except those used for hauling construction debris and other inert materials located within any YARD abutting any residential DISTRICT or visible from and located within 100 feet from the BUILDING RESTRICTION LINE of a lot containing a DWELLING conforming as to USE shall be screened with a Type D SCREEN.
- D. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.

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- E. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
 - (2) However, a waiver of a standard condition is the same thing as a variance and Illinois law (55ILCS/ 5-12009) requires that a variance can only be granted in accordance with general or specific rules contained in the Zoning Ordinance and the VARIANCE criteria in paragraph 9.1.9 C. include the following in addition to criteria that are identical to those required for a waiver:
 - a. Special conditions and circumstances exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district.
 - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied will prevent reasonable or otherwise permitted use of the land or structure or construction
 - c. The special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
 - A. The Petitioner has testified on the application, **“The proposed Special Use provides a potential to generate income and bring thriving business to the local community. It will also serve the growing need for event centers in the area.”**

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

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- A. The Petitioner has testified on the application, **“We will ensure that all guests are made aware of the County Ordinance prohibiting nuisance noise past 10pm and that the use of our facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line after 10pm. Also, no parking shall occur in the public right of way. We will ensure the proposed Special Use is not injurious to the neighborhood. The proposed parking area is in compliance with Section 7.4.1A of the Zoning Ordinance.”**
- B. Regarding surface drainage:
- * (1) In a letter received January 2, 2019, the Champaign County Soil and Water Conservation District stated that they “do not have any concerns with the change in the Arik Miller property currently. Should there be any proposed construction or installation of septic, our office should be contacted. The property has been reviewed and our records checked.”
 - * (2) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - * a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
 - * (3) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
 - * (4) The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - * a. The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - * b. Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
- C. Regarding the effects on traffic:
- * (1) The subject property fronts the south side of CR 2600N. As reviewed in related Case 924-AM-19 regarding the general traffic conditions on CR 2600N at this location and the level of existing traffic and the likely increase from the proposed Special Use:
 - * a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2016 near the subject property. CR2600N

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west of CR 1900E had an ADT of 25. CR 2100E north of CR 2600N had an ADT of 300.

- *b. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines recommends that local roads with an ADT of less than 250 vehicle trips have a minimum pavement width of 18 feet and a shoulder width of two feet.
 - *(a) The pavement surface of CR 2600N near the subject property is oil and chip. The pavement width is about 12-15 feet.
 - *c. Traffic volumes are expected to increase, but no Traffic Impact Analysis has been done. A cursory analysis of traffic volumes indicates the following:
 - *(a) A typical residence averages 10 vehicle trips per day.
 - *(b) Should an event utilize the proposed 75 available parking spaces at the subject property, an additional 150 vehicle trips would be added to CR 2600N.
 - *(c) The events center will primarily hold events during evenings on weekends, which should not affect the typical peak travel hours associated with work commutes.
 - *d. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
 - *e. The petitioner stated in the application received January 8, 2019, that the Compromise Township Road Commissioner was contacted, and he had no current concerns other than not allowing on-street parking.
- * (2) The Compromise Township Highway Commissioner was notified of this case. In a phone call on February 13, 2019, Highway Commissioner Marvin Johnson provided the following information:
- *a. Mr. Johnson has received calls from residents who are concerned that event center patrons would park along the road if there were adverse conditions that made parking on the property difficult, such as a muddy unpaved field.
 - *b. Compromise Township Board met in January, and they have no issues with the proposed event center as long as there is no parking in the road right-of-way.
 - *c. The number of cars traveling to and from the event center is not a concern because they are generally smaller vehicles that the road can handle.
 - *d. The township does not have money for road improvements or widening; if the Millers requested road improvements near the event center, they would be asked to help fund them.

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- *D. The subject property is located approximately 6.4 road miles from the Gifford Fire Protection District station. Notification of this case was sent to the FPD Chief, and no comments were received.
- *E. Regarding flood concerns:
 - * (1) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
 - * (2) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- F. Regarding soils on the 10.3-acre subject property:
 - * (1) The soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay loam and 663 Clare silt loam, and has an average Land Evaluation score of 98.
 - * (2) The Site Assessment (SA) portion of the LESA analysis for the Special Use Permit subject property scored 160 out of 200 points.
 - * (3) The total LESA Score of 258 for the map amendment subject property receives the highest protection rating in LESA, which is “very high rating for protection.”
 - * (4) The majority of the event center would be located on already disturbed land (farmstead) that has not been in agricultural production for many years. Based on the revised site plan received February 13, 2019, 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.
- G. Regarding outdoor lighting on the subject property:
 - * (1) The petitioners plan to install ordinance compliant lighting in the proposed parking lot. A special condition has been added to ensure compliance.
- H. Regarding wastewater treatment and disposal on the subject property:
 - * (1) The subject property residence has a septic system, and the petitioners plan to install a separate septic system that is approved by the Public Health Department with sufficient capacity for the events center should demand for the events center warrant the investment. A special condition has been added to ensure compliance.
 - * (2) The petitioners intend to start their business with portable restrooms, and invest in a septic system later.
- I. Regarding life safety considerations related to the proposed Special Use:

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- (1) Champaign County has not adopted a building code. Life safety considerations are considered to a limited extent in Champaign County land use regulation as follows:
 - a. The Office of the State Fire Marshal has adopted the Code for Safety to Life from Fire in Buildings and Structures as published by the National Fire Protection Association (NFPA 101) 2000 edition, Life Safety Code, as the code for Fire Prevention and Safety as modified by the Fire Prevention and Safety Rules, 41 Ill. Adm Code 100, that applies to all localities in the State of Illinois.
 - b. The Office of the State Fire Marshal is authorized to enforce the Fire Prevention and Safety Rules and the code for Fire Prevention and Safety and will inspect buildings based upon requests of state and local government, complaints from the public, or other reasons stated in the Fire Prevention and Safety Rules, subject to available resources.
 - c. The Office of the State Fire Marshal currently provides a free building plan review process subject to available resources and subject to submission of plans prepared by a licensed architect, professional engineer, or professional designer that are accompanied by the proper Office of State Fire Marshal Plan Submittal Form.
 - d. Compliance with the code for Fire Prevention and Safety is mandatory for all relevant structures anywhere in the State of Illinois whether or not the Office of the State Fire Marshal reviews the specific building plans.
 - e. Compliance with the Office of the State Fire Marshal's code for Fire Prevention and Safety is not required as part of the review and approval of Zoning Use Permit Applications.
 - f. The Illinois Environmental Barriers Act (IEBA) requires the submittal of a set of building plans and certification by a licensed architect that the specific construction complies with the Illinois Accessibility Code for all construction projects worth \$50,000 or more and requires that compliance with the Illinois Accessibility Code be verified for all Zoning Use Permit Applications for those aspects of the construction for which the Zoning Use Permit is required.
 - g. The Illinois Accessibility Code incorporates building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - h. The certification by an Illinois licensed architect that is required for all construction projects worth \$50,000 or more should include all aspects of compliance with the Illinois Accessibility Code including building safety provisions very similar to those of the code for Fire Prevention and Safety.
 - i. When there is no certification required by an Illinois licensed architect, the only aspects of construction that are reviewed for Zoning Use Permits and

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which relate to aspects of the Illinois Accessibility Code are the number and general location of required building exits.

- j. Verification of compliance with the Illinois Accessibility Code applies only to exterior areas. With respect to interiors, it means simply checking that the required number of building exits is provided and that they have the required exterior configuration. This means that other aspects of building design and construction necessary to provide a safe means of egress from all parts of the building are not checked.
- J. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application: **“No major changes have been made to affect the essential character. The proposed use will not hinder agricultural production and will still be able to occur on site.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning Districts and by right in the B-2, B-3, and B-4 Zoning Districts.
 - (2) An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts.
 - (3) The 10.3 acre lot is in compliance with the maximum lot area requirement for best prime farmland.
 - (4) Regarding the requirement for a separation distance of 200 feet between the Special Use and any R DISTRICT or residential or INSTITUTIONAL USE:
 - a. The street centerline of CR 2600N is the shared property line between the subject property and two residential lots on the north side of CR 2600N.
 - b. Janet Miller, 2086 CR 2600N, has written a letter of support for the proposed event center. The event center barn is approximately 220 feet from her residence.

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- c. Dale and Kathy Miller, 2078 CR 2600N, have written a letter of support for the proposed event center. The event center barn is approximately 240 feet from their residence.
 - d. The barn to be converted into the event center is approximately 100 feet from the street centerline. The proposed parking lot would be located at least 45 feet from the street centerline.
- (5) Regarding parking on the subject property for the proposed Special Use:
- *a. The revised Site Plan received February 13, 2019, indicates a 110 feet by 200 feet (22,000 square feet) parking lot that could accommodate 73 spaces (plus 2 accessible spaces) by minimum zoning requirements; however, if the lot does not have marked spaces, its capacity will likely be less.
 - *b. The proposed Event Center will accommodate up to 300 people and the Zoning Ordinance requires at least 1 parking space per 5 guests, or 60 parking spaces.
 - *c. A special condition has been proposed prohibiting parking on or adjacent to streets.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- * (1) The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- D. Regarding the Special Flood Hazard Areas Ordinance:
- * (1) A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the subject property is in compliance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:
- (1) A Private Indoor Recreational Development may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) An Outdoor Commercial Recreational Enterprise may be authorized by Special Use Permit in the AG-2 Agriculture Zoning District.
 - (3) The proposed use will not hinder agricultural production.

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- G. Currently, the subject property is zoned AG-1 Agriculture and the Petitioner has requested to rezone the property to AG-2 Agriculture in related Case 924-AM-19. Regarding whether or not the proposed Special Use will preserve the essential character of the surrounding AG-1 District:
- (1) As reviewed in Case 924-AM-19, the types of uses authorized by right in the AG-1 DISTRICT are the same as by-right uses in the AG-2 DISTRICT. However, a Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise is only authorized as a Special Use in the AG-2 District and not the AG-1 District. Any proposed Special Use on the subject property should be evaluated for compatibility with the adjacent AG-1 uses.
 - * (2) The subject property is located on CR2600N. Land use and zoning in the immediate area of the subject property are as follows:
 - *a. Land on the north, south, east, and west of the subject property is zoned AG-1 Agriculture and is in use as follows:
 - * (a) Land to the north and west is in agricultural and residential use.
 - * (b) Land to the east and south is in agricultural production.
- H. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. A Private Indoor Recreational Development is authorized by Special Use Permit in the AG-2 Agriculture, R-3 Residential, and R-4 Residential Zoning District and by right in the B-2, B-3, and B-4 Zoning District.
 - B. An Outdoor Commercial Recreational Enterprise is authorized by Special Use Permit in the CR Conservation-Recreation and AG-2 Agriculture Zoning Districts and by right in the B-3, B-4, B-5, I-1 and I-2 Zoning Districts. Note that the Outdoor Commercial Recreational Enterprise and the Private Indoor Recreational Development are actually the same proposed use and not separate uses, which would not be permissible on a lot in the AG-1 District.
 - C. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.2 of the Ordinance states the general intent of the AG-2 District and states as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant

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potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

D. The proposed Special Use Permit **{IS / IS NOT}** in harmony with the general purpose of the Zoning Ordinance, as follows:

- *(1) 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.

- *(2) 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.

*a. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:

- *(a) It is not clear whether or not the proposed Special Use 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.

- *(b) An event center is authorized by Special Use Permit in the AG-2 Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential use and an event center. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

*b. In regards to the value of the subject property, it also is not clear if the requested Special Use Permit would have any effect.

- *(a) If the petitioners are denied the map amendment and special use permit, the property can still be used as a residence and agricultural land.

- *(3) 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.

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- a. Probable traffic impacts are reviewed under Item 8.C. of this Summary of Evidence.
 - *a. The traffic generated by the proposed use will primarily occur on weekends.
 - *b. Should an event utilize the proposed 75 available parking spaces at the subject property, an additional 150 vehicle trips would be added to CR 2600N, which would result in a possible sixfold increase in daily traffic volumes on event days.
- *b. The petitioners have submitted no information about how they might need to accommodate local farmers during planting and harvesting seasons.
- *4) 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.
 - *a. A portion of the subject property is in the flood hazard area, per FEMA FIRM panels 17019C0225D and 17019C0350D.
 - *a. Currently, no buildings or structures are in the flood hazard area, but a portion of the proposed parking area would be.
 - b. The petitioners must apply for a Floodplain Development Permit for any construction within the flood hazard area. A special condition has been added to ensure compliance.
 - *b. The proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
 - *c. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
 - *a. The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
 - *b. Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
- *5) 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.
 - *a. 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.

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- *b. 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.
- *c. The petitioners collected several letters of support, which were received with their application on January 2, 2019:
 - *(a) Janet Miller, who resides just north of the subject property at 2086 CR 2600N, supports the project.
 - *(b) Dale and Kathy Miller, who reside just north of the subject property at 2078 CR 2600N, support the project.
 - *(c) Gary and Elaine Busboom, who reside at 2073 CR 2600N to the west of the subject property, support the project but ask for consideration of the following: any damage to neighboring property caused by people attending events at the business will be paid for by the Miller Farms Barn, LLC; and no parking will be allowed along township road 2600 North or on neighboring property.
- * (6) 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.

- * (7) 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 Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

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- * (8) 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 Special Use will have to be conducted in compliance with those requirements.
- * (9) 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.
- *a. The proposed Special 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.
- * (10) 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.
- *a. On January 31, 2019, staff requested an EcoCAT assessment from the Illinois Department of Natural Resources regarding the proposed rezoning as it relates to Illinois Natural Area Inventory Sites and endangered species protection in the vicinity. There was no record of threatened or endangered species or sensitive environmental sites.
- *b. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
- * (a) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
- * (b) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.
- * (11) 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.
- *a. The proposed Special 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.
- * (12) 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

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preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

*a. 22,000 square feet (0.51 acre) of land that is Best Prime Farmland would be converted into the proposed parking lot for the events center.

*b. This is primarily an agricultural area; the 10.3-acre subject property has been a farmstead for decades, and will continue to have land in production. Land surrounding the parcel remains in agricultural production.

- *(13) 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 Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“The existing use of the property does not fall under ‘non-conforming’ use. The existing barn and milk house will provide the space necessary for the proposed Special Use for the event center. The barn is currently compatible with its surroundings.”**
- B. The existing use on the property is not a nonconforming use.

RELATED TO THE WAIVER, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

12. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the *Zoning Ordinance*:
- (1) The proposed event center requires off-street parking, and the petitioners have planned for possible expansion of that event center that could demand 22,000 square feet of parking.
 - (2) The location of the parking lot is the location that would convert the least amount of land in production on the 10.3-acre site.
 - (3) The owners of the nearest residential use are aware of the proposed special use and has no objections to the special events center or its proximity.

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RELATED TO THE WAIVER, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. Without the proposed waiver, the applicant would be unable to use their existing barn for an events center, because it is less than 200 feet from the front property line.

RELATED TO THE WAIVER, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet:
- (1) All existing buildings were on the subject property when the petitioners purchased the property in 2018.

GENERALLY PERTAINING TO WHETHER OR NOT THE WAIVER IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

15. Regarding the *Zoning Ordinance* requirement that the waiver of standard conditions of the Special Use will be in harmony with the general purpose and intent of the ordinance:
- A. Regarding the proposed waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, the requested waiver (variance) is 0% of the minimum required, for a variance of 100%.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED WAIVER ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

16. Regarding the Zoning Ordinance requirement for a finding that the granting of the waiver (variance) will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Compromise Township Highway Commissioner has been notified of this case, and no comments have been received.
- B. The Gifford Fire Protection District has been notified of this case, and no comments have been received.
- C. The Flatville Drainage Ditch is the east property line of the subject property. The Flatville Special Drainage District was notified of this case, and the following comments were received via phone on February 19, 2019 from Gary Busboom, a Commissioner of the Flatville Special Drainage District:
- (1) The Drainage District needs to maintain at least a 25 feet wide access path from the edge of the ditch on the subject property.
- (2) Mr. Busboom stated that he would consult with Commissioner Derald Ackerman, who has been with the DD longer, to see if he has additional comments.

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- D. Considerations of public health, safety, and welfare for the proposed special use are discussed under Item 8 and are also applicable to the proposed waiver.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

17. Regarding proposed special conditions of approval:

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

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

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

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

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

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

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

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

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

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

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

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

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

The special condition stated above is to ensure the following:

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

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

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

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

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

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

That events held on the subject property adequately consider neighbors.

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

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

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

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

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

To protect public health.

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

(1) **For events with no more than 20 guest vehicles or the equivalent 20 vehicle round trips (including shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year and the guest attendance at each event shall be limited to no more than 300 guests.**

(2) **“Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:**

a. **The guest attendance at each event shall be limited to no more than 300 guests; and**

b. **The total number of larger events shall be limited to no more than 20 events in any 365-day period; and**

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- c. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and**
- d. The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.**

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

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

- K. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).**

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

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

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

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

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

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

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

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

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

The above special condition is necessary to ensure the following:

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

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DOCUMENTS OF RECORD

1. Application for Special Use Permit received January 2, 2019, with attachments:
 - A Proposed Site Plan
 - B Annotated aerial photo
 - C Legal description
 - D Photo of barn to be converted to event center
 - E Letter of support from Janet Miller dated December 16, 2018
 - F Letter of support from Dale and Kathy Miller dated December 16, 2018
 - G Letter from Hannah McDonald, Conservation Coordinator, Champaign County Soil and Water Conservation District dated December 27, 2018

2. Email from Michael Flanagan, C-U Public Health District, received December 7, 2018

3. Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment:
 - A Information Sheet from petitioners

4. Application for Map Amendment received January 8, 2019

5. Preliminary EcoCAT consultation completed online January 31, 2019

6. Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019

7. Revised Site Plan received February 13, 2019

8. Revised Information Sheet received February 15, 2019

9. Email from Kyli Miller received February 15, 2019

10. Preliminary Memorandum dated February 21, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Subject Property Aerial Photo created by P&Z Staff on February 20, 2019
 - C Proposed Site Plan received January 2, 2019
 - D Revised Site Plan received February 13, 2019
 - E LRMP Land Use Goals, Objectives, and Policies
 - F LRMP Appendix of Defined Terms
 - G Right to Farm Resolution 3425
 - H Letter regarding Natural Resource Report from the Champaign County Soil and Water Conservation District dated December 27, 2018 and received January 2, 2019
 - I Preliminary EcoCAT consultation completed online January 31, 2019
 - J Email from Michael Flanagan, C-U Public Health District, received December 7, 2018
 - K Land Evaluation and Site Assessment Score Worksheet dated January 31, 2019
 - L Letter of support from Janet Miller dated December 16, 2018
 - M Letter of support from Dale and Kathy Miller dated December 16, 2018
 - N Letter of support from Gary and Elaine Busboom dated January 2, 2019 and received January 7, 2019, with attachment: Info Sheet

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- O Revised Info Sheet received February 15, 2019
- P Email from Kyli Miller received February 15, 2019
- Q Site Visit Photos taken February 14, 2019
- R Summary of Evidence, Finding of Fact, and Final Determination for Case 924-AM-19
- S Summary of Evidence, Finding of Fact, and Final Determination for Case 925-S-19

PRELIMINARY DRAFT**FINDINGS OF FACT FOR CASE 925-S-19**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **925-S-19** held on **February 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because*:
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because*:
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because*:
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because*:
 - f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because*:
 - g. The property *{IS / IS NOT}* WELL SUITED OVERALL for the proposed improvements.
 - h. Existing public services *{ARE / ARE NOT}* available to support the proposed SPECIAL USE without undue public expense.
 - i. Existing public infrastructure together with the proposed development *{IS / IS NOT}* adequate to support the proposed development effectively and safely without undue public expense.

(Note the Board may include other relevant considerations as necessary or desirable in each case.)

*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location.

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- c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use *IS NOT* an existing nonconforming use.
6. Regarding the necessary waiver of standard conditions:
- A. Regarding the proposed waiver for the event center facilities being located less than 200 feet of a property with a dwelling:
- (1) The waiver *{IS/ IS NOT}* in accordance with the general purpose and intent of the Zoning Ordinance and *{WILL/ WILL NOT}* be injurious to the neighborhood or to the public health, safety, and welfare because:
 - (2) Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - (3) Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - (4) The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
 - (5) The requested waiver *{SUBJECT TO THE PROPOSED SPECIAL CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:***
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**
- The special condition stated above is required to ensure the following:
The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.
- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**
- The special condition stated above is required to ensure the following:
That any construction complies with the Special Flood Hazard Areas Ordinance.

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

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

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

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

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

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

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

The special condition stated above is to ensure the following:

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

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

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

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

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

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

That events held on the subject property adequately consider neighbors.

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

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

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

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

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

To protect public health.

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

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

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

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

- K. **The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).**

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

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

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

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

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

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

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

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

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

The above special condition is necessary to ensure the following:

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

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FINAL DETERMINATION FOR CASE 925-S-19

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **925-S-19** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Arik and Kyli Miller**, to authorize the following as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19:

Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related Zoning Case 924-AM-19.

{SUBJECT TO THE FOLLOWING WAIVER OF STANDARD CONDITIONS:}

Authorize a waiver for an Outdoor Commercial Recreational Enterprise that is 0 feet from a residential use in lieu of the minimum required 200 feet, per Section 6.1.3 of the Zoning Ordinance.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 924-AM-19 by the County Board.**
- B. **A Floodplain Development Permit will be required for any construction proposed in the Special Flood Hazard Area.**
- C. **The Zoning Administrator shall not issue a Zoning Compliance Certificate for the proposed Private Indoor Recreational Development/Outdoor Commercial Recreational Enterprise until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- D. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**
- E. **The petitioner shall undertake construction of the proposed driveway as follows:**
 - (1) **Prior to construction, the petitioner shall secure the approval of the location and design of the new driveway access from the Compromise Township Highway Commissioner.**

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- (2) After construction, the petitioner shall secure the written acceptance of the new driveway from the Compromise Township Highway Commissioner and a copy of that written acceptance shall be provided to the Zoning Administrator.
- F. All onsite Special Use activities shall be in compliance at all times with the Champaign County Health Ordinance, the Champaign County Liquor Ordinance, and the Champaign County Recreation and Entertainment Ordinance.
- G. The Petitioner shall ensure that the guests are made aware of the County Ordinance prohibiting nuisance noise past 10 pm and that the use of the facility requires compliance to avoid complaints from neighboring residences. Music and other nuisance noise shall not be audible at the property line past 10 pm.
- H. The petitioner shall not allow any parking in the public street right of way.
- I. This special use permit does not authorize onsite food preparation or the construction of any food preparation area or kitchen.
- J. Limits on the number of events, guest attendance, and traffic shall be limited as follows:
- (1) For events with no more than 20 guest vehicles or the equivalent 20 vehicle round trips (including shuttles and buses), there are no limits to the number of events that may be held at the proposed special use and no limit as to when events may occur during the calendar year and the guest attendance at each event shall be limited to no more than 300 guests.
 - (2) “Larger” events with more than 20 guest vehicles at the subject property shall be limited as follows:
 - a. The guest attendance at each event shall be limited to no more than 300 guests; and
 - b. The total number of larger events shall be limited to no more than 20 events in any 365-day period; and
 - c. No larger event shall occur during planting season (April 15 to May 31) or during harvest season (September 15 to October 31); and
 - d. The number of guests at all events shall be kept on file by the petitioner and be available for inspection by the Zoning Administrator when requested.
- K. The Special Use Permit shall be void upon the receipt by the Zoning Administrator of written complaints about interruption of farming activities from the farmers and/or landowners of more than 50% of the farmland frontage on CR2600N between CR 2000E and CR 2200E, or on CR 2100E between CR 2500N and CR 2700N, during any one planting season (April 15 through May 31) or during any one harvest season (September 15 through October 31).

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- L. **The Special Use is subject to the approval of Case 924-AM-19.**
- M. **This Special Use Permit shall expire if no events are held during any consecutive 365-day period.**
- N. **The revised Site Plan received February 4, 2019, is the official site plan for approval in Case 928-S-19. The standard Special Use Permit limitations regarding no expansion unless indicated on the approved site plan shall not apply to the dwelling on the subject property.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date