

CASES 984-S-20 & 990-V-20

PRELIMINARY MEMORANDUM

October 20, 2020

Petitioner: Ehler Bros. Co., with David Ehler and Linda Yearsley, represented by Dustin Ehler

**Request: 984-S-20
Authorize the construction and use of a facility for storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” Special Use in the AG-1 Agriculture Zoning District.**

**990-V-20
Authorize a variance from the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet, for the Special Use Permit area requested in related Zoning Case 984-S-20.**

Location: Part of a 158.3 acre tract in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 27, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township, and commonly known as the existing Ehler Bros. facility on the north side of CR 2500N (County Highway 11), with an address of 1502 CR 2500N, Thomasboro.

Site Area: 158.3 acres (approximate SUP area: 5.38 acres)

Time Schedule for Development: As soon as possible

**Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

The petitioners request a Special Use Permit for expanding upon the existing Ehler Bros. Thomasboro facility on the north side of CR 2500N (County Highway 11). “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” is allowed with a Special Use Permit in the AG-1 Agriculture Zoning District.

The existing facility on the 1.99-acre lot west of the subject property was authorized as a by-right use through a rezoning from AG-1 to B-1 in Case 619-AM-87 approved on August 18, 1987. The first addition to the facility occurred on the current subject property as a Special Use Permit in Case 623-S-08. That Special Use Permit was limited in geography to about two acres. The Ehlers now want to further expand the facility and require a new Special Use Permit that includes approximately 5.38 acres.

The proposed expansion of the facility will trigger the need for a Storm Water Drainage Plan. The petitioners are requesting a variance from that requirement in Case 990-V-20. They have previously installed drainage tile onsite, and propose an additional tile and catch basins, all draining to the Saline Branch Drainage Ditch located east of the proposed Special Use Permit area. The petitioners state that

it is an unnecessary expense and hardship to undergo engineering and stormwater review when there is sufficient drainage infrastructure for their facility.

No comments have been received to date.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one-and-one-half miles of the Village of Thomasboro, a municipality with zoning. Municipalities within one-and-one-half miles of the subject property do not have protest rights on a Special Use Permit, but are notified of such cases.

The subject property is located within Rantoul Township, which has a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit, but are notified of such cases. They do have protest rights on variance cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Existing Ehler Bros. facility and Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture (residence 700 feet east)	AG-1 Agriculture
West	Existing Ehler Bros. facility and Agriculture	B-1/AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS

The following are proposed special conditions of approval:

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 984-S-20 by the Zoning Board of Appeals.**

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. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility 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:

The proposed Special Use Permit meets applicable State codes for accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. **Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:**

- (1) **The Special Use shall at all times be operated in conformance with the Illinois Department of Agriculture permit, and any special conditions thereof.**
- (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**
- (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit. The Special Use shall become void if the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.**

The special conditions stated above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

- F. **A septic system shall be installed on the subject property in conjunction with construction, and:**

-
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
- (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

Not needed if related Case 990-V-20 is approved:

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

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

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

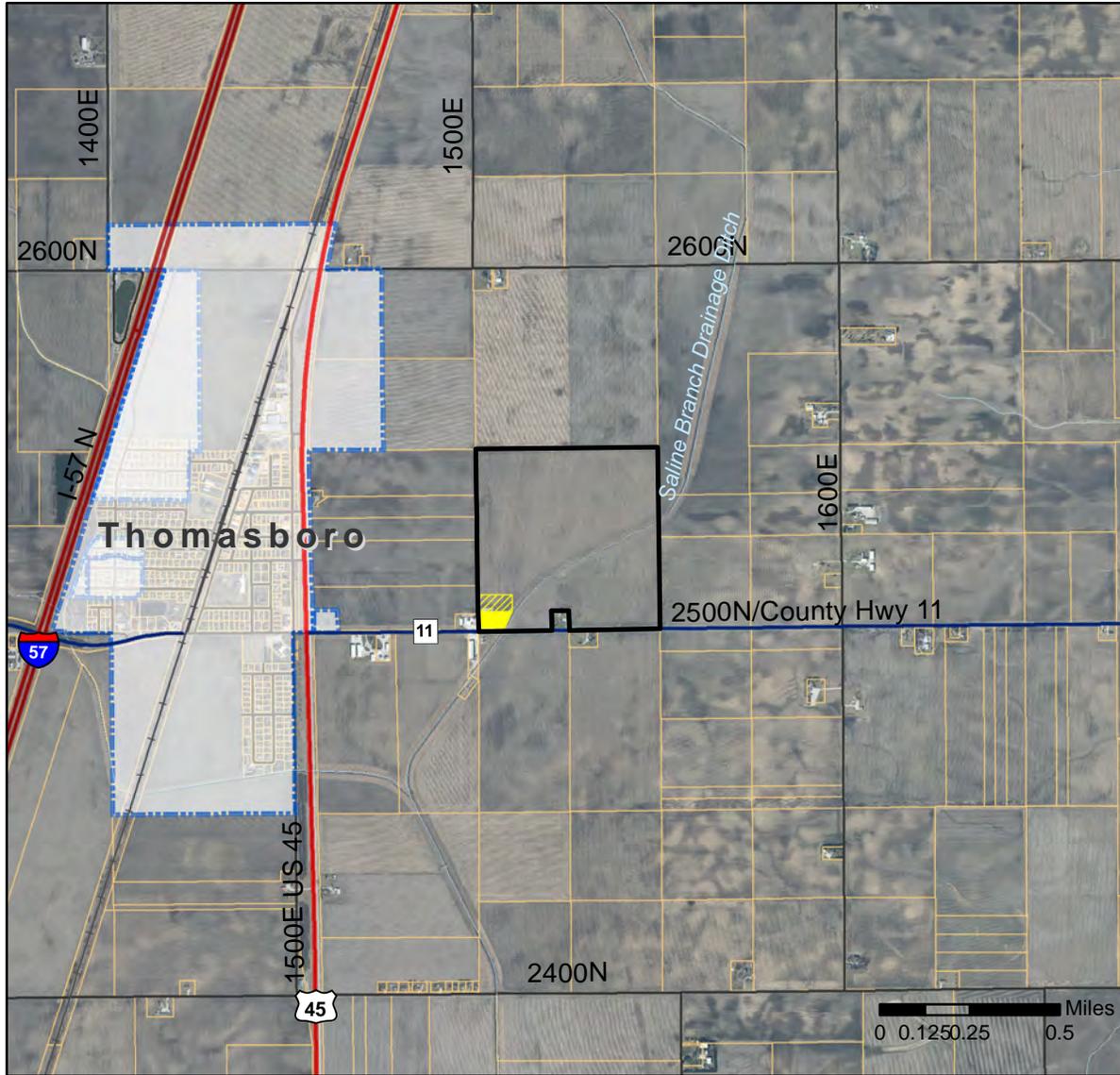
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 13, 2020
- C Annotated Aerial created by P&Z Staff October 20, 2020
- D Application for IEPA Notice of Intent for General Permit to Discharge Storm Water Associated with Construction Site Activities received October 13, 2020
- E Natural Resources Report by Champaign County Soil and Water Conservation District dated and received September 24, 2020
- F IDAG Permit received September 14, 2020
- G Site Visit Photos taken October 2, 2020
- H Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 29, 2020

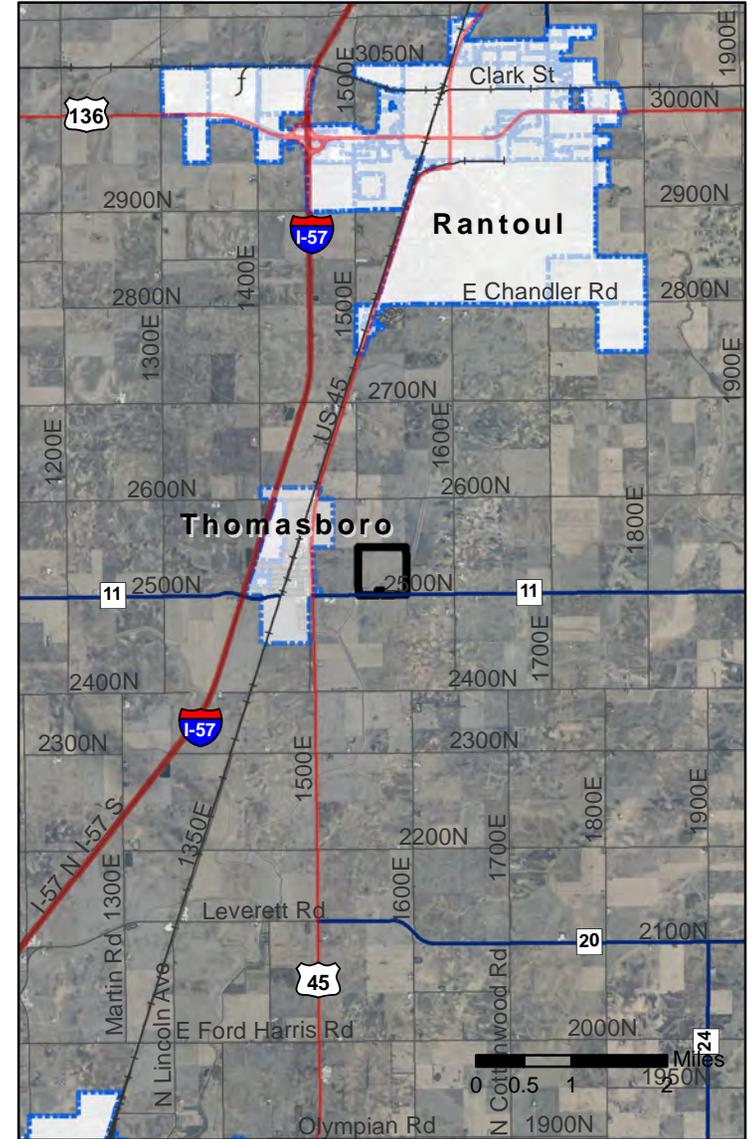
Location Map

Cases 984-S-20 & 990-V-20
October 29, 2020

Subject Property



Property location in Champaign County



Legend

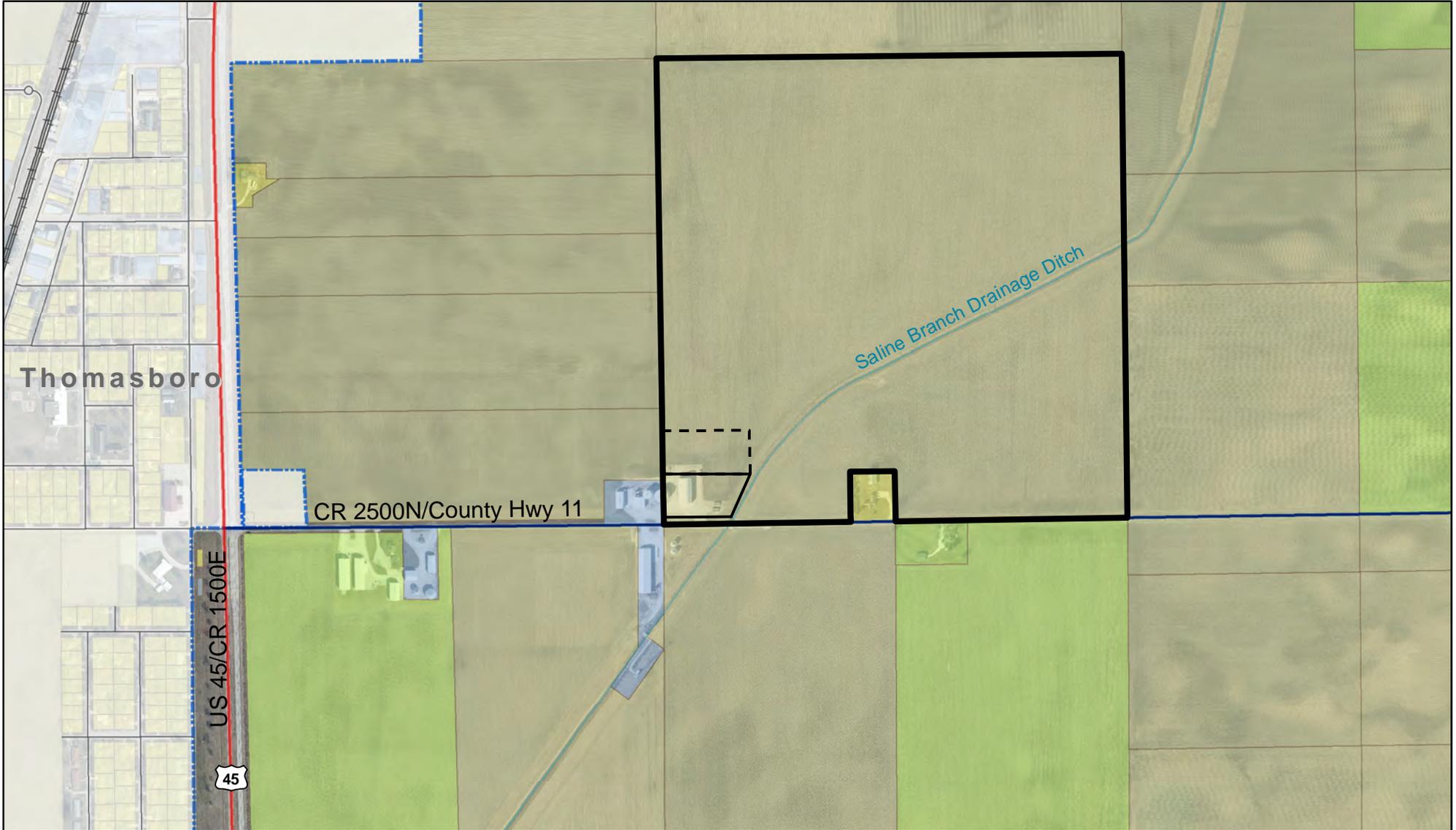
- Subject Property
- Municipal Boundary
- Proposed SUP area
- Parcels
- Existing SUP area



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Cases 984-S-20 & 990-V-20
October 29, 2020



- Legend**
- Proposed SUP area
 - Existing SUP area
 - Subject Property
 - Municipal Boundary
 - Agriculture
 - Ag/Residential
 - Residential
 - Commercial

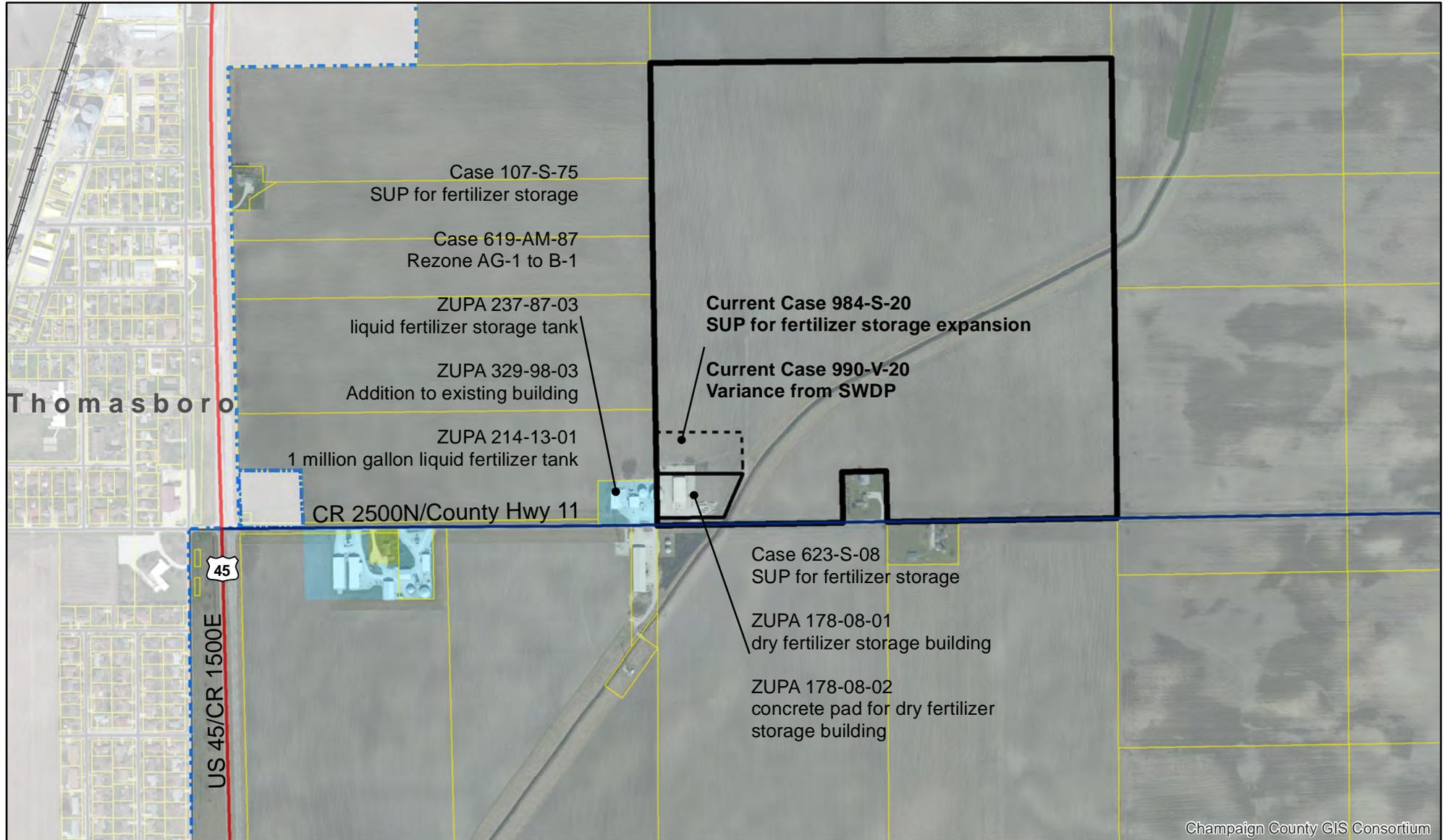
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**PLANNING &
 ZONING**

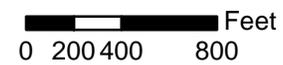
Zoning Map

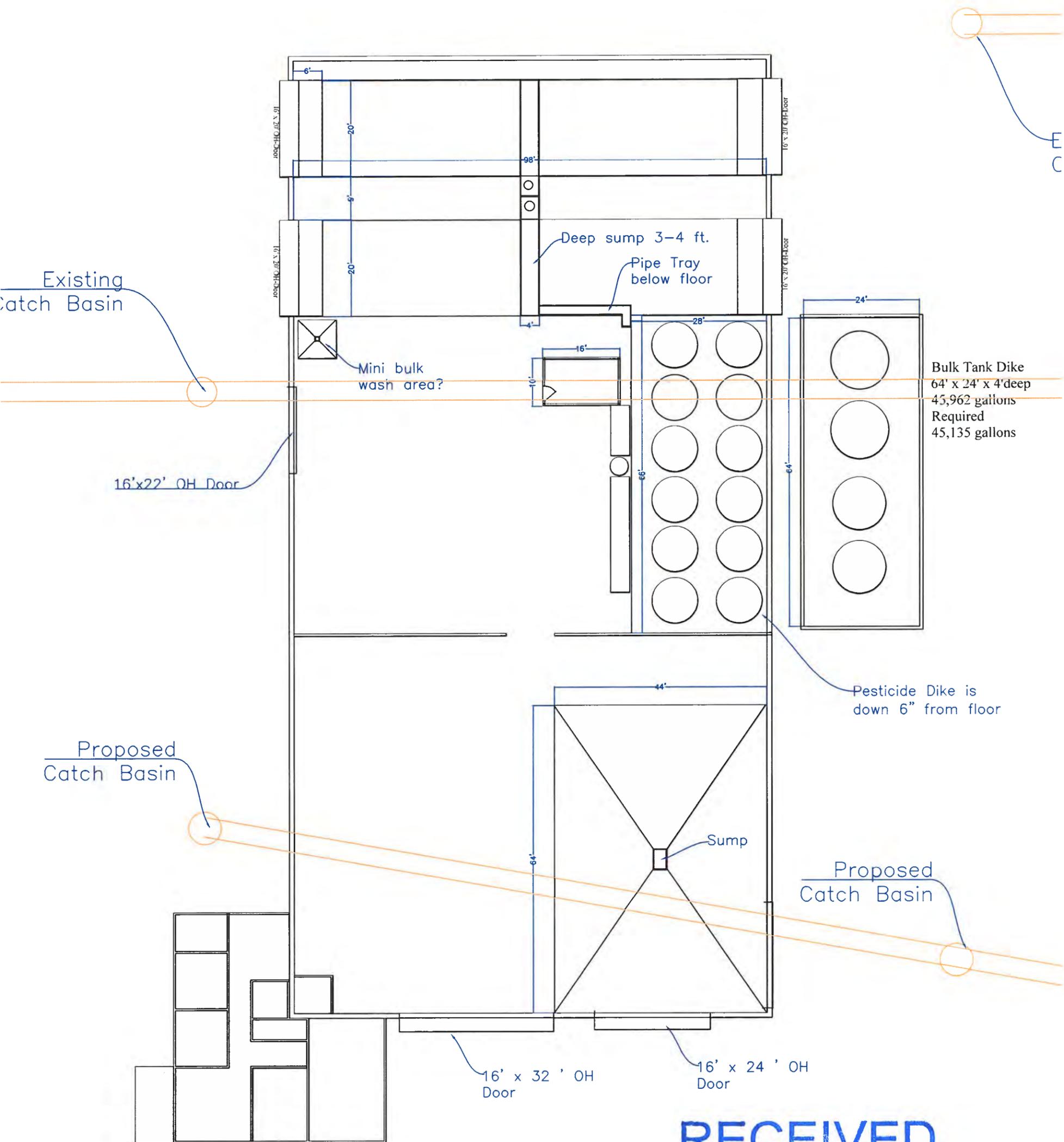
Cases 984-S-20 & 990-V-20
October 29, 2020



Legend

- SubjProp
- ProposedSUParea
- ExistingSUParea
- Parcels
- AG-2 Agriculture
- AG-1 Agriculture
- B-1 Rural Trade Center





E
C

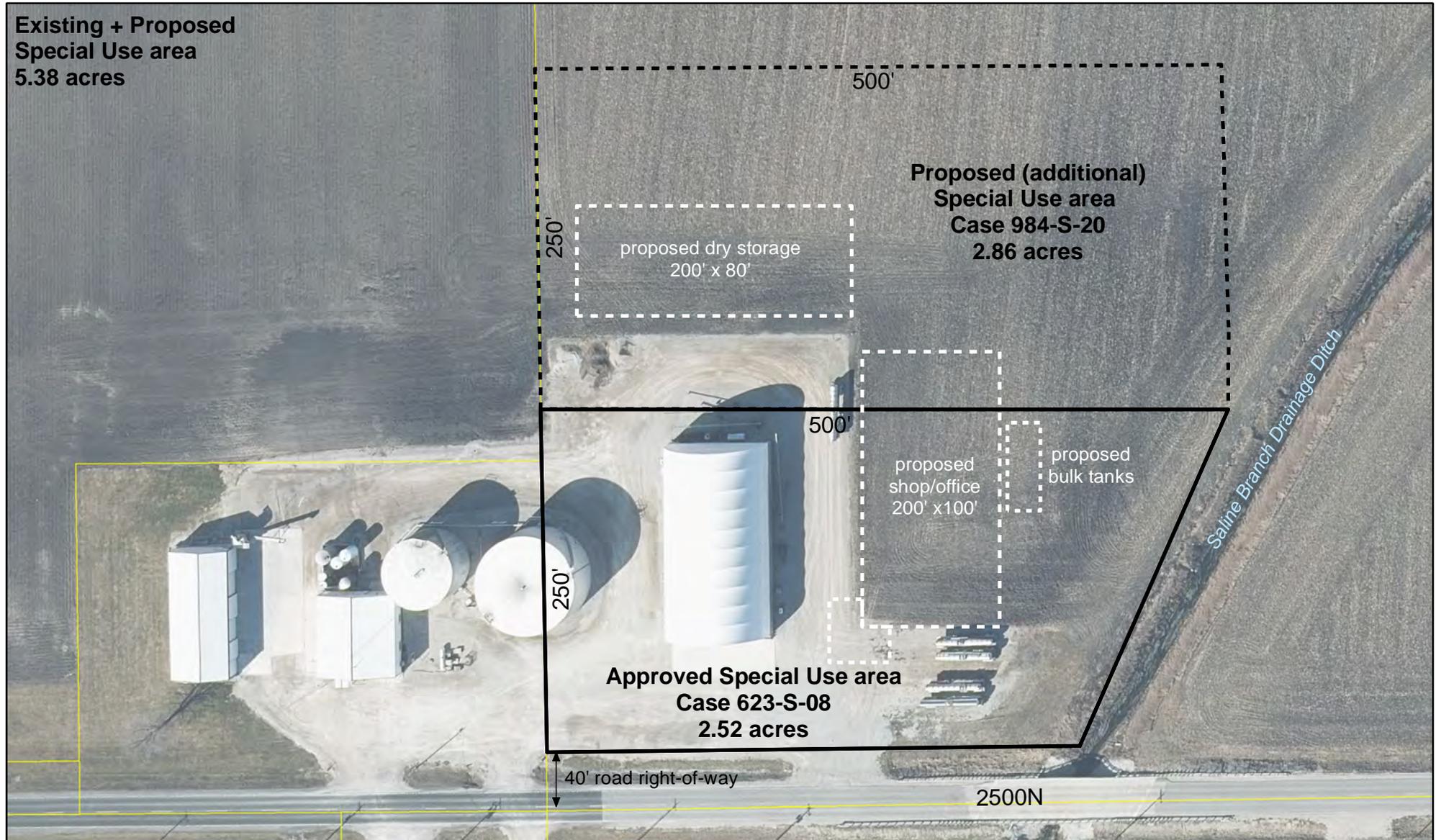
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OCT 13 2020

CHAMPAIGN CO. P & Z DEPARTMENT

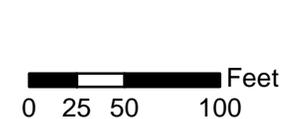
Annotated 2020 Aerial

Cases 984-S-20 & 990-V-20
October 29, 2020



Legend

- Existing SUP area
- Parcels
- Proposed SUP area



Champaign County
Department of
PLANNING &
ZONING



Illinois Environmental Protection Agency

1021 North Grand Avenue East • P.O. Box 19276 • Springfield • Illinois • 62794-9276 • (217) 782-3397

Division of Water Pollution Control Notice of Intent (NOI) for General Permit to Discharge Storm Water Associated with Construction Site Activities

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Permit Section at the above address.

For Office Use Only

OWNER INFORMATION

Permit No. ILR10 _____

Company/Owner Name: Ehler Brothers Fertilizer
Mailing Address: PO Box 546 Phone: 217-643-6805
City: Thomasboro State: IL Zip: 61878 Fax: _____
Contact Person: Dustin Ehler E-mail: dustinehler@gmail.com
Owner Type (select one) Private

CONTRACTOR INFORMATION

MS4 Community: Yes No

Contractor Name: Ehler Brothers Fertilizer
Mailing Address: PO Box 546 Phone: 217-643-6805
City: Thomasboro State: IL Zip: 61878 Fax: _____

CONSTRUCTION SITE INFORMATION

Select One: New Change of information for: ILR10 _____
Project Name: New Loadout and Storage buildings County: Champaign
Street Address: 1473 CR 2500 N City: Thomasboro IL Zip: 61818
Latitude: 40 14 20 Longitude: 088 10 24 34 21N 9E
(Deg) (Min) (Sec) (Deg) (Min) (Sec) Section Township Range
Approximate Construction Start Date 03/01/2021 Approximate Construction End Date 11/01/2021

Total size of construction site in acres: 4
If less than 1 acre, is the site part of a larger common plan of development?
 Yes No

Fee Schedule for Construction Sites:
Less than 5 acres - \$250
5 or more acres - \$750

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

Has the SWPPP been submitted to the Agency? Yes No

(Submit SWPPP electronically to: epa.constilr10swppp@illinois.gov)

Location of SWPPP for viewing: Address: 1473 CR 2500 N City: Thomasboro

SWPPP contact information: Inspector qualifications: _____
Contact Name: Dustin Ehler Other: _____
Phone: 217-643-6805 Fax: _____ E-mail: dustinehler@gmail.com

Project inspector, if different from above Inspector qualifications: _____
Inspector's Name: _____
Phone: _____ Fax: _____ E-mail: _____



This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

TYPE OF CONSTRUCTION (select one)

Construction Type Commercial

SIC Code: 5191

Type a detailed description of the project:

Construct new storage building for farm equipment. Construct new chemical loadout, office space, chemical storage building.

HISTORIC PRESERVATION AND ENDANGERED SPECIES COMPLIANCE

Has the project been submitted to the following state agencies to satisfy applicable requirements for compliance with Illinois law on:

Historic Preservation Agency Yes No

Endangered Species Yes No

RECEIVING WATER INFORMATION

Does your storm water discharge directly to: Waters of the State or Storm Sewer

Owner of storm sewer system: _____

Name of closest receiving water body to which you discharge: Saline Branch Drainage Ditch

Mail completed form to: Illinois Environmental Protection Agency
Division of Water Pollution Control
Attn: Permit Section
Post Office Box 19276
Springfield, Illinois 62794-9276
or call (217) 782-0610
FAX: (217) 782-9891

Or submit electronically to: epa.constilr10swppp@illinois.gov

I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a storm water pollution prevention plan and a monitoring program plan, will be complied with.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))



Owner Signature:

Dustin Ehler

Printed Name:

10-2-20

Date:

vice-president

Title:

Department of Agriculture

AGRICHEMICAL CONTAINMENT PERMIT

Permittee: Ehler Brothers Fertilizer P.O. Box 546 Thomasboro, IL 61878	Facility ID Number: AC0193230000 Facility Location: Thomasboro
Permit #: AC95123992 Facility Type: Commercial: Retail Dealer Date Issued: July 22, 2016	Log Number: 16041994 Date Received: April 18, 2016 Expiration Date: July 22, 2021

Permit is hereby granted to the above designated permittee to construct and operate an agrichemical containment facility as follows:

OPERATIONAL CONTAINMENT STRUCTURES

Operation of an existing reinforced concrete and mild steel operational containment structure measuring 54' (width) x 85' (length) x 0.5' (depth) with a total design capacity of 1,609 cubic feet (ft.³). The floor shall slope to the lowest to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of two (2) 2,000 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. The unloading of bulk liquid agrichemical transportation and application equipment and the repackaging of bulk liquid agrichemicals shall be performed upon the herein permitted structure. This structure shall be referred to as **OC-1**.

Operation of an existing welded steel operational containment structure measuring 4.17' (width) x 5' (length) x 2' (depth) with a total design capacity of 42 cubic feet (ft.³). The floor shall slope to the lowest elevation to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 2,000 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. The repackaging of bulk liquid agrichemicals shall be performed upon the herein permitted structure. This structure shall be referred to as **OC-2**.

Operation of an existing reinforced concrete operational containment structure measuring 20' (width) x 50' (length) x 0.3' (depth) with a total design capacity of 117 cubic feet (ft.³). The floor shall slope to one (1) of three (3) sumps, each sump measuring 1.9' (diameter) x 2' (depth) to facilitate the collection and recovery of all escaped product and/or agrichemical wastewater. All recovered effluent shall be transferred to one (1) of the two (2) aforementioned 2,000 gallon recovery tanks with a manually activated sump pump. Segregation shall be performed based upon the applicable target crop and label use. All washing of mini-bulk containers shall be performed upon the herein permitted structure. This structure shall be referred to as **OC-3**.

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SEP 15 2020

CHAMPAIGN CO P & Z DEPARTMENT



984-S-20 Images



984-S-20
10/02/20

Hoop building in existing Special Use Permit area, from south side of CR 2500N facing NE



984-S-20
10/02/20

Other buildings in the facility west (left) of hoop building

984-S-20 Images



From east end of existing SUP area facing west



Graded area in proposed SUP area just west of ditch

984-S-20 Images

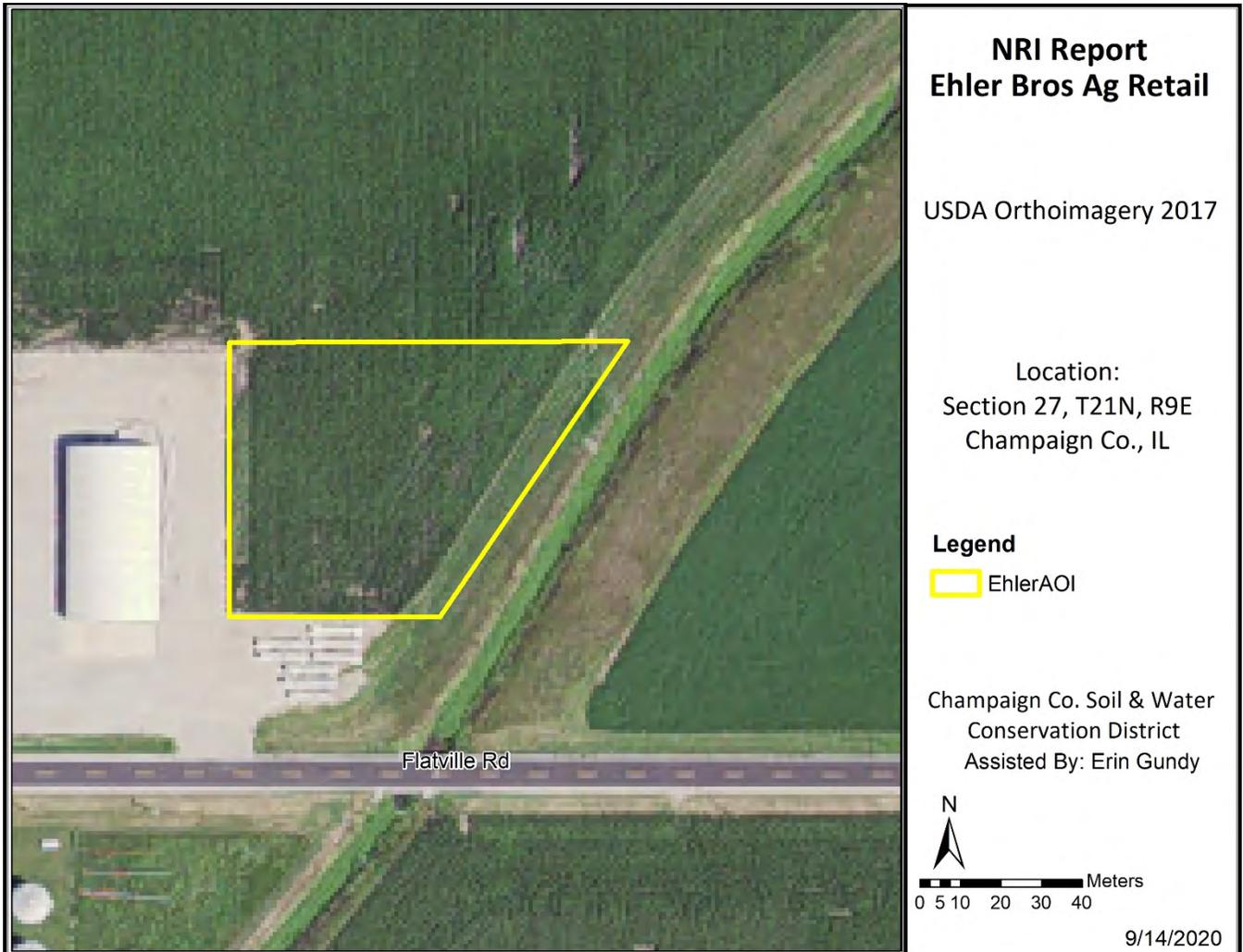


Graded area in proposed SUP area between hoop building and just west of ditch



**Proposed office/shop would be to right of hoop building;
proposed dry storage would be behind hoop building.**

SEPTEMBER 14, 2020



NATURAL RESOURCE INFORMATION (NRI)

RECEIVED

SEP 24, 2020
CHAMPAIGN COUNTY
PLANNING & ZONING

REPORT 22.02

PETITIONER: EHLER BROS CO.

PREPARED BY: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT

2110 W PARK CT, STE C, CHAMPAIGN, IL 61821
(217) 352-3536 EXT 3 | WWW.CCSWCD.COM

Champaign County Soil and Water Conservation District Natural Resource Information Report (NRI)
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Date District Board Reviewed Application	September 23, 2020
Applicant's Name	Ehler Bros Co.
Contact Person	Dustin Ehler
Size of Subject Property	1.3 acres
Present Zoning	AG - 1
Proposed Zoning	AG - 1
Present Land Use	Agriculture
Proposed Land Use	Ag Retail Storage Facility

*Acreage in this report will be to 2.5 acres.

<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	Yes	No
The Applicant	x	
The Contact Person	x	
The Local/Township Planning Commission	n/a	n/a
The Village/City/County Planning & Zoning Department	x	
The Champaign County Soil & Water Conservation District Files	x	

Report Prepared By: Erin Gundy, Resource Conservationist

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Forward

Soil and Water Conservation Districts are required to prepare Natural Resource Information (NRI) Reports under the Illinois Soil and Water Conservation Act of 1977, Illinois Revised Statutes, Chapter Five.

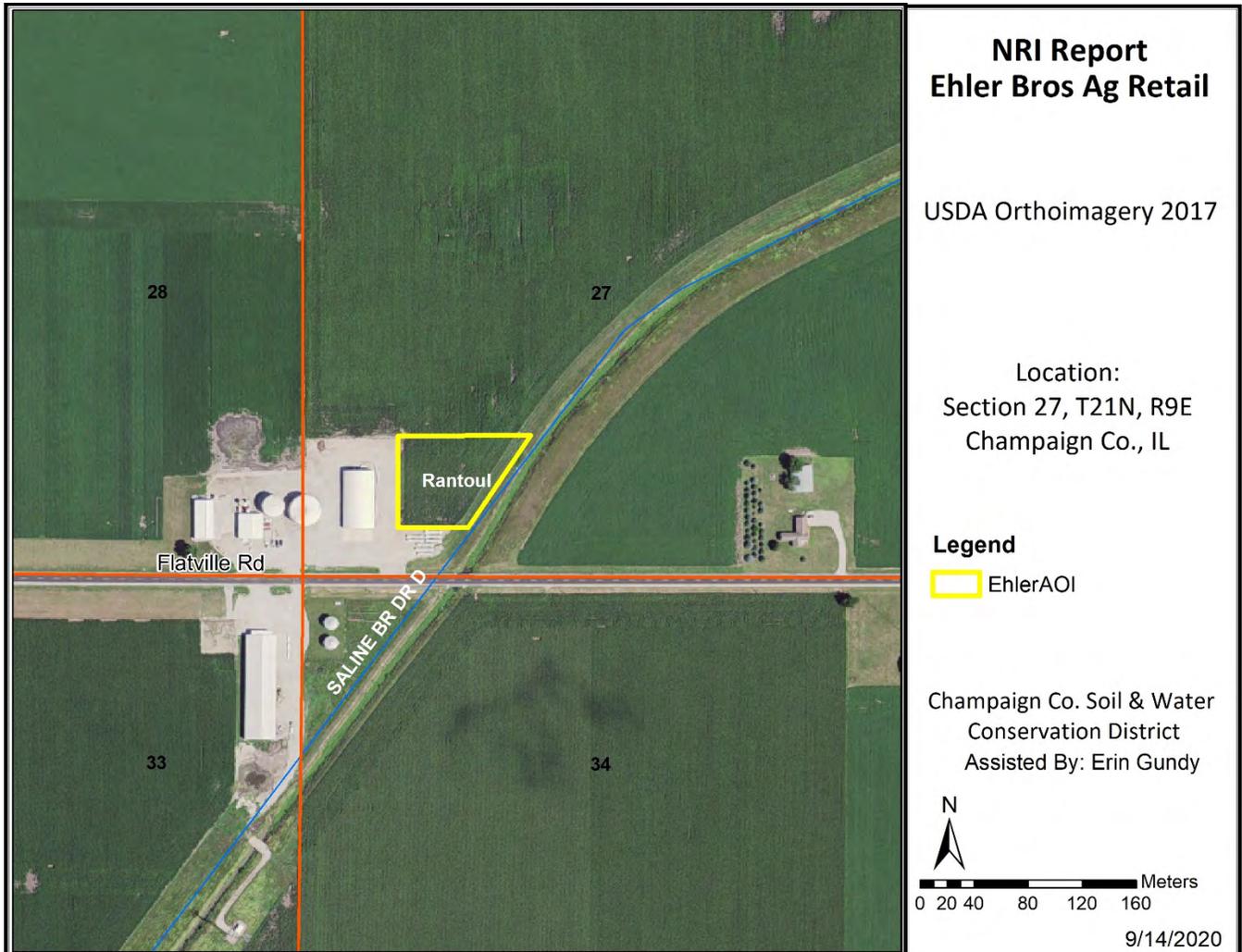
Section 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from municipality's or county's zoning ordinance or who proposes to sub-divide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than thirty days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

This report provides technical data necessary to evaluate the natural resources of a specific area and the impacts or limitations associated with the proposed land use change. The report is limited to information researched by the Champaign County Soil and Water Conservation District staff. (Technical information is obtained from several different sources and may be subject to modification based on detailed site investigations or new technical information.) The information gathered in this report comes from several key reference materials and are cited throughout this report and listed in the Reference section. Any questions on the information contained in this report can be directed to:

Champaign County Soil and Water Conservation District
2110 W. Park Court, Suite C
Champaign, IL 61821
Phone 217-352-3536 ext. 3

Subject Property Location

Location Map for Natural Resources Information Report for the Ehler Bros Ag Retail Storage Facility. The property is located in the southwest ¼ of the southwest ¼ of Section 27, Township 21N, Range 9E in Champaign County, Illinois.



Summary and Concerns of the Board

The Champaign County Soil and Water Conservation District has reviewed the proposed land use change and has the following concerns relevant to the impact on the area's natural resources.

1. All soils on the subject property are not suitable sanitary facilities or dwellings. It is advised to perform onsite investigations with a professional to determine construction strategy before moving forward. See pages 7-9.
2. All soils on the subject property are not suitable for dwellings or small commercial buildings. It is advised to consult with a professional to determine safety and quality of current and future construction projects. See pages 7-9.
3. The subject property located in the 2. *Beaver* Lake drainage district. Please contact drainage district officials for drainage questions. It is important to note that although not in a floodplain, the property is adjacent to a large drainage ditch. Care should be taken to ensure the grassed filter strip next to the ditch is maintained, and construction does not cause sediment or pesticide runoff into the ditch.
4. The average Land Evaluation (LE) score for this site is: 100, indicating very high farmland productivity and importance. See page 13.

Soil Information

The soil information comes from the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) Soil Survey of Champaign County. This information is important to all parties involved in determining the suitability of the proposed land use change. Each polygon is given a number with letters, which represents its soil type, slope, flooding, etc., and is then called a map unit. Each soil map unit has limitations for a variety of land uses, which are explained using interpretations.

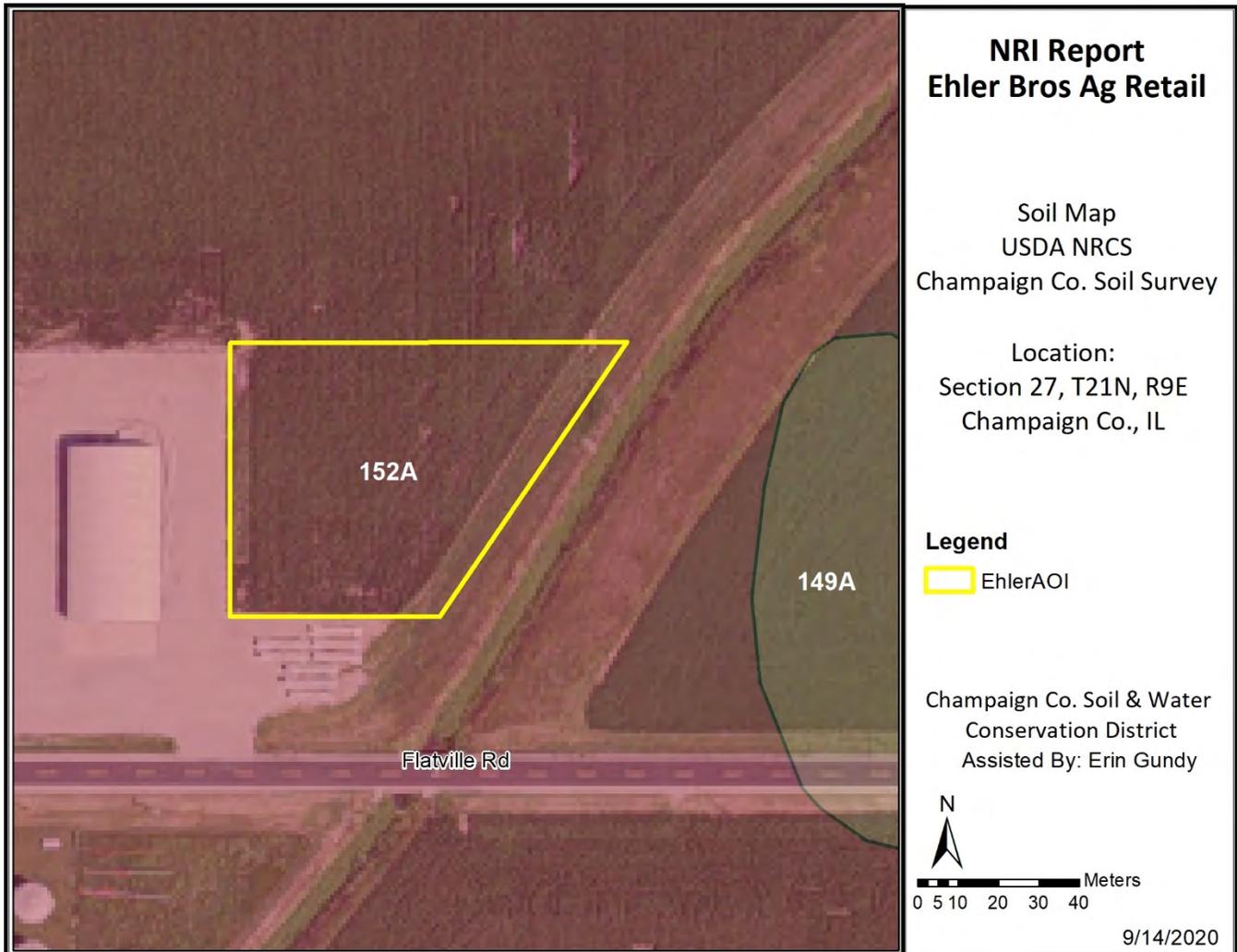


Table 1. Soil map unit descriptions.

Map Unit Symbol	Description	Acres	Percent of Area
152A	Drummer silty clay loam, 0-2% slopes	1.3	100%

Introduction to Soil Interpretations

Non-agricultural soil interpretations are ratings that help engineers, planners, and others understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Other features may need treatment to overcome soil limitations for a specific purpose.

Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. However, most of these practices are costly. The final decision in selecting a site for a land use generally involves weighing the costs for site preparation and maintenance.

Soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of slight, moderate, and severe are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common type of building limitation this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Organic soils, when present on the subject property, are referenced in the hydric soils section of the report.

The area of development will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days should be temporarily seeded or mulched and permanent vegetation needs to be established as soon as possible.

Limitation Ratings

1. *Not limited*- This soil has favorable properties for the intended use. The degree of limitation is minor and easy to overcome. Those involved can expect good performance and low maintenance.
2. *Somewhat limited*- This soil has moderately favorable properties for the intended use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated "*not limited*."
3. *Very limited*- This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonally high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

Soil Interpretations

Sanitary Facilities

The table below shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons.

Septic Tank Absorption Fields: Areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. The ratings are based on soil properties, site features, and observed performance of the soils. Permeability, high water table, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Large stones and bedrock or a cemented pan interfere with installation. Unsatisfactory performance of septic tank absorption fields, including excessively slow absorption of effluent, surfacing of effluent, and hillside seepage can affect public health. There must be unsaturated soil material beneath the absorption field to filter the effluent effectively.

Table 2. Septic tank absorption fields.

Map Unit Symbol	Septic Tank Absorption Fields	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone, slow water movement	1.3	100%

For the subject property: 100% of the soils on the property are very limited for the use of septic tank absorption fields and special design is required for any septic tank absorption field.

Building Site Development

The table below shows the degree and the kind of soil limitations that affect dwellings with or without basements and small commercial buildings.

Dwellings and Small Commercial Buildings: Structures built on a shallow foundation on undisturbed soil that are three stories or less. The ratings are based on soil properties, site features, and observed performance of the soils. High water table, depth to bedrock or to a cemented pan, large stones, slope, and flooding effect the ease of excavation, construction, and maintenance.

Table 3. Dwellings and small commercial buildings limitations.

Map Unit Symbol	Dwellings with Basements	Dwellings without Basements	Small Commercial Buildings	Acres	Percent of Area
152A	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	Very limited: ponding, depth to saturated zone	1.3	100%

Soil Water (Wetness) Features

This section gives estimates of various soil water (wetness) features that should be taken into consideration when reviewing engineering for a land use project.

Hydrologic Soil Groups (HSGs): The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- Group A: Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- Group B: Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- Group C: Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- Group D: Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: if a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D) the first letter is for drained areas and the second is for undrained areas.

Surface Runoff: Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate, and vegetative cover and indicates relative runoff for very specific

conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from the irregularities in the ground surface is minimal). The classes are: negligible, very low, low, medium, high, and very high.

Water Table: Refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles, called redoximorphic features) in the soil. Note: a saturated zone that lasts for less than a month is not considered a water table.

Ponding: Refers to standing water in a closed depression and the data indicates duration and frequency of ponding.

- Duration: expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- Frequency: expressed as *none* (ponding is not possible), *rare* (unlikely but possible under unusual weather conditions), *occasional* (occurs, on average, once or less in 2 years), *frequent* (occurs, on average, more than once in 2 years).

Flooding: The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- Duration: Expressed as *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- Frequency: Expressed as *none* (flooding is not probable), *very rare* (very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year)), *rare* (unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year)), *occasional* (occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year)), and *very frequent* (likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year)).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5. Soil water (wetness) features.

Map Unit Symbol	HSG	Surface Runoff	Depth to Water Table (ft)			Ponding		Flooding	
			Upper Limit	Lower Limit	Kind	Duration	Frequency	Duration	Frequency
152A	B/D	Neg.	0.0-1.0	6.0	Apparent	Brief	Frequent	-	None

Hydric Soils

Hydric soils by definition have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. Soil maps may not be small enough to show inclusions of hydric soils, so it is important to consult a soil scientist if building residential areas on hydric soils or soils with hydric inclusions.

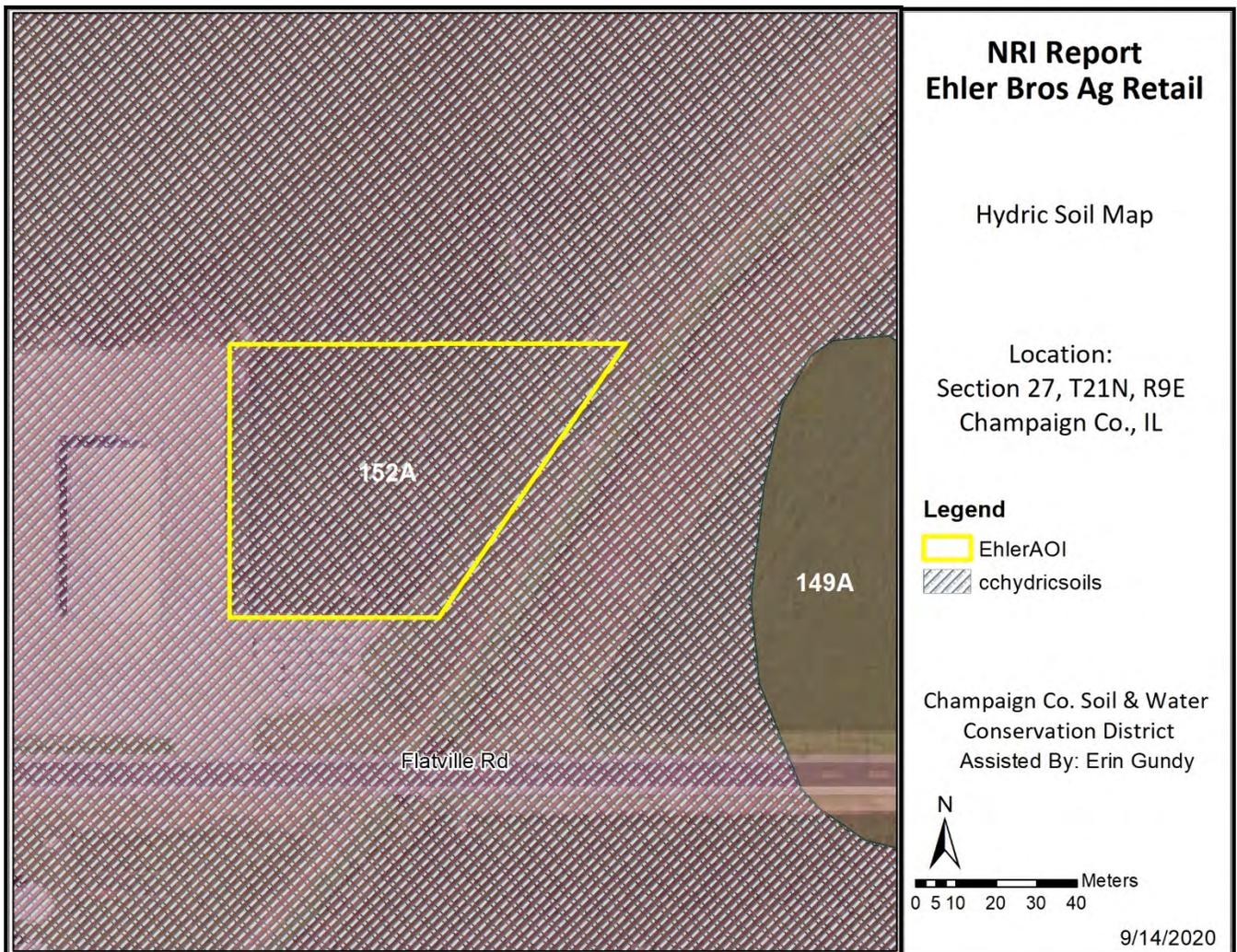
On most agricultural soils in the county that are poorly or somewhat poorly drained, subsurface agriculture drainage tile occurs. This expedites drainage but must be maintained and undisturbed so the soil does not return to its original hydrologic condition.

The Champaign County SWCD recommends the following for an intense land use, such as a subdivision:

1. A topographical survey with 1-foot contour intervals to define the flood area.
2. An intensive soil survey to define locations of hydric inclusions.
3. A drainage tile survey to locate tiles that must be preserved.

Table 6. Hydric soils.

Map Unit Symbol	Drainage Class	Hydric Designation	Acres	Percent of Area
152A	Poorly drained	Hydric	1.3	100%
			Percent Hydric	100%



Soil Erosion and Sediment Control

Erosion is the wearing away of the soil by water, wind, and other forces and a soil's erodibility is mainly determined by the following properties: soil texture, slope, soil structure, soil organic matter content. Soil erosion threatens the nation's soil productivity and contributes to pollutants in waterways. Sediment entering creeks, rivers, and lakes degrade water quality and reduce capacity, which increases the risk of flooding and disrupts ecosystems. Sediment also carries other possible pollutants, such as chemicals and metals, by adhering to the sediment's surface.

Erosion Control at Construction Sites

Construction sites can experience 20 to 200 tons/acre/year of soil loss, which is greater than other land uses, like agriculture, averaging 4-5 tons/acre/year. It is extremely important that the developer employ Best Management Practices, like the ones listed below, to help reduce soil erosion and protect water quality during and after construction.

- **Silt Fencing:** A woven geotextile fabric stretched across and attached to supporting posts used to intercept sediment-laden runoff from small drainage areas of disturbed soil. The purpose is to filter out sediment from runoff before it enters a water body.
- **Construction Road Stabilization:** The stabilization of temporary construction access routes, subdivision roads, on-site vehicle transportation routes, and construction parking areas with stone immediately after grading the area to reduce erosion.
- **Vegetative Cover:** One of the most important means to control runoff is to plant temporary vegetation around the perimeter of the construction site. This provides a natural buffer to filter sediment and chemicals. The CCSWCD recommends that temporary grass be planted (i.e. smooth bromegrass, oats, cereal rye) to help protect soil from erosion during construction.

EPA Stormwater Pollution Prevention Plan (SWPPP) Reference Tool

EPA requires a plan to control storm water pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP to obtain NPDES permit coverage for their storm water discharges. More information at the following website:

<http://www.epa.gov/npdes/stormwater-discharges-construction-activities#resources>.

Table 7. Soil erosion potential.

Map Unit Symbol	Slope	Rating	Acres	Percent of Area
152A	0.5%	Slight	1.3	100%

Prime Farmland Soils

Prime farmland soils are an important resource to Champaign County. Some of the most productive soils in the world occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Urban or built-up land on prime farmland soils is not prime farmland.

Table 8. Prime farmland designation.

Map Unit Symbol	Prime Designation	Acres	Percent of Area
152A	Prime farmland if drained	1.3	100%
Percent Prime Farmland			24.8%

The Land Evaluation and Site Assessment System

Decision-makers in Champaign County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the USDA-NRCS and takes into consideration local conditions, such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure:

- Land Evaluation (LE) – the soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agricultural use. The best group is assigned a value of 100 and is based on data from the Champaign County Soil Survey. The Champaign County LE designates soils with a score of 91 to 100 as best prime farmland, as reported in Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils. Best Prime Farmland consists of:
 - a) Soils identified as agricultural value groups 1, 2, 3, and/or 4
 - b) Soils that, in combination on a subject site, have an average LE of 91 or higher
 - c) Any 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
- Site Assessment (SA) – the site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives.

The Champaign County LESA system is designed to provide officials with a systematic objective means to numerically rate a site in terms of its agricultural importance.

- To assist officials in evaluating the proposed conversion of farmland on a parcel or site in zoning cases that include farmland conversion to a non-agricultural land use.
- To assist in the review of state and federal projects for compliance with the Illinois Farmland Preservation Act and the Federal Farmland Protection Policy Act in terms of their impact on important farmland.

Note: A land evaluation (LE) score will be compiled for every project property, but a site assessment score is not applicable in most cases, making the full LESA score unavailable.

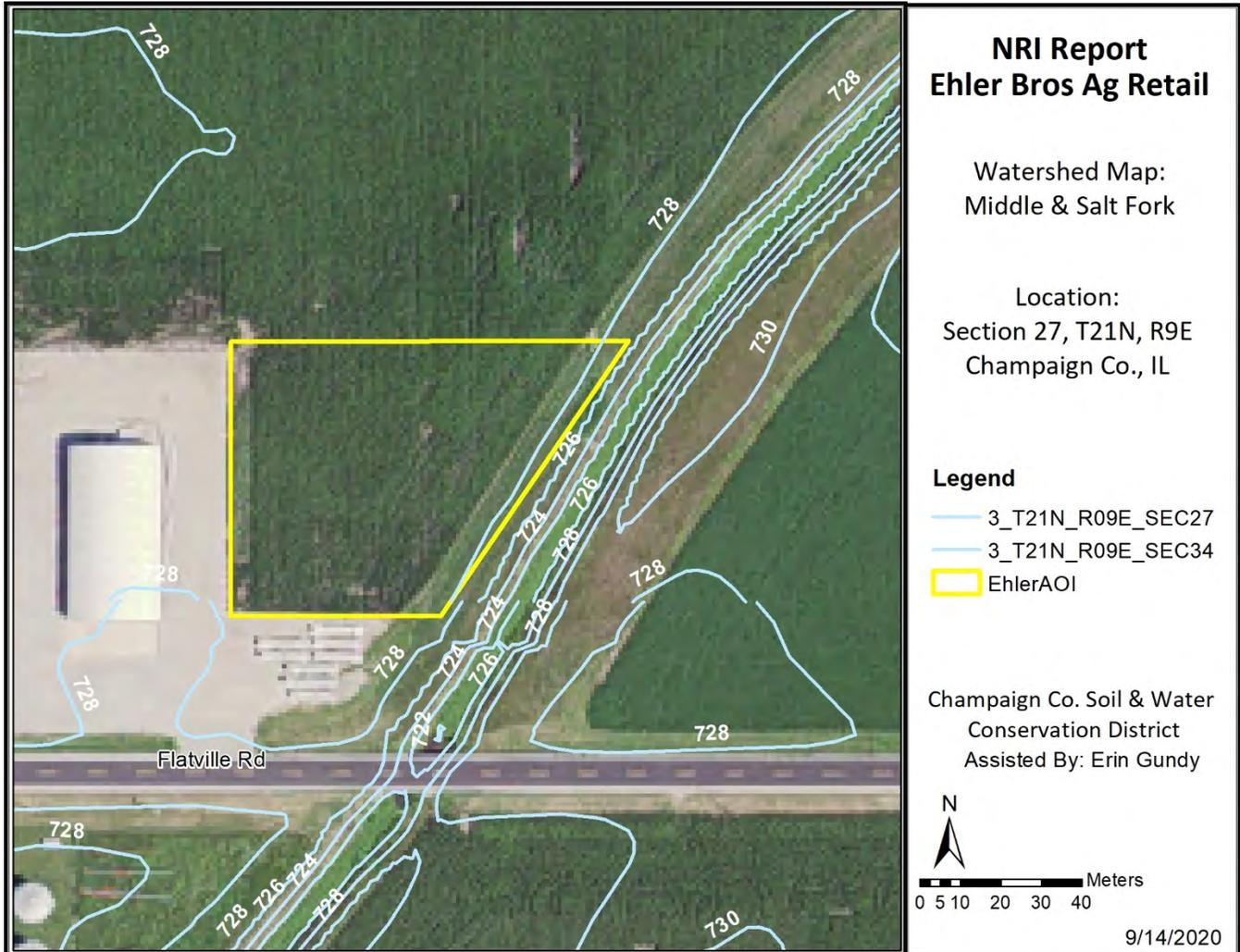
Table 9. Land Evaluation and Site Assessment System score.

Map Unit Symbol	Value Group	Relative Value	Acres	Product (Relative Value*Acres)
152A	2	100	1.3	130
Totals			1.3	130
LE Score		LE=130/1.3		LE = 100

For the subject property: the overall Land Evaluation (LE) score is 100.

Topographic Information

United States Geologic Survey (USGA) topographic maps give information on elevation, which are important mostly to determine slope, drainage direction, and watershed information. Elevation determines the area of impact of floods. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the subject property, possibly impacting surrounding natural resources.



Watershed Information

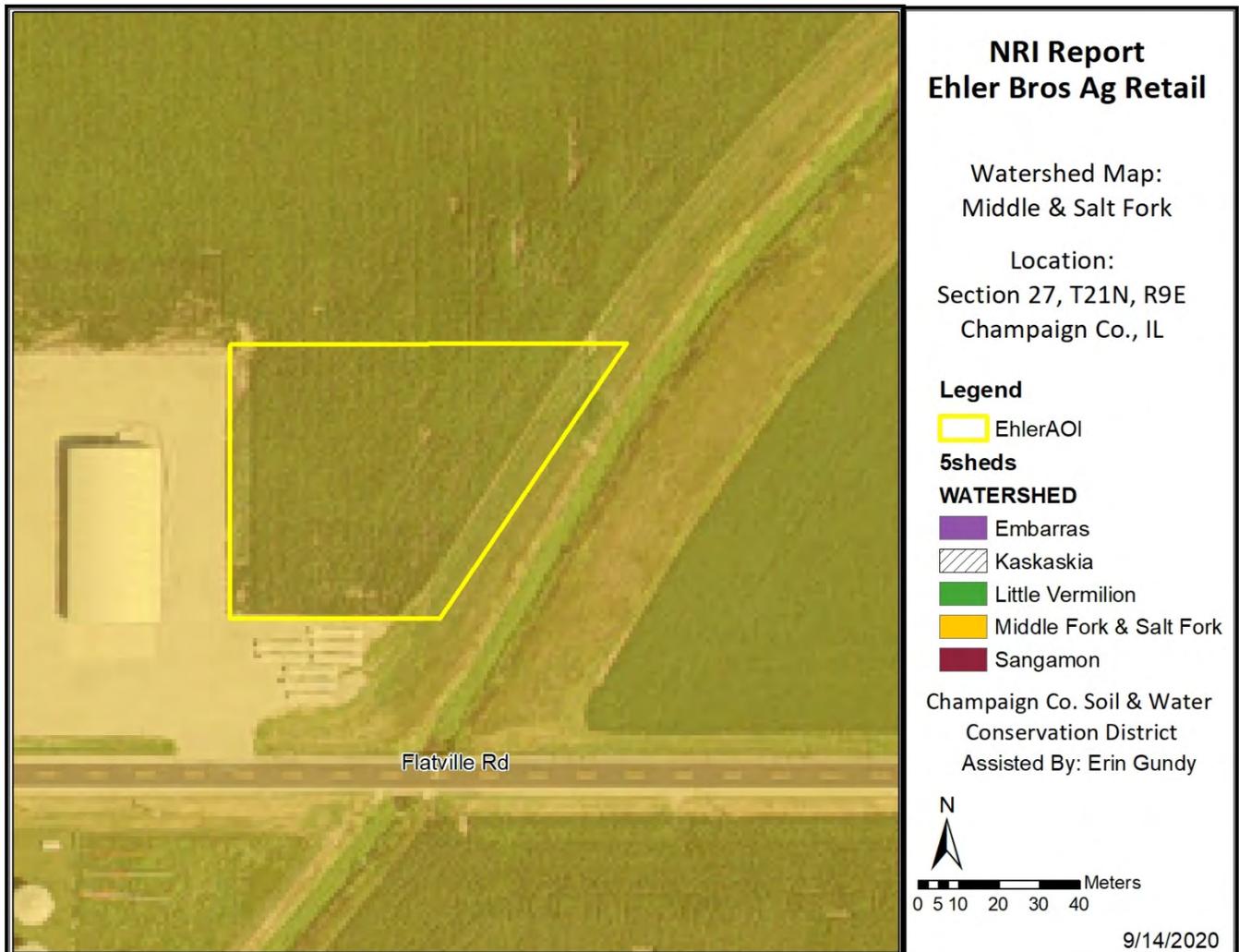
Watershed information is given when land use is changed to a subdivision type of development on parcels greater than 10 acres. A watershed is an area of land that drains to an associated water resource, such as a wetland, river, or lake. Rainwater carries pollutants through watersheds, impacting natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and implications of their activities.

The following are recommendations to developers for protection of watersheds:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving construction sites
- Protect subsurface drainage
- Use native vegetation

- Retain natural features
- Mix housing and style types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Treat water where it falls

For the subject property: the property is located in the Middle & Salt Fork River Watershed.



Floodplain and Wetland Information

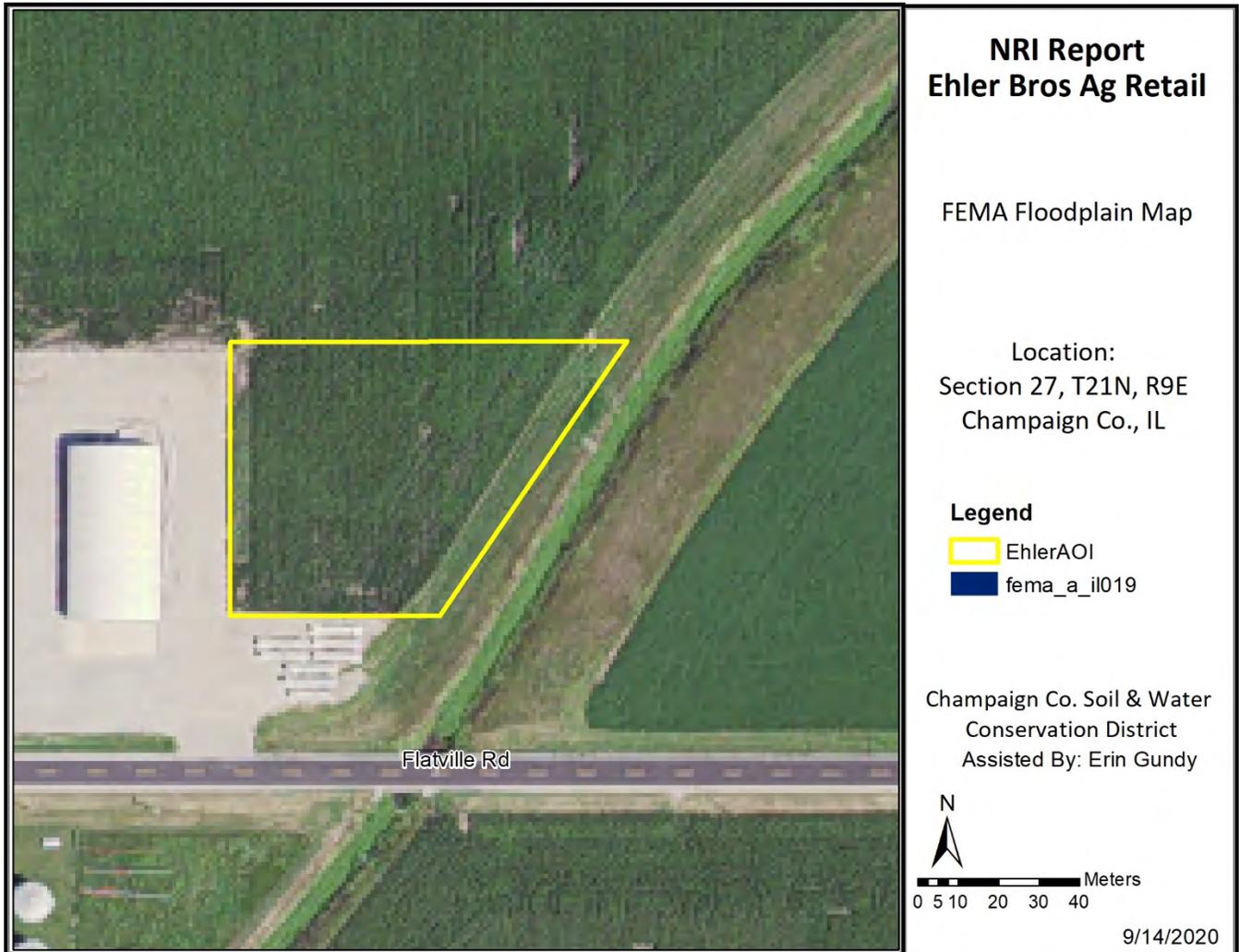
Floodplain Information

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas that demand protection since they have water storage and conveyance functions that affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is dangerous to people and destructive to their properties. The following map can help developers and future homeowners to “sidestep” potential flooding or ponding problems. The Flood Insurance Rate

Map (FIRM) was produced by the Federal Emergency Management Agency (FEMA) to define flood elevation adjacent to tributaries and major bodies of water that are superimposed onto a simplified USGS topographic map.

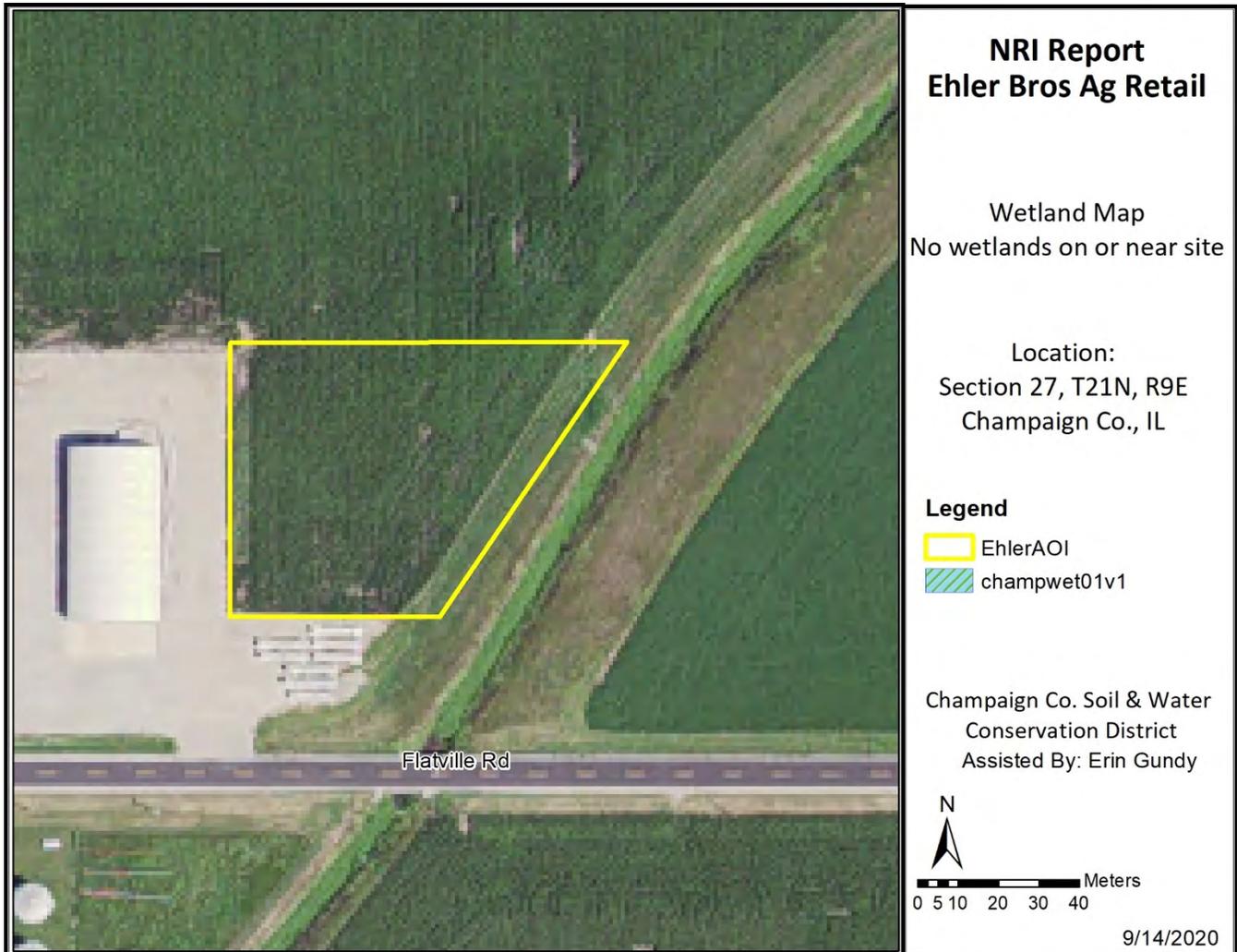
For the subject property: none of the property is in the floodplain.



Wetland Information

Wetlands function in many ways to provide numerous benefits to society and the environment, including flood control, cleanse water, recharge groundwater, and provide a wildlife habitat. However, approximately 95% of the wetlands that were historically present in Illinois have been destroyed. It is crucial that we take steps to conserve current wetlands and reestablish new wetlands where once destroyed. Wetland determinations are made by a certified NRCS staff.

For the subject property: a wetland is not present on the subject property.



Wetland and Floodplain Regulations

Please read the following if you are planning to do any work near a stream, lake, wetland, or floodway, including: dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, flood plain, or floodway subject to State or Federal regulatory jurisdiction.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State’s boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against flood way encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated used of the waters within the State of Illinois could permanently destroy and adversely impact the public. Therefore, please contact the proper authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

Regulatory Agencies:

- Wetlands or U.S. Waters: U.S. Army Corps of Engineers
- Floodplains: Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL
- Water Quality/Erosion Control: Illinois Environmental Protection Agency

Coordination: we recommend early coordination with the agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. This could reduce time required to process necessary approvals and reduce expense.

Cultural and Animal Resources

Cultural Resources

The most common cultural resources found during changes in land use are historical properties or non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are non-renewable because there is no way to grow a site to replace a disrupted site. Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all of the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains. Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth-moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency may require a Phase 1 Archaeological review to identify any cultural resources that may be on the site. The IHPA has not been contacted by the Champaign County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

Animal Resources

According to the Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act, state agencies or local units of government must consult Illinois Department of Natural Resources (IDNR) about proposed actions that they will authorize, fund, or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants and animals or for adversely modifying a Nature Preserve or a Land and Water Preserve. Home rule governments may delegate this responsibility through duly enacted ordinances to the parties seeking authorization or funding of the action.

Ecologically Sensitive Areas

Biodiversity is the sum of total of all the plants, animals, fungi, and microorganisms in the world, or in a particular area that make up the fabric of the Earth and allow it to function. Biodiversity must be protected, as it is diminishing, which weakens entire natural systems. It is intrinsically valuable for an ecosystem to be biologically diverse to sustain ecosystem health and support life.

As part of the Natural Resources Information Report, staff checks if any nature preserves are in the general vicinity of the subject property. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

For the subject property: as shown on the below EcoCAT, there is no record of sensitive areas in the vicinity of the property.



Applicant: NRCS Champaign County Field Office
Contact: Taylor Shedd
Address: 2110 W. Park court suite C
 Champaign , IL 61821

Project: Ehler
Address: Champaign, Champaign

IDNR Project Number: 2105298
Date: 09/14/2020

Description: Ehler

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under 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.

Location

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



County: Champaign

Township, Range, Section:

- 21N, 9E, 27
- 21N, 9E, 28
- 21N, 9E, 33
- 21N, 9E, 34

IL Department of Natural Resources
Contact
 Impact Assessment Section
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 U.S. Department of Agriculture

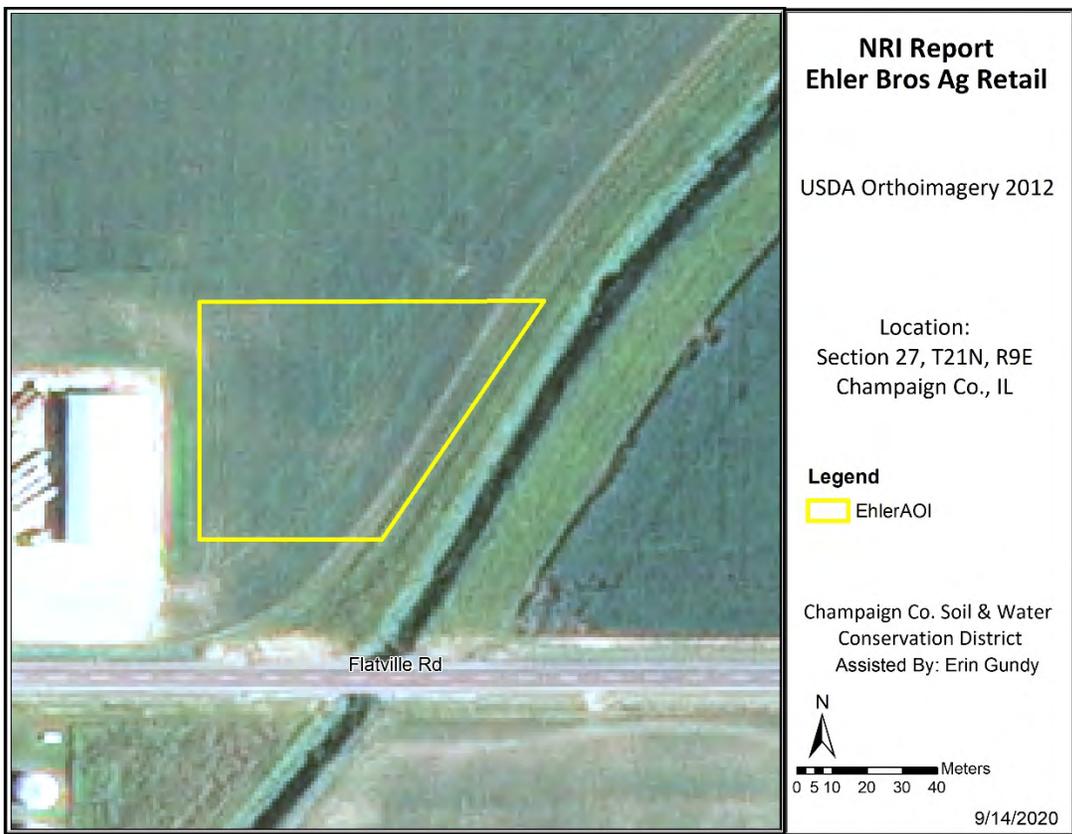
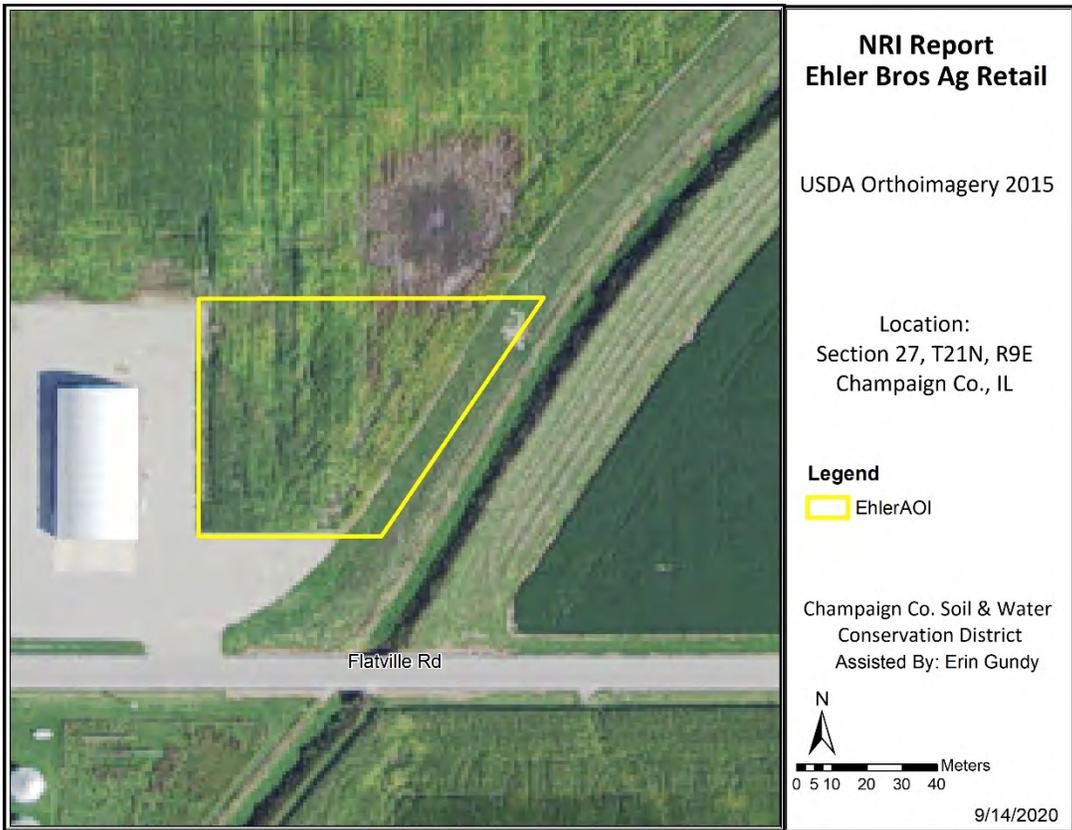
Disclaimer

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.

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.

Historic Aerial Photos





NRI Report Ehler Bros Ag Retail

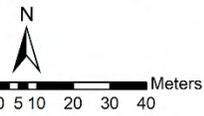
USDA Orthoimagery 2010

Location:
Section 27, T21N, R9E
Champaign Co., IL

Legend

 EhlerAOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Erin Gundy



9/14/2020



NRI Report Ehler Bros Ag Retail

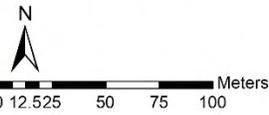
USDA Orthoimagery 2006

Location:
Section 27, T21N, R9E
Champaign Co., IL

Legend

 EhlerAOI

Champaign Co. Soil & Water
Conservation District
Assisted By: Erin Gundy



9/14/2020

Glossary and Acronyms

Agriculture – The growing, harvesting, and storing of crops, including legumes, hay, grain, fruit; and truck or vegetables, including dairy, poultry, swine, sheep, beef cattle, pony and horse, fur, and fish and wildlife; 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, or 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 around hired farm workers.

ADT – average daily traffic that a local road normally receives, based upon records by the County Superintendent of Highways.

B.G. – below grade. Under the surface of the Earth.

Bedrock – indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

Flooding – indicates frequency, duration, and period during year when floods are likely to occur.

High Level Management – the application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near-optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses (within limits imposed by weather).

High Water Table – a seasonal highwater table is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian.

Water Table, Apparent – a thick zone of free water in the soil indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.

Water Table, Artesian – a water table under hydrostatic head, generally beneath an impermeable layer. When layer is penetrated, the water level rises in the uncased borehole.

Water Table, Perched – a water table standing above an unsaturated zone, often separated from a lower wet zone by a dry zone.

Delineation – (for wetlands) a series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

Determination – (for wetlands) a polygon drawn on a map using map information that gives an outline of a wetland.

Hydric Soil – soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service, 1987).

Intensive Soil Mapping – mapping done on a small, intensive scale than a modern soil survey to determine soil properties of a specific site, i.e. mapping for septic suitability.

Land Evaluation Site Assessment (L.E.S.A.) – LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

Modern Soil Survey – a soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent is shown on a map. An accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soil information collected in a soil survey are useful in developing land use plans and alternatives.

Palustrine – name given to inland fresh water wetlands.

Permeability – values listed estimate the range of time it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture,

soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ – parcel in question

Potential Frost Action – damage that may occur to structures and roads due to ice lens formation, causing upward and lateral soil movement. Based primarily on soil texture and wetness.

Prime Farmland – lands that are best suited for food, feed, forage, fiber, and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban, built up land, or water areas. When well-managed, the soil qualities and moisture supply provide a sustained high yield of crops with minimum inputs of energy and economic resources in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooding during the growing season. The slope ranges from 0 to 5 percent. (USDA Natural Resources Conservation Service)

Productivity Indexes – express the estimated yields of the major grain crops in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state (Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn, Joy soil series). See Circular 1156 from the Illinois Cooperative Extension Service.

Seasonal – when used in reference to wetlands, indicates the area flooded only during a portion of the year.

Shrink-Swell Potential – indicates volume changes to be expected for the specific soil material with changes in moisture content.

Soil Mapping Unit – collection of soil and miscellaneous areas delineated in mapping. Generally, an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for tax and in terms of ranges of tax adjuncts and inclusions.

Soil Series – a group of soils formed from a type of parent material, having horizons that, except for texture of the surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, mineralogy, and chemical composition.

Subsidence – applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

Terrain – the area or surface over which a particular rock or group of rocks is prevalent.

Topsoil – portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity, and plant growth take place. Depths of topsoil vary between soil types.

Watershed – an area of land that drains to an associated water resource, such as a wetland, river, or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams, ditches, and ponding areas, such as detention structures, natural ponds, or wetlands.

Wetland – an area that has a predominance of hydric soils that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophilic vegetation typically adapted for life in saturated soil conditions.

References

Field Office Technical Guide. Natural Resources Conservation Service.

Flood Insurance Rate Map. National Flood Insurance Program, Federal Emergency Management Agency.

Illinois Urban Manual. 2016. Association of Illinois Soil & Water Conservation Districts.

Soil Survey of Champaign County. USDA – Natural Resources Conservation Service.

Wetlands Inventory Maps. Department of the Interior.

Potential for Contamination of Shallow Aquifers in Illinois. Illinois Department of Energy and Natural Resources, State Geological Survey Division.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning, Building, and Zoning, and the Champaign County Soil and Water Conservation District. In cooperation with: USDA – Natural Resources Conservation Service.

PRELIMINARY DRAFT

984-S-20 & 990-V-20

**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: ***{October 29, 2020}***

Petitioners: **Ehler Bros. Co., with David Ehler and Linda Yearsley, represented by
Dustin Ehler**

Request: **984-S-20
Authorize the construction and use of a facility for storage and dispensing
of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales
including incidental storage and mixing of blended fertilizer” Special Use
in the AG-1 Agriculture Zoning District.**

**990-V-20
Authorize a variance from the Champaign County Storm Water
Management and Erosion Control Ordinance, which requires a Storm
Water Drainage Plan and review for more than one acre of impervious
area within a rectangular area of 90,000 square feet with a minimum
dimension of 150 feet, for the Special Use Permit area requested in related
Zoning Case 984-S-20.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 29, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. Ehler Bros. Co., PO Box 546, Thomasboro, with President David Ehler, 4007 E Airport Rd, Urbana, and Secretary Linda Yearsley, 2002 Shelly Ct, Urbana, represented by Vice-President Dustin Ehler, 510 N West St, Gifford, own the subject property.
2. The subject property is a 158.3 acre tract in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 27, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township, and commonly known as the existing Ehler Bros. facility on the north side of CR 2500N (County Highway 11), with an address of 1502 CR 2500N, Thomasboro.
 - A. The Special Use Permit area is approximately 5.38 acres in the southwest corner of the subject property.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one-and-one-half miles of the Village of Thomasboro, a municipality with zoning. Municipalities within one-and-one-half miles of the subject property do not have protest rights on a Special Use Permit, but are notified of such cases.
 - B. The subject property is located within Rantoul Township, which has a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit, but are notified of such cases.

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 a 158.3 acre tract zoned AG-1 Agriculture and is in agricultural production.
 - (1) There is an existing 2.52-acre Special Use Permit (Case 623-S-08) in the southwest corner of the subject property for “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” that the petitioners want to expand to include the proposed Special Use area.
 - (2) The proposed expansion area for the Special Use Permit is 250 feet by 500 feet (2.86 acres), and sits directly north of the existing Special Use Permit area, per a discussion with Dustin Ehler on August 26, 2020.
 - B. Land to the north, east, south, and west of the subject property is zoned AG-1 Agriculture and is in agricultural production, with the following exceptions:
 - (1) There is a residence along CR 2500N surrounded by the subject property, also in the AG-1 district.
 - (2) The 1.99 acre Ehler Bros. Co. facility adjacent to the subject property is zoned B-1 Rural Trade Center and is commercial in use.
 - (3) The Ehler Bros. Co. facility on the south side of CR 2500N, southwest of the subject property, is zoned AG-1 Agriculture and is commercial in use.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the site plan and operations of the existing and proposed Special Use:
- A. The Site Plan received October 13, 2020 indicates the following existing and proposed features:
- (1) There is one existing 72 feet by 142 feet (10,224 square feet) building for dry fertilizer storage.
 - (2) There is an existing tile/catch basin system crossing the subject property that leads to the drainage ditch to the east.
 - (3) The Site Plan includes the existing Ehler Bros. operations on the adjacent 1.99 acre lot, which includes:
 - a. One 94 feet by 42 feet building for dry fertilizer storage;
 - b. One 56 feet by 60 feet building for the main office and load out area;
 - c. One 2,124 square foot fertilizer tank; and
 - d. One 4,300 square foot fertilizer tank, about half of which sits on the subject property.
 - (4) Proposed features include:
 - a. One 80 feet by 200 feet dry storage building to be located north of the existing dry fertilizer building; and
 - b. One 100 feet by 200 feet office/shop to be located east of the existing dry fertilizer building; and
 - c. One bulk tank area east of the proposed office/shop building; and
 - d. An additional drainage tile and catch basins are proposed for the new office/shop building area.
- B. The following are previous Zoning Use Permits on the subject property or the Ehler Bros. facility adjacent to the subject property:
- (1) The following Zoning Use Permits were approved for the subject property:
 - a. ZUPA #178-08-02 was approved on July 1, 2008 to pour a concrete pad for a proposed dry fertilizer storage building on the subject property.
 - b. ZUPA #178-08-01 was approved on August 15, 2008 to construct a dry fertilizer storage building on the subject property.
 - (2) The following Zoning Use Permits were approved for the adjacent property that is part of the same facility:
 - a. ZUPA #237-87-03 was approved on August 25, 1987 to construct a liquid fertilizer storage tank at the Ehler Bros. facility adjacent to the subject property.

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- b. ZUPA #329-98-03 was approved on November 30, 1998 to construct an addition to an existing warehouse/office building at the Ehler Bros. facility adjacent to the subject property.
 - c. ZUPA #214-13-01 was approved on August 13, 2013 to construct a one-million gallon liquid fertilizer storage tank at the Ehler Bros. facility adjacent to the subject property.
- C. The following are previous zoning cases on or adjacent to the subject property:
- (1) Case 107-S-75 was approved on August 14, 1975 to allow Ehler Bros. Fertilizer Co. to establish a Fertilizer Storage facility as a Special Use Permit in the AG-1 Agriculture Zoning District adjacent to the subject property.
 - (2) Case 619-AM-87 was approved on August 18, 1987 to rezone the Ehler Bros. Co. adjacent to the subject property from AG-1 Agriculture to B-1 Rural Trade Center.
 - a. Regarding the reason for rezoning the 1.99 acre adjacent property when it already had a Special Use Permit, the Summary Memorandum for Case 619-AM-87 dated August 7, 1987, stated, “A Special Use Permit was issued in 1975 to permit expansion of the fertilizer sales and storage use at this site despite the fact that Section 6.1 of the Zoning Ordinance requires a minimum lot area of 5 acres for such uses. Questions were raised at that time by the Zoning Board of Appeals about the propriety of that standard. The action in 1975 constituted the granting of a variance without the required procedures and a variance greater than the ZBA is empowered to grant, i.e. more than 10% of the required minimum lot area. The subject property meets the minimum lot size requirement for the existing use in the requested B-1 district. This use is permitted by right in the district and so must meet the minimum lot size in the district which is only 6,500 square feet. Rezoning would remove any question as to the legality of the existing use on this site. The reasonableness of the 10-fold difference in minimum lot size between the two districts should be reviewed.”
 - (3) Case 623-S-08 was approved for Ehler Bros. on July 31, 2008, to authorize the construction and use of a dry fertilizer storage building and future liquid fertilizer tank as a Special Use in the AG-1 Agriculture zoning district on the subject property.
 - a. No comments were received during the hearing process.
- D. The requested variance is to not require a Storm Water Drainage Plan for the proposed Special Use Permit area, which is a requirement of the *Storm Water Management and Erosion Control Ordinance*.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” as a Special Use in the AG-1 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) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “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.
 - (3) “AREA, LOT” is the total area within the LOT LINES.
 - (4) “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.
 - (5) “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.
 - (6) “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.
 - (7) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

- (8) “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.
- (9) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (10) “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.
- (11) “LOT LINES” are the lines bounding a LOT.
- (12) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
- (13) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (14) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
- (15) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (16) “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.
- (17) “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.
- (18) “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.
- (19) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (20) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- (21) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.

- (22) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A 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.
- (23) “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.
- (24) “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.
- (25) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found 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.
- B. Section 5.2 authorizes “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” as a Special Use only in the AG-1 and AG-2 Zoning Districts, and by-right in the B-1, B-5, I-1, and I-2 Zoning Districts.
- C. 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:

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- 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) There are no Standard Conditions for "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" in Section 6.1.3 of the Zoning Ordinance.
- D. Section 7.4 establishes requirements for off-street PARKING SPACES and LOADING BERTHS:
- (1) Section 7.4.1 A. establishes general provisions for off-street parking.
 - a. Section 7.4.1 A.1. states, "All off-street PARKING SPACES shall be located on the same LOT or tract of land as the USE served."
 - b. Section 7.4.1 A.2. states, "All spaces for the accommodation of an AUTOMOBILE shall total at least 300 square feet including both parking and maneuvering area."
 - c. Section 7.4.1 A.3.a. states, "No such space shall be located less than 10 feet from any FRONT LOT LINE."
 - d. Section 7.4.1 A.3.b. states, "No such space shall be located less than five feet from any side or REAR LOT LINE."
 - (2) Section 7.4.1 B. establishes the minimum size of off-street PARKING SPACES shall be at least nine feet wide by 20 feet long.
 - (3) For parking purposes, the Zoning Administrator has determined that a "Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer" is most similar to the parking requirements for commercial uses.
 - (4) Section 7.4.1 C. establishes parking for off-street commercial establishments.

- a. Section 7.4.1 C.1. states, “Such PARKING SPACE for the accommodation of a heavy motor truck, MOTOR BUS, or other VEHICLE shall be of dimensions herein specified for an off-STREET LOADING BERTH.”
 - b. Section 7.4.1 C.2. states, “The number of such PARKING SPACES shall be the sum of the individual requirements of the various individual ESTABLISHMENTS computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.”
 - c. Section 7.4.1 C.3. requires establishments that are not specifically mentioned in the ordinance to provide one parking space for every 200 square feet of floor area or portion thereof.
 - d. Section 7.4.1 C.4. states, “Required parking SCREENS for commercial ESTABLISHMENTS shall be provided as follows:
 - (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.”
- (5) Section 7.4.2 refers to off-street LOADING BERTHS for commercial uses:
- a. Section 7.4.2 A. establishes general provisions for LOADING BERTHS.
 - (a) All LOADING BERTHS shall have vertical clearance of at least 14 feet.
 - (b) All LOADING BERTHS shall be designed with appropriate means of vehicular access to a STREET or ALLEY in a manner which will least interfere with traffic movement.
 - (c) No VEHICLE repair or service work shall be performed on any LOADING BERTH.

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- (d) No LOADING BERTH shall be located less than 10 feet from any FRONT LOT LINE and less than five feet from any side or REAR LOT LINE.
- b. Section 7.4.2 C. states, “Off-street LOADING BERTHS for commercial ESTABLISHMENTS shall be provided as follows:
 - (a) All LOADING BERTHS shall be located on the same LOT or tract of land as the ESTABLISHMENT served except when serving adjacent ESTABLISHMENTS when the LOADING BERTH requirement is sufficient to serve both ESTABLISHMENTS.
 - (b) No such BERTH shall be located within any YARD abutting a residential DISTRICT or located less than 100 feet from the BUILDING RESTRICTION LINE of any LOT in the R DISTRICT or any LOT containing a DWELLING conforming as to USE unless such BERTH is screened from public view by a Type C SCREEN. If the berth is located adjacent to an elevated loading dock, however, a Type D SCREEN shall be used to screen both the loading berth and the loading dock.
 - (c) No LOADING BERTH shall be located within 50 feet of the nearest point of intersection of two STREETS.
 - (d) All LOADING BERTHS shall be improved with a compacted base at least six inches thick and shall be surfaced with at least two inches of some all-weather dustless material.
 - (e) Schedule of off-street LOADING BERTHS:

Floor Area of ESTABLISHMENT in Square Feet (Thousands)	Minimum Required Number and Size of LOADING BERTHS
1 – 9.999	1 (12 x 40 feet)
10 – 24.999	2 (10 x 40 feet)
25 – 39.999	2 (10 x 70 feet)
40 – 99.999	3 (10 x 70 feet)
100 – 249.999	4 (10 x 70 feet)

- E. Paragraph 9.1.9 D. of the Zoning Ordinance requires the ZBA to make the following findings for a variance:
 - (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the Zoning Ordinance states that a variance from the terms of the Champaign County Zoning Ordinance shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.

- b. That practical difficulties or hardships created by 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.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the Ordinance.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- F. 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.

- G. 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.
- H. The Champaign County Storm Water Management and Erosion Control Ordinance adopted June 18, 2015 supersedes the Champaign County Storm Water Management Policy and specifies the following:
- (1) Paragraph 4.2F provides exemptions for non-residential development based on the percent of total impervious area and the cumulative total area of lot or lots created from a lot or lots in common ownership on January 1, 1998, as follows:
 - a. Development of more than 6.25 acres land is exempted from the STORM WATER DRAINAGE PLAN requirements provided that no more than 16% of the total area of the lot or lots shall be impervious area provided that no exemption shall apply to any part of a lot when that part contains more than one acre of impervious surface area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet.

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: **“To centralize our operations.”**
 - B. The proposed facility would be located adjacent to the existing Ehler Bros. Co. Thomasboro facility located 0.4 mile east of US45 North.

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:
 - A. The Petitioner has testified on the application: **“We already have operations on this property and are trying not to take any other land out of production.”**
 - B. Regarding surface drainage:
 - (1) The Natural Resource Report from Champaign County Soil and Water Conservation District (CCSWCD) received September 24, 2020 only contained the undeveloped part of the existing Special Use Permit area approved in Case 623-S-08, and did not include the proposed Special Use Permit area. The report received September 24, 2020 stated:
 - a. Surface runoff is negligible for the 152A Drummer soils that comprise 100% of the Special Use Permit area.
 - i. Note that the proposed Special Use Permit expansion area is also comprised of 152A Drummer soils.
 - b. Ponding is brief and infrequent, and flooding is not typically present.

- (2) Over one acre of land would be disturbed during the construction process, so the *Storm Water Management and Erosion Control Ordinance* requirements apply.
 - a. The petitioners submitted the required Illinois Environmental Protection Agency NPDES Notice of Intent on October 2, 2020.
 - b. A Storm Water Drainage Plan (SWDP) and storm water detention are required because the proposed facility will have more than one acre of impervious area within a rectangular area of 90,000 square feet.
 - (a) The Site Plan received October 13, 2020 shows tile lines (two existing and one proposed) with catch basins that support onsite drainage and flow to the adjacent Saline Branch Drainage Ditch.
- C. Regarding traffic:
- (1) The subject property fronts the north side of CR 2500N (County Highway 11). It is approximately 0.45 miles east of US45 and the Village of Thomasboro.
 - (2) The Illinois Department of Transportation's Bureau of Local Roads and Streets Manual provides general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The Manual indicates the pavement widths based on traffic volumes measured as Average Daily Traffic (ADT):
 - a. CR 2500N (County Highway 11) at this location is a marked 24 feet wide oil and chip surface with four feet wide gravel shoulders.
 - (a) A rural two-lane collector with a pavement width of 24 feet and four feet wide shoulders has a recommended maximum ADT of 3,000.
 - (3) 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 Annual Average Daily Traffic (AADT). The most recent (2016) AADT data in the vicinity of the subject property are as follows:
 - a. CR 2500N (County Highway 11) has an AADT of 1,200 near the subject property.
 - (4) The Township Highway Commissioner was notified of this case, but no comments have been received. CR 2500N is a County Highway, and is therefore in the jurisdiction of the County Highway Department, not the Township.
 - (5) The County Engineer was notified of this case, but no comments have been received.
- D. Regarding fire protection of the subject property:
- (1) The subject property is in the Thomasboro Fire Protection District and is located approximately 0.6 road miles from the fire station.
 - (2) The Fire Protection District Chief has been notified of this request, but no comments have been received.
- E. The subject property is not located within a Special Flood Hazard Area.

- F. The subject property is considered BEST PRIME FARMLAND. The soil in the proposed Special Use area of the subject property is 152A Drummer silty clay loam, and has an average LE of 100.
- (1) Approximately 3 acres of the 158.3-acre subject property will be converted from agricultural production for the proposed Special Use expansion area.
- G. Regarding outdoor lighting on the subject property:
- (1) Outdoor lighting was not indicated on the Site Plan received October 13, 2020.
 - a. A special condition has been added regarding any outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
- (1) The petitioners will have to apply for a septic system permit with Champaign-Urbana Public Health District.
- I. Regarding life safety considerations related to the proposed Special Use:
- (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 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, or 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: **“Yes.”**
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” is authorized by Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts, and by-right in the B-1, B-5, I-1, and I-2 districts.
 - (2) Regarding parking on the subject property:
 - a. Although the proposed use is listed as a business use in Section 5.2, the business parking standard in subparagraph 7.4.1 C.3.e. of one parking space per 200 square feet of floor area cannot be sensibly applied to the proposed

PRELIMINARY DRAFT

Special Use. Instead, the parking standard for industrial uses in paragraph 7.4.1 D. appears to approximate the way the business will operate.

- b. Paragraph 7.4.1.D.1 requires industrial uses to provide one off-street parking space for every three employees based upon the maximum number of persons employed during one work period, plus one space for each business vehicle, and a minimum of one visitor parking space.
 - (a) In an email received September 30, 2020, Dustin Ehler stated that they would have five employees at this location on a regular workday, which would require two parking spaces for employees.
 - (b) Including the required visitor space, the facility requires a total of three parking spaces plus one space for every work vehicle.
 - (c) The proposed site plan appears to include more than enough area to accommodate all required off-street parking.

- (3) Regarding loading berths, the facility includes 22,200 square feet of existing buildings, and the petitioners propose an additional 36,000 square feet, for a total of 58,200 square feet. This will require three 10 feet by 70 feet loading berths.
 - (a) There are two existing concrete slabs at the facility that are more than sufficient to cover the loading berth requirements.

- (4) Paragraph 6.1.2 A. establishes standard conditions for exterior lighting that apply to all Special Use Permits. No exterior lighting information was provided on the Site Plan received October 13, 2020. Any exterior lighting installed after approval of the Special Use Permit must comply with Paragraph 6.1.2 A.
 - a. A special condition has been added to ensure compliance.

- (5) There are no standard conditions of approval that specifically apply to “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” uses.

- (6) Regarding required screening of outdoor operations:
 - a. Section 7.6 of the Zoning Ordinance requires a Type D screen for any outdoor storage or outdoor operations visible within 1,000 feet of any point within the BUILDING RESTRICTION LINE of any LOT located in any R district or any lot occupied by a DWELLING conforming as to USE or occupied by a SCHOOL; church or temple; public park or recreational facility; public library, museum, or gallery; public fairgrounds; nursing home or hospital; or recreational business use with outdoor facilities; or any urban arterial or MAJOR STREET.

 - b. A Type D screen will be required to screen outdoor storage and operations from the residential use that is approximately 575 feet to the east.
 - (a) There are three staggered lines of evergreen trees inside the property line of the residence that appear to screen the proposed Special Use.

- C. Regarding compliance with the *Stormwater Management and Erosion Control Ordinance*:
- (1) Over one acre of land would be disturbed during the construction process, so the *Storm Water Management and Erosion Control Ordinance* requirements apply.
 - a. The petitioners submitted the required Illinois Environmental Protection Agency NPDES Notice of Intent on October 2, 2020.
 - b. A Storm Water Drainage Plan (SWDP) and storm water detention are required because the proposed facility will have more than one acre of impervious area within a rectangular area of 90,000 square feet.
 - (a) The Site Plan received October 13, 2020 shows tile lines (two existing and one proposed) with catch basins that support onsite drainage and flow to the adjacent Saline Branch Drainage Ditch.
- D. Regarding the Special Flood Hazard Areas Ordinance, the subject property is not located in the Special Flood Hazard Area.
- E. Regarding the Subdivision Regulations, the subject property conforms to the Champaign County Subdivision Regulations.
- F. Regarding regulations enforced by the Illinois Department of Agriculture regarding proper storage and use of fertilizers:
- (1) The petitioner has submitted a copy of their IDAG permit for this facility, and will submit a modified permit once received from IDAG.
- G. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District, the proposed use is “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer,” which serves row crop agriculture that is the primary land use in the AG-1 Agriculture Zoning District.
- 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. A special condition has been added to ensure documentation of compliance with the Illinois Accessibility Code.

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 is in harmony with the general intent and purpose of the Ordinance:
 - A. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.1 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):

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 AGRICULTURE pursuits.

- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 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.

B. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 a. of the Ordinance states that one purpose of the Ordinance is securing 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 Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. Regarding the value of nearby properties, it is unclear what impact the proposed SUP will have; the facility is surrounded by agricultural land in production. There is a residence approximately 600 feet to the east.
- b. With regard to the value of the subject property, the proposed expansion of the facility on previously farmed land suggests that the value of the proposed facility is more valuable than the land in production.

- (3) Paragraph 2.0 c. of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

There would be an increase in traffic created by the proposed facility. County Road 2500N (County Highway 11) has sufficient capacity to handle additional traffic. No comments have been received from the Township Road Commissioner.

- (4) Paragraph 2.0 d. of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.
- a. The proposed facility must comply with the *Champaign County Stormwater Management and Erosion Control Ordinance*. A Storm Water Drainage Plan will be required should the variance in related case 990-V-20 be denied.
- b. The subject property is located outside of the Special Flood Hazard Area.
- c. The proposed expansion drains to the adjacent Saline Branch Drainage Ditch; the Beaver Lake Drainage District has been notified of this case, and no comments have been received.

- (5) Paragraph 2.0 e. of the Ordinance states that one purpose of the Ordinance is promoting 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.
 - 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. No comments have been received to date.
- (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; 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 nonconforming conditions.

- (8) Paragraph 2.0 m. of the Ordinance states that one purpose of the Ordinance is preventing 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 not relevant to the proposed Special Use Permit because it relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed use is new.

- (9) Paragraph 2.0 n. of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

- (10) Paragraph 2.0 o. of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

The subject property does not contain any natural features and there are no natural features in the vicinity of the subject property.

- (11) Paragraph 2.0 p. of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The subject property is located in the AG-1 Agriculture District and is a rural use.

- (12) Paragraph 2.0 q. of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The subject property is located in the AG-1 Agriculture District and serves the agricultural nature of the rural area.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the Ordinance 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 would 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: “N/A.”
 - B. The proposed use is not an existing non-conforming use.

RELATED TO THE VARIANCE, 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 that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“An existing drainage system is already in place and is capable of handling the drainage needs of our project.”**
- B. Regarding the proposed variance for not requiring a Storm Water Drainage Plan:
- (1) The soil on the subject property consists of 152A Drummer silty clay loam, and has an average LE of 100. This soil type has negligible surface runoff, brief but frequent ponding, and flooding is improbable.
 - (2) The subject property is relatively flat and generally drains to the east.
 - (3) There is an existing tile/catch basin system crossing the subject property that leads to the drainage ditch to the east. An additional drainage tile and catch basins are proposed for the new office/shop building area.

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“I do not see the need for an engineering drainage plan when extensive work has already been done to the drainage infrastructure.”**
- B. Without the proposed variance, the petitioners would be required to either reduce the gravel area and building footprints to less than one acre, or contract a consultant to complete a Storm Water Management Plan, which would add significant costs to expanding their business on the subject property.

RELATED TO THE VARIANCE, 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. The Petitioner has testified on the application, **“No.”**

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

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“It will allow us to utilize the drainage system in place without unnecessary additional expense.”**
- B. The proposed variance is 100%.

- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, which is a requirement in Zoning Ordinance Section 4.3.10:
- (1) The proposed Special Use requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
 - (2) The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area; the existing plus proposed impervious area will cover several acres.
- D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“We will be utilizing the neighboring drainage ditch as an exit source for storm water runoff, eliminating any potential damage to adjacent land.”**
 - B. The Rantoul Township Supervisor and Road Commissioner have been notified of this variance and no comments have been received.
 - C. The Thomasboro Fire Department has been notified of this variance and no comments have been received.
 - D. The nearest building on neighboring property to the proposed Special Use is a residence that is approximately 700 feet east of the subject property on the east side of the drainage ditch.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

17. Generally regarding any other circumstances that justify the Variance:
- A. The Petitioner did not provide a response to this question.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. Regarding proposed special conditions of approval for Case 984-S-20:
- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 984-S-20 by the Zoning Board of Appeals.**

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. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales**

facility 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:

The proposed Special Use Permit meets applicable State codes for accessibility.

- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

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

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. **Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:**

- (1) **The Special Use shall at all times be operated in conformance with the Illinois Department of Agriculture permit, and any special conditions thereof.**
- (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**
- (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit. The Special Use shall become void if the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.**

The special conditions stated above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

- F. **A septic system shall be installed on the subject property in conjunction with construction, and:**
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

Not needed if variance in related Case 990-V-20 is approved:

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

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

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

DOCUMENTS OF RECORD

1. Special Use Permit application received August 26, 2020, with attachments:
2. Site Plan received October 13, 2020
3. Variance application received October 13, 2020
4. Application for IEPA Notice of Intent for General Permit to Discharge Storm Water Associated with Construction Site Activities received October 13, 2020
5. Natural Resources Report by Champaign County Soil and Water Conservation District received September 24, 2020
6. IDAG Permit received September 14, 2020
7. Preliminary Memorandum for Cases 984-S-20 and 990-V-20 dated October 20, 2020, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 13, 2020
 - C Annotated Aerial created by P&Z Staff October 20, 2020
 - D Application for IEPA Notice of Intent for General Permit to Discharge Storm Water Associated with Construction Site Activities received October 13, 2020
 - E Natural Resources Report by Champaign County Soil and Water Conservation District dated and received September 24, 2020
 - F IDAG Permit received September 14, 2020
 - G Site Visit Photos taken October 2, 2020
 - H Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated October 29, 2020

FINDINGS OF FACT FOR CASE 984-S-20

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **984-S-20** held on **October 29, 2020**, 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 NOT / WILL}* 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 *{because}*:
 - 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 BEST PRIME FARMLAND and the property with the proposed improvements *{IS/ IS NOT}* WELL SUITED OVERALL *{because}*:
 - h. The existing public services *{ARE/ ARE NOT}* available to support the proposed special use effectively and safely without undue public expense *{because}*:
 - i. The existing public infrastructure together with proposed improvements *{ARE/ ARE NOT}* adequate to support the proposed development effectively and safely without undue public expense *{because}*:

(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/ IS NOT}*** authorized in the District.
 - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
 - 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 proposed use is ***NOT*** an existing non-conforming use.
6. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / 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 984-S-20 by the Zoning Board of Appeals.**

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. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility 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:
The proposed Special Use Permit meets applicable State codes for accessibility.
 - C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:
That any proposed exterior lighting is in compliance with the Zoning Ordinance.
 - D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other**

qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.

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

New commercial buildings shall be in conformance with Public Act 96-704.

- E. **Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:**
- (1) **The Special Use shall at all times be operated in conformance with the Illinois Department of Agriculture permit, and any special conditions thereof.**
 - (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**
 - (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit. The Special Use shall become void if the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.**

The special conditions stated above are required to ensure the following:

To ensure that Champaign County is fully informed of any risks that arise for public safety and environmental protection.

- F. **A septic system shall be installed on the subject property in conjunction with construction, and:**
- (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

The special conditions stated above are required to ensure the following:

That the solid waste system conforms to the requirements of the Zoning Ordinance and any applicable health regulations.

Not needed if variance in related Case 990-V-20 is approved:

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

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

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

FINDINGS OF FACT FOR CASE 990-V-20

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **990-V-20** held on **October 29, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. 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:
2. 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:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION FOR CASE 984-S-20

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 **984-S-20** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED }* to the applicants, **Ehler Bros. Co., with David Ehler, Linda Yearsley, and Dustin Ehler**, to authorize **storage and dispensing of agricultural fertilizer as a “Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer” facility as a Special Use in the AG-1 Agriculture Zoning District.**

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. **A Change of Use Permit shall be applied for within 30 days of the approval of Case 984-S-20 by the Zoning Board of Appeals.**
- B. **The Zoning Administrator shall not issue a Zoning Use Permit or a Zoning Compliance Certificate for the proposed Farm Chemicals and Fertilizer Sales facility until the petitioner has demonstrated that the proposed Special Use complies with the Illinois Accessibility Code.**
- C. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until the petitioner has demonstrated that any proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- D. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed building until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new buildings comply with the following codes: (A) the 2006 or later edition of the International Building Code; (B) the 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**
- E. **Regarding the ongoing operation of the Special Use as authorized by the Illinois Department of Agriculture:**
 - (1) **The Special Use shall at all times be operated in conformance with the Illinois Department of Agriculture permit, and any special conditions thereof.**
 - (2) **The owner/operator of the Special Use shall make all inspection and maintenance records required by the Illinois Department of Agriculture (IDAG) available to Champaign County upon request by the Zoning Administrator and shall cooperate with Champaign County in resolving any valid complaint or concern that is related to public safety and environmental protection.**
 - (3) **The owner/operator of the Special Use shall provide the Zoning Administrator with copies of renewal permits over the lifetime of the Special Use for the Illinois Department of Agriculture (IDAG) Permit. The Special Use shall become void if**

the Petitioner fails to submit a renewal permit from the Illinois Department of Agriculture (IDAG) to the Zoning Office over the lifetime of the Special Use.

- F. **A septic system shall be installed on the subject property in conjunction with construction, and:**
 - (1) **A Zoning Use Permit shall not be approved until the petitioner provides a copy of certification from the County Health Department that the proposed septic system on the subject property has sufficient capacity for the proposed use.**
 - (2) **The septic leach field shall be kept free of vehicular traffic and cannot be paved over.**

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

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 990-V-20

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **990-V-20** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicants, **Ehler Bros. Co., with David Ehler, Linda Yearsley, and Dustin Ehler**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize a variance from the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a rectangular area of 90,000 square feet with a minimum dimension of 150 feet, for the Special Use Permit area requested in related Zoning Case 984-S-20.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

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