

CASES 999-AM-21 & 001-V-21

PRELIMINARY MEMORANDUM
FEBRUARY 3, 2021

Petitioners: Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co.

Request: Case 999-AM-21

Amend the Zoning Map to change the zoning district designation from the B-5 Central Business District and the R-1 Single Family Residence Zoning District to the B-1 Rural Trade Center Zoning District for the continued use of a Grain Storage Elevator and Bins.

Case 001-V-21

Authorize the following variance from the Zoning Ordinance in the B-1 Rural Trade Center Zoning District, subject to approval of the rezoning in Case 999-AM-21, per Section 5.3 of the Zoning Ordinance:

- Part A: A variance for the southernmost existing grain ring on CR 3050N, with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback.**
- Part B: A variance for an existing grain ring on the southeast corner of the 2.44 acre subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.**
- Part C: A variance for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.**
- Part D: A variance for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard.**
- Part E: A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of 10 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard.**
- Part F: A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet.**
- Part G: A variance from requiring a Type D Screen to conceal outdoor storage and operations that are visible from a residential use within 1,000 feet of the subject property.**

Subject Property: **Lots 7, 8, 9, 10, 11, and 12 of Block 2 of Howard - Original Town (now the unincorporated town of Lotus) and one to be vacated 40 foot wide road right-of-way located west of Lot 7, and one 2.44-acre tract, for a total of 3.431 acres in the Southwest Quarter of the Northwest**

Quarter of Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Foolsland.

Site Area: **3.431 total acres**

Time Schedule for Development: **Already in use**

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

BACKGROUND

The grain elevator in unincorporated Lotus existed prior to the adoption of the Zoning Ordinance on October 10, 1973. Co-petitioner Leon Ash purchased the 2.44-acre Galesville Elevator in 1986; his daughter, Michelle, and grandson, Brad, are stakeholders, and Brad manages the elevator. The petitioners would like to construct a 72 feet diameter grain bin on the north end of the subject property.

The petitioners have requested that the Brown Township Highway Commissioner vacate a 40 feet by 127 feet road right-of-way on the north end of the 2.44 acres, just west of Lot 7, as shown on the Annotated 2020 Aerial created by P&Z Staff on January 29, 2021. The Township Highway Commissioner provided a letter expressing support for the petitioners to use that area for their proposed grain bin. The right-of-way vacation process is independent of the approval process for these cases; however, once the grain elevator owns that vacated right-of-way, the 2.44-acre main elevator property joins with Lots 7 through 12 that are also owned by the petitioners to create one joint lot development for zoning purposes. All structures on the joined lots must meet the minimum zoning ordinance requirements in order for a permit to be approved for the proposed bin.

Rezoning request

The 2-44-acre subject property has been in the B-5 Central Business Zoning District since the Zoning Ordinance and Official Zoning Map were adopted. Upon review of the zoning requirements, property history and previous permits, P&Z Staff found that the “Grain Elevator and Bins” land use is not allowed in the B-5 Zoning District. Therefore, an error was made when zoning was assigned to the existing elevator back in 1973. In order to approve any permit for the subject property, the use must be in the correct district, so a map amendment is needed to rezone from B-5 to the B-1 Rural Trade Center Zoning District.

Sometime between 2014 and 2017, the grain elevator expanded into the adjacent R-1 Zoning District with the placement of an emergency grain ring on Lots 10, 11, and 12 of the Original Town of Howard. The requested rezoning to B-1 would include Lots 10, 11 and 12 because “Grain Elevators and Bins” are not allowed in the R-1 district.

Variance request

The proposed B-1 district has different minimum yard and setback requirements than the B-5 district. The B-5 district allows 0 feet for setback, front, side, and rear yards. The B-1 district increases those to 55 feet for setback from street centerline of a minor street, 25 feet front yard, 10 feet side yard, and 20 feet rear yard. Proposed variance parts A through E for existing structures and the proposed grain bin in variance part F in Case 001-V-21 are directly related to the required rezoning.

The elevator has outdoor storage and operations that are within 1,000 feet of and visible from at least two residences. Section 7.6 of the Zoning Ordinance requires a Type D screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations which is visible within 1,000 feet from a residential use and/or visible from any major street. P&Z Staff added variance part G for consideration by the Board, noting the unique setup of outdoor storage areas on the subject properties.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located in Brown Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Galesville Elevator	B-5 Central Business District and R-1 Single Family Residence (Proposed rezoning to B-1 Rural Trade Center)
North	Agriculture	R-1 Single Family Residence
East	Residential	B-5 Central Business District and R-1 Single Family Residence
West	Agriculture, Residential	AG-1 Agriculture
South	Agriculture, Residential	AG-1 Agriculture

COMPATIBILITY WITH LRMP AND ZONING ORDINANCE

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

PROPOSED SPECIAL CONDITIONS

For Case 999-AM-21:

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

For Case 001-V-21:

- A. **The Zoning Use Permit for the proposed grain bin shall not be approved until Brown Township has recorded the final approved road right-of-way vacation documents at the Champaign County Recorder of Deeds.**

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

That the petitioner has secured all required permissions to construct in the yet to-be-vacated road right-of-way.

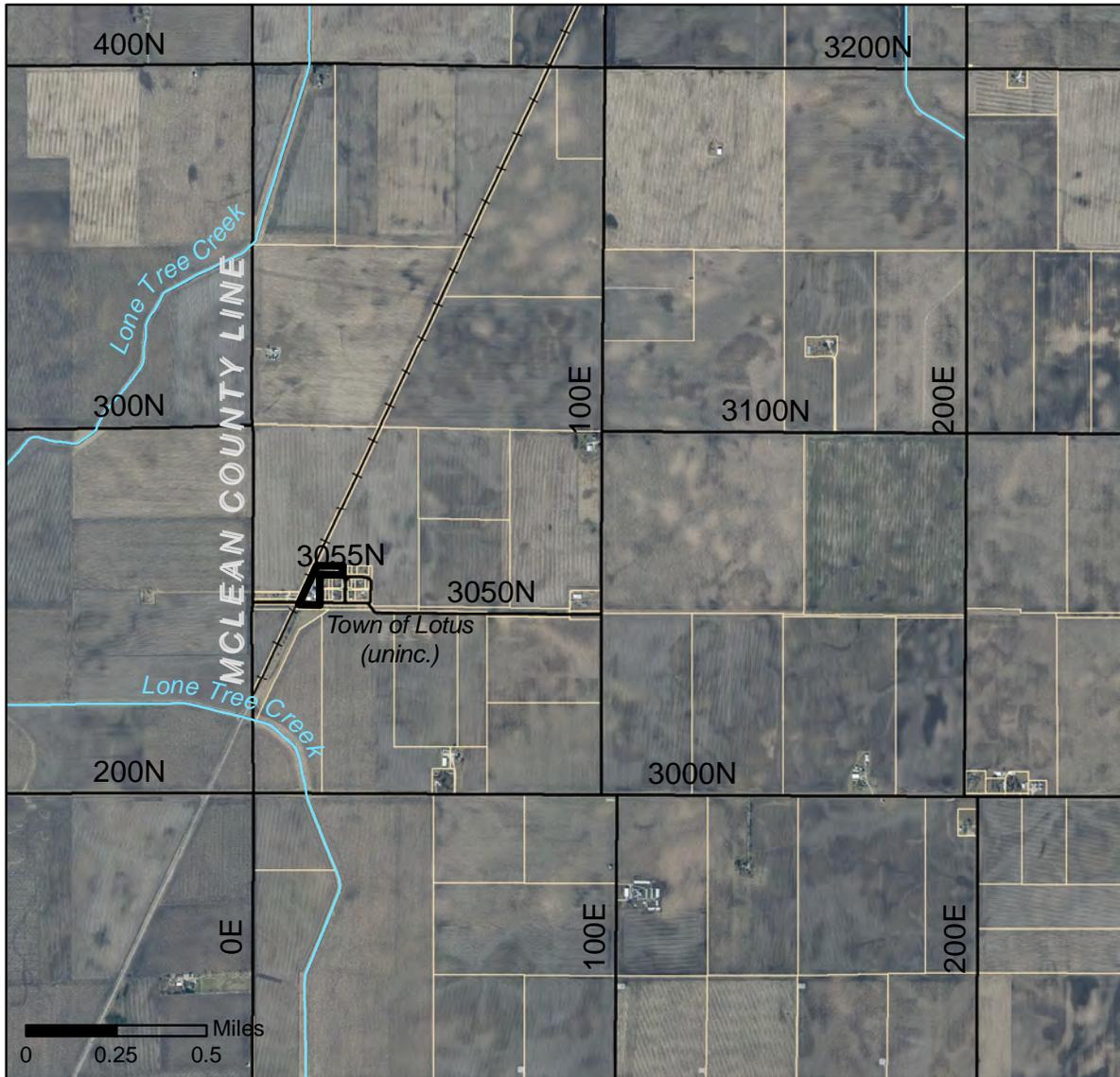
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 19, 2021
- C Annotated Aerial created by P&Z Staff on January 29, 2021
- D 1973 Aerial Photo
- E Zoning Ordinance Section 5.2 (excerpt) dated October 10, 1973
- F Plat of Survey for the 2.44-acre grain elevator property dated April 21, 1986
- G Plat of Survey for Lots 7, 8, and 9 of the Original Town of Howard dated May 26, 1987
- H Email from Brad Ash to Susan Burgstrom received January 29, 2021
- I Letter from David Stalter, Brown Township Highway Commissioner, received February 3, 2021
- J LRMP Land Use Goals, Objectives, and Policies
- K LRMP Appendix of Defined Terms
- L Right to Farm Resolution 3425
- M Site Images taken January 23, 2021
- N Case 999-AM-21 Draft Finding of Fact and Final Determination dated February 11, 2021
- O Case 001-V-21 Draft Summary of Evidence, Finding of Fact and Final Determination dated February 11, 2021

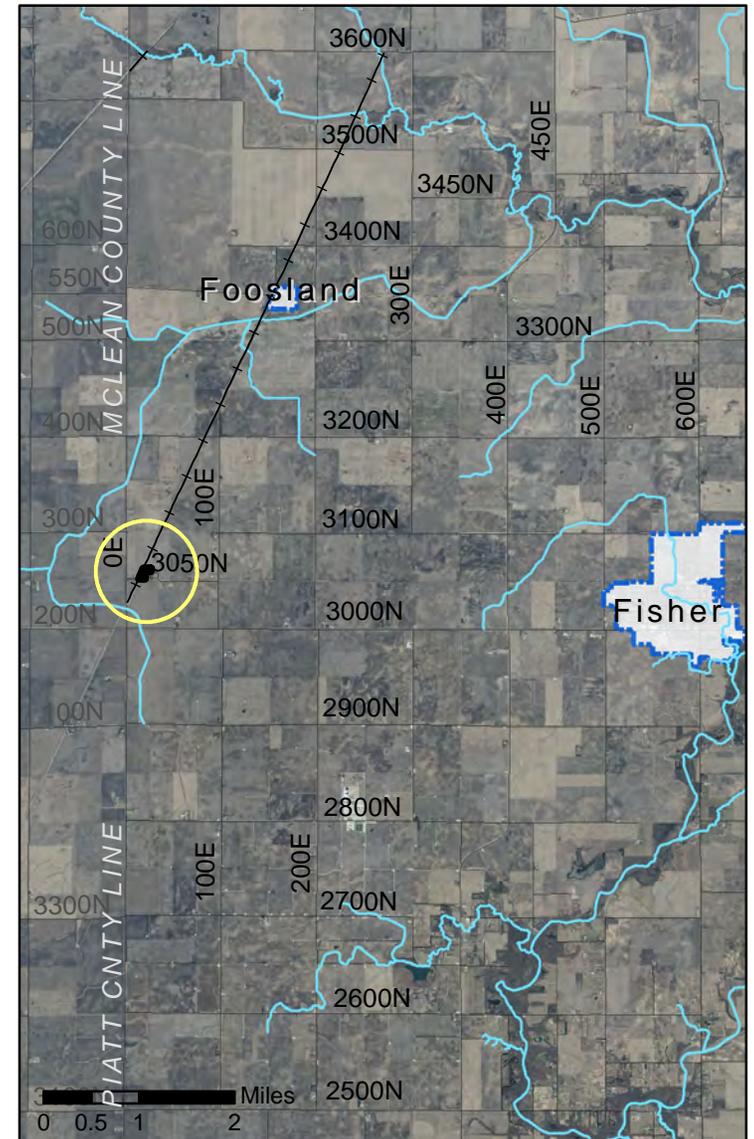
Location Map

Cases 999-AM-21 & 001-V-21
February 11, 2021

Subject Property



Property location in Champaign County



Legend

- Subject Properties
- Streets
- Municipal Boundary
- Parcels



Land Use Map

Cases 999-AM-21 & 001-V-21
February 11, 2021



Legend

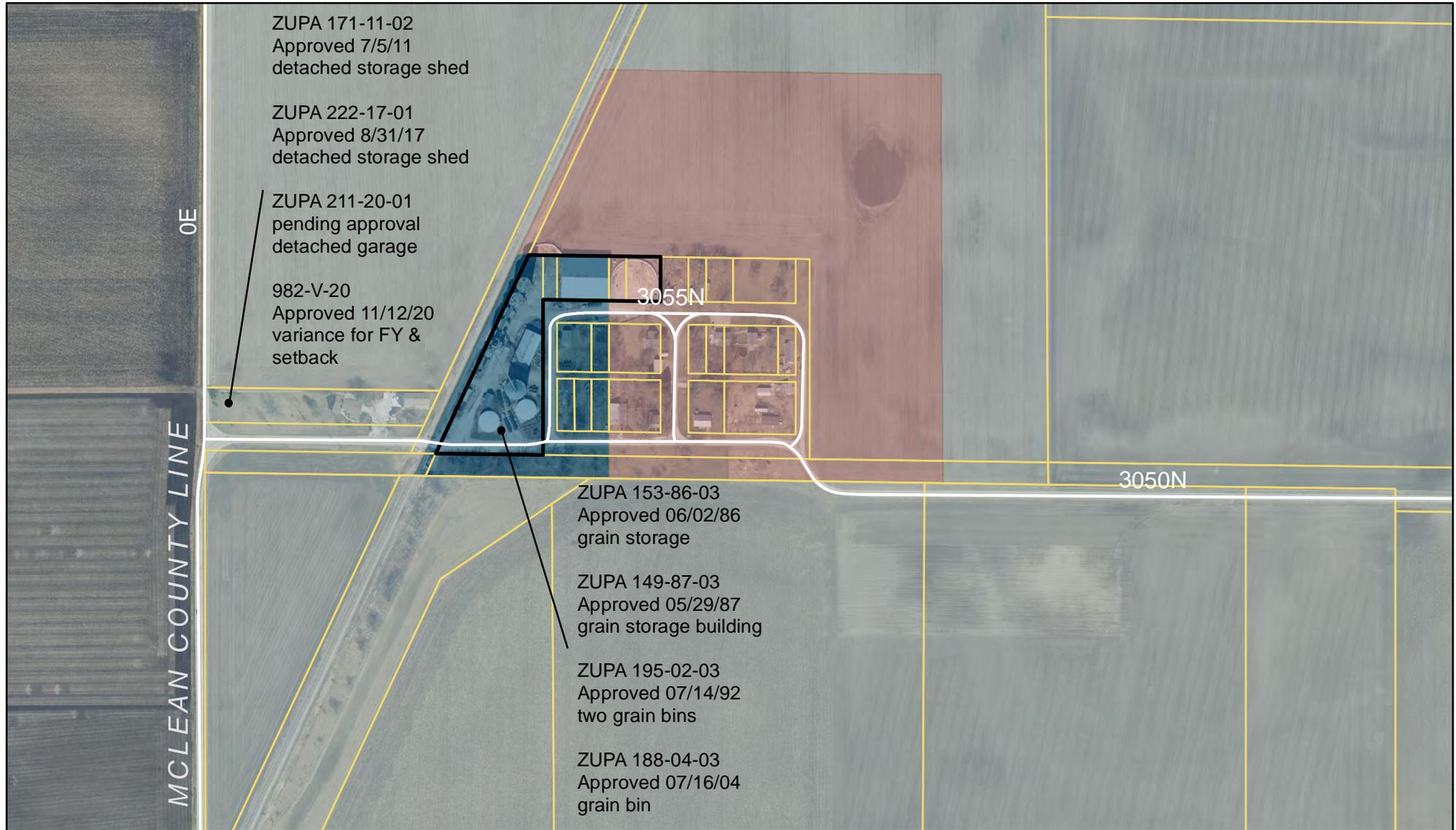
- | | |
|---|---|
|  Subject Properties |  Residential |
|  Agriculture |  Commercial |

0 50 100 200 Feet



Zoning Map

Cases 999-AM-21 & 001-V-21
February 11, 2021



Legend

-  Subject Properties
-  Parcels
-  R-1 Single Family Residential
-  B-5 Central Business
-  AG-1 Agriculture

0 100 200 400 Feet



Galesville Elevator 2020 aerial 1:100

Cases 999-AM-21 & 001-V-21, ZBA 02/11/21
Attachment B, Page 1 of 1

Proposed
Grain Bin,
72' diameter

RECEIVED

JAN 19 2021

CHAMPAIGN CO. P & Z DEPARTMENT



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

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This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



ursday, January 14, 2021



Annotated 2020 Aerial

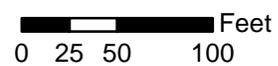
Cases 999-AM-21 & 001-V-21

February 11, 2021



Legend

- Subject Properties
- Parcels
- B-5
- R-1



1973 Aerial

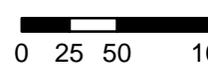
Cases 999-AM-21 & 001-V-21

February 11, 2021



Legend

 Parcels

 Feet
0 25 50 100



Section 5.2

Table of Authorized Principal USES (Cont.)

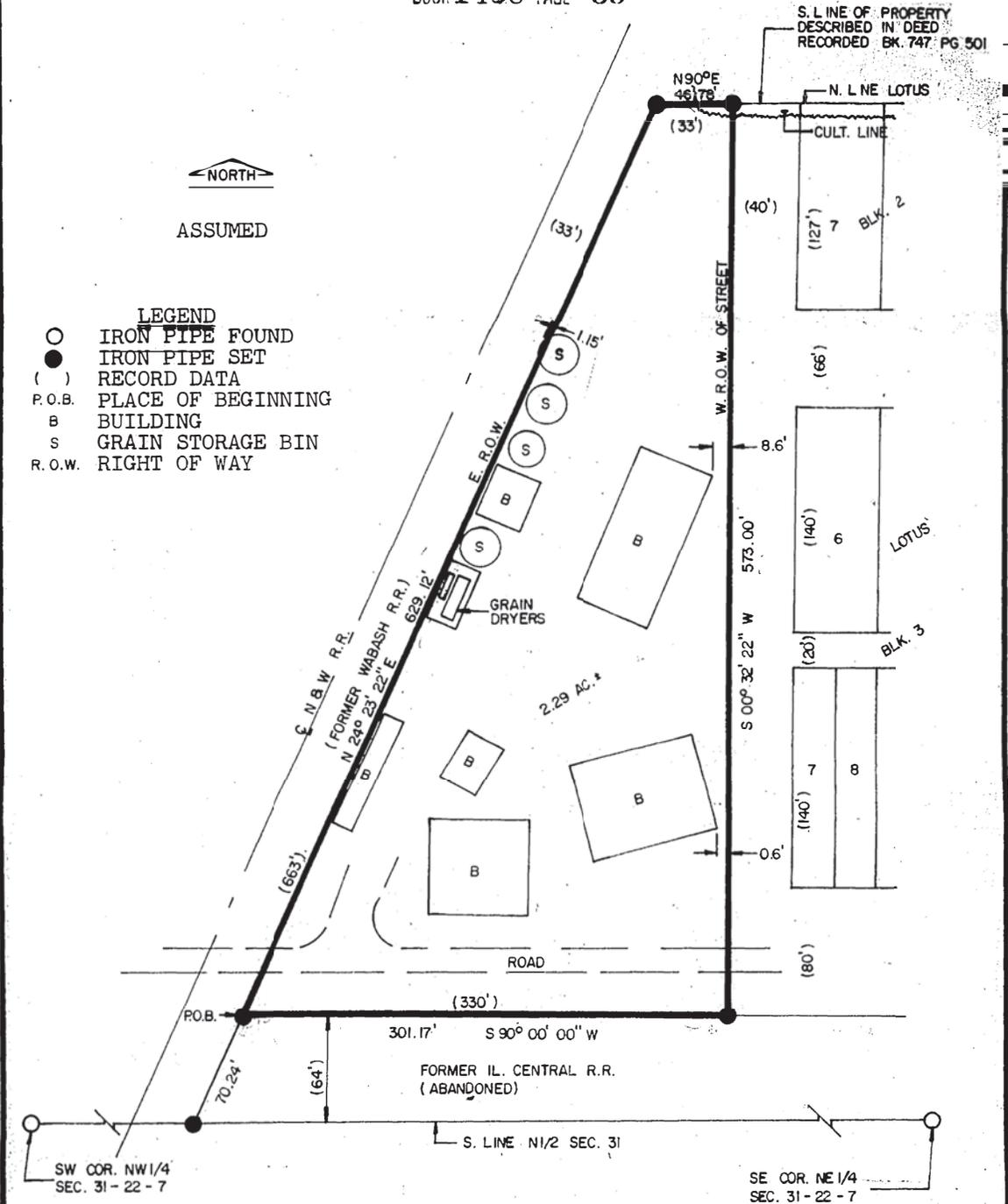
AG-1	AG-2	CR	R-1	R-2	R-3	R-4	R-5	Principal Uses	B-1	B-2	B-3	B-4	B-5	I-1	I-2
								<u>Business Uses: Personal Services</u>							
								Barber shop		X		X	X		
								Beauty shop		X		X	X		
								Reducing salon		X		X	X		
								Dressmaking shop		X		X	X		
								Drycleaning establishment				X	X	X	X
								Laundry and/or drycleaning pickup	X			X	X	X	X
								Millinery shop	X			X	X	X	
								Self-service laundry	X			X	X	X	
								Shoe repair shop	X			X	X	X	
								Tailor and pressing shop	X			X	X	X	
								Diaper Service Establishment	X			X	X	X	
								Clothing Repair and Storage	X			X	X	X	
						S		Mortuary				X	X	X	
								Medical or Dental Clinic	X			X	X		
								<u>Business Uses: Agricultural</u>							
								Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer	X				X	X	X
S	S							Roadside Produce Sales Stand	X	X	X	X	X	X	X
								Farm Equipment Sales & Service	X			X	X	X	X
								Feed & Grain (Sales only)	X			X	X	X	X
								Livestock Sales Facility and Stockyards							X
S	S							Slaughter Houses	S						X
S	S							Grain Storage Elevator & Bins	X					X	X
								<u>Business Uses: Business, Private Educational and Financial Services</u>							
								Bank, Savings and Loan Association	X	X		X	X		
								Insurance and Real Estate Office	X	X		X	X		
								Business Office	X	X		X	X		
								Professional Office	X	X		X	X		
								Private Kindergarten or Day Care Facility		X		X	X		
						S	S	Vocational, Trade or Business School	X			X	X	X	
								Temporary Real Estate Sales or Rental Office, Model Home or Apartment	S	S	S	S	S	S	S

x = permitted by right

s = permitted on individual lots as a special USE

Plat of Survey of Part of the Northwest Quarter of Section 31,
Township 22 North, Range 7 East of the Third Principal Meridian
Champaign County, Illinois

BOOK 1450 PAGE 60



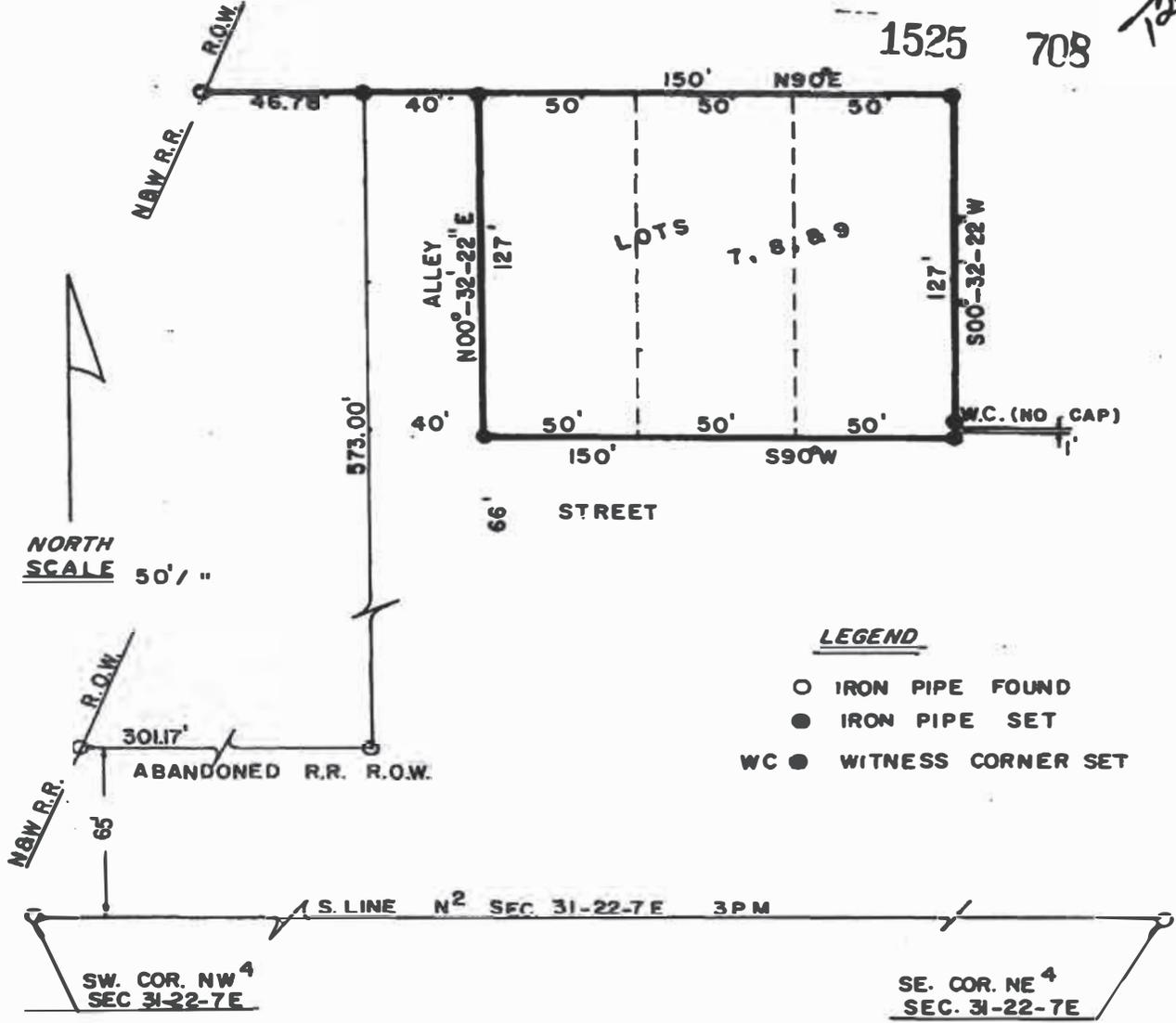
Signed and sealed this 21st day of April, A.D., 1986

Charles S. Danner
 Charles S. Danner
 Registered Land Surveyor
 Champaign County, Illinois
 STEPHAN
 DANNER
 No. 1470
 REGISTERED LAND SURVEYOR

Part of W $\frac{1}{2}$ NW $\frac{1}{4}$ SEC 31 T22N R7E 3 P.M.	042186 DATE
Champaign County, Illinois Farmer, City State Bank	50' / " SCALE
DANNER & ASSOCIATES, INC. CONSULTING ENGINEERS LAND SURVEYORS URBANA, ILL.	PAGE 1 OF 2 5035 JOB NO.

Plat of Survey of Part of the Northwest Quarter of Section 31, Township 22 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois

10-00
12-00
708



LEGEND

- IRON PIPE FOUND
- IRON PIPE SET
- WC ● WITNESS CORNER SET

STATE OF ILLINOIS }
COUNTY OF CHAMPAIGN }

S. S. SURVEYOR'S CERTIFICATE

I, Charles S. Danner, Registered Illinois Land Surveyor number 1470 do hereby certify, that at the request of Galesville Elevator Company, I, have made a survey of Lots 7,8,9 of Howards Subdivision known as the original town of Lotus, Illinois, situated in Brown Township, Champaign County, Illinois. I, further certify that I have found and or set the iron pipe monuments as shown on said Plat of Survey and that all demansions were measured in the field.

Signed and sealed this 26th day of May A.D. 1987

Charles S. Danner

Charles S. Danner
Registered Illinois Land Surveyor
Urbana, Illinois



Part of W ¹ / ₂ NW ¹ / ₂ SEC 31 T22N R7E 3PM	DATE 052687
Champaign County, Illinois Leon Lab, Galesville, Ill.	SCALE 50' = 1"
DANNER & ASSOCIATES, INC. CONSULTING ENGINEERS LAND SURVEYORS URBANA, ILLINOIS	JOB NO. 5116

From: [Bradley Ash](#)
To: [Susan Burgstrom](#)
Subject: Re: couple of questions for zoning cases
Date: Friday, January 29, 2021 9:01:34 AM

Good Morning Susan,

We have a well. It is located east of the office next to the large steel bin. There is a restroom in the office that is hooked up to a septic system. Our water consumption is very low. Our trucks are either washed in town or at a repair shop where they have a wash bay (generally most of the time at the repair shop before they are worked on). There is no water used for storing grain. Some elevators pressure wash their grain dryers, the last time I cleaned ours we used air.

Let me know if you have any other questions,

Thanks,

Brad Ash

On Thu, Jan 28, 2021 at 5:13 PM Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Brad,

Could you tell me a little about water consumption at the elevator – like are there activities that demand a lot of water, and if so, what are they?

Also, could you give me an idea of wastewater disposal – is there a restroom onsite, and is it hooked up to a septic system? Are there activities that create a lot of wastewater, such as washing vehicles, anything to do with storing grain, etc? If there is a well, where is it onsite?

Thanks!

Susan

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

Phone: (217) 384-3708

Web: www.co.champaign.il.us

BROWN TOWNSHIP ROAD DISTRICT

PO Box 70
201 N Third St.
Fisher, IL 61843

Office: 217-897-1328
Cell: 217-417-3713

ROAD VACATION CERTIFICATE

As Brown Township Highway Commissioner, I am aware that the Galesville Elevator uses the road right-of-way along CR 3055 N for materials storage, and do NOT have an issue with their using it in this manner.

I am also working to vacate a 40 feet by 127 feet right of way on the west site of Lot 7 of the Original Town of Howard, now known as Lotus IL, so that the elevator can build a new 72 foot diameter grain bin in that area.

Date: 02/03/2021

David Stalter

David Stalter
Brown Township
Highway Commissioner

RECEIVED

FEB 03 2021

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County Land Resource Management Plan Goals, Objectives and Policies

LRMP Goals

1 Planning and Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.
2 Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.
3 Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.
4 Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.
5 Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.
6 Public Health and Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.
7 Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.
8 Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.
9 Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.
10 Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

Policy 2.1.3

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives

Objective 3.1 Business Climate

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 4 Agriculture

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

Goal 4 Objectives

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies

Objective 4.1 Agricultural Land Fragmentation and Conservation

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

Policy 4.1.1

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 4.1.2

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

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

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

Policy 4.1.5

- a. The County will allow landowner by *right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.
- b. The County will not allow further division of parcels that are 5 acres or less in size.

Policy 4.1.6

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

- i. suitability of the site for the proposed use;
 - ii. adequacy of infrastructure and public services for the proposed use;
 - iii. minimizing conflict with agriculture;
 - iv. minimizing the conversion of farmland; and
 - v. minimizing the disturbance of natural areas, then,
- a. on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
 - b. on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
 - c. the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

Policy 4.3.5

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

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Policy 4.6.1

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

Policy 4.6.2

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

Policy 4.6.3

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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

Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

Policy 5.1.5

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any



Champaign County Land Resource Management Plan Goals, Objectives and Policies

discretionary development approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

Policy 6.2.1

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 6.2.2

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

Policy 6.2.3

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Objective 8.9 Natural Resources Assessment System

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

Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.2.1

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

Policy 8.6.5

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

Policy 8.7.6

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

Objective 8.8 Air Pollutants

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

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

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

Objective 8.9 Natural Resources Assessment System

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Policy 9.2.1

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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



Champaign County Land Resource Management Plan Goals, Objectives and Policies

Goal 10 Cultural Amenities

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

Goal 10 Objective

Objective 10.1 Cultural Amenities

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

Goal 10 Objectives and Policy

Objective 10.1 Cultural Amenities

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

Policy 10.1.1

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



APPENDIX: LRMP DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy, as amended. Terms already available in the Zoning Ordinance Definitions have been removed.

Contiguous Urban Growth Area (CUGA)

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

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

discretionary review

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

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

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

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

parks and preserves

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

pre-settlement environment

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

public infrastructure

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



public services

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

rural

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

site of historic or archeological significance

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

urban development

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

urban land

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

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

urban land use

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

RESOLUTION NO. 3425

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

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

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

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

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

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

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

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

RESOLUTION NO. 3425

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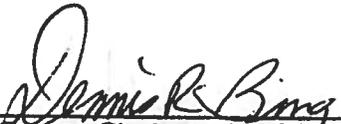
4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

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



Chairman, County Board of the
County of Champaign, Illinois

ATTEST:



County Clerk and Ex-Officio
Clerk of the County Board

999-AM-21 & 001-V-21 Site Images



From CR 3050N west side of tracks facing NNE



From CR 3050N facing north

999-AM-21 & 001-V-21 Site Images



From corner of CR 3050N at CR 3055N (north-south segment), facing north



Storage shed along tracks south of grain bins

999-AM-21 & 001-V-21 Site Images



From CR 3050N facing southernmost grain ring and bin toward center of property



Non-conforming storage building toward center of property

999-AM-21 & 001-V-21 Site Images



Fuel tanks west of central grain bin



Grain bins along east side of tracks, facing north

999-AM-21 & 001-V-21 Site Images



Northernmost grain bin east of tracks, facing north



**Storage building on Lots 7, 8 and 9, from tracks facing east
(proposed grain bin would be past the fencing on this side of the storage building)**

999-AM-21 & 001-V-21 Site Images



Proposed grain bin location on north end



Storage building on Lots 7, 8 and 9, from CR 3055N facing NW

999-AM-21 & 001-V-21 Site Images



Emergency grain ring on Lots 10, 11 & 12, from CR 3055N facing north



Emergency grain ring section located across street to south of Lots 10, 11 & 12

999-AM-21 & 001-V-21 Site Images



999-AM-21/001-V-21
01/23/21

From east side of Lot 12 on CR 3055N facing west



999-AM-21/001-V-21
01/23/21

Southwest grain ring, from CR 3055N facing north

PRELIMINARY DRAFT

999-AM-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: ***{February 11, 2021}***

Petitioners: **Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co.**

Request: **Amend the Zoning Map to change the zoning district designation from the B-5 Central Business District and the R-1 Single Family Residence Zoning District to the B-1 Rural Trade Center Zoning District for the continued use of a Grain Storage Elevator and Bins.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Leon Ash, 1019 Burt St, Mansfield, owns the subject property. He is father to Michelle Ash and grandfather to Brad Ash; they are sole owners and stakeholders of Galesville Elevator Company.
2. The subject property is Lots 7, 8, 9, 10, 11, and 12 of Block 2 of Howard - Original Town (now the unincorporated town of Lotus) and one to be vacated 40 foot wide road right-of-way located west of Lot 7, and one 2.44-acre tract, for a total of 3.431 acres in the Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Fooseland.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located in Brown Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“Our property is currently zoned B-5 and R-1. B-1 zoning fits the uses we perform closer than the existing zoning since we are a commercial grain elevator.”**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: **“We are trying to rezone to the correct district to be able to obtain a construction permit. We are trying to expand our facility to better serve our customers in the community.”**

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 3.431-acre subject property is in use as the Galesville Grain Elevator, and has the following zoning:
 - (1) Lots 7, 8, and 9, the 2.44-acre main lot, and the right-of-way west of Lot 7 are in the B-5 Central Business District Zoning District.
 - (2) Lots 10, 11, and 12 are in the R-1 Single Family Residence Zoning District.
 - B. Galesville Elevator existed prior to adoption of the Zoning Ordinance on October 10, 1973. When the original Official Zoning Map was adopted on October 10, 1973, B-5 zoning was assigned to the elevator. However, the B-5 district has never allowed “Grain Storage Elevator and Bins,” so an error in zoning was made on the property when the Zoning Ordinance was adopted.

- (1) Between 1986 and 2004, the P&Z Department approved four permits for the subject property despite it having improper zoning, with no explanation provided.
 - (2) The proposed map amendment is to remedy the B-5 zoning error and to rezone elevator operations that have expanded into the adjacent R-1 district.
- C. Land to the north of the subject property is zoned R-1 Single Family Residence and is in agricultural production.
- D. Land to the east of the subject property is zoned R-1 Single Family Residence and is residential in use, with some vacant lots.
- E. Land to the south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
- F. Land to the west is zoned AG-1 Agriculture and is in agricultural production except for one residential lot.
7. Regarding the site plan and operations of the subject property:
- A. The Site Plan received January 19, 2021, is a 2020 aerial photo, which indicates the following existing and proposed features:
- (1) Existing structures, starting at the grain ring located in the south end of the 2.44-acre lot and moving clockwise, include the following:
 - a. One 60 feet diameter grain ring, which is the subject of proposed variance Part A in related case 001-V-21;
 - b. One 34 feet by 22 feet office located north of the southernmost grain ring;
 - c. One 40 feet by 14 feet (560 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - d. A series of 6 grain bins and a dryer tank located parallel to the railroad tracks;
 - e. One 50 feet by 100 feet (5,000 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973, located on the east side of the 2.44-acre lot, which is the subject of proposed variance Part C;
 - f. One 60 feet diameter grain bin located south of the 50 feet by 100 feet storage building;
 - g. One 60 feet diameter grain ring located in the southeast corner of the 2.44-acre lot, which is the subject of proposed variance Part B;
 - h. One 140 feet by 120 feet (16,800 square feet) storage building located on Lots 7, 8, and 9, which is the subject of proposed variance Part D; and
 - i. One emergency grain ring located on Lots 10, 11 and 12, which is the subject of proposed variance Part E.

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- (2) The petitioners propose one 72 feet diameter grain bin to be located on the north end of the 2.44-acre lot and part of the right-of-way to be vacated that is located west of Lot 7, which is the subject of proposed variance Part F.
 - (3) In an email received January 29, 2021, Brad Ash stated: “We have a well. It is located east of the office next to the large steel bin. There is a restroom in the office that is hooked up to a septic system. Our water consumption is very low. Our trucks are either washed in town or at a repair shop where they have a wash bay (generally most of the time at the repair shop before they are worked on). There is no water used for storing grain. Some elevators pressure wash their grain dryers, the last time I cleaned ours we used air.”
- B. The following are previous Zoning Use Permits for the subject property:
- (1) ZUPA #153-86-03 was approved on June 2, 1986, for construction of a grain storage bin along the railroad tracks.
 - (2) ZUPA #149-87-03 was approved on May 29, 1987, for construction of the grain storage building on Lots 7, 8, and 9.
 - (3) ZUPA #195-02-03 was approved on July 14, 1992, for construction of two grain rings along the railroad tracks, to replace bins destroyed by high winds.
 - (4) ZUPA #188-04-03 was approved for on July 16, 2004, for construction of the grain bin located in the center of the 2.44-acre lot.
 - (5) No permit was found on file for the two grain storage rings on the south end of the 2.44-acre lot; they will be added to the next Zoning Use Permit application.
- C. There are no previous zoning cases for the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. Regarding the existing and proposed zoning districts:
 - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
 - (1) The R-1, Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
 - (2) The B-5, Central Business DISTRICT is intended to provide for needs of a larger consumer population than served by the Neighborhood Business DISTRICT and is located generally in the business DISTRICTS of the unzoned municipalities in the COUNTY.
 - (3) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.

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- B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 116 types of uses authorized by right in the B-5 District, 10 types of uses authorized by-right in the R-1 District, and 32 types of uses authorized by right in the B-1 District:
- a. The following 5 uses are authorized by right in all three districts:
 - (a) Subdivisions totaling three lots or less;
 - (b) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (c) AGRICULTURE, including customary ACCESSORY USES;
 - (d) Public park or recreational facility; and
 - (e) Temporary Uses.

 - b. The following 28 uses are authorized by right in both the B-1 and B-5 districts:
 - (a) Subdivisions totaling three lots or less;
 - (b) SUBDIVISIONS totaling more than three LOTS or with new STREETS or PRIVATE ACCESSWAYS;
 - (c) AGRICULTURE, including customary ACCESSORY USES;
 - (d) Minor RURAL SPECIALTY BUSINESS;
 - (e) Municipal or GOVERNMENT BUILDING;
 - (f) Township Highway Maintenance Garage;
 - (g) Police station or fire station;
 - (h) Library, museum, or gallery;
 - (i) Public park or recreational facility;
 - (j) PARKING GARAGE;
 - (k) PARKING LOT;
 - (l) Telephone Exchange;
 - (m) Telegraph Office;
 - (n) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (o) Roadside Produce Sales Stand;
 - (p) Farm Equipment Sales and Service;
 - (q) Feed and Grain (sales only);
 - (r) ADULT USE CANNABIS CULTIVATION CENTER;
 - (s) ADULT USE CANNABIS CRAFT GROWER;
 - (t) Locker, Cold Storage for Individual Use;
 - (u) Minor AUTOMOBILE Repair (all indoors);
 - (v) Gasoline Service Station;
 - (w) Antique Sales and Service;
 - (x) Christmas Tree Sales Lot;
 - (y) TEMPORARY USES;
 - (z) Contractors Facilities (with No Outdoor STORAGE nor Outdoor OPERATIONS);
 - (aa) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - (bb) SMALL SCALE METAL FABRICATING SHOP.

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- c. The following 2 uses are authorized by right in both the B-5 and R-1 districts and are not authorized at all in the B-1 District:
- (a) SINGLE FAMILY DWELLING; and
 Section 5.2, Footnote 7 states: "Permitted only in STRUCTURES existing prior to October 10, 1973 together with later additions not exceeding one-third of the floor area of the structure as it existed on that date, provided that if such structure used for SINGLE FAMILY DWELLING purposes is destroyed by fire, accident, or act of God, it shall not be reconstructed or repaired to occupy a larger or different BUILDING AREA on the LOT."
 - (b) Church, Temple, or church related TEMPORARY USES on church PROPERTY.
- d. The following 87 uses are authorized by right in the B-5 district and are not authorized at all in the B-1 district:
- (a) SINGLE FAMILY DWELLING;
 - (b) MULTI-FAMILY DWELLING;
 - (c) Commercial greenhouse;
 - (d) Greenhouse (not exceeding 1,000 sq ft);
 - (e) Garden Shop;
 - (f) Institution of an Educational, Philanthropic or Eleemosynary Nature;
 - (g) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (h) Radio or Television Station;
 - (i) Railway Station;
 - (j) MOTOR BUS Station;
 - (k) Truck Terminal;
 - (l) Barber Shop;
 - (m) Beauty Shop;
 - (n) Reducing Salon;
 - (o) Dressmaking Shop;
 - (p) Drycleaning ESTABLISHMENT;
 - (q) Laundry and/or drycleaning pick-up;
 - (r) Millinery shop;
 - (s) Self-service laundry;
 - (t) Shoe repair shop;
 - (u) Tailor and pressing shop;
 - (v) Diaper Service ESTABLISHMENT;
 - (w) Clothing Repair and Storage;
 - (x) Mortuary or Funeral Home;
 - (y) Medical and Dental CLINIC;
 - (z) Banks, Savings and Loan Associations;
 - (aa) Insurance and Real Estate Offices;
 - (bb) Business Office;
 - (cc) Professional Office;
 - (dd) Private Kindergarten or Day Care Facility;
 - (ee) Vocational, Trade or Business SCHOOL;
 - (ff) Meat and Fish Market;
 - (gg) Restaurant (indoor service only);
 - (hh) Supermarket or Grocery Store;

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- (ii) Wholesale Produce Terminal;
- (jj) Drive-In Restaurant;
- (kk) Tavern or Night Club;
- (ll) Bakery (less than 2,500 sf);
- (mm) Bakery (more than 2,500 sf);
- (nn) Dairy Store;
- (oo) Delicatessen;
- (pp) Confectionery Store;
- (qq) Retail Liquor Store;
- (rr) AUTOMOBILE, Truck, Trailer and Boat Sales room (all indoors);
- (ss) AUTOMOBILE or Trailer Sales area (open lot);
- (tt) Major AUTOMOBILE Repair (all indoors);
- (uu) AUTOMOBILE Washing Facility;
- (vv) Automotive Accessories (new);
- (ww) Building Material Sales (excluding concrete or asphalt mixing);
- (xx) Hardware Store;
- (yy) Electrical or gas appliance Sales and Service;
- (zz) Department Store;
- (aaa) Apparel Shop;
- (bbb) Shoe Store;
- (ccc) Jewelry Store;
- (ddd) Stationery-Gift Shop-Art Supplies;
- (eee) Florist;
- (fff) Newsstand-Bookstore;
- (ggg) Tobacconist;
- (hhh) Variety-Dry Goods Store;
- (iii) Music Store;
- (jjj) Drugstore;
- (kkk) Photographic Studio & Equipment Sales and Service;
- (lll) Furniture Store – Office Equipment Sales;
- (mmm) Used Furniture Sales and Service;
- (nnn) Pet Store;
- (ooo) Bicycle Sales and Service;
- (ppp) Fuel Oil, Ice, coal, wood (sales only);
- (qqq) Monument Sales (excludes stone cutting);
- (rrr) Pawn Shop;
- (sss) Sporting Good Sales & Service;
- (ttt) Heating, Ventilating, Air Conditioning Sales and Service;
- (uuu) Lawnmower Sales and Service;
- (vvv) Bait Sales;
- (www) Billiard Room;
- (xxx) Bowling Alley;
- (yyy) Dancing Academy or hall;
- (zzz) Lodge or private club;
- (aaaa) Outdoor commercial recreational enterprise (except amusement park);
- (bbbb) THEATER, indoor;
- (cccc) Commercial Fishing Lake;
- (dddd) Wholesale Business;

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- (eeee) Warehouse;
 - (ffff) Auction House (non-animal);
 - (gggg) OFF-PREMISES SIGN;
 - (hhhh) Printing and Publishing Plants for Newspapers, Periodicals, Books, Stationery, and Commercial Printing;
 - (iiii) Non-Profit, or Governmental Educational and Research Agencies; and
 - (jjjj) SIGNS and Advertising Display Manufacturing.
- e. The following 5 uses are authorized by right in the R-1 district and are not authorized at all in the B-1 district:
- (a) SINGLE FAMILY DWELLING;
 - (b) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
 - (c) Church, Temple, or church related TEMPORARY USES on church PROPERTY;
 - (d) Country club or golf course; and
 - (e) Country Club Clubhouse.
- f. The following 2 uses are authorized by right in the B-1 District and not at all in the B-5 district:
- (a) Minor RURAL SPECIALTY BUSINESS; and
 - (b) **Grain Storage Elevator and Bins.**
- g. The following 23 uses are authorized by right in the B-1 District and not at all in the R-1 district:
- (a) Minor RURAL SPECIALTY BUSINESS;
 - (b) Major RURAL SPECIALTY BUSINESS;
 - (c) PARKING GARAGE;
 - (d) PARKING LOT;
 - (e) Telegraph Office;
 - (f) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
 - (g) Roadside Produce Sales Stand;
 - (h) Farm Equipment Sales and Service;
 - (i) Feed and Grain (sales only);
 - (j) **Grain Storage Elevator and Bins;**
 - (k) ADULT USE CANNABIS CULTIVATION CENTER;
 - (l) ADULT USE CANNABIS CRAFT GROWER;
 - (m) Locker, Cold Storage for Individual Use;
 - (n) Minor AUTOMOBILE Repair (all indoors);
 - (o) Gasoline Service Station;
 - (p) Antique Sales and Service;
 - (q) Christmas Tree Sales Lot;
 - (r) TEMPORARY USES;
 - (s) Contractors Facilities (with No Outdoor STORAGE nor Outdoor OPERATIONS);
 - (t) Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS);

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- (u) AGRICULTURAL DRAINAGE CONTRACTOR Facility with no Outdoor STORAGE and/or Outdoor OPERATIONS;
 - (v) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS; and
 - (w) SMALL SCALE METAL FABRICATING SHOP.
- h. The following 4 uses that may be authorized by right in the B-1 District but may require a Special Use Permit in the B-5 District:
- (a) ADULT USE CANNABIS CULTIVATION CENTER;
 - (b) ADULT USE CANNABIS CRAFT GROWER;
 - (c) Contractors Facilities (with Outdoor STORAGE and/or Outdoor OPERATIONS); and
 - (d) AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS.
- i. The following 4 uses are authorized by right in the B-1 District but require a Special Use Permit in the R-1 District:
- (a) Municipal or GOVERNMENT BUILDING;
 - (b) Township Highway Maintenance Garage;
 - (c) Police Station or Fire Station;
 - (d) Library, museum, or gallery; and
 - (e) Telephone Exchange.
- j. There are 2 uses that may be authorized by right in the B-5 District that may require a Special Use Permit in the B-1 District.
- (a) ADULT USE CANNABIS CULTIVATION CENTER; and
 - (b) ADULT USE CANNABIS CRAFT GROWER.
- k. There are no uses that are authorized by right in the R-1 District that require a Special Use Permit in the B-1 District.
- (2) There are 25 types of uses authorized by Special Use Permit (SUP) in either the B-5 or R-1 districts (including the 9 uses authorized by right in the B-1 District, see above) and 12 types of uses authorized by SUP in the B-1 District:
- a. The following 6 uses may be authorized by SUP in the B-5 District and the B-1 District:
 - (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted By Right in B-1, B-2, B-3, B-4, B-5 & I-1;
 - (b) Electrical Substation;
 - (c) ADULT USE CANNABIS CULTIVATION CENTER;
 - (d) ADULT USE CANNABIS CRAFT GROWER;
 - (e) Self-storage Warehouses, providing heat and utilities to individual units; and
 - (f) Self-storage Warehouses, not providing heat and utilities to individual units.
 - b. The following 2 uses may be authorized by SUP in the R-1 District and the B-1 District:

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- (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted By Right in B-1, B-2, B-3, B-4, B-5 & I-1; and
 - (b) Electrical Substation.
- c. The following 7 uses may be authorized by SUP in the B-5 District and not at all in the B-1 District:
- (a) HOTEL – No more than 15 LODGING UNITS;
 - (b) Private or commercial transmission and receiving towers (including antennas) over 100; in HEIGHT;
 - (c) HOSPITAL;
 - (d) Artist Studio;
 - (e) Amusement Park;
 - (f) Stadium or coliseum; and
 - (g) VETERINARY HOSPITAL.
- d. The following 5 uses may be authorized by SUP in the R-1 District and not at all in the B-1 District:
- (a) TWO-FAMILY DWELLING;
 - (b) Residential PLANNED UNIT DEVELOPMENT;
 - (c) Artificial lake of 1 or more acres;
 - (d) Private Kindergarten or Day Care Facility; and
 - (e) Riding Stable.
- e. The following 6 uses may be authorized by SUP in the B-1 District and not at all in the B-5 District:
- (a) HELIPORT-RESTRICTED LANDING AREAS;
 - (b) Livestock Sales Facility and Stockyards;
 - (c) Slaughter Houses;
 - (d) Gasoline and Volatile Oils Storage up to and including 80,000-gallon capacity in the aggregate;
 - (e) Gasoline and Volatile Oils Storage greater than 80,000-gallons but no more than 175,000-gallon capacity in the aggregate; and
 - (f) Liquified Petroleum Gases Storage.
- f. The following 10 uses may be authorized by SUP in the B-1 District and not at all in the R-1 District:
- (a) HELIPORT-RESTRICTED LANDING AREAS;
 - (b) Livestock Sales Facility and Stockyards;
 - (c) Slaughter Houses;
 - (d) ADULT USE CANNABIS CULTIVATION CENTER;
 - (e) ADULT USE CANNABIS CRAFT GROWER;
 - (f) Self-storage Warehouses, providing heat and utilities to individual units; and
 - (g) Self-storage Warehouses, not providing heat and utilities to individual units.
 - (h) Gasoline and Volatile Oils Storage up to and including 80,000-gallon capacity in the aggregate;

- (i) Gasoline and Volatile Oils Storage greater than 80,000-gallons but no more than 175,000-gallon capacity in the aggregate; and
- (j) Liquified Petroleum Gases Storage.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

REGARDING RELEVANT LRMP GOALS & POLICIES

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

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

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

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

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

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

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

12. LRMP Goal 3 is entitled “Prosperity” and states:

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

Goal 3 has three objectives and no policies. The proposed amendment will **HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:
- (1) Objective 3.1 is entitled “Business Climate” and states: “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”
 - (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
 - (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”
- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the petitioners to move and grow their operations with proper zoning and to continue serving residents of Champaign County, and therefore the proposed rezoning can be said to **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 4.

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

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

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

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

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

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, 6.4 and their policies do not appear to be relevant to the proposed rezoning. The proposed amendment will **HELP ACHIEVE** the achievement of Goal 6.

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

The proposed rezoning will **HELP ACHIEVE** Objective 6.1 because:

- (1) Policy 6.1.1 does not appear to be relevant to the proposed rezoning.
- (2) Policy 6.1.2 states, “**The County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality.**”

The proposed rezoning will **HELP ACHIEVE** Policy 6.1.2 because:

- a. In an email received January 29, 2021, Brad Ash stated: “We have a well. It is located east of the office next to the large steel bin. There is a restroom in the office that is hooked up to a septic system. Our water consumption is very low. Our trucks are either washed in town or at a repair shop where they have a wash bay (generally most of the time at the repair shop before they are worked on). There is no water used for storing grain. Some elevators pressure wash their grain dryers, the last time I cleaned ours we used air.”
- (3) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**”

The proposed rezoning will **NOT IMPEDE** Policy 6.1.3 because:

- a. No exterior lighting was proposed on the site plan received.
- b. The grain elevator is a by-right use in the proposed B-1 District, and therefore is not subject to the lighting requirements for Special Uses in Section 6.1.2 of the Zoning Ordinance.
- (4) Policy 6.1.4 states, “**The County will seek to abate blight and to prevent and rectify improper dumping.**”

The proposed rezoning will **NOT IMPEDE** Policy 6.1.4.

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

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

Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning. The proposed rezoning will **HELP ACHIEVE** Goal 7 for the following reason:

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

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because:

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

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The proposed rezoning will **HELP ACHIEVE** Policy 7.1.1 because:

- a. Item 13.C.(3): Policy 4.3.4 has information on traffic impacts; the elevator would not significantly increase traffic volumes, and nearby roads have sufficient capacity to handle an increase in traffic volumes.

- B. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and its policies.

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

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

Goal 8 has 9 objectives and 36 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 8.

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

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

Goal 9 has five objectives and five policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

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

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

Goal 10 has one objective and one policy. The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

GENERALLY REGARDING THE LASALLE FACTORS

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

- A. **LaSalle factor: The existing uses and zoning of nearby property.**

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Galesville Elevator	B-5 Central Business District and R-1 Single Family Residence (Proposed rezoning to B-1 Rural Trade Center)

Table 1. Land Use and Zoning Summary (continued)		
Direction	Land Use	Zoning
North	Agriculture	R-1 Single Family Residence
East	Residential	B-5 Central Business District and R-1 Single Family Residence
West	Agriculture, Residential	AG-1 Agriculture
South	Agriculture, Residential	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) Regarding the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
- (3) This area is primarily an agricultural area and the subject property has been a grain elevator for decades.
- (4) The map amendment will help ensure the value of the subject property by allowing the continued operation of the grain elevator.

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

There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.

D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.

The gain to the public of the proposed rezoning is positive because the proposed amendment would allow Galesville Elevator to continue to support area agricultural activities and expand its operations with a new grain bin.

E. *LaSalle* factor: The suitability of the subject property for the zoned purposes.

- (1) In the review of Policy 4.3.2, the ZBA has recommended the following that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- (2) Galesville Elevator existed prior to adoption of the Zoning Ordinance on October 10, 1973. When the original Official Zoning Map was adopted on October 10, 1973, B-5 zoning was assigned to the elevator. However, the B-5 district has never allowed "Grain Storage Elevator and Bins," so an error in zoning was made on the property when the Zoning Ordinance was adopted.

F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**

The subject property has not been vacant for decades, but has been zoned erroneously since the adoption of the Zoning Ordinance on October 10, 1973.

G. ***Sinclair* factor: The need and demand for the use.**

- (1) The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** Policy 4.2.1 regarding whether the proposed use ***IS*** a service better provided in a rural area.
- (2) In the review of Policy 4.3.5 the ZBA has recommended the following:
 - a. The proposed use ***DOES*** serve surrounding agricultural land uses.
 - b. The proposed development ***IS*** otherwise appropriate in a rural area.

H. ***Sinclair* factor: The extent to which the use conforms to the municipality's comprehensive planning.**

The ZBA has recommended that the proposed rezoning will ***HELP ACHIEVE*** the Champaign County Land Resource Management Plan.

I. Overall, the proposed map amendment ***IS CONSISTENT*** with the LaSalle and Sinclair factors.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

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

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

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements, subject to approval of the variances requested in related Case 001-V-21.

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

- (1) The requested map amendment will help ensure the value of the subject property by allowing the continued operation of the grain elevator.
- (2) The requested Map Amendment should not decrease the value of nearby properties.

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

The proposed rezoning is not likely to significantly increase traffic, but no Traffic Impact Assessment has been done.

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

The proposed rezoning will not trigger the need for storm water management.

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

- (1) Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (3) All property owners in Lotus were notified of the proposed Map Amendment, and no comments have been received.

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

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits, subject to approval of the variances requested in related Case 001-V-21.

- G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

- (1) Galesville Elevator existed prior to adoption of the Zoning Ordinance on October 10, 1973. When the original Official Zoning Map was adopted on October 10, 1973, B-5 zoning was assigned to the elevator. However, the B-5 district has never allowed "Grain Storage Elevator and Bins," so an error in zoning was made on the property when the Zoning Ordinance was adopted.

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

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

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

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

- (1) The grain elevator does not meet the definition of an urban use because no public water or sewer is planned.

- (2) The grain elevator has been at this location since prior to adoption of the Zoning Ordinance on October 10, 1973.

- (2) The proposed rezoning will not take any land out of production.

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

There are no natural features on the subject property.

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

The proposed rezoning will not require the development of public utilities or transportation facilities.

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

The proposed use will not take any land out of production.

- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient

development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL

22. The following are proposed Special Conditions of Approval.

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

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment received January 19, 2021, with attachments:
 - A Site Plan
 - B Quit Claim Deeds for lots 10-12 of the Original Town of Howard
 - C Plat of Survey for the 2.44-acre grain elevator property dated April 21, 1986
 - D Plat of Survey for Lots 7, 8, and 9 of the Original Town of Howard dated May 26, 1987

2. Petition for Variance received January 25, 2021

3. Email from Brad Ash to Susan Burgstrom received January 29, 2021

4. Preliminary Memorandum for Cases 999-AM-21 and 001-V-21 dated February 3, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 19, 2021
 - C Annotated Aerial created by P&Z Staff on January 29, 2021
 - D 1973 Aerial Photo
 - E Zoning Ordinance Section 5.2 (excerpt) dated October 10, 1973
 - F Plat of Survey for the 2.44-acre grain elevator property dated April 21, 1986
 - G Plat of Survey for Lots 7, 8, and 9 of the Original Town of Howard dated May 26, 1987
 - H Email from Brad Ash to Susan Burgstrom received January 29, 2021
 - I Letter from David Stalter, Brown Township Highway Commissioner, received February 3, 2021
 - J LRMP Land Use Goals, Objectives, and Policies
 - K LRMP Appendix of Defined Terms
 - L Right to Farm Resolution 3425
 - M Site Images taken January 23, 2021
 - N Case 999-AM-21 Draft Finding of Fact and Final Determination dated February 11, 2021
 - O Case 001-V-21 Draft Summary of Evidence, Finding of Fact and Final Determination dated February 11, 2021

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3 Prosperity:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to move and grow their operations with proper zoning and to continue serving residents of Champaign County.
 - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
 - B. Regarding Goal 6 Public Health and Safety:
 - (1) The proposed amendment will **HELP ACHIEVE** Objective 6.1 requiring protection of the public health and public safety in land resource management decisions because it will either **HELP ACHIEVE** or will **NOT IMPEDE** the following:
 - a. Policy 6.1.2 requiring that proposed wastewater disposal and treatment systems of discretionary development will not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 15.A.(2)).
 - b. Policy 6.1.3 seeking to prevent nuisances created by light and glare, limit excessive night lighting, and preserve clear views of the night sky (see Item 15.A.(3)).
 - c. Policy 6.1.4 seeking to abate blight and to prevent and rectify improper dumping (see Item 15.A.(4)).
 - C. Regarding Goal 7 Transportation:
 - (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the consideration of traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
 - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 16.A.(1)).
 - (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.
 - D. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
 - Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination

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- Goal 4 Agriculture
- Goal 5 Urban Land Use
- Goal 8 Natural Resources
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

- E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed amendment would allow Galesville Elevator to continue to support area agricultural activities and expand its operations with a new grain bin.
- B. The map amendment will help ensure the value of the subject property by allowing the continued operation of the grain elevator.
- C. The subject property is well-suited overall for the proposed land use.
- D. The subject property and its vicinity have maintained the same uses for years.
- E. The proposed use is a service better provided in a rural area.
- F. The proposed use serves surrounding agricultural land uses.
- G. The proposed development is otherwise appropriate in a rural area.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-1 District at this location will place an existing Grain Elevator and Bins into a zoning district that allows this use, and it will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (Purpose 2.0 (i) see Item 21.G.).
- B. Establishing the B-1 District at this location will not require the development of public utilities or transportation facilities (Purpose 2.0 (p) see Item 21.K.).
- C. Establishing the B-1 District at this location will not take any land out of production (Purpose 2.0 (q) see Item 21.L.).
4. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**
- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in **Case 999-AM-21** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:

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

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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001-V-21

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/GRANTED WITH SPECIAL CONDITION(S)/DENIED}***

Date: ***{February 11, 2021}***

Petitioners: **Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co.**

Request: **Authorize the following variance from the Zoning Ordinance in the B-1 Rural Trade Center Zoning District, subject to approval of the rezoning in Case 999-AM-21, per Section 5.3 of the Zoning Ordinance, on the subject property described below:**

Part A: A variance for the southernmost existing grain ring on CR 3050N, with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback.

Part B: A variance for an existing grain ring on the southeast corner of the 2.44 acre subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.

Part C: A variance for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.

Part D: A variance for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard.

Part E: A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of

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10 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard.

Part F: A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet.

Part G: A variance from requiring a Type D Screen to conceal outdoor storage and operations that are visible from a residential use within 1,000 feet of the subject property.

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SUMMARY OF EVIDENCE

* Evidence identical to Case 999-AM-21

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 11, 2021**, the Zoning Board of Appeals of Champaign County finds that:

- *1. Leon Ash, 1019 Burt St, Mansfield, owns the subject property. He is father to Michelle Ash and grandfather to Brad Ash; they are sole owners and stakeholders of Galesville Elevator Company.
- *2. The subject property is Lots 7, 8, 9, 10, 11, and 12 of Block 2 of Howard - Original Town (now the unincorporated town of Lotus) and one to be vacated 40 foot wide road right-of-way located west of Lot 7, and one 2.44-acre tract, for a total of 3.431 acres in the Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Foosland.
- *3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - *A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - *B. The subject property is located in Brown Township, which does not have a Planning Commission.

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 3.431-acre subject property is in use as the Galesville Grain Elevator, and has the following zoning:
 - * (1) Lots 7, 8, and 9, the 2.44-acre main lot, and the right-of-way west of Lot 7 are in the B-5 Central Business District Zoning District.
 - * (2) Lots 10, 11, and 12 are in the R-1 Single Family Residence Zoning District.
 - *B. Galesville Elevator existed prior to adoption of the Zoning Ordinance on October 10, 1973. When the original Official Zoning Map was adopted on October 10, 1973, B-5 zoning was assigned to the elevator. However, the B-5 district has never allowed "Grain Storage Elevator and Bins," so an error in zoning was made on the property when the Zoning Ordinance was adopted.
 - * (1) Between 1986 and 2004, the P&Z Department approved four permits for the subject property despite it having improper zoning, with no explanation provided.
 - * (2) The proposed map amendment is to remedy the B-5 zoning error and to rezone elevator operations that have expanded into the adjacent R-1 district.
 - *C. Land to the north of the subject property is zoned R-1 Single Family Residence and is in agricultural production.
 - *D. Land to the east of the subject property is zoned R-1 Single Family Residence and is residential in use, with some vacant lots.

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- *E. Land to the south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
- *F. Land to the west is zoned AG-1 Agriculture and is in agricultural production except for one residential lot.

GENERALLY REGARDING THE PROPOSED SITE PLAN

- *5. Regarding the site plan and operations for the subject property:
 - *A. The Site Plan received January 19, 2021, is a 2020 aerial photo, which indicates the following existing and proposed features:
 - *1) Existing structures, starting at the grain ring located in the south end of the 2.44-acre lot and moving clockwise, include the following:
 - *a. One 60 feet diameter grain ring, which is the subject of proposed variance Part A in related case 001-V-21;
 - *b. One 34 feet by 22 feet office located north of the southernmost grain ring;
 - *c. One 40 feet by 14 feet (560 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - *d. A series of 6 grain bins and a dryer tank located parallel to the railroad tracks;
 - *e. One 50 feet by 100 feet (5,000 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973, located on the east side of the 2.44-acre lot, which is the subject of proposed variance Part C;
 - *f. One 60 feet diameter grain bin located south of the 50 feet by 100 feet storage building;
 - *g. One 60 feet diameter grain ring located in the southeast corner of the 2.44-acre lot, which is the subject of proposed variance Part B;
 - *h. One 140 feet by 120 feet (16,800 square feet) storage building located on Lots 7, 8, and 9, which is the subject of proposed variance Part D; and
 - *i. One emergency grain ring located on Lots 10, 11 and 12, which is the subject of proposed variance Part E.
 - *2) The petitioners propose one 72 feet diameter grain bin to be located on the north end of the 2.44-acre lot and part of the right-of-way to be vacated that is located west of Lot 7, which is the subject of proposed variance Part F.
 - *3) In an email received January 29, 2021, Brad Ash stated: “We have a well. It is located east of the office next to the large steel bin. There is a restroom in the office that is hooked up to a septic system. Our water consumption is very low. Our trucks are either washed in town or at a repair shop where they have a wash bay (generally most of the time at the repair shop before they are worked on). There is no water used for storing grain. Some elevators pressure wash their grain dryers, the last time I cleaned ours we used air.”

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- B. Regarding operations, Galesville Elevator has outdoor storage and operations within 1,000 feet of a residential use. Section 7.6 of the Zoning Ordinance requires a Type D screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations which is visible within 1,000 feet from a residential use and/or visible from any major street. There are 2 residences within 1,000 feet of the subject property.
- *C. The following are previous Zoning Use Permits for the subject property:
- *(1) ZUPA #153-86-03 was approved on June 2, 1986, for construction of a grain storage bin along the railroad tracks.
 - *(2) ZUPA #149-87-03 was approved on May 29, 1987, for construction of the grain storage building on Lots 7, 8, and 9.
 - *(3) ZUPA #195-02-03 was approved on July 14, 1992, for construction of two grain rings along the railroad tracks, to replace bins destroyed by high winds.
 - *(4) ZUPA #188-04-03 was approved for on July 16, 2004, for construction of the grain bin located in the center of the 2.44-acre lot.
 - *(5) No permit was found on file for the two grain storage rings on the south end of the 2.44-acre lot; they will be added to the next Zoning Use Permit application.
- *D. There are no previous zoning cases for the subject property.
- E. The proposed variance includes the following, as shown on the Annotated 2020 Aerial created by P&Z Staff on January 29, 2021:
- (1) Part A: A variance for the southernmost existing grain ring on CR 3050N, with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback.
 - (2) Part B: A variance for an existing grain ring on the southeast corner of the 2.44 acre subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.
 - (3) Part C: A variance for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.
 - (4) Part D: A variance for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard.
 - (5) Part E: A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of 10

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feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard.

- (6) Part F: A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet.
- (7) Part G: A variance from requiring a Type D Screen to conceal outdoor storage and operations that are visible from a residential use within 1,000 feet of the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT with the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (4) “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.

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- (5) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (6) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (7) “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.
- (8) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (9) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (10) “LOT LINES” are the lines bounding a LOT.
- (11) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (12) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (13) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (14) “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.
- (15) “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.

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- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (16) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (17) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (18) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (19) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- (20) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (21) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. Section 7.6 of the Zoning Ordinance requires a Type D screen to obscure or conceal any part of any yard used for outdoor storage and/or outdoor operations which is visible within 1,000 feet from a residential use and/or visible from any major street.
- C. 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 9.1.9C. 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 which 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.

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- 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.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.
 - E. Minimum SETBACK from a MINOR STREET in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 55 feet.
 - F. Minimum FRONT YARD in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 25 feet.
 - G. Minimum SIDE YARD for in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 10 feet.
 - H. Minimum REAR YARD in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 20 feet.
 - I. Minimum REAR YARD for an ACCESSORY STRUCTURE in the B-1 Rural Trade Center Zoning District is established in Section 7.2.3 A.3. of the *Zoning Ordinance* as 15 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioners testified the following on the application: **“There are a couple of circumstances as to why we are applying for these variances. The initial reason for the variances is we plan on trying to obtain a zoning use permit to build a grain bin at our elevator. In order to obtain the permit, our facility needs to be zoned correctly to meet what our business does. The current zoning has different setbacks than the B-1 zoning we are trying to receive, which is the reason for some of the variances. The new grain bin would also require a variance due to the location it needs to go.”**
 - B. An error in the Official Zoning Map occurred at its adoption on October 10, 1973, when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was assigned to the existing elevator in Lotus.
 - (1) Related Case 999-AM-21 would rezone the elevator to the appropriate B-1 Rural Trade Center Zoning District, but triggers different minimum yard requirements than what was allowed in the B-5 district, necessitating proposed variance parts A through E.

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- C. Regarding variance parts A and B for the southernmost grain rings:
- (1) The Plat of Survey dated April 21, 1986 by Charles Danner shows CR 3050N running through the 2.44-acre subject property, which differs from the typical property line that would center on the roadway or north of the roadway.
 - (2) The grain rings were placed on the foundations of buildings constructed prior to adoption of the Zoning Ordinance on October 10, 1973, which were destroyed by high winds in 1992.
- D. Regarding variance part F for a proposed new grain bin, there is no other place on the existing elevator properties except along the north property line.
- E. Regarding variance part G for not requiring a Type D screen for outdoor storage and operations, the petitioners have stored elevator materials in the road right of way along both CR 3055N (north-south segment) and CR 3055N (east-west segment) for about ten years.
- (1) The Township Highway Commissioner provided a letter received February 3, 2021, stating that he is aware that the petitioners use this right-of-way for materials storage, and expressed no concerns.

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

8. 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 Petitioners testified the following on the application: **“All of the variances except for the one for the new construction itself are for the elevator to be in compliance with the new zoning regulation. The variance for the potential new grain bin would be the only way we can construct it. The grain bin would be put where an existing temporary grain ground pile is. Without the variance, there would not be enough room to put a bin large enough to hold the same amount of grain as the temporary pile, making the project not possible since we need the space for grain.”**
 - B. Without proposed variance parts A, B, D, and E, the petitioners would have to remove three existing grain rings (variance parts A, B, and E) and one existing storage building (variance part D).
 - C. Without proposed variance part C, the storage building constructed prior to the adoption of the Zoning Ordinance on October 10, 1973 cannot be reconstructed in the same location should it become damaged or destroyed without first obtaining a variance.
 - D. Without proposed variance part F, there would be insufficient space adjacent to the other grain bins to construct the proposed 72-foot diameter grain bin.
 - E. Without proposed variance part G, the petitioners would have to either install 8 feet tall vegetative screening or remove all materials stored outdoors along CR 3055N.
 - F. The petitioners are discussing a possible land purchase with the owner to the north, but there is no guarantee of acceptance or a timeline.

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

9. 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 Petitioners testified the following on the application: **“The only action that I have taken myself is asking for the variance to construct the new grain bin closer to the property line than allowed under current zoning guidelines. Some of the variances are from construction prior to 1973, before the Champaign County Zoning Ordinance was started. Other variances are from construction before my family purchased the facility in 1986. Later construction met the existing incorrect zoning rules, to the best of my knowledge. The variances asked for are to meet the B-1 zoning parameters, to be in the correct zoning to build a bin.”**
 - B. The error in the Official Zoning Map occurred at its adoption on October 10, 1973, when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was assigned to the existing elevator in Lotus.
 - C. Petitioner Leon Ash purchased the 2.44-acre elevator site in 1986.
 - *D. Between 1986 and 2004, the P&Z Department approved four permits for the subject property despite it having improper zoning, with no explanation provided.

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

10. 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 Petitioners testified the following on the application: **“Under section q of the purpose of the zoning ordinance, it lists encouraging the preservation of Agricultural belts surrounding urban areas, to retain the agricultural nature of the county, and the individual character of existing communities. By granting us these variances it would do just that. This would allow us to operate our business under the correct zoning that is appropriate to our business. The variance allowing us to construct a grain bin closer to the property line will help us stay in line with the B-1 zoning rules. This will help us better serve the local farmers in the area, in which we provide them with a market for the crops they raise. The original concrete elevator that we still use today has given character to Champaign County since its construction in 1940.”**
 - B. Regarding variance part A for the southernmost existing grain ring along CR 3050N with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback: the required variance for the front yard is a variance of 100%, and the setback is 69% of the minimum required, for a variance of 31%.
 - C. Regarding variance part B for the southeast existing grain ring along CR 3050N:
 - (1) With a front yard of 16 feet on CR 3050N, in lieu of the minimum required 25 feet front yard: the front yard is 64% of the minimum required, for a variance of 36%.

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- (2) With a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N in lieu of the minimum required 25 feet front yard and 55 feet setback, the front yard is 92% of the minimum required, for a variance of 8%, and the setback is 78% of the minimum required, for a variance of 22%.
- D. Regarding variance part C for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback: the front yard is 16% of the minimum required, for a variance of 84%, and the setback is 43.6% of the minimum required, for a variance of 56.4%.
 - E. Regarding variance part D for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard: the front yard is 0% of the minimum required, for a variance of 100%, the setback is 60% of the minimum required, for a variance of 40%, and the rear yard is 40%, for a variance of 60%.
 - F. Regarding variance part E for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of 10 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard:
 - (1) Along CR 3055N, the front yard is 0% of the minimum required, for a variance of 100%, the setback is 60% of the minimum required, for a variance of 40%, and the rear yard is 50% of the minimum required, for a variance of 50%.
 - (2) Along the east side of Lot 12, the front yard is 0% of the minimum required, for a variance of 100%, and the setback is 81% of the minimum required, for a variance of 19%.
 - G. Regarding variance part F for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet: the rear yard is 20% of the minimum required, for a variance of 80%.
 - H. Regarding variance part G, for no Type D screen for outdoor storage, the variance is 100%.
 - I. Regarding Parts A through F of the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum front yard and setback requirements. Presumably, the front yard and setback minimums are intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition. There are no known expansion plans for CR 3050N or CR 3055N.
 - (3) Parking, where applicable.

- J. Regarding Parts D through F of the proposed Variance: the Zoning Ordinance does not clearly state the considerations that underlie the rear yard requirements. In general, the rear yards are presumably intended to ensure the following:
- (1) Adequate light and air: The north (rear) property line abuts land in agricultural production.
 - (2) Separation of structures to prevent conflagration: the subject property is located approximately 7 road miles from the Sangamon Valley Fire Protection District's Fisher fire station. The nearest structure to the proposed grain bin on non-elevator property is a residence that is approximately 150 feet to the southeast, owned by petitioner Brad Ash.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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

11. 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 Petitioners testified the following on the application: **“I cannot think of any factors that would be injurious. The variances for the existing facility are for the new zoning. The variance for the potential grain bin only allows us to build closer to the property line. The new construction would not affect traffic or any other purpose of the zoning ordinance to the best of my knowledge. The current natural flow of runoff water goes north from the bin building site. The bin will divert some of the water south to a tile that runs to a nearby drainage ditch, therefore putting less runoff water on the only neighbor.”**
 - B. The Brown Township Highway Commissioner has been notified of this variance, and he provided a letter received February 3, 2021, which stated the following:
 - (1) He is aware that the petitioners use the right-of-way along CR 3055N for materials storage, and expressed no concerns.
 - (2) He is working to vacate a 40 feet by 127 feet right of way on the west site of Lot 7 of the Original Town of Howard, now known as Lotus IL, so that the elevator can build a new 72-foot diameter grain bin in that area.
 - C. The Brown Township Supervisor has been notified of this variance, and no comments have been received.
 - D. The Sangamon Valley Fire Protection District has been notified of this variance, and no comments have been received.
 - E. All landowners in Lotus were notified of the proposed variance, and no comments have been received.

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GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioners testified the following on the application: **“Also, not part of the zoning or variance but worth noting, the road commissioner of Brown Township is in the process of vacating a part of the road right of way. This 40ft by 127ft right of way is at the north end of the property between the large building and the building site of the new bin. The vacation of the road is in the best interests of the community since it will allow us to build our grain bin, allowing us to provide better service to the area farmers that sell their grain here.**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **The Zoning Use Permit for the proposed grain bin shall not be approved until Brown Township has recorded the final approved road right-of-way vacation documents at the Champaign County Recorder of Deeds.**

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

That the petitioner has secured all required permissions to construct in the yet to-be-vacated road right-of-way.

DOCUMENTS OF RECORD

1. Application for Variance Permit received January 25, 2021, with attachments:
 - A Site Plan
 - B Quit Claim Deeds for lots 10-12 of the Original Town of Howard
 - C Plat of Survey for the 2.44-acre grain elevator property dated April 21, 1986
 - D Plat of Survey for Lots 7, 8, and 9 of the Original Town of Howard dated May 26, 1987

2. Preliminary Memorandum for Cases 999-AM-21 and 001-V-21 dated February 3, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 19, 2021
 - C Annotated Aerial created by P&Z Staff on January 29, 2021
 - D 1973 Aerial Photo
 - E Zoning Ordinance Section 5.2 (excerpt) dated October 10, 1973
 - F Plat of Survey for the 2.44-acre grain elevator property dated April 21, 1986
 - G Plat of Survey for Lots 7, 8, and 9 of the Original Town of Howard dated May 26, 1987
 - H Email from Brad Ash to Susan Burgstrom received January 29, 2021
 - I Letter from David Stalter, Brown Township Highway Commissioner, received February 3, 2021
 - J LRMP Land Use Goals, Objectives, and Policies
 - K LRMP Appendix of Defined Terms
 - L Right to Farm Resolution 3425
 - M Site Images taken January 23, 2021
 - N Case 999-AM-21 Draft Finding of Fact and Final Determination dated February 11, 2021
 - O Case 001-V-21 Draft Summary of Evidence, Finding of Fact and Final Determination dated February 11, 2021

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **001-V-21** held on **February 11, 2021**, 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:
 - a. *An error in the Official Zoning Map occurred at its adoption on October 10, 1973, when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was assigned to the existing elevator in Lotus. Correcting the zoning to B-1 in related Case 999-AM-21 triggers different minimum yard requirements than what was allowed in the B-5 district, necessitating proposed variance parts A through E.*
 - b. *Regarding the southernmost grain rings:*
 - (1) *The Plat of Survey dated April 21, 1986 by Charles Danner shows CR 3050N running through the 2.44-acre subject property, which differs from the typical property line that would center on the roadway or north of the roadway.*
 - (2) *The grain rings were placed on the foundations of buildings constructed prior to adoption of the Zoning Ordinance on October 10, 1973, which were destroyed by high winds in 1992.*
 - c. *Regarding variance part F for a proposed new grain bin, there is no other place on the existing elevator properties except along the north property line.*
 - d. *Regarding variance part G for not requiring a Type D screen for outdoor storage and operations, the petitioners have stored elevator materials in the road right of way along both CR 3055N (north-south segment) and CR 3055N (east-west segment) for about ten years.*
 - (1) *The Township Highway Commissioner provided a letter received February 3, 2021, stating that he is aware that the petitioners use this right-of-way for materials storage, and expressed no concerns.*
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:
 - a. *Without proposed variance parts A, B, D, and E, the petitioners would have to remove three existing grain rings (variance parts A, B, and E) and one existing storage building (variance part D).*
 - b. *Without proposed variance part C, the storage building constructed prior to the adoption of the Zoning Ordinance on October 10, 1973 cannot be reconstructed in the same location should it become damaged or destroyed without first obtaining a variance.*
 - c. *Without proposed variance part F, there would be insufficient space adjacent to the other grain bins to construct the proposed 72-foot diameter grain bin.*

- d. *Without proposed variance part G, the petitioners would have to either install 8 feet tall vegetative screening or remove all materials stored outdoors along CR 3055N.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
- a. *The error in the Official Zoning Map occurred at its adoption on October 10, 1973, when B-5 zoning, which does not allow the “Grain Elevator and Bins” land use, was assigned to the existing elevator in Lotus.*
- b. *Petitioner Leon Ash purchased the 2.44-acre elevator site in 1986.*
- c. *Between 1986 and 2004, the P&Z Department approved four permits for the subject property despite it having improper zoning, with no explanation provided.*
4. The requested variance **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: there are
- a. *Regarding setback and front yard requirements, there are no known expansion plans for CR 3050N or CR 3055N.*
- b. *Regarding rear yard requirements, the nearest structure to the proposed grain bin on non-elevator property is a residence that is approximately 150 feet to the southeast.*
5. The requested variance **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- a. *The Brown Township Highway Commissioner has been notified of this variance, and he provided a letter received February 3, 2021, which stated the following:*
- (1) *He is aware that the petitioners use the right-of-way along CR 3055N for materials storage, and expressed no concerns.*
- (2) *He is working to vacate a 40 feet by 127 feet right of way on the west site of Lot 7 of the Original Town of Howard, now known as Lotus IL, so that the elevator can build a new 72-foot diameter grain bin in that area.*
- b. *The Township Supervisor and Fire Protection Districts have been notified, and no comments have been received.*
- c. *All landowners in Lotus were notified of the proposed variance, and no comments have been received.*
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:}**
- a. *Proposed variances A through E are for existing structures that cannot be moved without destroying them.*
- b. *The proposed grain bin has no other possible location adjacent to the other grain bins on the subject property.*
- c. *The petitioners are discussing a possible land purchase with the owner to the north, but there is no guarantee of acceptance or a timeline.*

PRELIMINARY DRAFT

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **The Zoning Use Permit for the proposed grain bin shall not be approved until Brown Township has recorded the final approved road right-of-way vacation documents at the Champaign County Recorder of Deeds.**

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

That the petitioner has secured all required permissions to construct in the yet to-be-vacated road right-of-way.

FINAL DETERMINATION

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 **001-V-21** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Leon, Michelle, and Brad Ash, d.b.a. Galesville Elevator Co.**, to authorize the following:

Authorize the following variance from the Zoning Ordinance in the B-1 Rural Trade Center Zoning District, subject to approval of the rezoning in Case 999-AM-21, per Section 5.3 of the Zoning Ordinance:

- Part A:** A variance for the southernmost existing grain ring on CR 3050N, with a front yard of 0 feet and a setback of 38 feet from the street centerline, in lieu of the minimum required 25 feet front yard and 55 feet setback.
- Part B:** A variance for an existing grain ring on the southeast corner of the 2.44 acre subject property, with a front yard of 16 feet on CR 3050N, and a front yard of 23 feet and a setback of 43 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.
- Part C:** A variance for an existing non-conforming storage building on the 2.44 acre subject property, with a front yard of 4 feet and a setback of 24 feet from the street centerline of the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback.
- Part D:** A variance for an existing accessory storage building located on Lots 7, 8 and 9 on the east-west segment of CR 3055N, with a front yard of 0 feet, a setback of 33 feet from the street centerline, and a rear yard of 6 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 15 feet rear yard.
- Part E:** A variance for an existing grain ring located on Lots 10, 11 and 12 on the east-west segment of CR 3055N, with a front yard of 0 feet and a setback of 33 feet from the street centerline of CR 3055N, a front yard of 0 feet and a setback of 45 feet from the street centerline along the east side of Lot 12, and a rear yard of 10 feet, in lieu of the minimum required 25 feet front yard, 55 feet setback, and 20 feet rear yard.
- Part F:** A variance for a proposed grain bin with a rear yard of 4 feet in lieu of the minimum required 20 feet.
- Part G:** A variance from requiring a Type D Screen to conceal outdoor storage and operations that are visible from a residential use within 1,000 feet of the subject property.

PRELIMINARY DRAFT

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **The Zoning Use Permit for the proposed grain bin shall not be approved until Brown Township has recorded the final approved road right-of-way vacation documents at the Champaign County Recorder of Deeds.**

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date