



CASES 009-AM-21 and 010-S-21

PRELIMINARY MEMORANDUM

June 8, 2021

Petitioners: Shawn Tabeling, d.b.a. Tabeling Development Company LLC

Request:

CASE 009-AM-21

Amend the Zoning Map to allow for the development of two single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 010-S-21.

CASE 010-S-21

Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District for two single family residential lots in conjunction with related map amendment Case 009-AM-21 that is also required for an RRO.

Location: A 43.12-acre tract in the West Half of the Southeast Quarter of Section 23, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the farmland located north and west of the residence with an address of 458 CR 2600N, Mahomet.

Site Area: Parent tract is 43.12 acres, proposed RRO is 18.5 acres

Time Schedule for Development: As soon as possible

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

BACKGROUND

The petitioner would like to create one 6.67-acre residential lot, one 11.83-acre residential lot, and a 24.62-acre remainder lot for agricultural production on the subject property.

In general, the Champaign County Zoning Ordinance requires that the creation of more than three lots in the rural districts after January 1, 1998, each of which is less than 35 acres, requires a rezoning and a Special Use Permit to authorize a Rural Residential Overlay (RRO). The subject property had been divided from a larger tract, and had already been divided again into several smaller tracts. Attachment D is a map showing the previous lot splits.

An RRO requires a Map Amendment and County Board Special Use Permit. The Board's task in these cases is to recommend approval or denial based on RRO factors, LRMP Goals & Objectives, LaSalle & Sinclair Factors, and relevance to the purposes of the Zoning Ordinance.

No comments have been received to date.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits.

The subject property is located within Newcomb Township, which does have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases but do not have protest rights on County Board Special Use Permits. Notice was sent to the Township Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture, Residential and wooded areas	AG-1 Agriculture
East	Agriculture and Residential	AG-1 Agriculture
West	Agriculture and Residential	CR Conservation Recreation AG-1 Agriculture
South	Residential	AG-1 Agriculture

RRO FACTORS

Paragraph 5.4.3.C.1 of the Zoning Ordinance requires the Zoning Board of Appeals to make two specific findings for an RRO approval:

- (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
- (2) That the proposed residential development will or will not be compatible with surrounding agriculture.

Paragraph 5.4.3 C.2 of the Zoning Ordinance requires the Zoning Board of Appeals to consider the following factors in making the required findings:

- A. Adequacy and safety of roads providing access to the site;
- B. Effects on nearby farmland and farm operations;
- C. Effects of nearby farm operations on the proposed residential development;
- D. The Land Evaluation and Site Assessment (LESA) score of the subject site.
- E. Effects on drainage both upstream and downstream;
- F. The suitability of the site for onsite wastewater systems;
- G. The availability of water supply to the site;
- H. The availability of public services to the site;
- I. The flood hazard status of the site;
- J. Effects on wetlands, historic/archeological sites, natural or scenic areas or wildlife habitat;
- K. The presence of nearby natural or manmade hazards;
- L. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated; and

P&Z Staff did a preliminary analysis of these factors, which can be found in the draft Finding of Fact/Summary of Evidence dated June 17, 2021. Attachment C to this memo is a table summarizing each factor and the criteria used to assess the suitability for any proposed RRO. In summary, the analysis shows that compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:

- A. “Ideal or Nearly Ideal” conditions for three factors:
 - (1) RRO Factor G: Availability of water supply
 - (2) RRO Factor J: Effects on sensitive natural areas
 - (3) RRO Factor K: Natural or manmade hazards
- B. “Much Better Than Typical” conditions for three factors:
 - (1) RRO Factor C: Effects of nearby farms
 - (2) RRO Factor D: LESA score
 - (3) RRO Factor I: Flood hazard status
- C. “More or Less Typical” conditions for five factors:
 - (1) RRO Factor A: Adequacy and Safety of Roads
 - (2) RRO Factor B: Effects on farms
 - (3) RRO Factor E: Effects on drainage
 - (4) RRO Factor H: Emergency services
 - (5) RRO Factor L: Land converted from agricultural uses
- D. “Worst or Nearly Worst” conditions for one factor:
 - (1) RRO Factor F: Septic suitability

DECISION POINTS FOR CASE 009-AM-21

P&Z Staff have made recommendations on items in the combined Finding of Fact/Summary of Evidence for the RRO, denoted by text in ***BOLD ITALICS***, which can be accepted as is or discussed by the Board. Staff did not identify any decision points for these cases, but this does not preclude the Board from raising decision points for discussion.

PROPOSED SPECIAL CONDITIONS

The following special condition is proposed for the Map Amendment:

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

The special condition stated above is required to ensure the following:
Conformance with Land Resource Management Plan Policy 4.2.3.

The following special conditions are proposed for the Special Use:

- A. **The Special Use is subject to the approval of Case 009-AM-21.**

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

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

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

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

That any future exterior lighting installations meet the requirements established for Special Uses in the Zoning Ordinance.

ATTACHMENTS

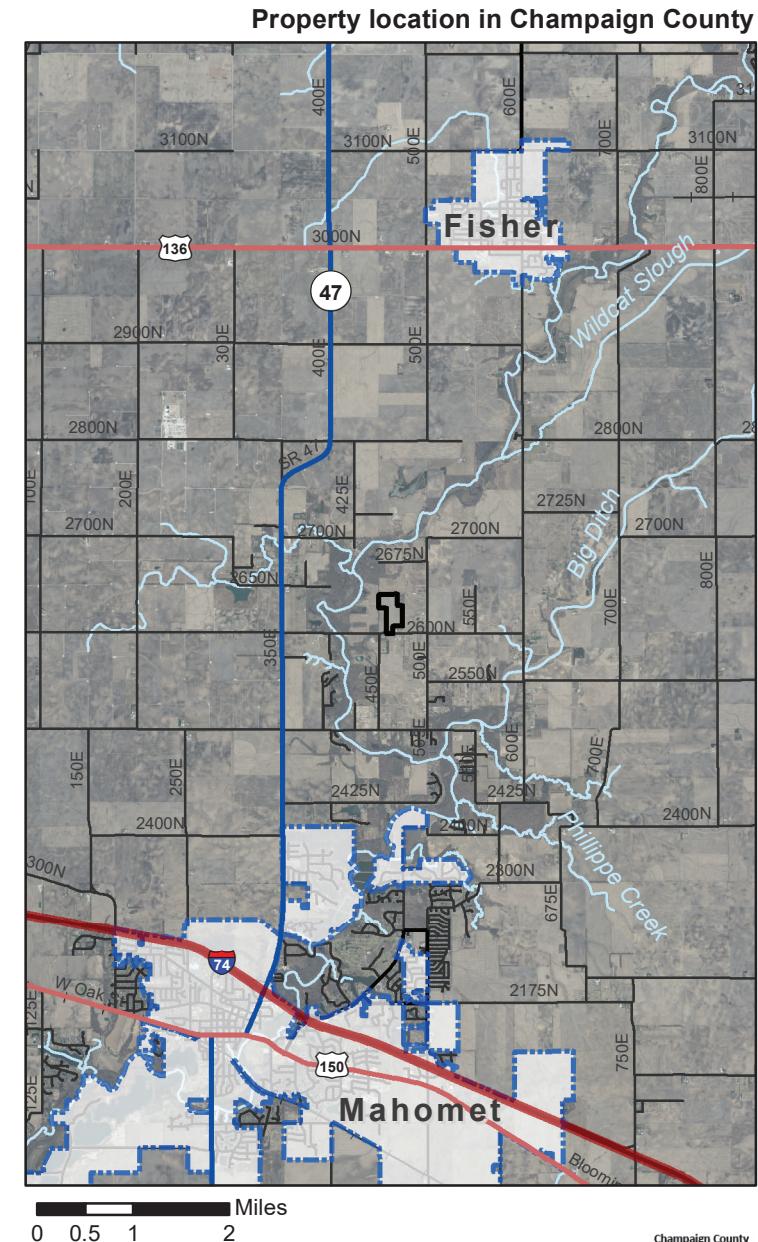
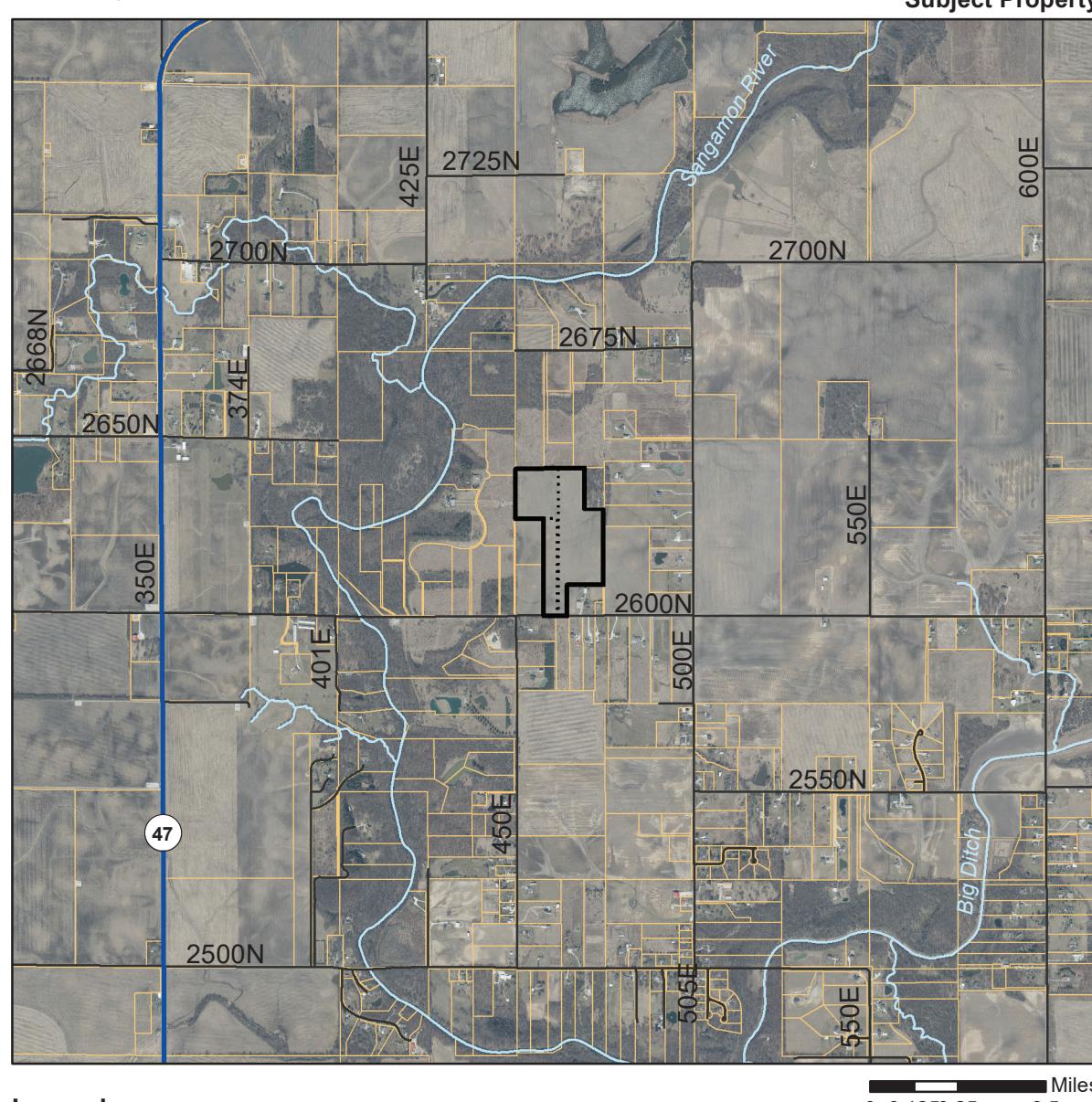
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 5, 2021
- C Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County revised June 7, 2016
- D Map: Lot split history since January 1, 1998, created by P&Z Staff on June 7, 2021
- E LRMP Land Use Goals, Objectives, and Policies (*provided online*)
- F LRMP Appendix of Defined Terms (*provided online*)
- G Right to Farm Resolution 3425
- H Natural Resource Report from the Champaign County Soil and Water Conservation District received June 4, 2021 (*provided online*)
- I Email from Jon Conway received June 7, 2021
- J Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on May 6, 2021
- K Site Visit Photos taken May 13, 2021
- L Combined Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 009-AM-21 and 010-S-21 dated June 17, 2021

Location Map

Cases 009-AM-21 & 010-S-21

June 17, 2021

Cases 009-AM-21 & 010-S-21, ZBA 06/17/21, Attachment A, Page 1 of 3



Legend

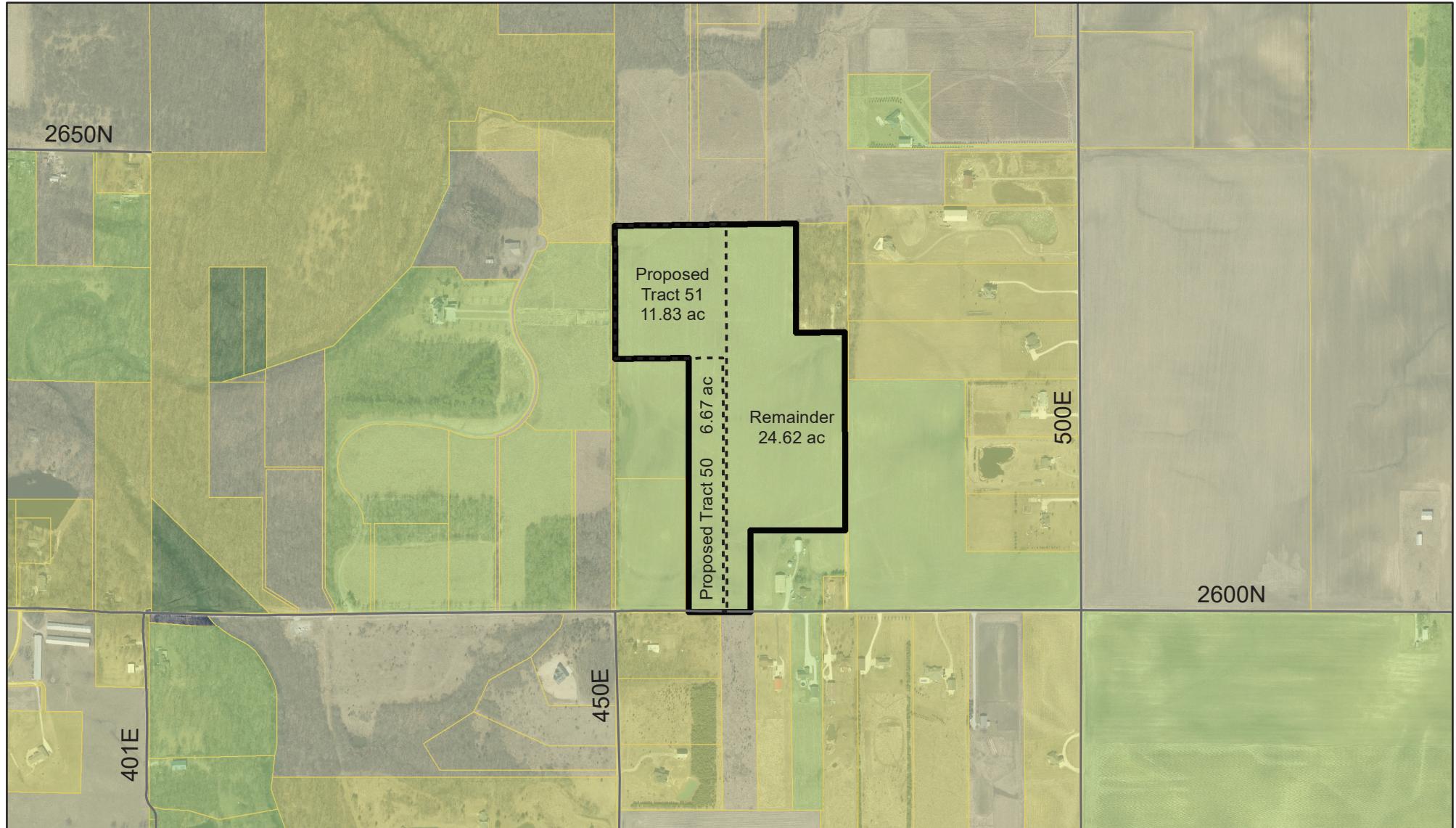
-  Subject Property  Parcels
 Proposed Tracts  Municipal Boundary



Land Use Map

Cases 009-AM-21 & 010-S-21

June 17, 2021



Legend

 	Subject Property	 	Agriculture	 	Residential
 	Parcels	 	Ag/Residential	 	Tax Exempt

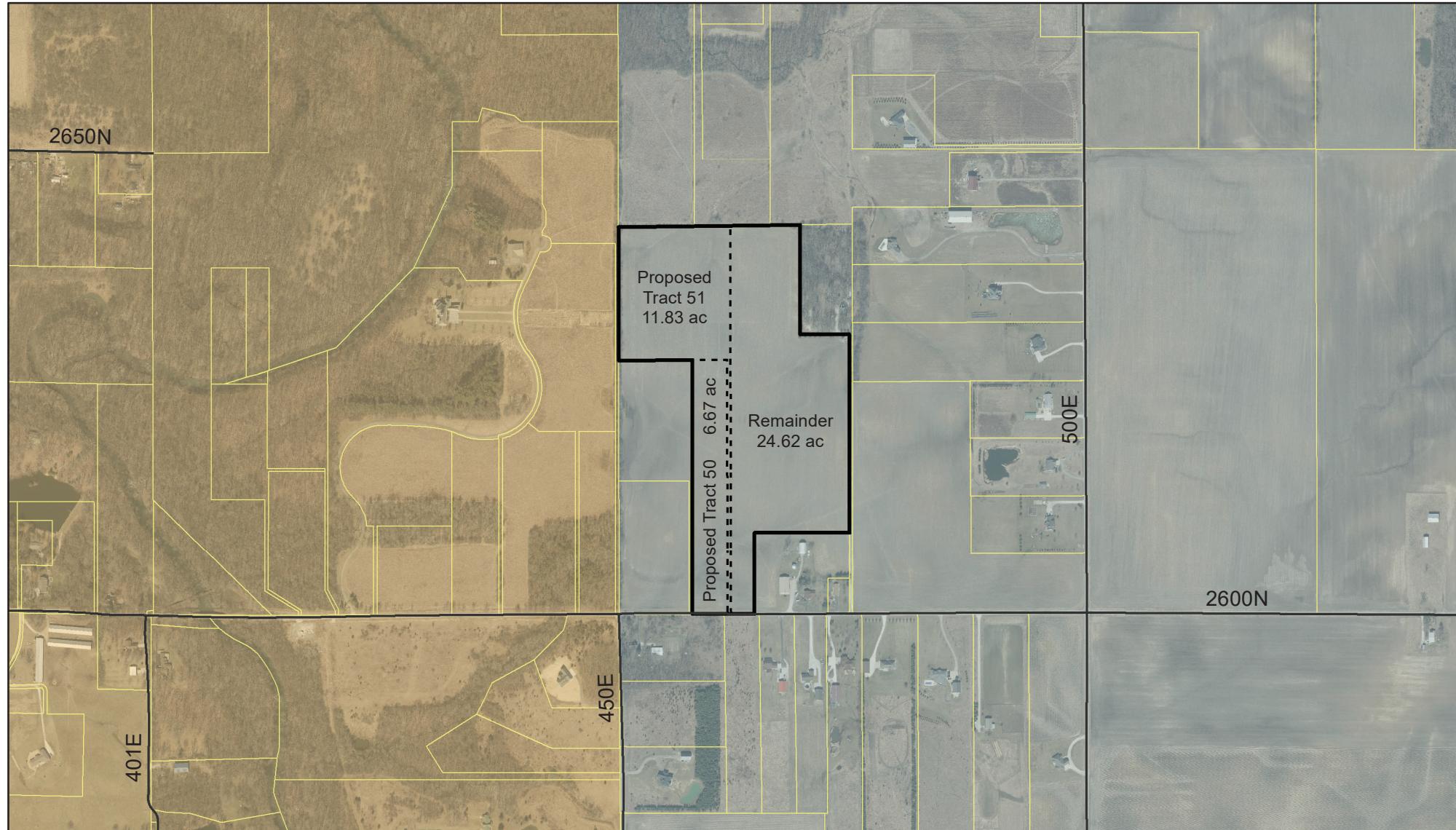
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Zoning Map

Cases 009-AM-21 & 010-S-21

June 17, 2021



Legend

- | | | | |
|--|-----------------|--|----------------------------|
| | SubjectProperty | | AG-1 Agriculture |
| | Proposed Tracts | | CR Conservation Recreation |
| | Parcels | | |

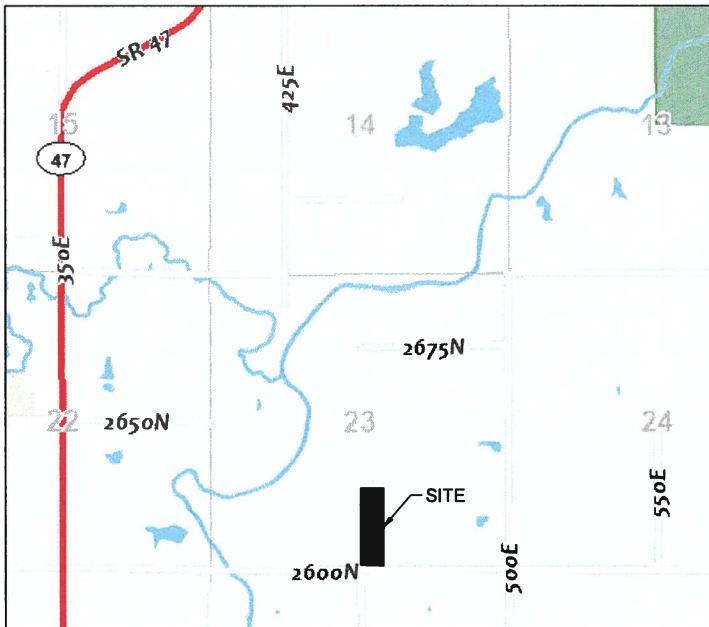
0 200 400 800 Feet



RECEIVED

MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT

LOCATION MAP
NOT TO SCALELEGEND

- BOUNDARY OF TRACT SURVEYED
- EXISTING LOT LINE
- N 00°00'00" E 100.00' MEASURED DIMENSION - BEARINGS ILLINOIS STATE PLANE (EAST)
- FOUND IRON ROD
- T.P.O.B. TRUE POINT OF BEGINNING

LEGAL DESCRIPTION PARENT TRACT

The Southwest Quarter of the Southeast Quarter, and the South 2/3 of the Northwest Quarter of the Southeast Quarter of Section 23, in Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, EXCEPT any part lying within the following described tracts:

1. Beginning at a steel rod located on the South line of the Southeast Quarter of said Section 23, said steel rod located 1334.5 feet West of the Southeast corner of said Section; thence West 20.00 feet along said South line to a steel rod; thence deflecting 89°50' right approximately 1328 feet to a steel rod; thence continue North to a steel rod located 1575.94 feet North of said South section line; thence deflecting 89°45' left for 280.00 feet to a steel rod; thence deflecting 89°45' right for 630.00 feet to an ancient barbed wire fence; thence deflecting 91°05.5' right proceed along said fence 300.05 feet to a stone at a fence corner; thence deflecting 88°54.5' right along an ancient fence 622.6 feet to a steel rod; thence continue without deflection 248.00 feet to a buried granite stone; thence continue without deflection 1327.9 feet to the Point of Beginning;
 2. The East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter;
- And also excepting:
3. Tract 40 as shown on a Plat of Survey Recorded as Document Number 2021R00327 in the Office of the Recorder for Champaign County Illinois.
 4. Tract 41 as shown on a Plat of Survey Recorded as Document Number 2021R00327 in the Office of the Recorder for Champaign County Illinois.

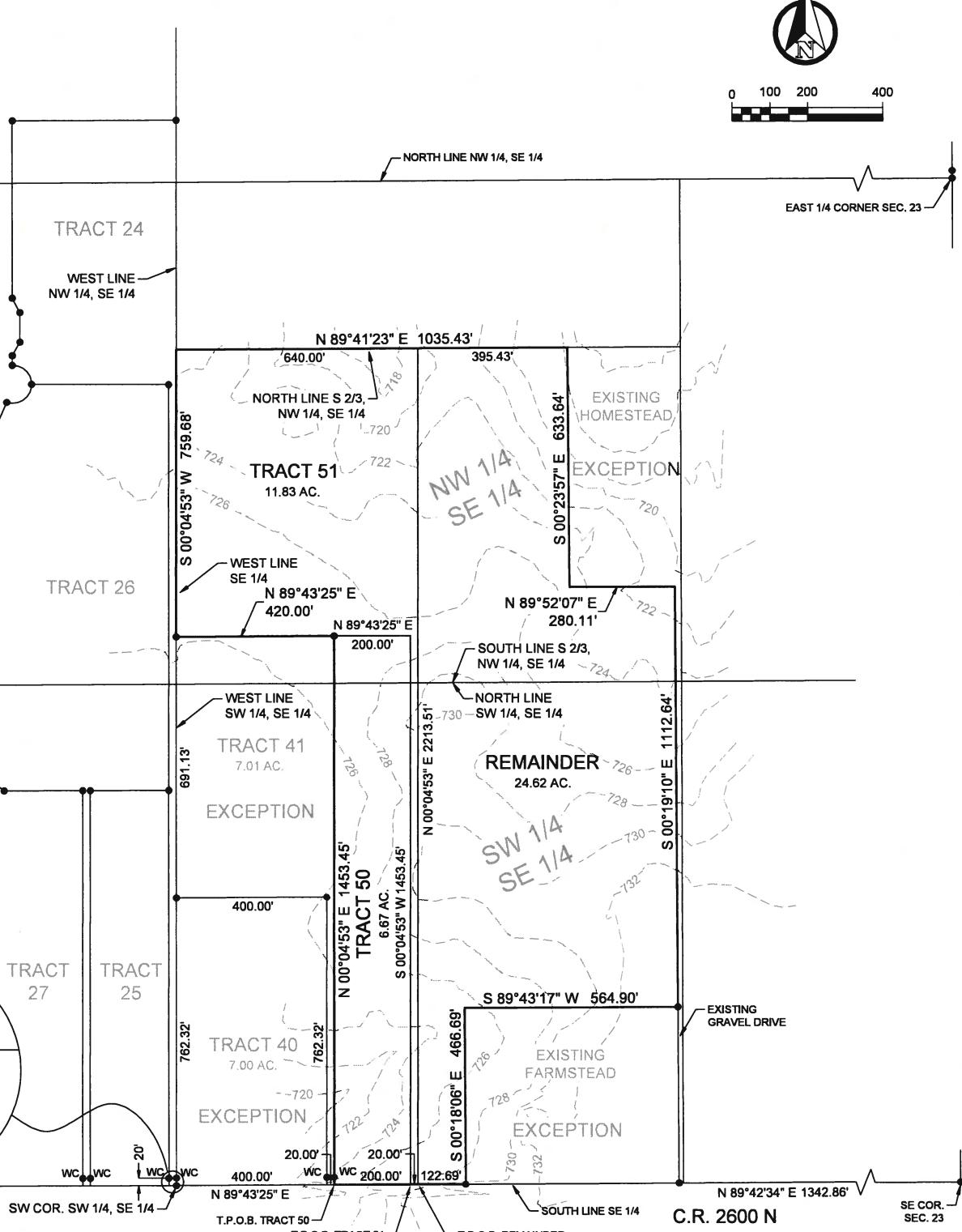
NOTE:

1. THERE ARE NO IMPROVEMENTS ON TRACTS.
2. TRACTS ARE CURRENTLY USED FOR AGRICULTURAL CROPS.
3. CONTOURS SHOWN ARE FROM THE CHAMPAIGN COUNTY GIS CONSORTIUM.
4. SURFACE DRAINAGE PATTERNS SHALL NOT BE ALTERED BY ANY CONSTRUCTION. ALL CONSTRUCTION SHALL CONFORM TO CHAMPAIGN COUNTY STANDARDS.

Signed:

Mark A. Miller
Illinois Licensed Professional Engineer
No. 062.056290
License Expires 11/30/21

Date: 05/01/21



SITE PLAN EXHIBIT

PART OF SECTION 23, TOWNSHIP 21 NORTH,
RANGE 7 EAST, OF THE THIRD PRINCIPAL MERIDIAN,
CHAMPAIGN COUNTY, ILLINOIS

CHAMPAIGN CO. P & Z DEPARTMENT

Legal Description Tract 50:

A part of the Southeast Quarter of Section 23, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois being more particularly described as follows with bearings based on Illinois State Plane (East) datum:

Commencing at the Southwest corner of said Southeast Quarter said corner being shown on an unrecorded plat of survey for Bruce Artwick by David P. Philippe, Illinois Professional Land Surveyor Number 2591 dated august 13, 1996 and also as shown on a Monument Record prepared by Wesley J. Meyer, Illinois Professional Land Surveyor Number 2803 recorded as Document 1997R11744 in the Office of the Recorder for Champaign County, proceed North 89° 43' 25" East 420.00 feet along the South line of said Southeast Quarter to the Southeast corner of Tract 41 as shown on a plat of Survey recorded as Document 2021R00327 in said Office of the Recorder for the True Point of Beginning; thence North 00° 04' 53" East 1453.45 feet along the East line of said Tract 41 to the Northeast corner thereof; thence North 89° 43' 25" East 200.00 feet on an Easterly extension of the North line of said Tract 41; thence South 00° 04' 53" West 1453.45 feet to said South line of the Southeast Quarter; thence South 89° 43' 25" West 200.00 feet along said South line to the True Point of Beginning, encompassing 6.67 acres, more or less.

Legal Description Tract 51:

A part of the Southeast Quarter of Section 23, Township21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois being more particularly described as follows with bearings based on Illinois State Plane (East) datum:

Commencing at the Southwest corner of said Southeast Quarter said corner being shown on an unrecorded plat of survey for Bruce Artwick by David P. Philippe, Illinois Professional Land Surveyor Number 2591 dated august 13, 1996 and also as shown on a Monument Record prepared by Wesley J. Meyer, Illinois Professional Land Surveyor Number 2803 recorded as Document 1997R11744 in the Office of the Recorder for Champaign County, proceed North 89° 43' 25" East 620.00 feet along the South line of said Southeast Quarter for the True Point of Beginning; thence North 00° 04' 53" East 1453.45 feet to the Easterly projection of the North line of Tract 41 as shown on a plat of Survey recorded as Document 2021R00327 in said Office of the Recorder; thence South 89° 43' 25" West 620.00 feet along said Easterly projection and the North line of said Tract 41 to the West line of the Southeast Quarter as shown on said plat of survey recorded as Document 2021R00327; thence North 00° 04' 53" East 759.68 feet along said West line to the North line of the South 2/3 of the Northwest Quarter of the Southeast Quarter of said Section 23; thence North 89° 41' 23" East 640.00 feet along said North line; thence South 00° 04' 53" West 2213.51 feet to the South line of said Southeast Quarter; thence South 89° 43' 25" West 20.00 feet along said South line to the True Point of Beginning, encompassing 11.83 acres, more or less.

Legal Description Remainder:

A part of the Southeast Quarter of Section 23, Township21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois being more particularly described as follows with bearings based on Illinois State Plane (East) datum:

Commencing at the Southwest corner of said Southeast Quarter said corner being shown on an unrecorded plat of survey for Bruce Artwick by David P. Philippe, Illinois Professional Land Surveyor Number 2591 dated august 13, 1996 and also as shown on a Monument Record prepared by Wesley J. Meyer, Illinois Professional Land Surveyor Number 2803 recorded as Document 1997R11744 in the Office of the Recorder for Champaign County, proceed North 89° 43' 25" East 640.00 feet along the South line of said Southeast Quarter for the True Point of Beginning; thence North 00° 04' 53" East 2213.51 feet to the North line of the South 2/3 of the Northwest Quarter of the Southeast Quarter of said Section 23; thence North 89° 41' 23" East 395.43 feet along said North line to the Northerly projection of the West line of a tract of land as shown on a Plat of Survey prepared by John D. Goodell, Illinois Professional Land Surveyor Number 1462 recorded in Book 1523 at Page 474 in said Office of the Recorder as monumented; thence South 00° 23' 57" East 633.64 feet along the West line of said survey as monumented to an iron rod found at the Southwest corner of said survey; thence North 89° 52' 07" East 280.11 feet along a Southerly line of said survey to an iron rod monument set in concrete found; thence South 00° 19' 10" East 1112.64 feet along a West line of said survey to an iron rod found at the Northeast corner of the East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter; thence South 00° 23' 57" East 633.64 feet along the West line of said East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter as monumented and occupied to the Northwest corner of said East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter, thence South 00° 18' 06" East 466.69 feet along the West line of said East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter as monumented and occupied to an iron rod monument found at the Southwest corner of said East 564.91 feet of the South 466.7 feet of the Southwest Quarter of the Southeast Quarter as monumented and occupied; thence South 89° 43' 25" West 126.69 feet along the South line of said Southeast Quarter to the True Point of Beginning, encompassing 24.62 acres, more or less.

REV. # 1	REV. DATE: 05/01/21	REVISION MADE: PER COUNTY OVERLAY ITEMS
DATE: 04/07/21	SCALE: AS SHOWN	 PRECISION ENGINEERING GROUP, INC. P.O. BOX 784 CHAMPAIGN, IL 61824-0784 PHONE: 217.607.9489 CIVIL ENGINEERING - LAND SURVEYING ILLINOIS DESIGN FIRM REGISTRATION NO. 18407585
FIELD BOOK: 19/73	DRAWN BY: MAM	
CHECKED BY: SJP		
SITE PLAN EXHIBIT		
HIDDEN RIVER PHASE 3 PART OF SEC. 23, T.21 N., R. 7 E., 3rd P.M. CHAMPAIGN COUNTY, ILLINOIS		
		FIE # 19419004
		SHEET 1 OF 1

Worst Or Nearly Worst Condition ³ <input type="radio"/>	Much Worse Than Typical Condition ⁴ <input checked="" type="radio"/>	More Or Less Typical Condition ⁵ <input type="radio"/>	Much Better Than Typical Condition ⁴ <input type="star"/>	Ideal Or Nearly Ideal Conditions ⁶ <input type="circle"/>
A RRO² ZONING FACTOR: Adequacy and safety of roads providing access				
Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load) in terms of both pavement width and shoulder width. There may also be other deficiencies in the roadway.	Access for all trips is from a Township Highway that has serious deficiencies (based on existing traffic load or traffic speed) in terms of both pavement width and shoulder width between the proposed site and where the road connects to a County or State Highway OR	Access from a Township Highway which does not have adequate shoulder width and may also have insufficient (based on either existing traffic load or traffic speed) pavement width for a small portion of the distance between the proposed site and where the road connects to a County or State Highway.	Access is from a Township Highway with no deficiencies (even including the proposed increase in ADT) between the proposed site and where the road connects to a County or State Highway.	Access from any of the following: 1) a County Highway or 2) a Township Highway with no deficiencies (even including the proposed increase in ADT) and is less than one mile travel to a County or State Highway.
The point of access to the Township Highway is a location with serious visibility problems.	there is an uncontrolled railroad crossing between the proposed site and where the road connects to a County or State Highway.	The site is within five miles of a County or State highway. Intersections are uncontrolled and have visibility problems.	The intersections are uncontrolled and have visibility problems.	Access is at a location with good visibility.
The site is at more than five miles from a County or State highway. The intersections are uncontrolled and have visibility problems.	The site is within five miles of a County or State highway. The road intersections are uncontrolled and have visibility problems. The point of access to the Township Highway has reasonable visibility.	The point of access to the Highway has good visibility. See discussion of Effects On Farms for farm related traffic concerns.	Access is at a location with good visibility.	Access should not be directly to a State or Federal highway because vehicle turning movements could create safety concerns.

Worst Or Nearly Worst Condition ³ <input type="radio"/>	Much Worse Than Typical Condition ⁴ <input checked="" type="radio"/>	More Or Less Typical Condition ⁵ <input type="radio"/>	Much Better Than Typical Condition ⁴ <input type="star"/>	Ideal Or Nearly Ideal Conditions ⁶ <input type="circle"/>
B RRO² ZONING FACTOR: Effects on nearby farmland and farm operations				
Points of access to RRO homes create safety conflicts with ag equipment		Driveways are co-located and groups of driveways are widely separated so as to minimize interference with agricultural traffic		All proposed homes front a new public street that carries no agricultural traffic. The traffic from proposed homes is not likely to interfere with agricultural activities
Crops are negatively impacted by drainage from residential properties in RRO		No significant change to drainage		Drainage benefits surrounding agricultural land
C RRO² ZONING FACTOR: Effects of nearby farm operations on the proposed development				
Bordered by row crop agriculture on three sides and an existing livestock and/or stable operation on the fourth side.	Bordered by row crop agriculture on three sides but also close to and downwind of an existing livestock and/or stable operation.	Bordered on all sides by significant (more than a few acres) row crop agriculture so there are some incompatibilities that may lead to complaints from residences.	Bordered on no more than two sides by significant row crop agriculture	No effects because not adjacent to significant row crop agriculture nor downwind of any animal operations.
D RRO² ZONING FACTOR: The LESA score				
292 to 286 (Very high rating for protection)	285 to 256 (Very high rating for protection)	254 to 238 (Very high rating for protection)	237 to 188 (Very high rating to moderate rating for protection)	186 to 121 (Moderate rating to low (170) rating for protection)
Land Evaluation part: 100 to 98 (100% of soil in Ag. Value Groups 1 & 2; Flanagan & Drummer soils generally)	Land Evaluation part: 97 to 93 (remainder between worst & overall average)	Land Evaluation part: 92 (reflects overall average for entire County)	Land Evaluation part: 91-85 (remainder between overall average & ideal)	Land Evaluation part: 84 to 41 ⁴ (No best prime farmland soils)
Site Assessment part: 192 to 188	Site Assessment part: 187 to 163	Site Assessment part: 162 to 146	Site Assessment part: 145 to 103	Site Assessment part: 102 to 80

Worst Or Nearly Worst Condition³ <input type="radio"/>	Much Worse Than Typical Condition⁴ <input checked="" type="radio"/>	More Or Less Typical Condition⁵ <input type="radio"/>	Much Better Than Typical Condition⁴ <input type="star"/>	Ideal Or Nearly Ideal Conditions⁶ <input type="circle"/>
D RRO² ZONING FACTOR: The LESA score <i>continued</i>				
(See hypothetical worksheet for assumptions)	(remainder between worst & overall average)	(See hypothetical worksheet for assumptions)	(remainder between overall average & ideal)	(Conditions intended to reflect a rural location within a municipal ETJ without sewer or water; typical urban subdivision at or near municipal boundary has site assessment of 82 to 54; see hypothetical worksheet for assumptions)
E RRO² ZONING FACTOR: Effects on drainage both upstream and downstream				
100% of site has wet soils that must be drained for development. Large parts of the site also pond. There is no natural drainage outlet for either surface or subsurface flows so offsite improvements are necessary. An alternative problem is the condition in which the site is bisected by a natural drainageway with large flows from upstream offsite areas which have significant effects on site development.	Between 90% and 100% of the site has wet soils that must be improved for development. Only about half of the site drains to existing road ditches. The rest of the site drains over adjacent land that is under different ownership which require offsite improvements. Ponding is a significant problem.	Approximately 90% of the site has wet soils that must be improved for development. There may also be large areas where ponding occurs. Most of the site drains through township road ditches that do not have adequate capacity.	Probably less than half of the site has wet soils. The site drains to Township road ditches that are more or less adequate or to other natural drainage features that have adequate capacity.	No wet soils so no "dry weather flows" problems OR if wet soils are present the site drains directly to a drainage district facility with adequate capacity or to a river.

Worst Or Nearly Worst Condition³ <input type="radio"/>	Much Worse Than Typical Condition⁴ <input checked="" type="radio"/>	More Or Less Typical Condition⁵ <input type="radio"/>	Much Better Than Typical Condition⁴ <input type="star"/>	Ideal Or Nearly Ideal Conditions⁶ <input type="circle"/>
F RRO² ZONING FACTOR: Suitability for onsite wastewater systems				
100% of site with Low or Very Low Potential for septic tank leach fields.	More than 50% of site (but less than 95%) with Low Potential for septic tank leach fields.	No more than 50% of site with Low Potential for septic tank leach fields.	More than 50% of site with at least a Moderate Potential for septic tank leach fields.	100% of site with at least a High Potential for septic tank leach fields or positive soil analysis (regardless of soil potential).
G RRO² ZONING FACTOR: Availability of water supply				
In the area with suspected problems of groundwater availability near existing wells which have experienced reliability problems and for which no investigations have proven otherwise.	An area with suspected problems of groundwater availability and for which no investigations have proven otherwise.	Reasonable confidence of water availability (area with no suspected problems of groundwater availability) and no reason to suspect impact on neighboring wells.		Virtual certainty of water availability (i.e., located above the Mahomet-Teays Aquifer) or anywhere that investigations indicate availability with no significant impact on existing wells.
H RRO² ZONING FACTOR: The availability of emergency services⁷				
Located more than five road miles from a fire station within the district with an intervening railroad crossing with heavy rail traffic.	Located more than five road miles from a fire station within the district.	Located about five road miles from a fire station within the district.	Located between two-and-half and five road miles from a fire station within the district.	Located less than two-and-half road miles from the fire station within the district and with no intervening railroad grade crossings. ⁵
I RRO² ZONING FACTOR: Flood hazard status				
Every lot is entirely within the SFHA (based on actual topography) as is the road that provides access.	Some of the proposed lots and parts of the road that provide access are in the SFHA. Some lots may require fill to have adequate buildable area above the BFE.	Small portions of the site may be in the SFHA but all lots have adequate buildable area outside of the SFHA.		No part of the proposed site nor the roads that provide emergency access are located in the Special Flood Hazard Area (SFHA, which is the 100-year floodplain).

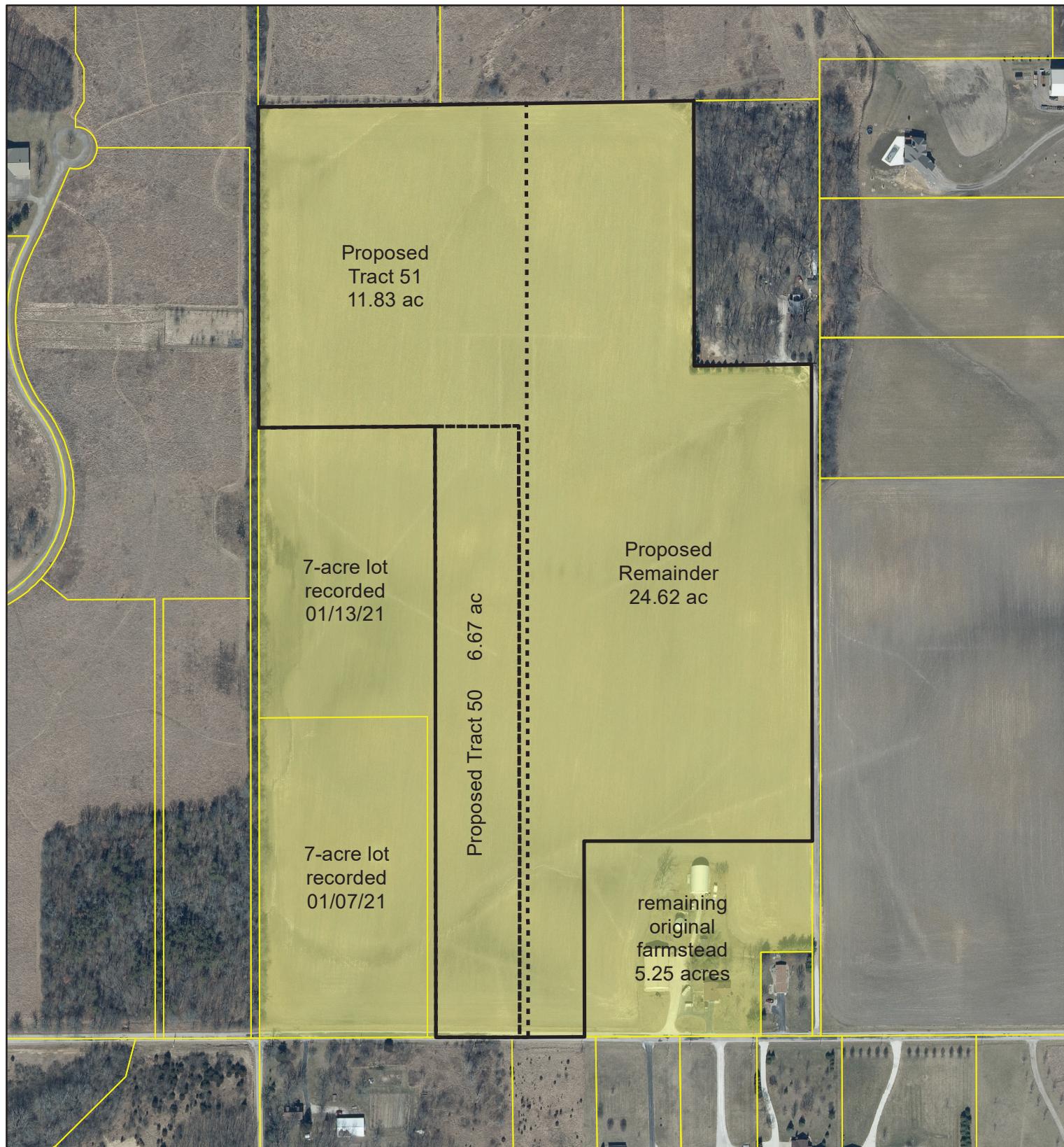
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J RRO² ZONING FACTOR: Effects on wetlands, historic or archeological sites, natural or scenic areas, and/or wildlife habitat				
Significant negative effects for more than one concern.		Archaeological concerns may apply to a small part of the site but in general no negative effects. ⁶		Nothing present to be concerned about.
K RRO² ZONING FACTOR: The presence of nearby natural⁸ or manmade hazards				
More than one man-made hazard is present or adjacent to the site.	One or more man-made hazards are present or adjacent to the site.	It is not unusual for a site to be close to some kind of hazard such as a pipeline, high tension electrical transmission lines, or railroad tracks.	Not close to any man-made hazard although snow drifts may block access from fire protection station.	Not close to any man-made hazard and relatively close to urbanized areas.
Access roads from fire protection station are prone to snow drifts.	Access roads from fire protection station are prone to snow drifts.	Snow drifts may block access from fire protection station.		
L RRO ZONING FACTOR: The amount of land to be converted from agricultural USES versus the number of DWELLING UNITS to be accommodated.				
More than a few higher acreage residential lots converted from ag land		A few residential lots of varying densities converted from ag land		No more than a few lower acreage residential lots converted from ag land
Sparse distribution of converted residential areas affecting many agricultural lands		Mix of lot sizes affecting both agricultural and near-urban areas, mix of prime and not prime soils		Compact development of residential areas closer to urban areas and/or on less than prime farmland

Worst Or Nearly Worst Condition ³ <input type="radio"/>	Much Worse Than Typical Condition ⁴ <input checked="" type="radio"/>	More Or Less Typical Condition ⁵ <input type="radio"/>	Much Better Than Typical Condition ⁴ <input type="star"/>	Ideal Or Nearly Ideal Conditions ⁶ <input checked="" type="radio"/>
NOTES				
1. Five different "typical" conditions are identified that are representative of the range of conditions that exist in Champaign County. The characterization of these conditions are based solely on the opinions of County Staff.				
2. RRO= Rural Residential Overlay				
3. The WORST conditions are based on the worst possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "worst" ratings on all factors.				
4. MUCH WORSE THAN TYPICAL and MUCH BETTER THAN TYPICAL conditions are Staff judgements.				
5. Where possible, TYPICAL Champaign County rural residential development site conditions are based on averages for the entire County. For example, the overall average Land Evaluation is for all of the land in the County. Some factors are based on a review of date for all major rural subdivisions (such as the gross average lot size). Differences in water availability are localized and not averaged over the entire County.				
6. The IDEAL Champaign County rural residential development site conditions are based on the best possible conditions <u>for each factor</u> that can be found in rural Champaign County regardless of the amount of land that might be available and regardless of whether or not any individual site would likely ever combine "ideal" ratings on all factors.				
7. Ambulance service can presumably be further than five miles distance and be acceptable. <i>NO STANDARD OF COMPARISON IS PROPOSED FOR EMERGENCY AMBULANCE SERVICE.</i>				
8. Any location in the County is subject to natural hazards such as tornadoes, freezing rain, etc.				

Subject Property Land Divisions Since 1/1/98

Cases 009-AM-21 & 010-S-21

June 17, 2021



Legend



Subject Property



Current Parcels



1998 Parent Tract

0 80 160 320 Feet



Champaign County
Department of
PLANNING &
ZONING

Attachment E: Land Resource Management Plan Goals, Objectives, and Policies

Provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Attachment F: Land Resource Management Plan Definitions

Provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

RESOLUTION NO. 3425

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

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

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

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

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

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

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

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

RESOLUTION NO. 3425

Page 2

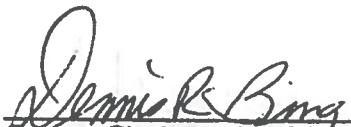
4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

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



Chairman, County Board of the
County of Champaign, Illinois

ATTEST:



Dennis R. Bing
County Clerk and Ex-Officio
Clerk of the County Board

Attachment H: Natural Resource Information Report

Provided online at http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

Susan Burgstrom

From: John Hall
Sent: Monday, June 7, 2021 1:32 PM
To: jon@conwayfarmsmahomet.com
Cc: Susan Burgstrom
Subject: RE: 45 acre

RECEIVED

JUN 07 2021

CHAMPAIGN CO. P & Z DEPARTMENT

From: Mark Miller <mark@precisioneg.com>
Sent: Monday, June 7, 2021 12:14 PM
To: jon@conwayfarmsmahomet.com
Cc: Steve Peidl <steve@precisioneg.com>
Subject: RE: 45 acre

Jon,

We had a note on the site map about not altering the overall drainage patterns. It's going to be difficult to write anything up without knowing where the 2 houses might be or plans for the tracts. Obviously if someone built a house on either tract they would direct the water away from and around the structures but I would assume that the overall drainage patterns would not change.

Thanks,
Mark

From: jon@conwayfarmsmahomet.com <jon@conwayfarmsmahomet.com>
Sent: Monday, June 7, 2021 11:56 AM
To: Mark Miller <mark@precisioneg.com>
Cc: Steve Peidl <steve@precisioneg.com>
Subject: FW: 45 acre

It looks like this is needed for the meeting. Is this something you can easily handle or do we need to push it to someone else?

From: John Hall <jhall@co.champaign.il.us>
Sent: Monday, June 7, 2021 11:43 AM
To: jon@conwayfarmsmahomet.com
Cc: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: RE: 45 acre

Jon, we have never received the drainage explanation required by Section 5.4.5 G. which requires the following:

- G. A written explanation by an Illinois Professional Engineer of the proposed surface drainage system describing, in general, the average ground slope (maximum vertical relief divided by the maximum straight line horizontal distance) of the proposed site or the actual ground slope, any ponding of stormwater that occurs on the site, and the outlet condition of the proposed site. Such explanation shall explicitly address the impacts and mitigation of discharges from the proposed development from on-site wastewater disposal systems, sump pumps and similar sources. It shall also explain how excess stormwater will be conveyed through and from the site to a point downstream at which it enters a stream or designated drainage ditch (not just a typical road ditch). The explanation shall delineate the course of such drainage in sufficient detail to permit identification of the downstream properties over which the drainage passes and shall explain the impacts on those downstream properties.

SITE ASSESSMENT (SA) WORKSHEET

1	What size is the subject site?	More than 25 acres 20.1 to 25 acres 15.1 to 20 acres 10.1 to 15 acres 5.01 to 10 acres 5 acres or less	10 points 8 points 6 points 4 points 2 points 0 points	<u>6</u>
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Factor 1 considers that the size of the subject site has an impact on its long-term viability for agricultural purposes. The factor recognizes that the predominant row crop form of agriculture is generally more efficiently farmed on larger sites.

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

2a	Is the subject site Best Prime Farmland?	Yes No	30 points 0 points	<u>0</u>
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Factor 2a assigns value to a subject site if it is designated as Best Prime Farmland, consistent with the *Champaign County Land Resource Management Plan* goals, objectives and policies.

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

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

2b	If the subject site is Best Prime Farmland, which one of the following statements is correct: (1) The subject site is 15% or less of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 0 points) (2) The subject site is larger than 15% of a larger real estate tax parcel (or multiple parcels) that existed on January 1, 2004. (Yes 10 points) (3) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is 25 acres or less. (Yes 0 points) (4) The subject site was not part of a larger tax parcel or parcels on January 1, 2004, and is larger than 25 acres. (Yes 10 points)	10 points	<u>0</u>
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Factor 2b assigns value to a subject site if it exceeds the lot size and configuration limits noted. The 15% limit and 25-acre lot size limit featured are arbitrary values selected to represent the general concern about the conversion and loss of best prime farmland. The *Champaign County Zoning Ordinance* has included a maximum lot size limit on Best Prime Farmland since July, 2004.

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

SITE ASSESSMENT (SA) WORKSHEET

2c	If the subject site is not Best Prime Farmland and is at least 51% Prime Farmland, which one of the following statements is correct: (1) The subject site is larger than 25 acres. (Yes 10 points) (2) All of the following statements are true: i. The subject site is part of a larger parcel that existed on April 12, 2011. ii. Since April 12, 2011, a separate portion or portions of that larger parcel have been converted to a non-agricultural use as the result of a rezoning or special use. iii. In total, the area of the subject site and those areas converted to a non-agricultural use (as identified in item ii. above) is larger than 25 acres. (Yes 10 points) (3) Neither (1) or (2) above apply to the subject site. (Yes 0 points)	10
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Factor 2c assigns value to a subject site which is not Best Prime Farmland but which consists of at least 51% Prime Farmland and exceeds a 25-acre lot size and configuration as of April 12, 2011. The 25-acre size threshold is an arbitrary value selected to represent the general concern about the conversion and loss of Prime Farmland.

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

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

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

3	Is the subject site located within the Contiguous Urban Growth Area?	no yes	40 points 0 points	40
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Factor 3 is a general measure of development pressures which tend to support the conversion of agricultural sites to urban uses.

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

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

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

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

SITE ASSESSMENT (SA) WORKSHEET

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

4 Amount of the perimeter of a subject site that is adjacent to parcels with a principal use of agriculture. a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture that existed on April 12, 2011. b) If the subject site is less than 51% Prime Farmland, the amount of the perimeter of the subject site that is adjacent to parcels with a principal use of agriculture.	91 to 100% of perimeter 81 to 90% of perimeter 71 to 80% of perimeter 61 to 70% of perimeter 51 to 60% of perimeter 41 to 50% of perimeter 31 to 40% of perimeter 21 to 30% of perimeter 11 to 20% of perimeter 1 to 10% of perimeter none $3629/5722=63\%$	20 points 18 points 16 points 14 points 12 points 10 points 8 points 6 points 4 points 2 points 0 points	14
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Factor 4 assesses the amount of the perimeter of the subject site that is adjacent to parcels that have the principal use of agriculture. The assessment is made based on principal use of each parcel that is adjacent to the subject site. The principal use of a parcel (as used in the *Champaign County Zoning Ordinance*) represents the main use for which a lot is intended.

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

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

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

Defined terms relevant to the scoring of this factor include:

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

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

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

SITE ASSESSMENT (SA) WORKSHEET

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

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

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

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

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

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

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

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

Defined terms relevant to the scoring of this factor include:

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

SITE ASSESSMENT (SA) WORKSHEET

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

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

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

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

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

7	Percentage of land zoned AG-1 Agriculture, AG-2 Agriculture or CR Conservation-Recreation within 1 mile of subject site.	91 to 100% 81 to 90% 71 to 80% 61 to 70% 51 to 60% 41 to 50% 31 to 40% 21 to 30% 11 to 20% 1 to 10% none	10 points 9 points 8 points 7 points 6 points 5 points 4 points 3 points 2 points 1 points 0 points	<u>10</u>
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Factor 7 measures the amount of land in the one-mile area surrounding the subject site zoned AG-1 Agriculture, AG-2 Agriculture, or CR Conservation-Recreation. These are the rural zoning districts within the County.

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

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

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

SITE ASSESSMENT (SA) WORKSHEET

8	<p>Percentage of area within 1 mile of a subject site which consists of parcels with a principal use of agriculture.</p> <p>a) If the subject site is Best Prime Farmland and/or at least 51% Prime Farmland, the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture that existed on April 12, 2011.</p> <p>b) If the subject site is less than 51% Prime Farmland, the percentage of area within one mile of the subject site which consists of parcels with a principal use of agriculture.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 15%;">91 to 100%</td><td style="width: 15%;">20 points</td></tr> <tr><td>81 to 90%</td><td>18 points</td></tr> <tr><td>71 to 80%</td><td>16 points</td></tr> <tr><td>61 to 70%</td><td>14 points</td></tr> <tr><td>51 to 60%</td><td>12 points</td></tr> <tr><td>41 to 50%</td><td>10 points</td></tr> <tr><td>31 to 40%</td><td>8 points</td></tr> <tr><td>21 to 30%</td><td>6 points</td></tr> <tr><td>11 to 20%</td><td>4 points</td></tr> <tr><td>1 to 10%</td><td>2 points</td></tr> <tr><td>none</td><td>0 points</td></tr> </table>	91 to 100%	20 points	81 to 90%	18 points	71 to 80%	16 points	61 to 70%	14 points	51 to 60%	12 points	41 to 50%	10 points	31 to 40%	8 points	21 to 30%	6 points	11 to 20%	4 points	1 to 10%	2 points	none	0 points	20
91 to 100%	20 points																								
81 to 90%	18 points																								
71 to 80%	16 points																								
61 to 70%	14 points																								
51 to 60%	12 points																								
41 to 50%	10 points																								
31 to 40%	8 points																								
21 to 30%	6 points																								
11 to 20%	4 points																								
1 to 10%	2 points																								
none	0 points																								

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

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

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

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

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

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

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

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

SITE ASSESSMENT (SA) WORKSHEET***Guidelines for estimating area within one mile of subject site consisting of parcels with principal use of agriculture:***

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

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

9	What is the distance from the subject site to the nearest 10 non-farm dwellings?	more than 1 mile 0.76 to 1 mile 0.51 to 0.75 mile 0.26 to 0.50 mile 0.01 to 0.25 mile adjacent	20 points 18 points 16 points 14 points 12 points 0 points	12
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Factor 9 considers the proximity of the nearest 10 non-farm dwellings as a general indicator of an existing land use incompatibility with production agriculture and an incompatibility with livestock facilities vis-a-vis the *Illinois Livestock Management Facilities Act* (510 ILCS 77/ et seq.)

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

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

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

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

SITE ASSESSMENT (SA) WORKSHEET

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

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

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

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

SA Total Score	138
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CALCULATING THE TOTAL LESA SCORE

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

LE Total	74
SA Total	138
Total LESA Score	212

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

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

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

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

009-AM-21 & 010-S-21 Site Images



Subject property is land to the right of house under construction



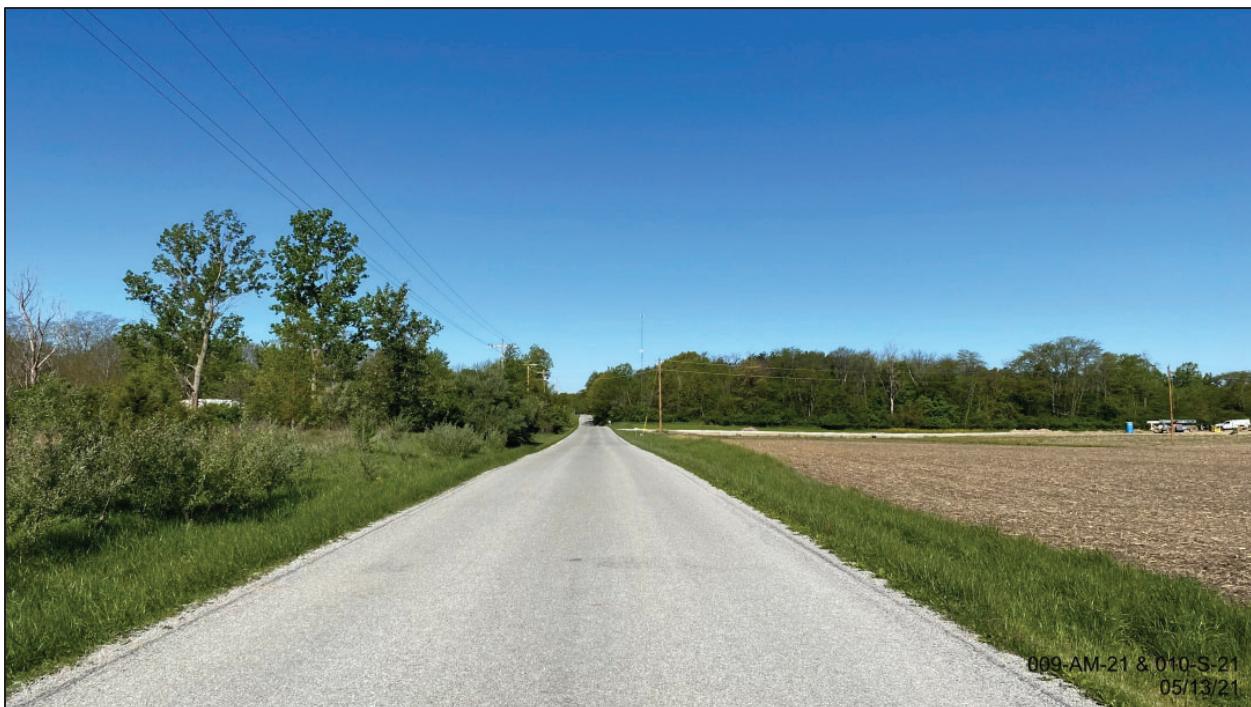
From CR 2600N facing north; subject property is to left of grass line

009-AM-21 & 010-S-21 Site Images



009-AM-21 & 010-S-21
05/13/21

From CR 2600N facing neighboring property to the east



009-AM-21 & 010-S-21
05/13/21

From CR 2600N facing west; subject property at right

PRELIMINARY DRAFT**CASES 009-AM-21 & 010-S-21**

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

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

Date: ***{June 17, 2021}***

Petitioners: **Shawn Tabeling, d.b.a. Tabeling Development Co, LLC**

Request: **Case 009-AM-21**

Amend the Zoning Map to allow for the development of two single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District in conjunction with related County Board Special Use Permit Case 010-S-21.

Case 010-S-21

Authorize a Special Use Permit for a Rural Residential Overlay (RRO) Zoning District for two single family residential lots in conjunction with related map amendment Case 009-AM-21 that is also required for an RRO.

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FINDING OF FACT FOR CASE 009-AM-21 & SUMMARY OF EVIDENCE FOR CASE 010-S-21

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 17, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Shawn Tabeling, d.b.a. Tabeling Development Co, LLC, owns the subject property.
2. The subject property is a 43.12-acre tract in the West Half of the Southeast Quarter of Section 23, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township, and commonly known as the farmland located north and west of the residence with an address of 458 CR 2600N, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases, but do not have protest rights on County Board Special Use Permits.
 - B. The subject property is located within Newcomb Township, which does have a Planning Commission. Townships with Plan Commissions have protest rights in Map Amendment cases but do not have protest rights on County Board Special Use Permits. Notice was sent to the Township Plan 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: **"We need to add RRO Zoning District to allow a Rural Residential Development of two lots and an unbuildable lot."**
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning, the petitioner has indicated: **"The amendment would allow for the 2 tracts to be zoned residential, which would allow additional residential building in the area. This creates opportunities for more families to obtain the highest and best use of the land."**
 - A. P&Z Staff note that the AG-1 Agriculture Zoning District allows the single-family residential land use, so there will be no rezoning to a Residential Zoning District. The proposed Map Amendment is only to add the Rural Residential Overlay (RRO) designation to the existing AG-1 Agriculture Zoning District.

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 43.12-acre subject property is currently zoned AG-1 Agriculture, with a proposed two-lot RRO overlay on an 18.5-acre portion. The tract is currently in agricultural production.
 - B. Land to the north is zoned AG-1 Agriculture and has a mix of agriculture and wooded areas.
 - C. Land to the east is zoned AG-1 Agriculture and is agricultural and residential in use.

- D. Land to the south is zoned AG-1 Agriculture and is residential in use.
- E. Land to the west adjacent to proposed Tract 51 is zoned CR Conservation Recreation, and is in agricultural production.
- F. Land to the west adjacent to proposed Tract 50 is zoned AG-1 Agriculture and is in residential development.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 7. The Site Plan received on May 5, 2021 toward fulfillment of the Schematic Plan requirement indicates the following:
 - A. There are no existing structures; all land is in agricultural production.
 - B. The petitioner proposes creating the following tracts:
 - (1) Tract 50, 6.67 acres;
 - (2) Tract 51, a flag lot, 11.83 acres; and
 - (3) One 24.62-acre remainder lot that is unbuildable and will not be part of the RRO overlay.
 - C. There are no previous permits for the subject property.
 - D. There are no previous zoning cases for the subject property.

GENERALLY REGARDING ORDINANCE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 8. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit, per paragraph 5.4.3 B. of the *Zoning Ordinance*.
 - C. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for an RRO approval:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - D. Paragraph 5.4.3 C.2 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:

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- (1) Adequacy and safety of roads providing access to the site;
- (2) Effects on nearby farmland and farm operations;
- (3) Effects of nearby farm operations on the proposed residential development;
- (4) The Land Evaluation and Site Assessment (LESA) score of the subject site;
- (5) Effects on drainage both upstream and downstream;
- (6) The suitability of the site for onsite wastewater systems;
- (7) The availability of water supply to the site;
- (8) The availability of public services to the site;
- (9) The flood hazard status of the site;
- (10) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
- (11) The presence of nearby natural or manmade hazards; and
- (12) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.

FOR THE RRO SPECIAL USE PERMIT***GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS***

9. Regarding the requested Special Use in the AG-1 Zoning District:

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

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- (2) “AREA, LOT” is the total area within the LOT LINES.
- (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - a. Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;
 - b. Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;
 - c. Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.
- (4) “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.
- (5) “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.
- (6) “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.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “OVERLAY” is a DISTRICT that modifies or supplements the standards and requirements of an underlying DISTRICT. Those standards and requirements of the underlying DISTRICT that are not specifically modified by the terms of the OVERLAY DISTRICT remain in full force and effect.
- (9) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

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- (12) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (13) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.
- (14) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
- a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
- (15) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Subsection 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:

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- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
- a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
 - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements is WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
 - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.

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- (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) That the SPECIAL USE Permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).
- D. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

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

10. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
- A. The Petitioner has testified on the application, "**The change would allow the land to be used for residential purposes, which will allow residents to obtain the best and most valuable use of the land.**"

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

11. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
- A. The Petitioner has testified on the application, "**The change is in line with the development to the west, south, and east of the property. The change will allow for only two additional residential lots, which will very minimally increase traffic. Most of the land will be reserved as unbuildable farmland.**"
 - B. Regarding traffic, the following evidence is provided:
 - (1) The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016:
 - a. CR 2600N near the subject property had an AADT of 75.
 - b. CR 500E near the subject property had an AADT of 300.
 - (2) There will be a minimal increase in traffic for the two proposed residential lots.
 - (3) The Newcomb Township Road Commissioner has been notified of this case, and no comments have been received.

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- C. Regarding fire protection, the subject property is located approximately 5.7 road miles from the Cornbelt Fire Protection District station in Mahomet; the approximate travel time is 10 minutes. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
- D. The subject property is not located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0175D (effective October 2, 2013).
- E. The proposed residential lots are NOT considered BEST PRIME FARMLAND. The soil on the proposed lots consists of 232A Ashkum silty clay loam, 23A Blount silt loam, 530B Ozaukee silt loam, and 530C2 Ozaukee silt loam, and has an average LE of 74.
- F. Regarding outdoor lighting on the subject property, the petitioner did not provide information on lighting in the application. A special condition has been added to ensure compliance for any future outdoor lighting.
- G. Regarding wastewater treatment and disposal on the subject property:
 - (1) There is no wastewater treatment system on the parent tract. The proposed residential lots will have to undergo soil testing as part of future Plat of Subdivision review as well as permitting through the Champaign County Health Department.
- H. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

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

- 12. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner has testified on the application: "**Yes, we do not see any conflicts applicable to regulations and standards.**"
 - B. Regarding compliance with the *Zoning Ordinance*:
 - (1) The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. The adoption of an RRO requires both a Map Amendment and a County Board Special Use Permit per paragraph 5.4.3 B. of the *Zoning Ordinance*.
 - (2) The Rural Residential Overlay has been deemed appropriate only in the AG-1 Agriculture, AG-2 Agriculture, and CR Conservation Recreation Zoning Districts.
 - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
 - (1) An RRO does not require compliance with the SWMEC Ordinance.

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- (2) Any development within an approved RRO must comply or be exempted from the SWMEC Ordinance, which will be determined on a case-by-case basis during the construction permitting process.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, no part of the subject property is located in the Special Flood Hazard Area, per FEMA FIRM panel 17019C0175D (effective October 2, 2013).
- E. Regarding the Subdivision Regulations, the subject property is located in the Champaign County subdivision jurisdiction and the proposed lot creation will need to be approved in a future Subdivision process contingent upon approval of the RRO.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Agriculture Zoning District:
 - (1) A Rural Residential Overlay is permitted in the AG-1, AG-2, and CR districts with a combined Map Amendment and County Board Special Use Permit.

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

- 13. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
 - A. A Rural Residential Overlay may be authorized by the County Board in the AG-1 Agriculture, AG-2 Agriculture, or CR Conservation Recreation Zoning Districts as a combined Map Amendment and Special Use provided all other zoning requirements and standard conditions are met or waived.
 - B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
 - (1) Subsection 5.1.16 of the Ordinance states the general intent of the Rural Residential Overlay (RRO) District and states as follows (capitalized words are defined in the Ordinance):

The RRO, Rural Residential OVERLAY DISTRICT is intended to provide rural areas that are suitable for residential development and whose development will not significantly interfere with AGRICULTURAL pursuits in neighboring areas.
 - (2) The types of uses authorized in the AG-1, AG-2, and CR Districts are in fact the types of uses that have been determined to be acceptable in those Districts. RROs authorized by Special Use Permit are acceptable uses in those districts provided that they are determined by the ZBA to meet the criteria for RROs in Section 5.4 and for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

- 14. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:

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- A. The Petitioner has testified on the application: “**Yes, the property will be in line with all of the development just to the west and surrounding tracts.**”
- B. The existing use on the property is not a non-conforming use.

GENERALLY REGARDING SOILS ON THE SUBJECT PROPERTY

- 15. Evaluation of a property depends on soil characteristics in many ways, including suitability for agricultural production, septic systems, and development. The following are soil characteristics for the subject property:
 - A. The proposed residential lots are NOT considered BEST PRIME FARMLAND. The soil on the proposed lots consists of 232A Ashkum silty clay loam, 23A Blount silt loam, 530B Ozaukee silt loam, and 530C2 Ozaukee silt loam, and has an average LE of 74.
 - B. Information on soils can be found under RRO Factors C.2.E and C.2.F, and Land Resource Management Goals 4 and 8.

RRO FACTOR C.1.A: OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

- 16. Attachment C to the Preliminary Memorandum dated June 8, 2021 is a table summarizing each factor and the criteria used to assess the suitability for any proposed RRO. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following (see individual RRO factor evidence starting at Item 18 below):
 - A. “Ideal or Nearly Ideal” conditions for three factors:
 - (1) RRO Factor G: Availability of water supply
 - (2) RRO Factor J: Effects on sensitive natural areas
 - (3) RRO Factor K: Natural or manmade hazards
 - B. “Much Better Than Typical” conditions for three factors:
 - (1) RRO Factor C: Effects of nearby farms
 - (2) RRO Factor D: LESA score
 - (3) RRO Factor I: Flood hazard status
 - C. “More or Less Typical” conditions for five factors:
 - (1) RRO Factor A: Adequacy and Safety of Roads
 - (2) RRO Factor B: Effects on farms
 - (3) RRO Factor E: Effects on drainage
 - (4) RRO Factor H: Emergency services
 - (5) RRO Factor L: Land converted from agricultural uses
 - D. “Worst or Nearly Worst” conditions for one factor:
 - (1) RRO Factor F: Septic suitability

RRO FACTOR C.1.B: COMPATIBILITY WITH SURROUNDING AGRICULTURE

- 17. Discussion regarding compatibility of the proposed residential development with surrounding agriculture can be found under RRO Factor C.2.B (Item 19 below) and RRO Factor C.2.C (Item 20 below).

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RRO FACTOR C.2.A: THE ADEQUACY AND SAFETY OF ROADS

18. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- A. There will be a minimal increase in traffic from the proposed residential lots.
 - B. The Illinois Department of Transportation measures traffic on various roads throughout the County. IDOT determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent AADT data near the subject property is from 2016:
 - (1) CR 2600N near the subject property had an AADT of 75.
 - (2) CR 500E near the subject property had an AADT of 300.
 - C. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access, because access is via a township road without adequate pavement width that has visibility issues because of elevation changes in the road.

RRO FACTOR C.2.B: THE EFFECTS ON NEARBY FARMLAND AND FARM OPERATIONS

19. Regarding the likely effects of the proposed development on nearby farm operations:
- A. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on nearby farmland and farm operations, because driveways for the proposed lots will be fairly close to one another, and there should be no significant changes to drainage.

RRO FACTOR C.2.C: EFFECTS OF NEARBY FARM OPERATIONS ON THE PROPOSED RESIDENTIAL DEVELOPMENT

20. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
 - (1) Row crop production agriculture occupies a significant portion of the land area within the immediate vicinity of the proposed RRO.
 - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark, exacerbating the impact of noise related to fieldwork.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the proposed Tract 51 would be bordered on only one side by row crop agriculture and there are no significant animal operations nearby.

RRO FACTOR C.2.D: THE LAND EVALUATION AND SITE ASSESSMENT (LESA) SCORE OF THE SUBJECT SITE

21. Regarding the LESA score of the proposed RRO District:

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- A. The Champaign County LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site as follows:
 - (1) An overall score of 251 to 300 indicates a very high rating for protection.
 - (2) An overall score of 226 to 250 indicates a high rating for protection.
 - (3) An overall score of 151 to 225 indicates a moderate rating for protection.
 - (4) An overall score of 150 or lower indicates a low rating for protection.
- B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
 - (1) The Land Evaluation score for the proposed RRO is 74 out of 100 possible.
 - (2) The Site Assessment score for the proposed RRO District is 138 out of 200 possible.
 - (3) The total LESA score is 212 and indicates a “moderate” rating for protection of agriculture, which is the second lowest rating.
- C. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is not best prime farmland and the property received a moderate rating for protection in the LESA evaluation.

RRO FACTOR C.2.E: EFFECTS ON DRAINAGE

- 22. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
 - A. There will be changes in drainage due to the eventual development of two dwellings, but Note 4 of the Site Plan received May 5, 2021 states, “Surface drainage patterns shall not be altered by any construction.”
 - (1) In an email received June 7, 2021, Mark Miller with Precision Engineering, stated, “We had a note on the site map about not altering the overall drainage patterns. It's going to be difficult to write anything up without knowing where the 2 houses might be or plans for the tracts. Obviously if someone built a house on either tract they would direct the water away from and around the structures but I would assume that the overall drainage patterns would not change.”
 - B. Overall, the proposed RRO District is comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
 - (1) Only 8.3% of the soils on proposed Tracts 50 and 51 are hydric soils, per the Natural Resource Information Report created by Champaign County Soil and Water Conservation District. It is possible that agricultural tile exists on the sites to help with drainage, but that is not certain.
 - (2) Proposed Tract 50 appears to drain to the west and south, while proposed Tract 51 appears to drain to the northeast, both onto adjacent properties.

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- (3) Surface drainage appears to be somewhat better than typical Champaign County conditions with much of the property having surface slopes of 1% to 2% although the Ashkum soils (map unit 232A) on proposed Tract 50 have frequent brief ponding.
- (4) The Sangamon River is located less than one-quarter mile to the west, but drainage from the proposed lots does not directly drain to the river.

RRO FACTOR C.2.F: THE SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

23. Regarding the suitability of the site for onsite wastewater systems:
- A. There is no septic system.
 - B. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property can be summarized as follows:
 - (1) Blount silt loam, 0-2% slopes, map unit 23A, has a Low suitability for septic tank leach fields, with a soil potential index of 37. Blount has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 3 feet deep) and slow percolation. The typical corrective measure is subsurface drainage to lower groundwater levels or fill and a curtain drain. Blount soil makes up about 55.6% (10 acres) of the proposed lots.
 - (2) Ozaukee silt loam, 2-5% slopes, map unit 530B (formerly Morley 194B), has a Low suitability for septic tank leach fields, with a soil potential index of 37. Ozaukee has severe wetness problems due to slow percolation. The typical corrective measure is curtain drains to lower groundwater. Ozaukee 530B soil makes up about 35.5% (6.4 acres) of the proposed lots.
 - (3) Ozaukee silt loam, 5-10% slopes, map unit 530C2 (formerly Morley 194C2), has a Low suitability for septic tank leach fields, with a soil potential index of 37. Ozaukee has severe wetness problems due to slow percolation. The typical corrective measure is curtain drains to lower groundwater. Ozaukee soil makes up about 0.6% (0.1 acre) of the proposed lots.
 - (4) Ashkum silty clay loam, map unit 232A, has a Low suitability for septic tank leach fields with a soil potential index of 49. Ashkum has severe wetness problems due to flooding and slow percolation. The typical corrective measure is to add two feet of soil fill, have a large absorption field, and subsurface drainage. Ashkum soil makes up about 8.3% (1.5 acres) of the subject property.
 - C. The proposed lot is comparable to “worst or nearly worst” conditions for Champaign County because 100% of the soils on the buildable area of the subject property have Low suitability, compared to the approximately 51% of the entire County that has a Low Potential.

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RRO FACTOR C.2.G: THE AVAILABILITY OF GROUNDWATER AT THE SITE

24. Regarding the availability of water supply to the site:

- A. The Champaign County Land Resource Management Plan includes Figure 10-9: Primary Sand and Gravel Aquifers in Champaign County, which shows that the subject property is not within an area of limited groundwater availability.
- B. The proposed lot is comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above the Mahomet Aquifer.

RRO FACTOR C.2.H: THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

25. Regarding the availability of emergency services to the site:

- A. The subject property is located approximately 5.7 road miles from the Cornbelt Fire Protection District station in Mahomet; the approximate travel time is 10 minutes. The Fire Chief has been notified of this request for an RRO, and no comments have been received.
- B. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is approximately 5.7 road miles from the Cornbelt fire station in Mahomet.

RRO FACTOR C.2.I: FLOOD HAZARD STATUS

26. Regarding the flood hazard status of the site, pursuant to FEMA Panel No. 170190175D, no part of the subject property is located within the Special Flood Hazard Area.

- A. Overall, the proposed RRO District is comparable to “much better than typical” conditions for Champaign County in terms of flood hazard status because no part of the proposed RRO is in the Special Flood Hazard Area, but part of CR 2600N at the Sangamon River is within the SFHA.

RRO FACTOR C.2.J: EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

27. Regarding the effects on wetlands, endangered species, and natural areas:

- A. The Natural Resources Information Report received from the Champaign County Soil & Water Conservation District on June 4, 2021 indicated that there were no threatened or endangered species near the subject property. The report indicated that the Sangamon River Illinois Natural Areas Inventory (INAI) site is located approximately 1,000 feet west of the subject property.
- B. According to the National Wetlands Inventory online mapping, there are no regulatory wetlands on the subject property.
- C. Regarding the effects on archaeological resources, no study has been done on the subject property.
- D. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on wetlands and archaeological sites,

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because reports from the appropriate agencies showed there were no effects, and because there are no significant natural areas and habitats that include pre-settlement conditions.

RRO FACTOR C.2.K: THE PRESENCE OF NEARBY NATURAL OR MANMADE HAZARDS

28. Regarding the presence of nearby natural or manmade hazards:
- There appear to be no natural or manmade hazards near the subject property.
 - Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are no manmade or natural hazards near the subject property.

RRO FACTOR C.2.L: THE AMOUNT OF LAND TO BE CONVERTED FROM AGRICULTURAL USES

29. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
- As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on the amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated, because the RRO is for two proposed lots of varying densities converted from agricultural land.

FOR THE RRO MAP AMENDMENT***GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES***

30. 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:
- 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...”
 - The LRMP defines Goals, Objectives, and Policies as follows:
 - Goal: an ideal future condition to which the community aspires
 - Objective: a tangible, measurable outcome leading to the achievement of a goal
 - 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.”

**FOR THE RRO MAP AMENDMENT
REGARDING RELEVANT LRMP GOALS & POLICIES**

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

31. 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 RRO will **NOT IMPEDE** the achievement of Goal 1.

32. 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 RRO will **NOT IMPEDE** the achievement of Goal 2.

33. 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 RRO will **NOT IMPEDE** the achievement of Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.6, 4.8, and 4.9 and their policies do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Goal 4 for the following reasons:

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

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Objective 4.1 includes nine subsidiary policies. Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, and 4.1.9 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.1 because of the following:

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

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

- a. Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “moderate rating for protection” in the LESA analysis.
- b. Policy 4.3.2 regarding site suitability on best prime farmland is not relevant.
- c. Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- d. Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- e. Approximately 18.5 acres of farmland will be converted for the proposed RRO.
- f. Regarding compliance with policies having to do with minimizing the disturbance of natural areas:
 - (a) Discussion regarding protection of natural resources can be found under Item 27 above and under Item 38 (Goal 8: Natural Resources).

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- g. A Natural Resource Information Report was prepared by the Champaign County Soil and Water Conservation District and received on June 4, 2021 indicated no sensitive natural areas onsite, and the Sangamon River INAI site is approximately 1,000 feet to the west of the subject property.

- (2) Policy 4.1.8 states, “**The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.**”

The proposed RRO will **HELP ACHIEVE** Policy 4.1.8 for the following reason:

- a. Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “moderate rating for protection” in the LESA analysis.

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

Objective 4.2 includes four subsidiary policies. Policy 4.2.1 does not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
 - a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative effect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure.”**

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

- a. The proposed RRO **IS** located and designed to minimize exposure to any negative effect caused by agricultural activities because the subject property is only bordered by agriculture on one side.
- b. The proposed RRO will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, rural roads, or other agriculture-related infrastructure:
 - (a) The proposed RRO is for two proposed lots, which should cause only a minimal increase in road use.
 - (b) It is possible that there is agricultural drainage tile on the subject property, which would need to be maintained to support surrounding agricultural operations.
 - (c) The proposed RRO should not negatively affect agriculture-related infrastructure.

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- (2) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed RRO will **HELP ACHIEVE** Policy 4.2.3 because a special condition has been added regarding Right to Farm Resolution 3425.

- (3) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all *discretionary review* consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed RRO will **HELP ACHIEVE** Policy 4.2.4 because existing residences in the area do not have a buffer adjacent to farmland, and the proposed RRO does not warrant a buffer.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

Objective 4.3 includes five subsidiary policies. Policies 4.3.2 and 4.3.5 are not relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states, “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.”**

The proposed RRO will **HELP ACHIEVE** Policy 4.3.1 because the proposed site **IS SUITED OVERALL** for the proposed RRO for the following reasons:

- a. Discussion on the LESA score and soils is provided under Item 21 above. The soils are not Best Prime Farmland, and they received a “moderate rating for protection” in the LESA analysis.
- b. Agricultural drainage should not be affected.
- c. Regarding wastewater treatment and disposal on the subject property:
 - (1) The proposed lots will require septic systems approved by Champaign County Health Department.
- d. The Newcomb Township Highway Commissioner has been notified of this case, and no comments have been received.
- e. The subject property is 1.8 miles from the Village of Mahomet.

- (2) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support the proposed development effectively and safely without undue public expense.”**

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

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- a. Emergency services were discussed under Item 25 above.
- b. Response time of the Cornbelt Fire Protection District would be approximately 10 minutes (5.7 road miles).

(3) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

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

- a. There will be a minimal increase in traffic due to the proposed RRO.

- b. The Newcomb Township Highway Commissioner has been notified of this case, and no comments have been received.

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

Objective 4.7 has no subsidiary policies. The proposed RRO will **HELP ACHIEVE** Objective 4.7 because a special condition has been added regarding Right to Farm Resolution 3425.

35. 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 RRO will **NOT IMPEDE** Goal 5.

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

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

Objective 6.1 includes four subsidiary policies. Policies 6.1.3 and 6.1.4 do not appear to be relevant to the proposed RRO. The proposed RRO will **HELP ACHIEVE** Objective 6.1 because of the following:

(1) Policy 6.1.1 states, “**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.**”

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The proposed RRO will ***HELP ACHIEVE*** Policy 6.1.1 for the following reason:

- a. The proposed lots exceed the minimum lot size established in the Zoning Ordinance.

- (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 RRO will ***NOT IMPEDE*** Policy 6.1.2 for the following reason:

- a. There is no wastewater treatment system on the parent tract. The proposed residential lots will have to undergo soil testing as part of future Plat of Subdivision review as well as permitting through the Champaign County Health Department.

37. 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. The proposed RRO will ***NOT IMPEDE*** Goal 7.

38. LRMP Goal 8 is entitled "Natural Resources" and states as follows:

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

Goal 8 has 9 objectives and 36 policies. Objectives 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, and 8.9 and the subsidiary policies either are not relevant to or will not impede the proposed RRO. The proposed RRO will ***HELP ACHIEVE*** Goal 8 for the following reasons:

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

Objective 8.1 includes nine subsidiary policies. Policies 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.7, 8.1.8, and 8.1.9 do not appear to be relevant to the proposed RRO. The proposed RRO will ***HELP ACHIEVE*** Objective 8.1 because of the following:

- (1) Policy 8.1.1 states, "**The County will not approve discretionary development using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.**"

The proposed RRO will ***HELP ACHIEVE*** Policy 8.1.1 for the following reason:

- a. The subject property and proposed RRO are comparable to "ideal or nearly ideal" conditions for Champaign County in terms of common conditions for the availability of water supply because it is located above the Mahomet Aquifer.

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

Objective 8.2 includes one subsidiary policy. The proposed RRO will ***HELP ACHIEVE*** Objective 8.2 for the following reason:

- (1) Policy 8.2.1 states, “**The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:**
- a. **Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA system;**
 - b. **Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA system;**
 - c. **Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils as determined by the Champaign County LESA system.”**

The proposed RRO will ***HELP ACHIEVE*** Policy 8.2.1 for the following reason:

- a. The subject property is not comprised of Best Prime Farmland.

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

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

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

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

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

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

***FOR THE RRO MAP AMENDMENT
GENERALLY REGARDING THE LASALLE AND SINCLAIR FACTORS***

41. 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 RRO. 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:

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

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture, Residential and wooded areas	AG-1 Agriculture
East	Agriculture and Residential	AG-1 Agriculture
West	Agriculture and Residential	CR Conservation Recreation AG-1 Agriculture
South	Residential	AG-1 Agriculture

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

- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, so any discussion of values is necessarily general.
- (2) Without the proposed RRO, the proposed lots could not be created and the land would continue in agricultural production.
- (3) Regarding the value of nearby residential properties, the requested RRO should not have any effect. Regarding the effect on nearby properties:
 - a. There are numerous vacant residential lots surrounding the proposed RRO; the nearest existing residence is approximately 500 feet east of the proposed lots, providing more than the minimum separation between residences in a non-RRO setting.
 - b. There will be a minimal increase in traffic for the proposed residential lots.

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

- (1) There has been no evidence submitted regarding property values.
- (2) If the petitioners are denied the RRO map amendment and special use permit, the property can still be used for agricultural production.

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

- (1) The relative gain to the public is insignificant, while the hardship for the owner by not permitting the RRO would not allow the subject property owner to realize a greater economic value that establishing residential lots would create.

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

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- (1) The proposed RRO adds two residential lots. Additional lots would require a future application for an RRO.
- (2) Regarding compliance with policies having to do with the adequacy of infrastructure and public services for the proposed use, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.3.3 regarding public services and Policy 4.3.4 regarding infrastructure.
- (3) Regarding compliance with policies having to do with minimizing conflict with agriculture, the ZBA has recommended that the proposed RRO will **HELP ACHIEVE** Policy 4.2.2, Policy 4.2.3, and Policy 4.2.4 regarding minimizing conflict with agriculture.
- (4) The proposed RRO will **NOT** interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure:
 - a. Agricultural drainage should not be affected.
 - b. Rural roads should not be affected.

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

- (1) The subject property has been in agricultural production in the AG-1 Agriculture Zoning District for decades.

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

- (1) The petitioner perceives demand for residential lots in this area.

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

- (1) The ZBA has recommended that the proposed RRO will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.

I. Overall, the proposed RRO **IS** consistent with the LaSalle and Sinclair factors.

***FOR BOTH THE RRO REZONING AND THE RRO SPECIAL USE PERMIT
REGARDING THE PURPOSE OF THE ZONING ORDINANCE***

42. Regarding the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance:
- 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.

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- 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) It is not clear whether or not the proposed RRO will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
- (2) The proposed RRO could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property:

An RRO is authorized by Special Use Permit in the AG-1 Agriculture Zoning District and therefore the Zoning Ordinance apparently has a presumption of no inherent incompatibilities between agricultural and residential uses. Provided that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent properties, there should be no significant effect on the value of nearby properties.

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

If the petitioner is denied the RRO, the property can still be used for agricultural production.

- 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 RRO would cause a minimal increase in traffic.

- 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 floodwaters.

- (1) Discussion regarding drainage can be found under RRO Factor C.2.E (Item 22).
- (2) Overall, the proposed RRO District is comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream.

- 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.

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(3) No comments have been received to date regarding the proposed RRO.

- 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 RRO appears to be in compliance with those limits.

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

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

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

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

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- (1) The soil on the subject property is not BEST PRIME FARMLAND.
 - (2) The petitioners do not seek urban services such as sewer and public water for the proposed RRO, and therefore the use is not considered to be urban.

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- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.
 - (1) A Natural Resource Report was prepared by the Champaign County Soil and Water Conservation District and received on June 4, 2021, and there were no natural features on the subject property.
 - (2) Discussion regarding natural resources can be found under RRO Factor C.2.J (Item 27) and LRMP Goal 8 (Item 38).
 - a. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on wetlands and archaeological sites, because reports from the appropriate agencies showed there were no effects, and because there are no significant natural areas and habitats that include pre-settlement conditions.
- 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.
 - (1) The proposed RRO does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - (2) The proposed RRO will not require public investment in facilities or utilities.
- 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 subject property is almost 2 miles from the closest urban area. The proposed RRO lots would be large and have similar character to existing rural residential areas.

- 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 RRO will not hinder the development of renewable energy sources.

REGARDING SPECIAL CONDITIONS OF APPROVAL FOR THE PROPOSED RRO

- 43. Proposed Special Conditions of Approval for Case 009-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.**

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The special condition stated above is required to ensure the following:
Conformance with Policy 4.2.3 of the Land Resource Management Plan.

44. Proposed Special Conditions of Approval for Case 010-S-21:

A. **The Special Use is subject to the approval of Case 009-AM-21.**

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

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

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

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

**That any future exterior lighting installations meet the requirements
established for Special Uses in the Zoning Ordinance.**

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DOCUMENTS OF RECORD

1. Application for a Rural Residential Overlay (RRO) received April 15, 2021, with attachments:
 - A Application for Map Amendment
 - B Application for Special Use Permit
 - C Preliminary Site Plan
2. Site Plan received May 5, 2021
3. Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on May 6, 2021
4. Natural Resource Report from the Champaign County Soil and Water Conservation District received June 4, 2021
5. Email from Jon Conway received June 7, 2021
6. Preliminary Memorandum dated June 8, 2021 for Cases 009-AM-21 and 010-S-21, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 5, 2021
 - C Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County revised June 7, 2016
 - D Map: Lot split history since January 1, 1998, created by P&Z Staff on June 7, 2021
 - E LRMP Land Use Goals, Objectives, and Policies (provided online)
 - F LRMP Appendix of Defined Terms (provided online)
 - G Right to Farm Resolution 3425
 - H Natural Resource Report from the Champaign County Soil and Water Conservation District received June 4, 2021 (provided online)
 - I Email from Jon Conway received June 7, 2021
 - J Land Evaluation and Site Assessment (LESA) Worksheet completed by staff on May 6, 2021
 - K Site Visit Photos taken May 13, 2021
- L Combined Summary of Evidence, Findings of Fact, and Final Determinations for RRO Cases 009-AM-21 and 010-S-21 dated June 17, 2021

PRELIMINARY DRAFT**SUMMARY FINDING OF FACT FOR REZONING CASE 009-AM-21**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 17, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed RRO map amendment **IS** suitable for the development of the specified maximum number of residences because: Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following (see individual RRO factor evidence starting at Item 18):
 - A. “Ideal or Nearly Ideal” conditions for three factors:
 - (1) RRO Factor G: Availability of water supply
 - (2) RRO Factor J: Effects on sensitive natural areas
 - (3) RRO Factor K: Natural or manmade hazards
 - B. “Much Better Than Typical” conditions for three factors:
 - (1) RRO Factor C: Effects of nearby farms
 - (2) RRO Factor D: LESA score
 - (3) RRO Factor I: Flood hazard status
 - C. “More or Less Typical” conditions for five factors:
 - (1) RRO Factor A: Adequacy and Safety of Roads
 - (2) RRO Factor B: Effects on farms
 - (3) RRO Factor E: Effects on drainage
 - (4) RRO Factor H: Emergency services
 - (5) RRO Factor L: Land converted from agricultural uses
 - D. “Worst or Nearly Worst” conditions for one factor:
 - (1) RRO Factor F: Septic suitability
2. The proposed RRO map amendment **WILL** be compatible with surrounding agriculture because:
 - A. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of effects on nearby farmland and farm operations, because driveways for the proposed lots will be fairly close to one another, and there should be no significant changes to drainage.
 - B. A special condition has been added regarding the Right to Farm Resolution.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 4:
 - (1) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on Best Prime Farmland because it will **HELP ACHIEVE** the following:
 - a. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 34.A.(1)).

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- b. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding discretionary development (see Item 34.A.(2)).
- (2) It will ***HELP ACHIEVE*** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will ***HELP ACHIEVE*** the following:
- a. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 34.B.(1)).
 - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 34.B.(2)).
 - c. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 34.B.(3)).
- (3) It will ***HELP ACHIEVE*** Objective 4.3 requiring any discretionary development to be on a suitable site because it will ***HELP ACHIEVE*** the following:
- a. Policy 4.3.1 requiring a discretionary development to be suited overall (see Item 34.C.(1)).
 - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(2)).
 - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 34.C.(3)).
- (4) It will ***HELP ACHIEVE*** Objective 4.7 requiring the right to farm because a special condition has been added regarding Right to Farm Resolution 3425 (see Item 34.D).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will ***HELP ACHIEVE*** Goal 4 Agriculture.
- B. Regarding Goal 6:
- (1) The proposed RRO will ***HELP ACHIEVE*** Objective 6.1 because it will ***HELP ACHIEVE*** or will ***NOT IMPEDE*** the following:
- a. Policy 6.1.1 requiring the County to establish lot requirements that provide ample and appropriate areas for wastewater and septic systems (see Item 36.A.(1)).
 - b. Policy 6.1.2 requiring that the County will ensure that the proposed wastewater disposal and treatment systems of discretionary development will

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not endanger public health, create nuisance conditions for adjacent uses, or negatively impact surface or groundwater quality (see Item 36.A.(2)).

- (2) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 6 Public Health and Safety.

C. Regarding Goal 8:

- (1) The proposed RRO will **HELP ACHIEVE** Objective 8.1 because it will **HELP ACHIEVE** the following:
- a. Policy 8.1.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.A.(1)).
- (2) The proposed RRO will **HELP ACHIEVE** Objective 8.2 because it will **HELP ACHIEVE** the following:
- a. Policy 8.2.1 requiring adequate supply of water for a proposed discretionary development (see Item 38.B.(1)).
- (3) Based on achievement of the above Objective and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 8 Natural Resources.

D. The proposed RRO will **NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 3 Prosperity
- Goal 5 Urban Land Use
- Goal 7 Transportation
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

E. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.

4. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:

- A. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the existing uses and zoning of nearby property because the RRO is proposed for residential use and surrounding land is residential in use or in agricultural production.
- B. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which property values are diminished by the particular zoning restrictions because without the proposed RRO, the proposed residential lots could not be created, which would have a reduced property value compared to agricultural land in production.
- C. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public because:

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- (1) There has been no evidence submitted regarding property values.
 - (2) If the petitioners are denied the RRO map amendment and special use permit, the property can still be used for agricultural production.
- D. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the relative gain to the public as compared to the hardship imposed on the individual property owner because:
- (1) The relative gain to the public is insignificant, while not permitting the RRO would not allow the subject property owner to realize a greater economic value that establishing residential lots would create.
- E. The proposed RRO **IS** consistent with the *LaSalle* factor regarding the suitability of the subject property for the zoned purposes because:
- (1) The proposed RRO adds two residential lots. Additional lots would require a future application for an RRO.
 - (2) The RRO does not require additional public infrastructure or services.
 - (3) The RRO does not conflict with surrounding agricultural activities or agricultural infrastructure.
- F. The proposed RRO **IS** consistent with the *LaSalle* factor regarding 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:
- (1) The subject property has been in agricultural production in the AG-1 Agriculture Zoning District for decades.
- G. The proposed RRO **IS** consistent with the *Sinclair* factor regarding the need and demand for the use:
- (1) The petitioner perceives demand for residential lots in this area.
- H. The proposed RRO **IS** consistent with the *Sinclair* factor regarding the extent to which the use conforms to the municipality's comprehensive planning.
- (1) The ZBA has recommended that the proposed RRO will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
5. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The proposed RRO should have no significant effect on the value of nearby properties (Purpose 2.0 (b) - see Item 42.B.)
 - B. The proposed RRO will not increase traffic volumes significantly (Purpose 2.0(c) - see Item 42.C.).
 - C. The proposed RRO **WILL** reduce hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) - see Item 42.D.).

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- D. Establishing the RRO will **NOT IMPEDE** the protection the most productive agricultural lands from haphazard and unplanned intrusions of urban uses ((Purpose 2.0 (n) – see Item 42.I)).
 - E. The proposed RRO **WILL NOT AFFECT** protect natural features such as forested areas and watercourses (Purpose 2.0 (o) – see Item 42.J).
 - F. The proposed RRO **WILL** minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) – see Item 42.K).
 - G. The proposed RRO **WILL** encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities (Purpose 2.0 (q) – see Item 42.L).
 - H. The proposed RRO **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r) – see Item 42.M).
6. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR MAP AMENDMENTS AND 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.

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FINDINGS OF FACT FOR RRO SPECIAL USE PERMIT CASE 010-S-21

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **010-S-21** held on **June 17, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit **{IS / IS NOT}** necessary for the public convenience at this location because: *the petitioner believes there is demand in this area for residential lots.*
2. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL NOT / WILL}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has **{ADEQUATE / INADEQUATE}** traffic capacity and the entrance location has **{ADEQUATE / INADEQUATE}** visibility.
 - b. Emergency services availability is **{ADEQUATE / INADEQUATE}** because: *the subject property is located approximately 5.7 road miles from the Cornbelt Fire Protection District station in Mahomet; the Fire Chief has been notified of this request for an RRO, and no comments have been received.*
 - c. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses because: *there are other large-lot residential properties in the area.*
 - d. Surface and subsurface drainage will be **{ADEQUATE / INADEQUATE}** because: *Note 4 of the Site Plan received May 5, 2021 states, "Surface drainage patterns shall not be altered by any construction."*
 - e. Public safety will be **{ADEQUATE / INADEQUATE}** because: *there is sufficient capacity on the adjacent roadway for two additional residential lots.*
 - f. The provisions for parking will be **{ADEQUATE / INADEQUATE}.**

The Board may include other relevant considerations as necessary or desirable in each case. The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{CONFORM / NOT CONFORM}** to all relevant County ordinances and codes.
 - b. The Special Use **{WILL / WILL NOT}** be compatible with adjacent uses.
 - c. Public safety will be **{ADEQUATE / INADEQUATE}.**

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4. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **{IS / IS NOT}** necessary for the public convenience at this location.
 - c. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}** is so designed, located, and proposed to be operated so that it **{WILL / WILL NOT}** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit **{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use **IS NOT** an existing nonconforming use.
6. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**
 - A. **The Special Use is subject to the approval of Case 009-AM-21.**

The special condition stated above is required to ensure the following:
That the Special Use is consistent with the intent of the Zoning Ordinance and ZBA recommendations.
 - B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The special condition stated above is required to ensure the following:
That any future exterior lighting installations meet the requirements established for Special Uses in the Zoning Ordinance.

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FINAL DETERMINATION FOR RRO REZONING CASE 009-AM-21

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 Map Amendment for a Rural Residential Overlay (RRO) requested in **Case 009-AM-21** should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

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

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

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FINAL DETERMINATION FOR RRO SPECIAL USE PERMIT CASE 010-S-21

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

The Special Use requested in Case 010-S-21 be *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the applicant, **Shawn Tabeling, d.b.a. Tabeling Development Co LLC**, to authorize the following as a Special Use Permit:

Authorize a Rural Residential Overlay (RRO) Zoning District in conjunction with related map amendment Case 009-AM-21 that is also required for an RRO.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **The Special Use is subject to the approval of Case 009-AM-21.**
- B. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

The 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