

# **CASES 167-AM-25 & 171-V-25**

## **PRELIMINARY MEMORANDUM**

July 10, 2025

**Petitioner:** Ehler Brothers Company represented by Dustin Ehler.

**Request:** **167-AM-25**

**Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to expand operations of a Farm Chemicals and Fertilizer Sales business including storage and mixing of blended fertilizer.**

**171-V-25**

**Authorize a variance from Section 4.3.10 of the Champaign County Zoning Ordinance which requires compliance with the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a lot of 2 to 6.25 acres, for the property in related Zoning Case 167-AM-25**

**Location:** A 3-acre tract in the Northwest Quarter of the Northeast Quarter of Fractional Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township with PIN 17-17-19-200-011, located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N, St. Joseph.

**Site Area:** 3 acres

**Time Schedule for Development:** As soon as possible

**Prepared by:** **Charlie Campo**, Zoning Officer  
**John Hall**, Zoning Administrator  
**Trevor Partin**, Associate Planner

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## **BACKGROUND**

The petitioner requests to rezone newly purchased property east of the existing Ehler Bros. facility from its current AG-1 Agriculture zoning designation to the B-1 Rural Trade Center zoning designation. The petitioner seeks to expand its existing fertilizer blending and sales business. The proposed expansion of the facility will trigger the need for a Storm Water Drainage Plan. The petitioners are requesting a variance from that requirement in Case 171-V-25.

The petitioner operates an existing fertilizer blending and sales business on the adjacent properties to the west. The original business location was rezoned from AG-2 to B-1 in 1977 and an additional 1.4 acre expansion was rezoned from AG-1 to B-1 in 2016.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is located within one and one-half mile of the Village of Royal, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment

cases. Notice of the public hearing was sent to the Village and no comments have been received.

The subject property is located within Ogden Township, which does not have a Planning Commission.

## NATURAL RESOURCES INFORMATION REPORT

The petitioner has applied to the Champaign County Soil and Water Conservation District for a Natural Resource Information Report. The results of the report are not yet available but should be available before the case is heard at ELUC and County Board.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture (proposed to be rezoned to B-1)
North	Agriculture	AG-1 Agriculture
East	Agriculture, Residential	AG-1 Agriculture
West	Ehler Bros Fertilizer business	B-1 Rural Trade Center
South	Agriculture	AG-1 Agriculture

## COMPATIBILITY WITH LRMP AND ZONING ORDINANCE

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

The Land Resource Management Plan Goal 8: Natural Resources, has additional considerations because the existing Ehler Bros site abuts a tributary of the Spoon River, which is part of the Upper Salt Fork Watershed. The Spoon River Illinois Natural Areas Inventory (INAI) site is 29 acres under INAI Category VI, which indicates “unusual concentrations of flora or fauna and high quality streams.” The state does not protect this site.

## PROPOSED SPECIAL CONDITIONS FOR 167-AM-25

The following special condition is proposed for the Map Amendment:

- A. **A Zoning Use Permit and applicable fees shall be required any future construction on the property.**

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

**Conformance with the Champaign County Zoning Ordinance.**

- B. 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.**

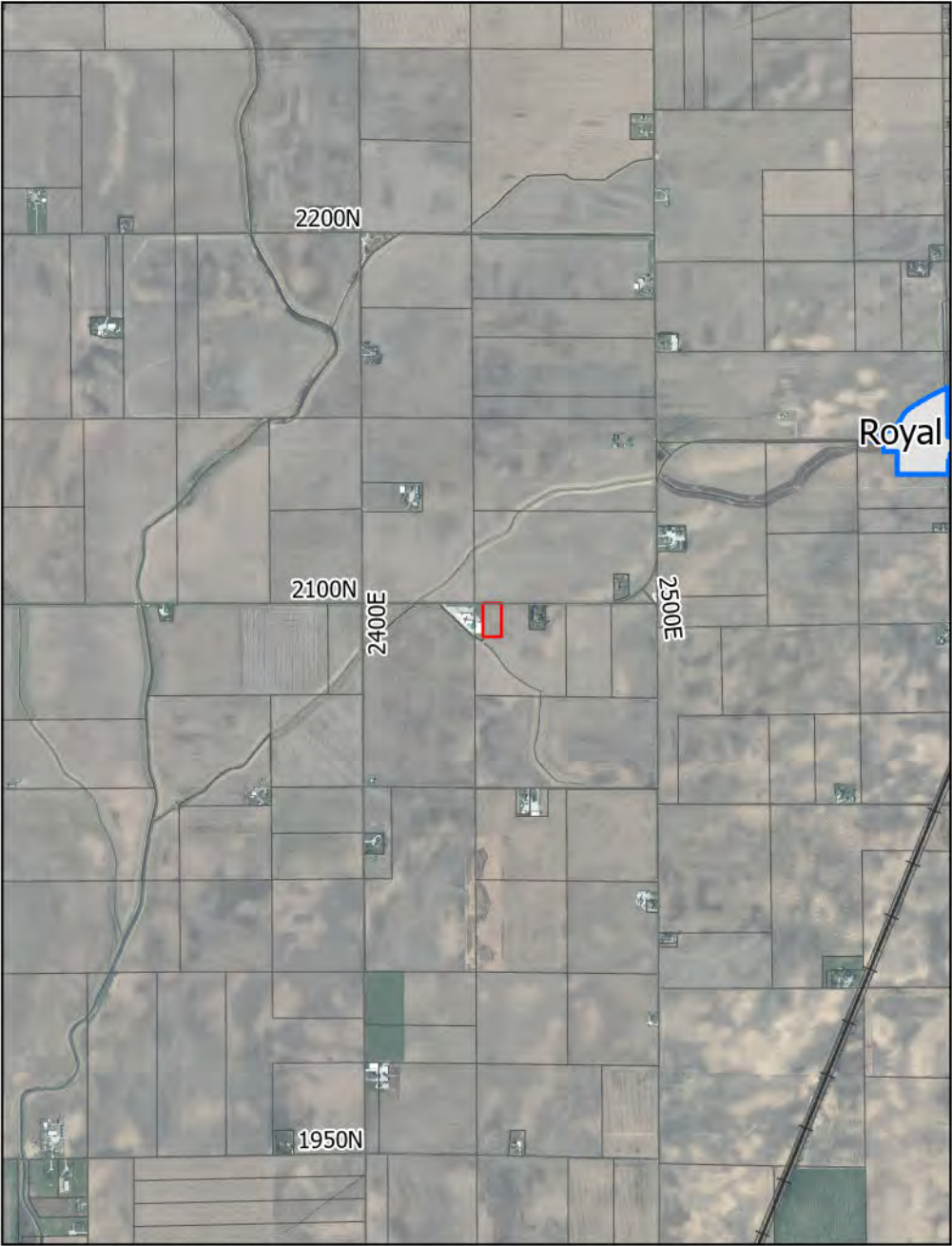
The special condition stated above is required to ensure the following:



**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

## **ATTACHMENTS**

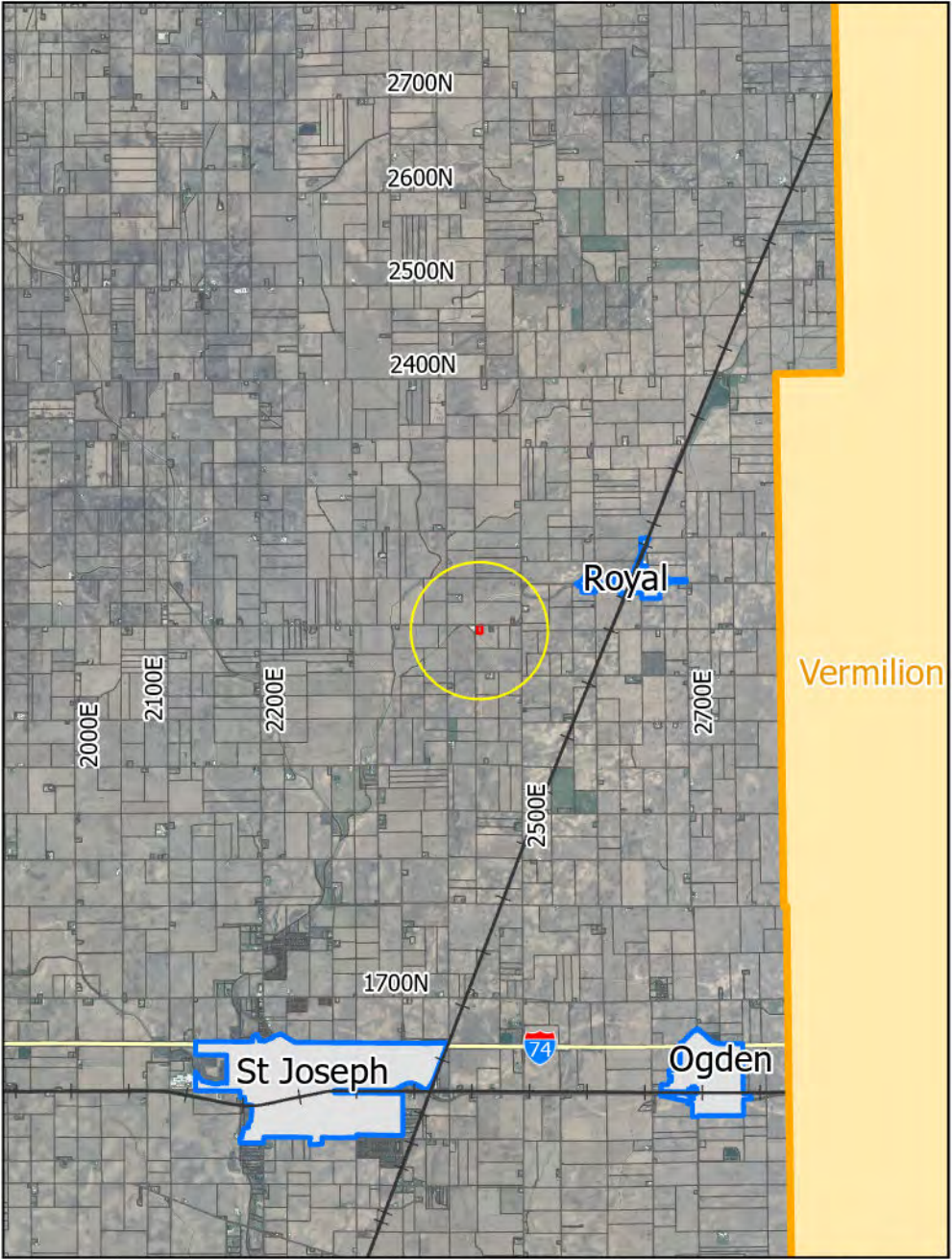
- A Case Maps (Location, Land Use, Zoning)
- B Aerial Photo 2023
- C Aerial Photo 2023 showing Flood Zones
- D Site Plans Received March 28, 2025, June 20, 2025, and June 26, 2025
- E Building Plans Received March 28, 2025
- F Approval Letter from Drainage District #10 of Ogden
- G LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
- H LRMP Appendix of Defined Terms (on ZBA meetings website)
- I Site Photos taken July 10, 2025
- J Draft Finding of Fact, and Final Determination for Case 167-AM-25
- K Draft Summary of Evidence, Finding of Fact and Final Determination for Case 171-V-25



Subject Property



-  Subject Parcel
-  Municipal Boundary

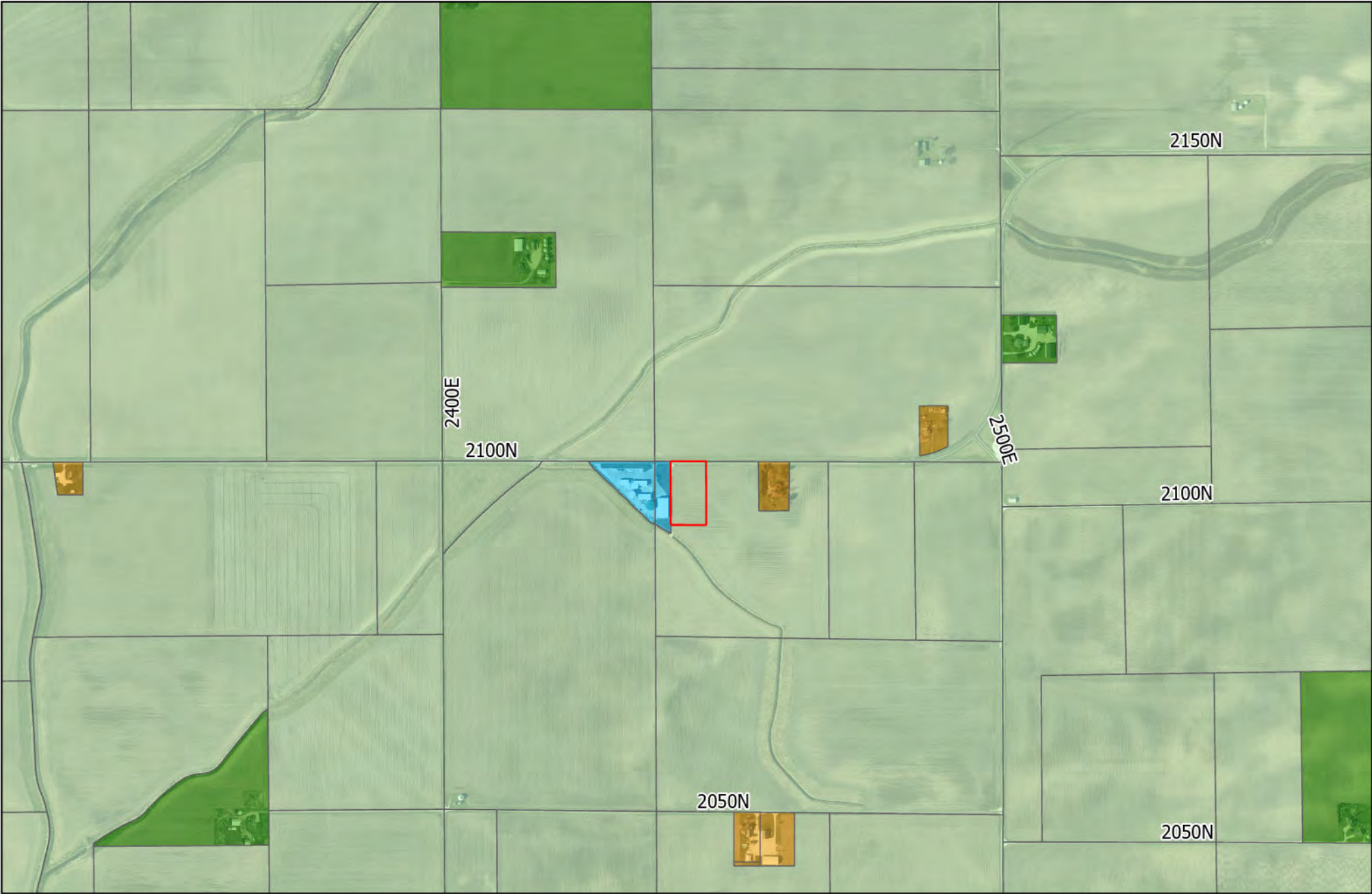
Property Location in Champaign County



-  N
-  PLANNING & ZONING



Land Use Map  
Case 167-AM-25 / 171-V-25  
July 17, 2025



Subject Parcel

Agricultural

Commercial

Residential

Agricultural/Residential

01,0002,000

Feet

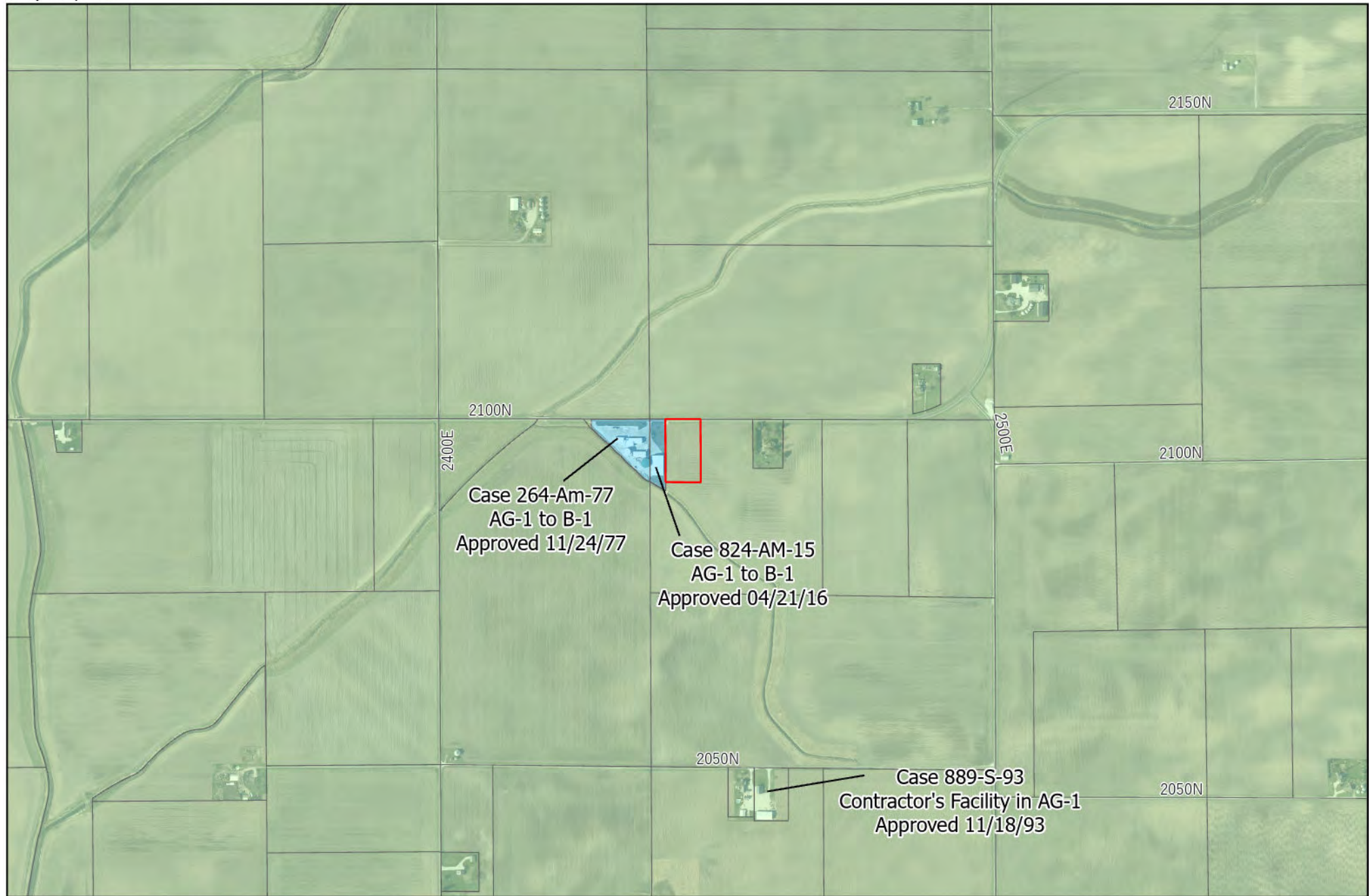
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

PLANNING & ZONING

# Zoning Map

Case 167-AM-25 / 171-V-25

July 17, 2025



-  Subject Parcel
-  B-1 Rural Trade Center
-  AG-1 Agriculture

0 1,000 2,000 Feet



PLANNING &  
ZONING

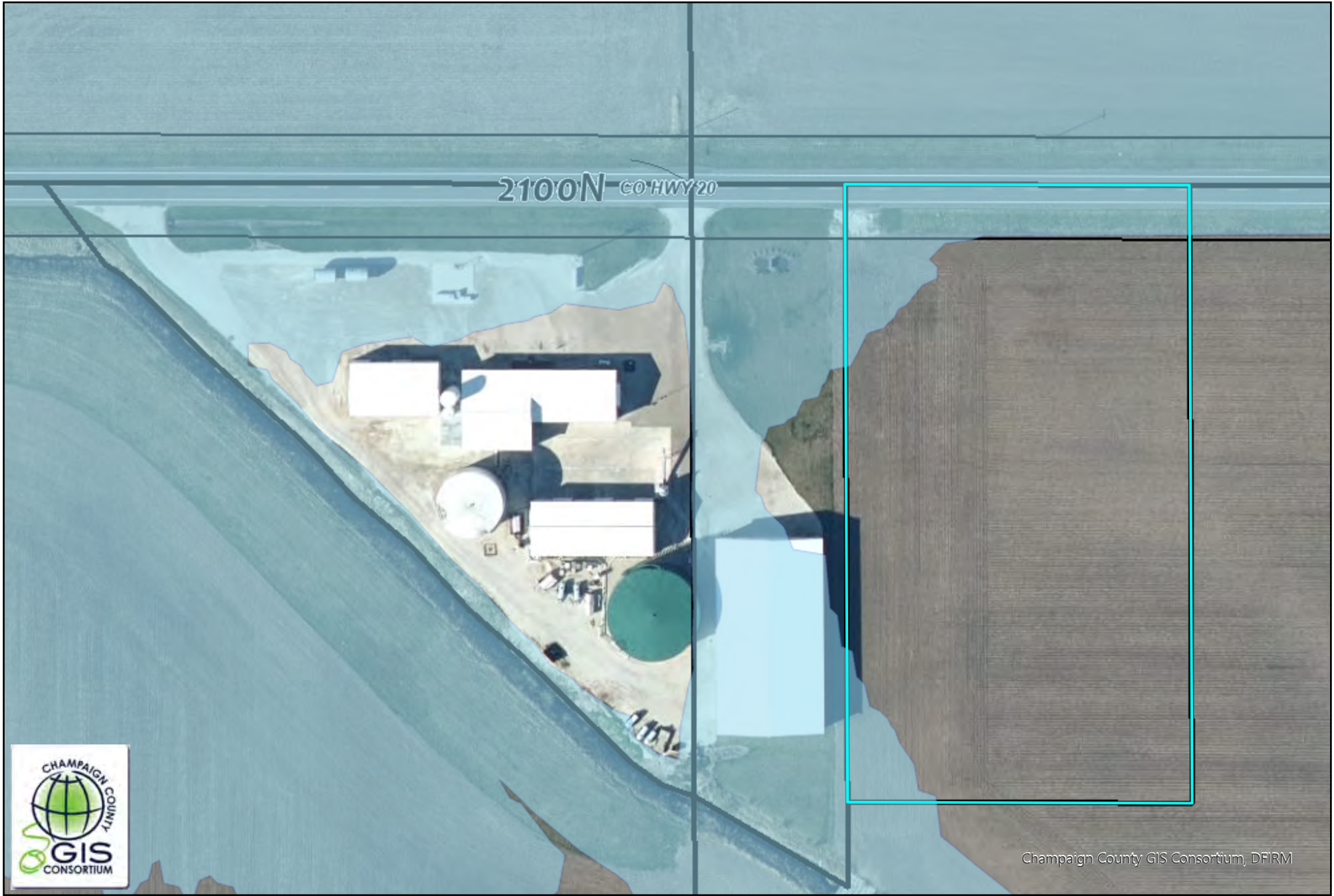




 Subject Parcel



# Floodplain

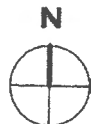


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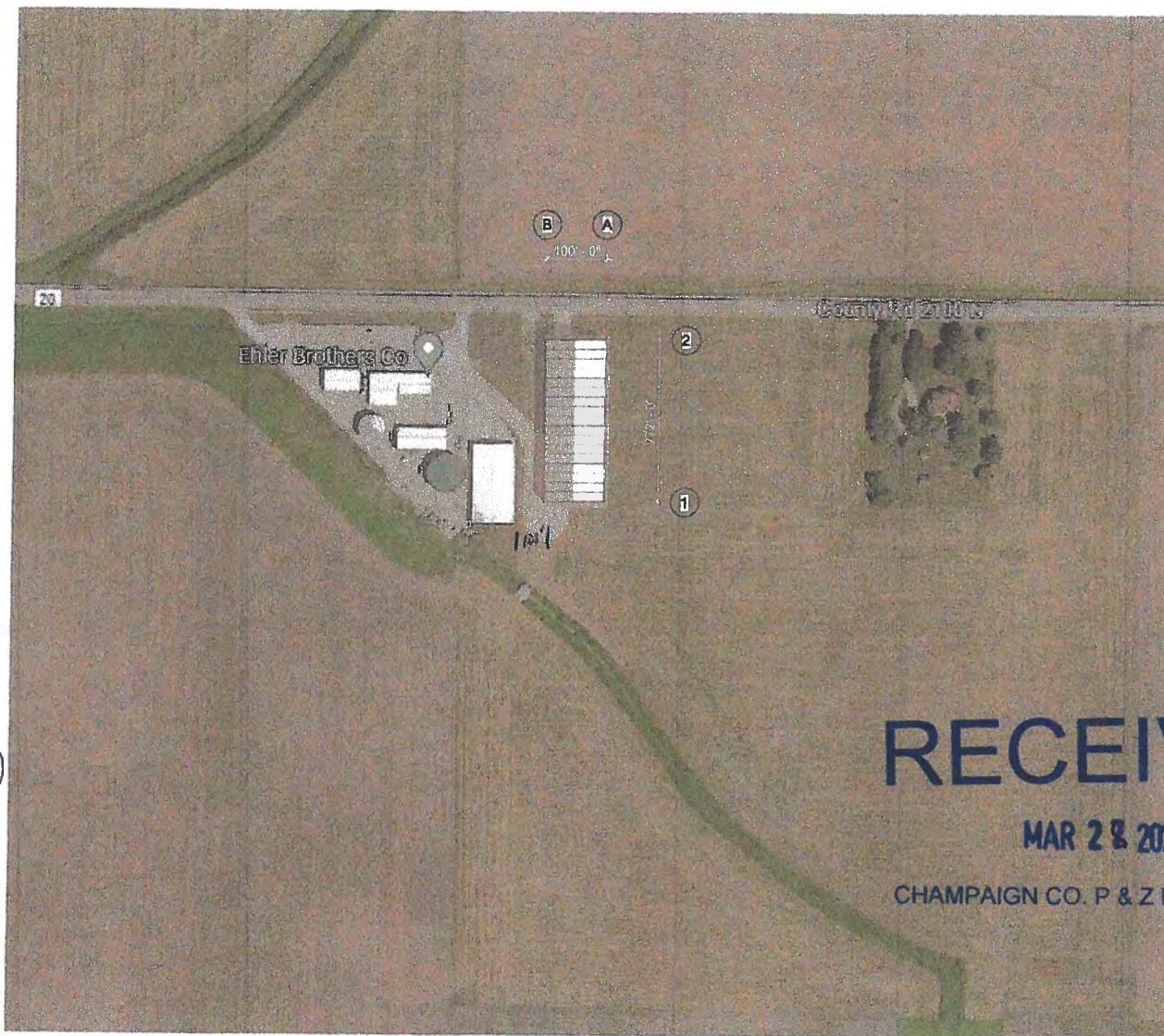




Approx 101' from  
East side of existing  
building to the  
West side of the  
proposed building

Actual proposed  
building will be shifted  
South east to avoid  
existing flood plain  
please see aerial  
flood plain view

P.L.E



RECEIVED

MAR 28 2025

CHAMPAIGN CO. P & Z DEPARTMENT

NO.	REVISION	DATE

Sales Layout Drawing\_Ehler Bros 100x272 Fertilizer Shed\_09.14.2024.

SITE PLAN

Drawn by: AP  
Checked by: [blank]  
Scale: NTS

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AP

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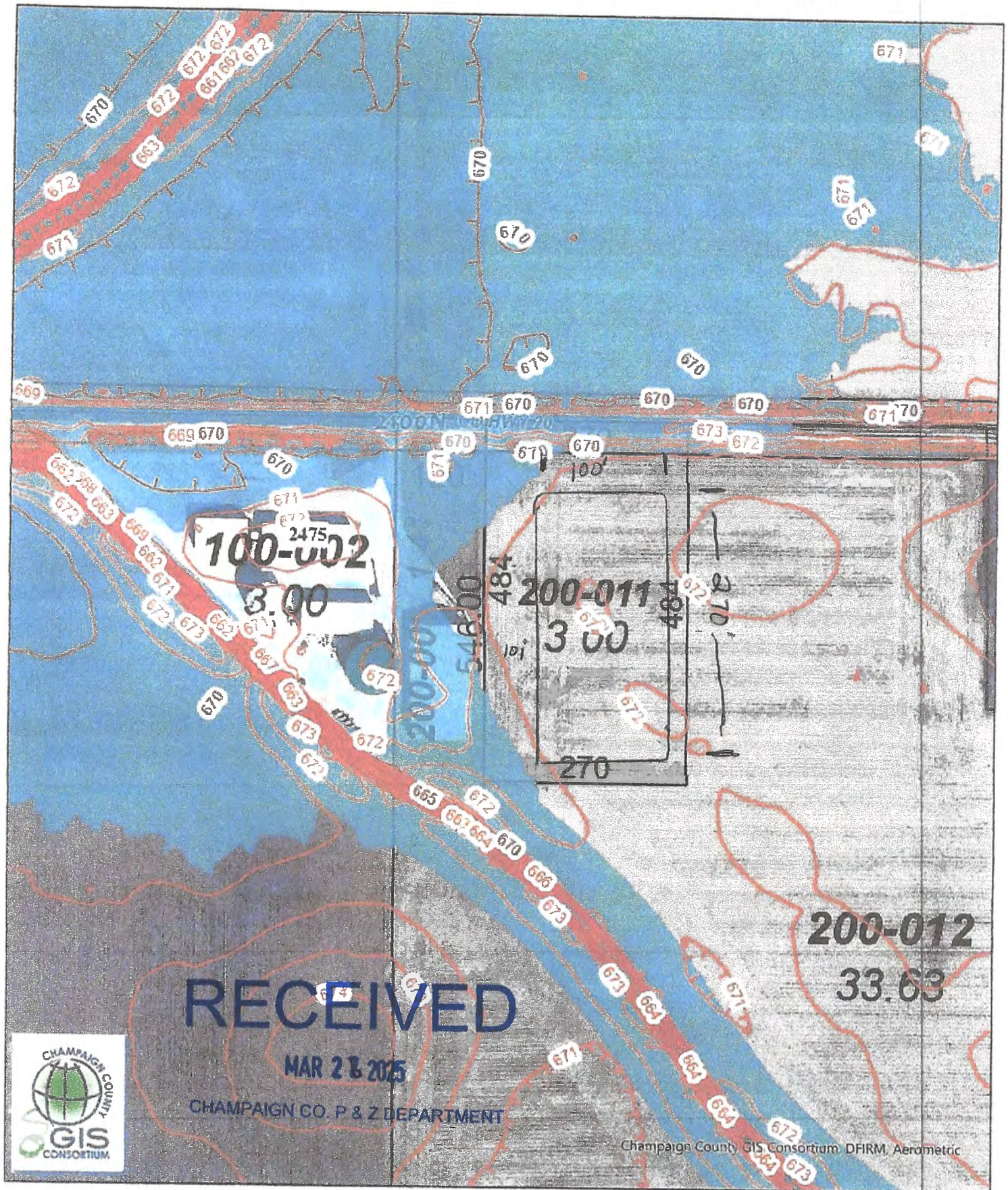
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REVISION  
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CONTRACTORS LLC  
**GREENFIELD**  
BUILDING YOUR FUTURE

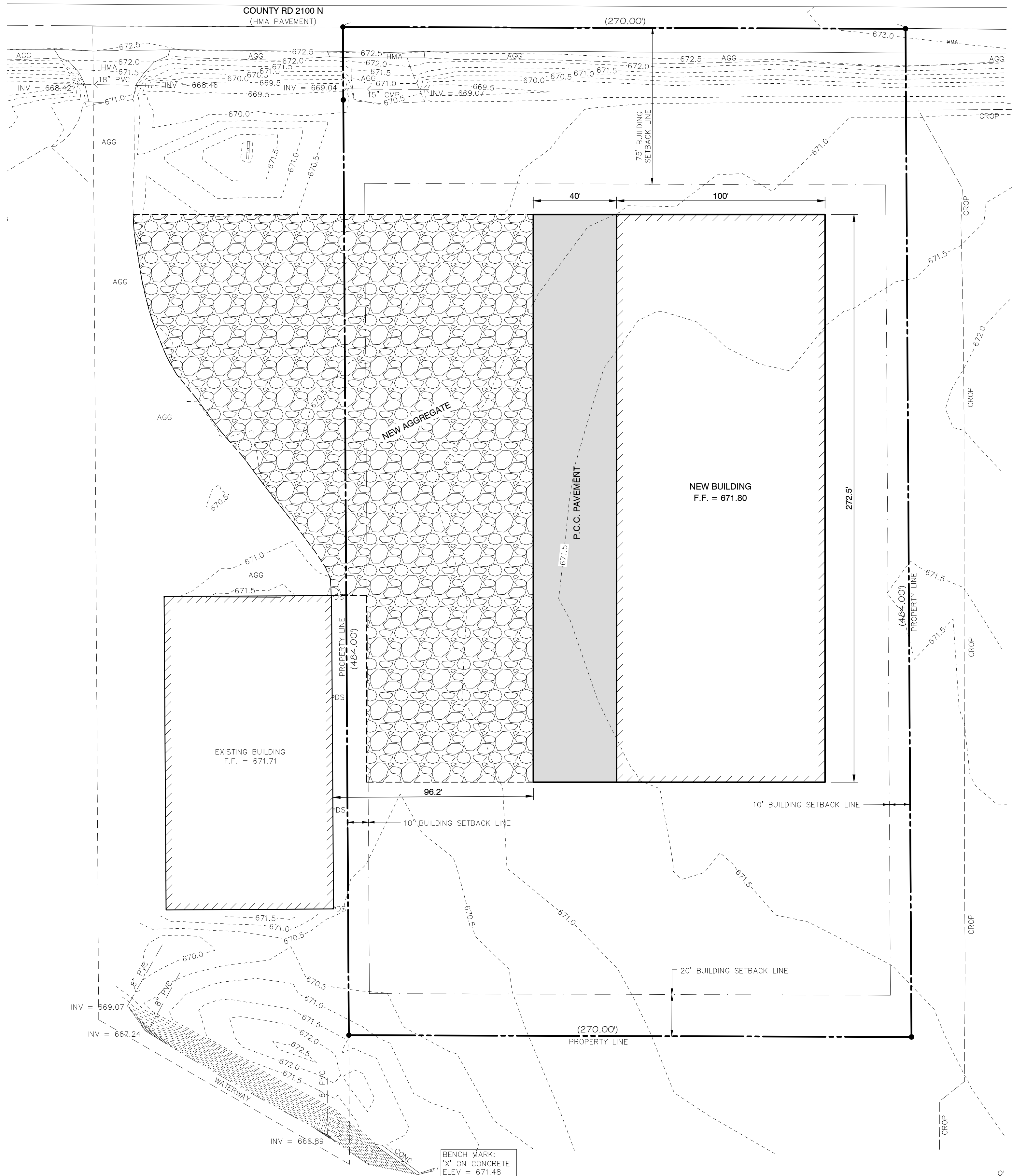


171719200011; 2023 w/flood&contours; 1:100

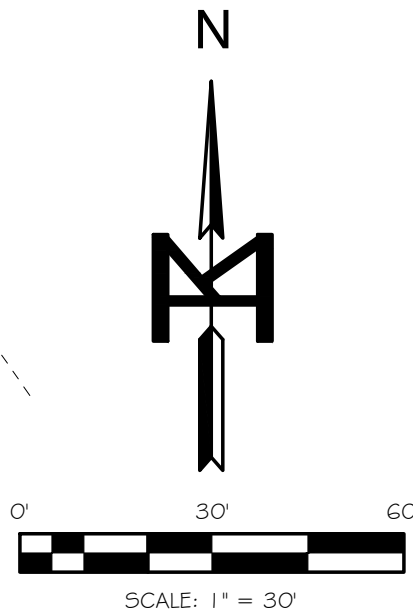


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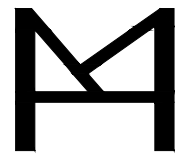


LEGEND	
	DEED LINE
	RIGHT OF WAY
	ADJACENT PROPERTY LINE
	BUILDING SETBACK LINE
	EXIST. STORM SEWER
	EXIST. FENCE
	EXIST. CONTOUR LINE
	EXIST. SURVEY MONUMENT
	RECORD DISTANCE
	EXIST. SIGN
	DOWNSPOUT
	EXISTING
	CONCRETE
	AGGREGATE
	HOT MIX ASPHALT
	SIDEWALK



SITE LAYOUT EXHIBIT  
SCALE: 1" = 30'

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION



**MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.**  
5901 N. Prospect Road, Suite 6B  
Peoria, Illinois 61614  
www.mohrandkerr.com  
Office: (309) 692-8500  
Fax: (309) 692-8501  
Professional Design Firm #184.005091

REV.	DATE	NATURE OF REVISION	CHECKED
FILE NAME: SITE LAYOUT EHLER BROS 25-226.dwg Jun 12, 2025			

SURVEYED	WLC
DRAWN	BRD
CHECKED	JMM
SCALE	1" = 30'
DATE	6-12-2025

CLIENT:

GREENFIELD CONTRACTORS  
EHLER BROTHERS

TITLE:

SITE LAYOUT EXHIBIT

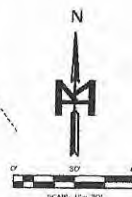
PROJECT NO.	25-226
SHEET	1 OF 1
DRAWING NO.	1

2 24" catch basins will be installed between the existing building and the proposed building. The water will be directed straight to the drainage ditch by way of a newly installed 10" tile.



LEGEND	
---	DEED LINE
---	RIGHT OF WAY
---	ADJACENT PROPERTY LINE
---	BUILDING SETBACK LINE
---	EXIST. STORM SEWER
X X X	EXIST. FENCE
---	EXIST. CONTOUR LINE
•	EXIST. SURVEY MONUMENT
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+	EXIST. SIGN
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(C)	EXISTING
CONC	CONCRETE
AGG	AGGREGATE
HMA	HOT MIX ASPHALT
SW	SIDEWALK

1 curtain drain with an 8" tile installed on the east side of the proposed building taking the storm water directly to the drainage ditch. The curtain drain trench will be back filled with clean 3/4" rock



SITE LAYOUT EXHIBIT  
SCALE: 1" = 30'

PRELIMINARY ONLY  
NOT FOR CONSTRUCTION



MOHR & KERR ENGINEERING & LAND SURVEYING, P.C.  
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www.mohr-kerr.com

Office: (309) 692-9500  
Fax: (309) 692-4501  
Professional Design Firm #184,005,091

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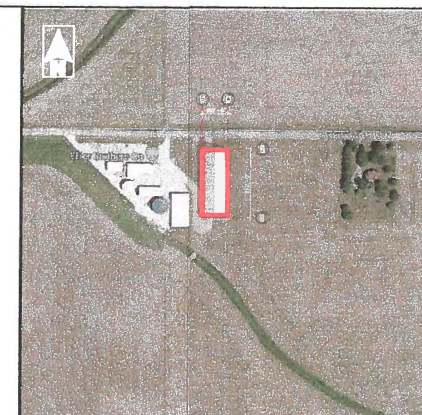


Signed by: *arvon Ehler - B7662* 2/5  
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DocuSigned by: *Lucas Young* 2/7/2025  
AEB4F5BABC294DD

Signed by: *Riceal Frail* 3/3/2025  
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This architectural cross-section drawing shows a building with a gabled roof supported by a steel truss system. The interior is divided into a lower level and an upper level by a horizontal beam. The lower level features a large, yellow-shaded triangular area on the left side, which appears to be a sloped floor or a large storage area. The upper level has four small, square windows. A label 'FUTURE' is visible on the left side of the upper level. The drawing is a technical line drawing with a yellow stippled fill for the shaded area.


[illegible]

DRAWING INDEX		
SHEET NAME	SHEET NO.	TITLE
TS	1 OF 16	TITLE SHEET
GEN	2 OF 16	GENERAL STRUCTURAL NOTES
RFN	3 OF 16	DETAILED REACTIONS
FDA	4 OF 16	FOUNDATION PLAN
FRA	5 OF 16	FRAMING PLAN
E1-A	6 OF 16	ELEVATION A
E1-B	7 OF 16	ELEVATION B
E1-C	8 OF 16	ELEVATION C
E1-D	9 OF 16	ELEVATION D
EXT1	10 OF 16	EXTRUSION LAYOUT
EXT2	11 OF 16	EXTRUSION LAYOUT
EXT3	12 OF 16	EXTRUSION LAYOUT
DET1	13 OF 16	DETAILS
DET2	14 OF 16	DETAILS
PVC	15 OF 16	PVC LAYOUT
FAB	16 OF 16	FABRIC DETAILS



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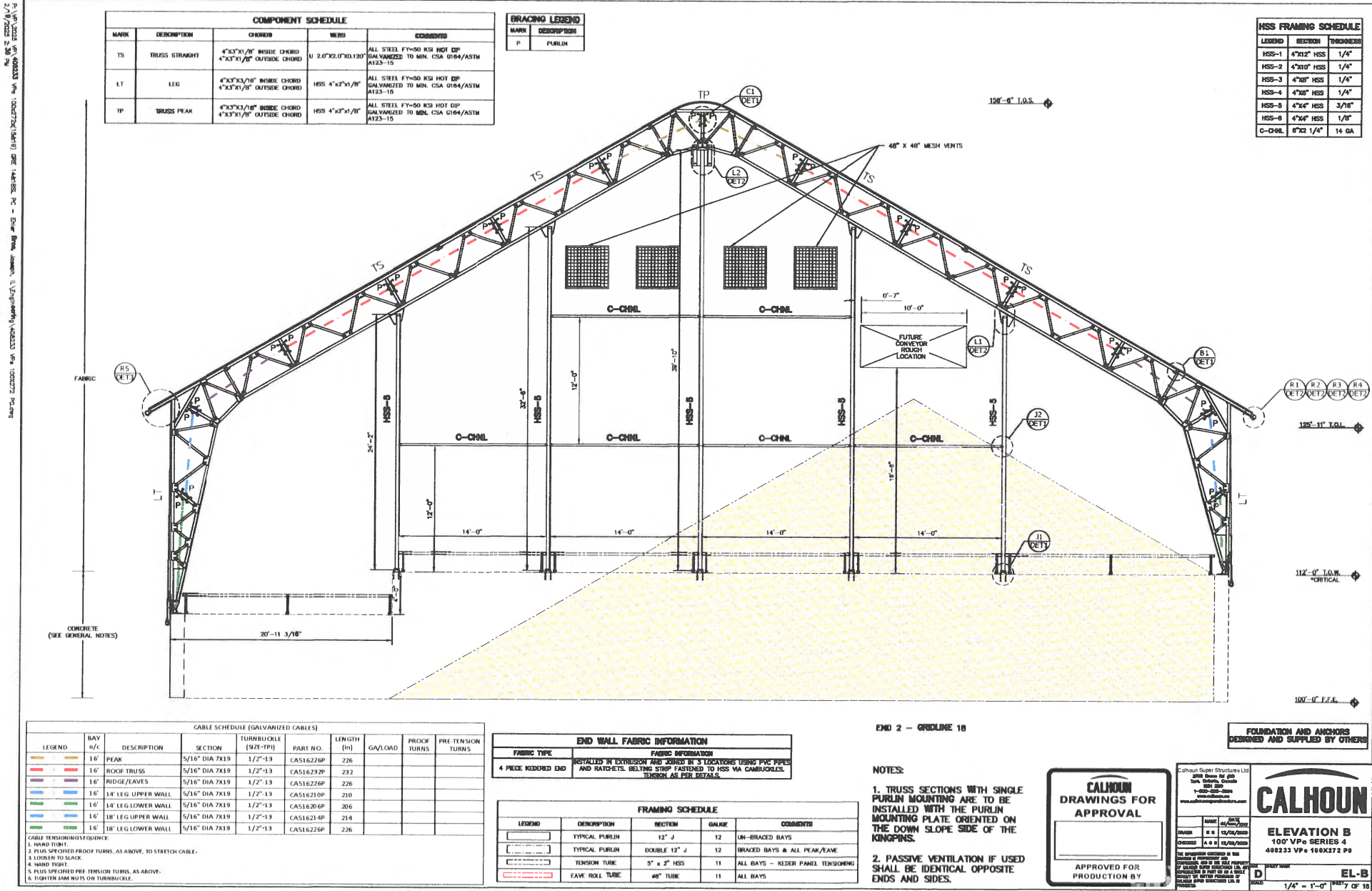
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Calhoun Super Structures Ltd. 2703 Bruce Rd. #10 York, Ontario, Canada M2H 3G9 1-800-782-3884 www.calhounsuperstructures.com			 <h1>CALHOUN</h1>					
<table border="1"> <tr> <th>ISSUED</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>12/01/2012</td> </tr> </table>	ISSUED	DATE	1	12/01/2012	<h2>TITLE SHEET</h2>			
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<table border="1"> <tr> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>12/01/2012</td> </tr> </table>	REVISION	DATE	1	12/01/2012	<h3>100' VP# SERIES 4</h3>			
REVISION	DATE							
1	12/01/2012							
<table border="1"> <tr> <th>DESIGNED</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>12/01/2012</td> </tr> </table>	DESIGNED	DATE	1	12/01/2012	<h3>482323 VP# 100X272 P0</h3>			
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<b>D</b> DRAWN BY	TS TITLE SHEET

ANY DAMAGE TO STRUCTURE OR COMPONENTS MUST BE REPORTED IMMEDIATELY TO CALHOUN SUPER STRUCTURES.  
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CALHOUN SUPER STRUCTURES WILL NOT ACCEPT RESPONSIBILITY FOR ANY REPAIRS OR MODIFICATIONS THAT HAVE  
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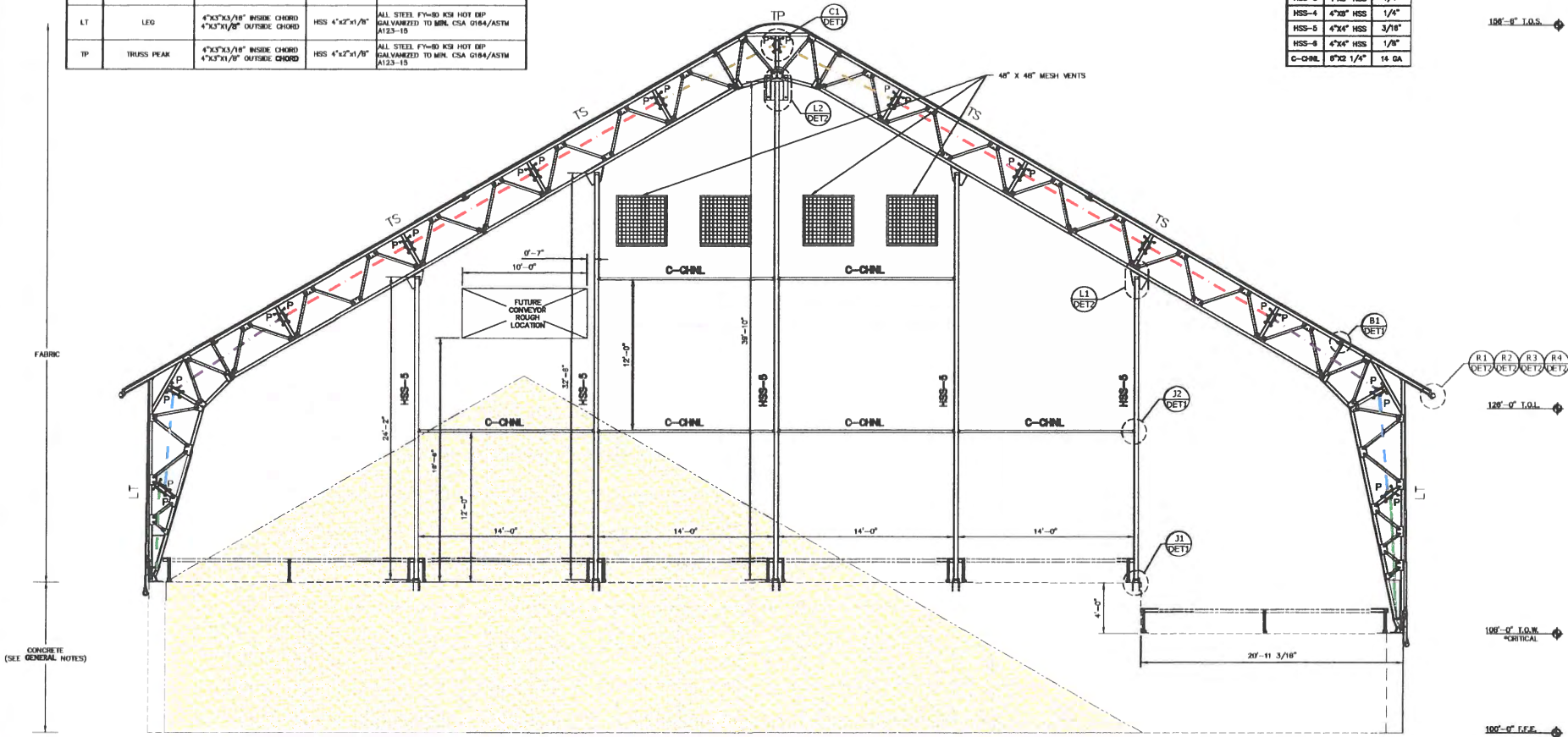


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COMPONENT SCHEDULE				
MARK	DESCRIPTION	CHORDS	WEB	COMMENTS
TS	TRUSS STRAIGHT	4"x10"x1/8" INSIDE CHORD 4"x10"x1/8" OUTSIDE CHORD	U 2.0"x10.0"x0.120"	ALL STEEL F.Y=80 KSI HOT DIP GALVANIZED TO MIN. CSA G184/ASTM A123-15
LT	LEG	4"x10"x1/8" INSIDE CHORD 4"x10"x1/8" OUTSIDE CHORD	HSS 4"x10"x1/8"	ALL STEEL F.Y=80 KSI HOT DIP GALVANIZED TO MIN. CSA G184/ASTM A123-15
TP	TRUSS PEAK	4"x10"x1/8" INSIDE CHORD 4"x10"x1/8" OUTSIDE CHORD	HSS 4"x10"x1/8"	ALL STEEL F.Y=80 KSI HOT DIP GALVANIZED TO MIN. CSA G184/ASTM A123-15

BRACING LEGEND	
MARK	DESCRIPTION
P	PURLIN

HSS FRAMING SCHEDULE		
LEGEND	SECTION	THICKNESS
HSS-1	4"x12" HSS	1/4"
HSS-2	4"x10" HSS	1/4"
HSS-3	4"x8" HSS	1/4"
HSS-4	4"x8" HSS	1/4"
HSS-5	4"x4" HSS	3/16"
HSS-6	4"x4" HSS	1/8"
C-CHNL	6"x12" C	14 GA



CABLE SCHEDULE (GALVANIZED CABLES)							
LEGEND	BAY	DESCRIPTION	SECTION	TURNBUCKLE (SIZE-TPI)	PART NO.	LENGTH (in)	GA/LD
1/2"	1/2"	PEAK	5/16" DIA 7X19	1/2"-13	CA516226P	226	
1/2"	1/2"	ROOF TRUSS	5/16" DIA 7X19	1/2"-13	CA516232P	232	
1/2"	1/2"	RIDGE/LEAVES	5/16" DIA 7X19	1/2"-13	CA516226P	226	
1/2"	1/2"	14" LEG UPPER WALL	5/16" DIA 7X19	1/2"-13	CA516210P	210	
1/2"	1/2"	14" LEG LOWER WALL	5/16" DIA 7X19	1/2"-13	CA516206P	206	
1/2"	1/2"	18" LEG UPPER WALL	5/16" DIA 7X19	1/2"-13	CA516214P	214	
1/2"	1/2"	18" LEG LOWER WALL	5/16" DIA 7X19	1/2"-13	CA516226P	226	

CABLE TENSIONING SEQUENCE:  
1. HARD TIGHT.  
2. PLUS SPECIFIED PROOF TURNS, AS ABOVE, TO STRETCH CABLE.  
3. LOCKEN TO SLACK.  
4. HARD TIGHT.  
5. PLUS SPECIFIED PRE TENSION TURNS, AS ABOVE.  
6. TIGHTEN JAW NUTS ON TURNBUCKLE.

END WALL FABRIC INFORMATION	
FABRIC TYPE	FABRIC INFORMATION
4 PIECE KEDDER END	INSTALLED IN EXTENSION AND JOINED IN 3 LOCATIONS USING PVC TUBES AND RATCHETS, BELTING STUMP FASTENED TO HSS VIA CABLEBOLTS, TENSION AS PER DETAILS.

FRAMING SCHEDULE			
LEGEND	DESCRIPTION	SECTION	GAUGE
	TYPICAL PURLIN	12" J	12
	TYPICAL PURLIN	DOUBLE 12" J	12
	TENSION TUBE	5" x 2" HSS	11
	EAVE ROLL TUBE	48" TUBE	11

END 1 - GRIDLINE 1

NOTES:  
1. TRUSS SECTIONS WITH SINGLE PURLIN MOUNTING ARE TO BE INSTALLED WITH THE PURLIN MOUNTING PLATE ORIENTED ON THE DOWN SLOPE SIDE OF THE KINGPINS.  
2. PASSIVE VENTILATION IF USED SHALL BE IDENTICAL OPPOSITE ENDS AND SIDES.



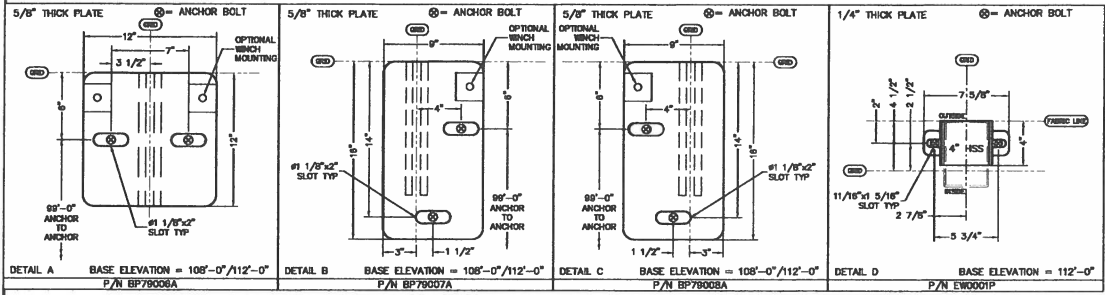
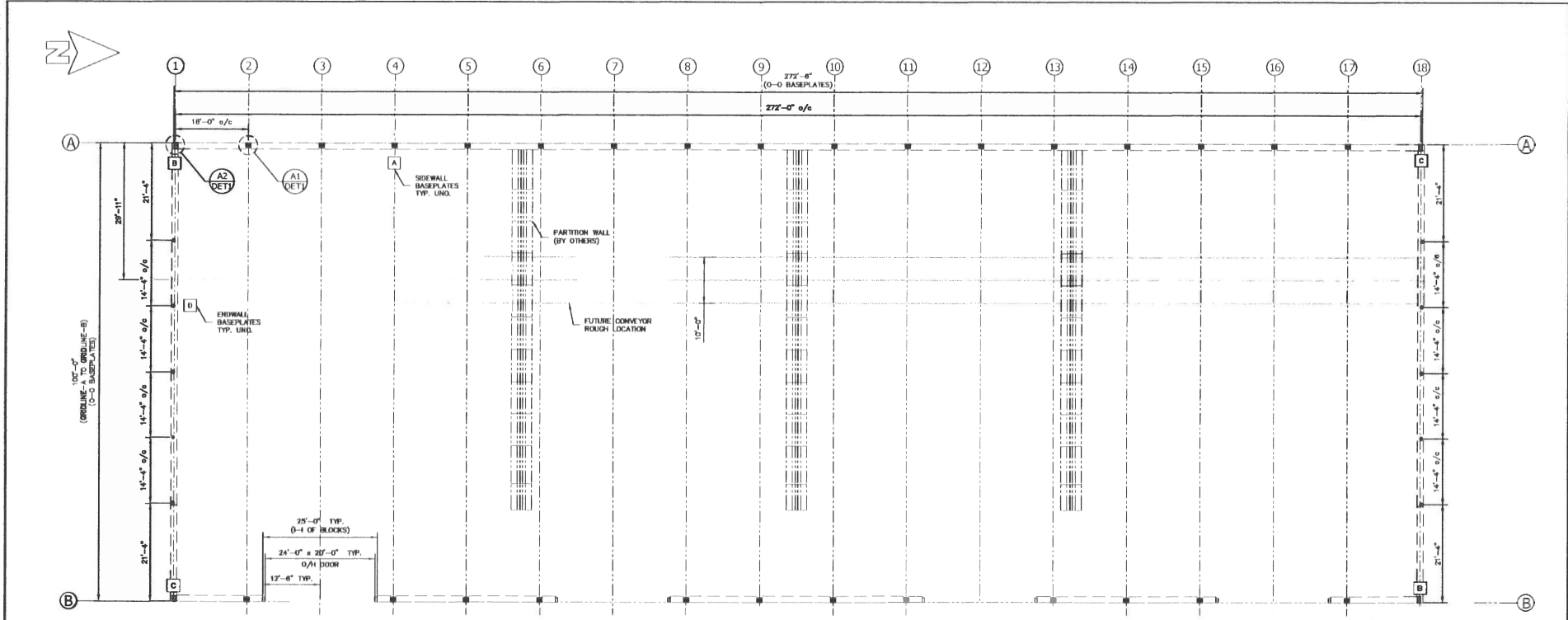
Calhoun Super Structures Ltd.  
3000 Steeles Rd. East  
Thornhill, Ontario  
M3H 5E9  
1-800-565-5666  
www.calhounsuper.com

NAME: [Signature]  
DATE: 04/05/2023  
DRAWN: [Signature]  
CHECKED: [Signature]  
SCALE: 1/4" = 1'-0"

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**CALHOUN**  
ELEVATION A  
100' VPo SERIES 4  
488233 VPo 100X272 P0  
SHEET NAME: EL-A  
SHEET NO: 1/4" = 1'-0" SHEETS OF 10

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NOTE: THE FOUNDATION DESIGNER MAY CHOOSE ANCHORS OF VARIOUS DIAMETERS WHERE APPROPRIATE.  
IF THE ANCHOR IS MORE THAN 1/8" SMALLER THAN THE BASEPLATE HOLE, A PLATE WASHER SHALL BE USED WHICH HAS:  
A) MINIMUM LENGTH AND WIDTH 1/3 EQUAL TO THE BASEPLATE HOLE DIAMETER PLUS 1 INCH, AND  
B) MINIMUM THICKNESS OF 1/3 OF THE ANCHOR DIAMETER, AND  
C) A STANDARD HOLE 1/16 INCH LARGER THAN THE ANCHOR DIAMETER.  
THE FOUNDATION DESIGNER MAY SPECIFY PLATE WASHERS IN EXCESS OF THE ABOVE AT THEIR DISCRETION.

**CALHOUN**  
DRAWINGS FOR  
APPROVAL

APPROVED FOR  
PRODUCTION BY

Calhoun Super Structures Ltd.  
2000 Route 88, Unit 100  
Tomb, Ontario, Canada  
M0T 1S0  
1-800-387-3884  
www.calhounsuper.com

NO.	REV.	DATE	DESCRIPTION
1	1	12/15/2023	ISSUED FOR PERMIT
2	2	12/15/2023	ISSUED FOR PERMIT

THE APPROVED CONTRACTOR IS THE  
RESPONSIBLE PARTY FOR THE  
CORRECTNESS OF THE DRAWINGS AND  
FOR THE PROPER INSTALLATION OF  
THE STRUCTURE IN ACCORDANCE  
WITH THE SPECIFICATIONS AND  
CONSTRUCTION DETAILS.

**CALHOUN**  
FOUNDATION PLAN  
100' VP SERIES 4  
408233 VP 100X272 P0

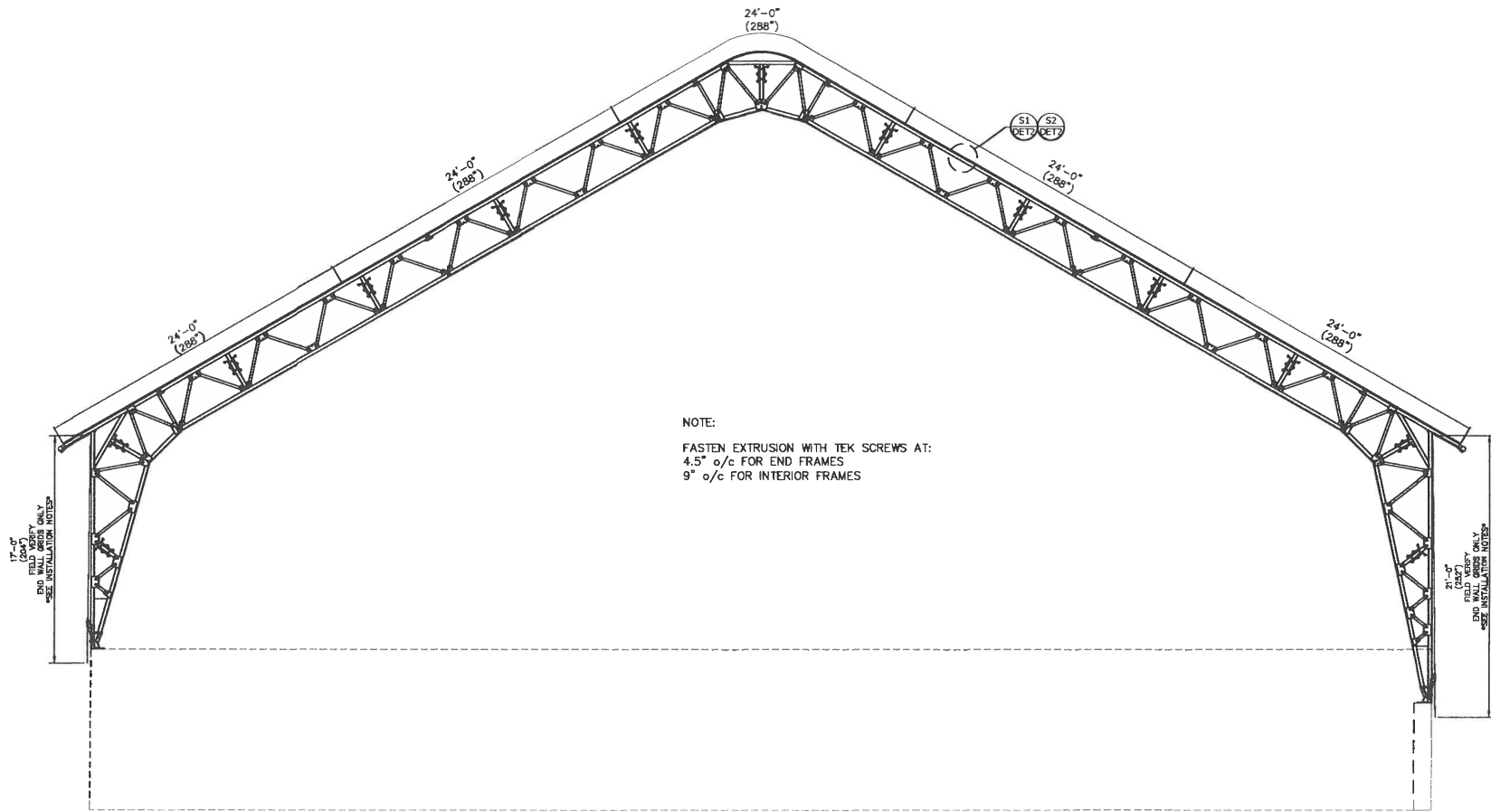
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3/32" = 1'-0"

4 OF 18



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NOTE:  
FASTEN EXTRUSION WITH TEK SCREWS AT:  
4.5" o/c FOR END FRAMES  
9" o/c FOR INTERIOR FRAMES

UNDER EAVE KEDER EXTRUSION LENGTH = 17'-0" & 21'-0"  
EXTRUSION ON GRIDS 1 & 18 ONLY

CALHOUN

DRAWINGS FOR  
APPROVAL

APPROVED FOR  
PRODUCTION BY

Calhoun Steel Structures Ltd.  
2700 Steeles Rd. East  
Thornhill, Ontario  
M3J 3K1  
Tel: (905) 882-2800  
Fax: (905) 882-2801  
www.calhounsteel.com

DATE	BY
12/12/2022	SS
12/12/2022	SS

SEE SPECIFICATIONS SECTION 5 FOR  
EXTRUSION AND KEDER REQUIREMENTS  
FOR GLASS AND INSULATION. SEE 5.1  
FOR INFORMATION ON HOW TO INSTALL  
EXTRUSION TO GLASS PANELS. SEE 5.2  
FOR INFORMATION ON HOW TO INSTALL  
EXTRUSION TO INSULATION.

FOUNDATION AND ANCHORS  
DESIGNED AND SUPPLIED BY OTHERS

CALHOUN

EXTRUSION DETAIL

100' VP SERIES 4

408233 VP 100X272 P0

D

1/4" = 1'-0"

EXT1

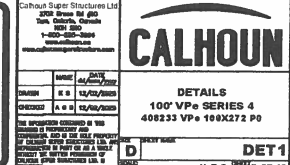
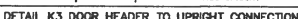
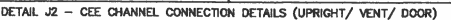
10 OF 18



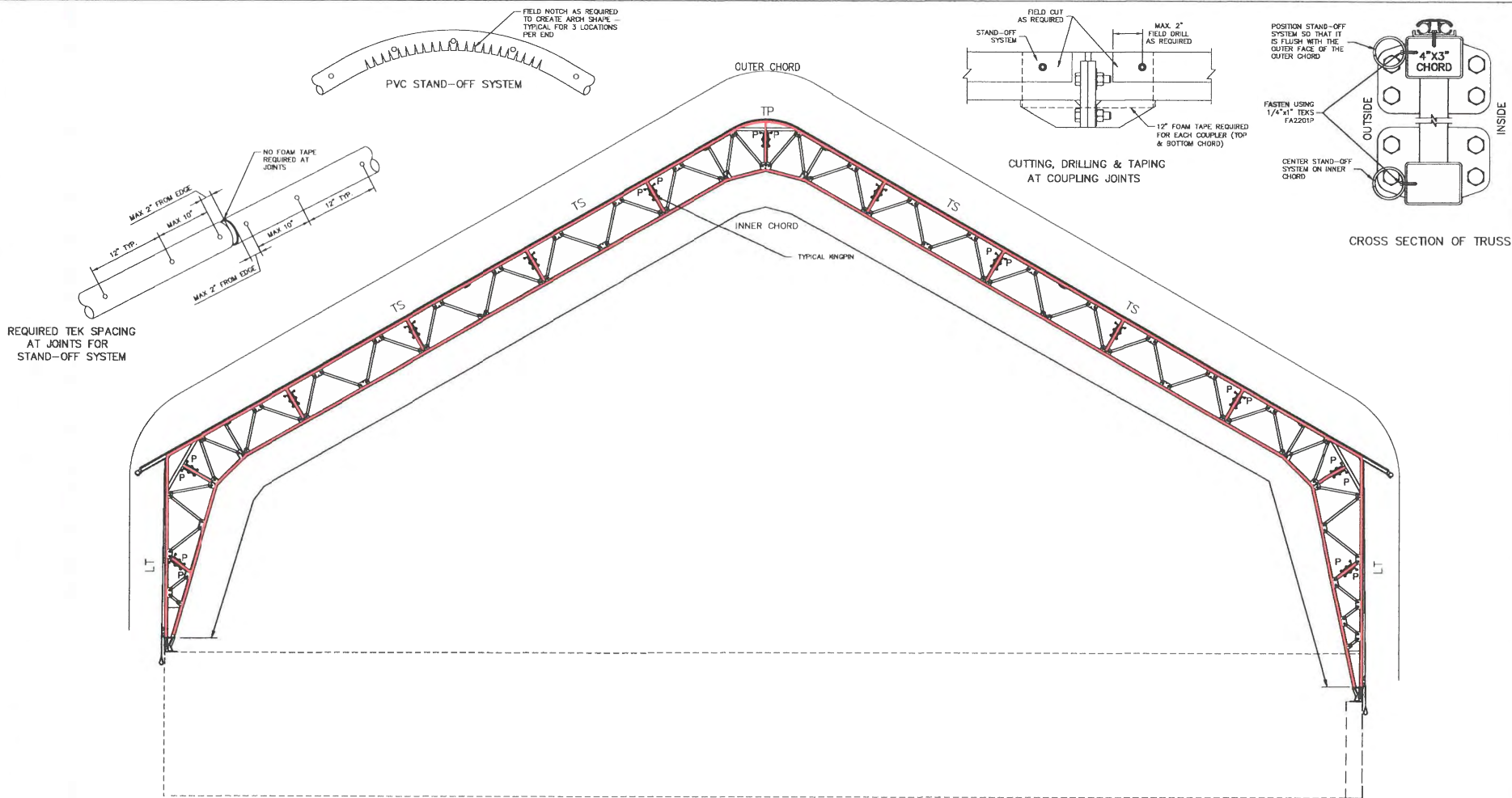


NOTE:

1. \*\*\* = PART NUMBER VARIES ACCORDING TO APPLICABLE BAY SPACING.
2. \*\* = APPLY LOCTITE 263 (RED) OR EQUIVALENT PER PRODUCT INSTRUCTIONS.
3. ALL STRUCTURAL BOLT ASSY'S INCLUDE 1 BOLT, 1 NUT, AND 2 RAIL WASHERS.
4. TURN-OF-THE-TOLERANCE +60° (1/6 OF A TURN) AND -30° (1/12 OF A TURN)
5. INDIVIDUAL DETAILS MAY CONTAIN INSTRUCTIONS WHICH SUPERCEDE THE HARDWARE SCHEDULE. INDIVIDUAL DETAILS MAY CONTAIN INSTRUCTIONS WHICH SUPERCEDE THE HARDWARE SCHEDULE ABOVE.



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PVC STAND-OFF APPROXIMATE LENGTHS PER END

OUTER CHORD = 149'-5"

INNER CHORD = 136'-4"

TOTAL LENGTH FOR KINGPINS = 34'-11"

INSTALL AS SHOWN AT GRID 1 & 18

**CALHOUN**  
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PVC LAYOUT  
100' VPe SERIES 4  
488233 VPe 100X272 P0

SCALE: 3/16" = 1'-0"

PVC

FOUNDATION AND ANCHORS  
DESIGNED AND SUPPLIED BY OTHERS

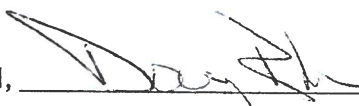


Ehler Brothers Co

2475 County Road 2100 N

Royal, IL 61871

Attention: Champaign County Planning and Zoning, Champaign County Soil and Water

I,  of the Drainage District #10 of Ogden grant Ehler Brothers Co, of Thomasboro Illinois to install 2 exit pipes in the bank of the ditch immediately south of their proposed project to assist in stormwater runoff management. No other approval or requirements are necessary at this time.

RECEIVED

JUN 26 2025

CHAMPAIGN CO. P & Z DEPARTMENT

## 167-AM-25 & 171-V-25 Site Images



**From Co Hwy 20/CR 2100N looking south to subject property**



**From Co Hwy 20/CR 2100N looking east**



## 167-AM-25 & 171-V-25 Site Images



**From Co Hwy 20/CR in front of Subject Property looking west**



**From Co Hwy 20/CR 2100N looking north**

## 167-AM-25 & 171-V-25 Site Images



From Neighboring Property looking west toward Subject Property

***PRELIMINARY DRAFT***

**167-AM-25**

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

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

Date: ***{July 17, 2025}***

Petitioners: **Ehler Brothers Company represented by Dustin Ehler**

Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to expand operations of a Farm Chemicals and Fertilizer Sales business including storage and mixing of blended fertilizer.**

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## FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 17, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Ehler Brothers Company with President/Director Kristofer Ehler, Secretary Sherri Bateman, Director Aaron Ehler, Treasurer Randi Justus and Shareholder holding more than 20% share David Ehler, represented by Dustin Ehler, owns the subject property.
2. The subject property is a 3-acre tract in the Northwest Quarter of the Northeast Quarter of Fractional Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township with PIN 17-17-19-200-011, located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N, St. Joseph.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Royal, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
  - B. The subject property is located within Ogden Township, which does not have a Planning Commission.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“The parcel is currently zoned AG-1 for production agriculture. This is not in compliance with the scope of our business since we are technically a commercial ag-retail business.”**
5. Regarding comments by the petitioner, when asked on the petition what other circumstances justify the rezoning the petitioner has indicated: **“We have an existing property adjacent to the proposed facility that has been in place for 50 plus years.”**

## *GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY*

6. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 3.0 acre tract currently zoned AG-1 Agriculture and is in agricultural production. The Petitioner purchased the land on July 10, 2024, in order to expand the existing Ehler Bros Co fertilizer business just west of the subject property.
  - B. Land to the north, east, and south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - C. Land to the west is also the petitioner’s property, zoned B-1 Rural Trade Center and is a fertilizer blending and sales business.
7. Previous zoning cases on the subject property and in the vicinity include the following:
  - A. Case 264-AM-77 was approved in 1977 for Ehler Brothers to rezone the land for the existing Ehler Bros business from AG-2 to B-1.

- B. Case 889-S-93 was approved in 1993 for Michael Ehmen and Wesley Grussing to establish a contractor's facility approximately 0.5 mile south of the subject property.
  - C. Case 824-AM-155 was a request to rezone 1.04 acres in the AG-1 Agriculture district to B-1 Rural Trade Center to expand the Ehler Brothers business on the property immediately to the west. It was approved by the County Board on April 21, 2016.
8. Previous permits for the existing Ehler Bros. property are the following:
- A. ZUPA 163-78-01 was approved July 5, 1978, for three storage buildings and 6 tanks as accessory to the commercial fertilizer plant.
  - B. ZUPA 240-87-02 was approved August 28, 1987, for an addition to what is now the dry fertilizer storage building south of the main building.
  - C. ZUPA 304-94-02 was approved November 9, 1994, for an addition to an existing building for fertilizer loading area and wash bay and two 12,000 gallon water tanks.
  - D. ZUPA 308-98-01 was approved November 17, 1998, one 120 feet by 40 feet building to replace one destroyed by fire.
    - (1) The building, including restroom, included an accessibility Statement of Compliance. The approved Site Plan showed one accessible parking space on the south side of the main building.
  - E. ZUPA 203-03-01 was approved August 29, 2003, for the construction of a 40 feet by 70 feet detached storage building.
  - F. ZUPA 190-16-02FP was approved July 27, 2016, for the construction of a 150 feet by 80 feet detached storage building and a 1,000,000 gallon fertilizer storage tank.
9. Regarding the site plan and proposed operations of the subject property:
- A. The site plans received March 28, 2025, and June 20, 2025, indicate the following:
    - (1) A proposed a 272 feet by 100 feet 27,200 square foot (approximately) dry fertilizer storage building to be located on the vacant 3 acre tract immediately east of the existing facility.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

10. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.



***PRELIMINARY DRAFT***

- (2) The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- B. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
  - (1) There are 11 types of uses authorized by right in the AG-1 District and there are 28 types of uses authorized by right in the B-1 District:
    - a. The following five uses are authorized by right in the AG-1 District and are not authorized at all in the B-1 District:
      - (a) Single family dwelling;
      - (b) Roadside Stand operated by Farm Operator;
      - (c) Plant Nursery;
      - (d) Off-premises sign within 660 feet of interstate highway; and
      - (e) Off-premises sign along federal highway except interstate highways.
    - b. The following 6 uses are authorized by right in both the AG-1 District and B-1 District:
      - (a) Subdivisions of three lots or less;
      - (b) Agriculture;
      - (c) Minor Rural Specialty Business;
      - (d) Township Highway Maintenance Garage (must meet separations or SUP is required);
      - (e) Christmas Tree Sales Lot; and
      - (f) Temporary Uses.
    - c. The following 9 uses are authorized by right in the B-1 District and not at all in the AG-1 District:
      - (a) Parking garage or lot; and
      - (b) Telegraph Office;
      - (c) Roadside Produce Stand;
      - (d) Farm Equipment Sales and Service;
      - (e) Feed and Grain (sales only);
      - (f) Locker, Cold Storage for Individual Use;
      - (g) Major Automobile Repair;
      - (h) Minor Automobile Repair; and
      - (i) Antique Sales and Service.
    - d. The following 13 uses are authorized by right in the B-1 District but require a Special Use Permit in the AG-1 District:
      - (a) Major Rural Specialty Business;
      - (b) Municipal or Government Building;
      - (c) Police Station or Fire Station;
      - (d) Library, Museum or Gallery;
      - (e) Public park or recreational facility;
      - (f) Telephone Exchange;
      - (g) Farm Chemicals and Fertilizer Sales;
      - (h) Grain Storage Elevators and Bins;

- (i) Contractors Facilities with no outdoor storage and operations;
  - (j) Contractors Facilities with outdoor storage and operations;
  - (k) Agricultural drainage contractor with no outdoor storage and operations;
  - (l) Agricultural drainage contractor with outdoor storage and operations; and
  - (m) SMALL SCALE METAL FABRICATING SHOP.
- (2) There are 47 types of uses authorized by Special Use Permit (SUP) in the AG-1 District (including the 13 uses authorized by right in the B-1 District, see above) and 10 types of uses authorized by SUP in the B-1 District:
  - a. The following 5 uses may be authorized by SUP in the both the AG-1 District and B-1 District:
    - (a) Adaptive Reuse of GOVERNMENT BUILDINGS for any USE Permitted by Right in B-1, B-2, B-3, B-4, B-5 and I-1;
    - (b) Electrical substation;
    - (c) HELIPORT-RESTRICTED LANDING AREAS;
    - (d) Livestock Sales Facility and Stockyards; and;
    - (e) Slaughter Houses.
  - b. The following 24 uses may be authorized by Special Use Permit in the AG-1 District and not at all in the B-1 District:
    - (a) Hotel with no more than 15 lodging units;
    - (b) Residential PLANNED UNIT DEVELOPMENT;
    - (c) Artificial lake of 1 or more acres;
    - (d) Mineral extraction, Quarrying, topsoil removal, and allied activities;
    - (e) Elementary School, Junior High School, or High School;
    - (f) Church, Temple or church related Temporary Uses on church Property;
    - (g) Penal or correctional institution;
    - (h) Sewage disposal plant or lagoon;
    - (i) Private or commercial transmission and receiving tower (including antennas) over 100 feet in height;
    - (j) Radio or Television Station;
    - (k) RESIDENTIAL AIRPORTS;
    - (l) RESTRICTED LANDING AREAS;
    - (m) Riding Stable;
    - (n) Commercial Fishing Lake;
    - (o) Cemetery or Crematory;
    - (p) Pet Cemetery;
    - (q) Kennel;
    - (r) Veterinary Hospital;
    - (s) Off-premises sign farther than 660 feet from an interstate highway;
    - (t) Gas Turbine Peaker;
    - (u) BIG WIND TURBINE TOWER (1-3 turbines);
    - (v) WIND FARM (County Board SUP)
    - (w) Sawmills, Planing Mills, and related activities; and



**PRELIMINARY DRAFT**

- (x) Pre-Existing Industrial Uses (existing prior to October 10, 1973)
- c. The following 5 uses may be authorized by SUP in the B-1 District and not at all in the AG-1 District:
  - (a) Self-storage Warehouses, providing heat and utilities to individual units;
  - (b) Self-storage Warehouses, not providing heat and utilities to individual units;
  - (c) Gasoline and Volatile Oils Storage up to and including 80,000 gallons;
  - (d) Gasoline and Volatile Oils Storage of greater than 80,000 gallons but no more than 175,000 gallons; and
  - (e) Liquefied Petroleum Gases Storage.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

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

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

**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

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

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

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

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

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

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

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

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

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

- A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

- B. Although the proposed rezoning is ***NOT DIRECTLY RELEVANT*** to any of these objectives, the proposed rezoning will allow Ehler Bros. to continue operations at the current site with proper zoning and to continue to serve the needs of the farmers of Champaign County and therefore the proposed rezoning can be said to ***HELP ACHIEVE*** Goal 3.

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

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

Goal 4 has 9 objectives and 22 policies. The proposed amendment ***WILL HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objectives 4.4, 4.5, 4.6, 4.7, 4.8 and 4.9 and the subsidiary policies are not relevant to any single map amendment.
- B. Objective 4.1 is entitled “Agricultural Land Fragmentation and Conservation” and states: “Champaign County will strive to minimize the fragmentation of the County’s agricultural



land base and conserve farmland, generally applying more stringent development standards on best prime farmland.”

The proposed rezoning ***WILL HELP ACHIEVE*** Objective 4.1 because of the following:

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

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.1.1 because the subject property is relatively small area that is adjacent to the existing fertilizer facility and the use proposed in the B-1 district provides a vital service to support local agricultural production.

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

The proposed rezoning will ***HELP ACHIEVE*** Policy 4.1.4 for the following reasons:

- a. The subject property was part of a larger tract of land which was divided such that the petitioners could purchase the 3 acre subject property on July 10, 2024.
  - b. The subject property meets the minimum standards established in Section 4.3.4 of the Zoning Ordinance.
- (4) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
    - i. **Suitability of the site for the proposed use;**
    - ii. **Adequacy of infrastructure and public services for the proposed use;**
    - iii. **Minimizing conflict with agriculture;**
    - iv. **Minimizing the conversion of farmland; and**
    - v. **Minimizing the disturbance of natural areas; then**
      - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use**

**(inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**

- b) On best prime farmland, the County may authorize non-residential discretionary development; or**
- c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

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

- a. The soil on the subject property is BEST PRIME FARMLAND and consists of 152A Drummer silty clay loam and 149A Brenton silt loam, and has an average LE of 100.
- b. The existing fertilizer business that seeks to expand onto the subject property has been in operation for decades.
- c. The proposed rezoning will remove 3 acres of BEST PRIME FARMLAND from production.
- d. For Objective 4.2 the subject property has been determined to not interfere with agricultural operations.
- e. For Policy 4.3.2 the subject property has been determined to be well-suited overall for the proposed land use.
- f. For Policy 4.3.3 the subject property has been determined to not require additional public services.
- g. For Policy 4.3.4 the subject property has been determined to not require additional public infrastructure.
- h. For Goal 8 Natural Resources, the ZBA determined that the subject property **DOES** conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.
- i. The Natural Resource Report received on February 18, 2016 from the Champaign County Soil and Water Conservation District for the property adjacent to the subject site indicates the following:
  - (a) “The site is just above a drainage ditch so extra care should be given to run off.”
  - (b) “The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Spoon River INAI Site.”

**PRELIMINARY DRAFT**

- (c) On March 2, 2016, staff contacted the Illinois Department of Natural Resources regarding a previous expansion to the Ehler Brothers facility as it relates to the Spoon River tributary that runs on the west side of the existing Ehler Bros facility. No comments were received.

- (5) Policy 4.1.7 states, **“To minimize the conversion of best prime farmland, the County will require a maximum lot size limit on new lots established as by right development on best prime farmland.**

The proposed rezoning will **HELP ACHIEVE** Policy 4.1.7 for the following reasons:

- a. The new lot that is the subject property is 3 acres, which is the maximum allowed for Best Prime Farmland.

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

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

- a. The soil on the subject property is best prime farmland and consists of 152A Drummer silty clay loam and 149A Brenton silt loam, and has an average LE of 100.
- b. The SA score of the subject property is 164 for a total LESA score of 264.
- c. The subject property is a relatively small amount of farmland and the proposed development will support surrounding agriculture.

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

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

- (1) Objective 4.2 includes four subsidiary policies. All policies appear to be relevant to the proposed rezoning.
- (2) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

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



- (a) Ehler Bros is an agricultural support service, providing fertilizer for area farmers.
  - (b) Ehler Bros established the business next to the subject property in the 1970s.
  - (c) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a. is a type that does not negatively affect agricultural activities; or**
  - b. is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
  - c. will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

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

- (a) The use of the subject property is a use which is directly related to agriculture and is neither affected by agricultural activities nor does it hinder agricultural activities.
  - (b) The traffic generated by the proposed use, or any future use should be consistent with its current traffic and should not increase significantly as a result of this rezoning.
  - (c) The proposed use in the B-1 District provides a vital service to support local agricultural production.
- (4) **Policy 4.2.3 states, “The County will require that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

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

- (a) The Petitioner understands that this is a rural area where agricultural activities take place and the Petitioner’s business depends upon agricultural activities.
- (b) The proposed use in the B-1 District provides a vital service to support local agricultural production.

**PRELIMINARY DRAFT**

- (c) A special condition has been proposed regarding the County's Right to Farm Resolution.

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

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

- (a) The use on the subject property is directly related to agricultural activities. A buffer between the use and nearby agriculture is not warranted.
- (b) The proposed use in the B-1 District provides a vital service to support local agricultural production.

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

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

- (1) Objective 4.3 includes five subsidiary policies. Policy 4.3.1 does not appear to be relevant to the proposed rezoning.
- (2) **Policy 4.3.2 states, "On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use."**

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

- (a) The soil on the subject property is BEST PRIME FARMLAND and consists of 152A Drummer silty clay loam and 149A Brenton silt loam and has an average LE of 100.
  - (b) The subject property has the same types of soils as the adjacent property that has been determined to be a suitable site for a fertilizer business.
  - (c) The existing Ehler Bros business adjacent to the subject property was converted out of agricultural production in the 1970s and has existing equipment and facilities well-suited to the purposes of their operations, making the subject property well-suited overall.
  - (d) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (3) **Policy 4.3.3 states, "The County may authorize a discretionary review development provided that existing public services are adequate to support to**

**the proposed development effectively and safely without undue public expense.”**

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

(a) The subject property is located approximately 2 miles from the Ogden-Royal Fire Protection District Station in Royal. The District was notified of the case and no comments were received.

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

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

(a) No significant traffic increase is anticipated as a result of this rezoning.

(b) The Champaign County Highway Engineer had no objection to the rezoning.

(c) For Policy 4.3.2, the subject property has been determined to be well-suited overall for the proposed land use.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
  - b. the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

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

(a) The proposed use serves surrounding agriculture.

(b) The proposed use in the B-1 District is intended to provide agriculture related businesses to rural residents.

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

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

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



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

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

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

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

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

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

Goal 7 has 2 objectives and 7 policies. Objective 7.2 and its subsidiary policies do not appear to be relevant to the proposed rezoning.

The proposed rezoning will **HELP ACHIEVE** Goal 7 for the following reason:

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

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

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

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

- a. Item 13.D.(3): Policy 4.3.4 has information on traffic impacts; the proposed expansion to the fertilizer business should not create a significant increase in traffic and nearby roads have sufficient capacity to handle the operation of the existing business.
  - b. No new entrance onto County Highway 20 is proposed.
  - c. The Champaign County Engineer has been notified of this case and has no objection.
- B. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and its policies.

19. 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 8.1, 8.2, 8.3, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. Additional evidence may be available at the meeting.

The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

- A. Objective 8.4 states, “**Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.**”

Policies 8.4.3 and 8.4.4 are not relevant to the proposed amendment. The proposed rezoning will **NOT IMPEDE** Objective 8.4 because of the following:

- (1) Policy 8.4.1 states, “**The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its discretionary review of new development.**”

The proposed rezoning will **NOT IMPEDE** Policy 8.4.1 for the following reasons:

- a. The *Watershed Implementation Plan for the Upper Salt Fork of the Vermilion River* dated May 2007 indicates the following general goals related to the Spoon River:
- (a) Increasing aquatic wildlife habitat; and
  - (b) Reducing nitrate-nitrogen, phosphorus, and sediment loads.
- b. The Upper Salt Fork Drainage Plan dated May 2007 lists a variety of methods that are mirrored by recommendations in the Champaign County Soil and Water Conservation District Natural Resources Report for how to improve water quality and nurture wildlife habitats.
- d. The Spoon River Drainage District was notified of the case and no comments were received.
- e. The Drainage District #10 of Ogden has approved the petitioners plan to install two drainage exit pipes that connect to the drainage ditch south of the subject property.
- (2) Policy 8.4.2 states, “**The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.**”

The proposed rezoning will **NOT IMPEDE** Policy 8.4.2 for the following reasons:

- a. The subject property will have more than one acre of impervious area and is required by the Zoning Ordinance and the Stormwater Management and Erosion Control Ordinance to provide a Stormwater Management Plan.

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- b. The petitioner has applied for a Variance from the Zoning Ordinance requirement to submit a Stormwater Drainage Plan (Variance Case 171-V-25).
  - c. The Petitioner has submitted a site plan showing the location of proposed stormwater drainage inlets and drainage lines that will collect stormwater and direct it to the drainage ditch that is located south of the subject property.
  - d. The Drainage District #10 of Ogden has given preliminary approval for two drainage pipes from the subject property to exit at the bank of the drainage ditch to the south.
- (3) Policy 8.4.5 states, **“The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.**

The proposed rezoning will **HELP ACHIEVE** Policy 8.4.5 for the following reasons:

- a. Smaller tributaries such as the one adjacent to the existing Ehler Bros facility are not monitored as consistently as larger streams.
  - b. The *Champaign County Storm Water Management and Erosion Control Ordinance* requires a minimum required 50 feet separation between any land disturbance caused by the proposed development and the top of the adjacent unnamed tributary to the Spoon River. The proposed development meets the 50 feet separation. The *Champaign County Storm Water Management and Erosion Control Ordinance* also has other requirements that will be applicable to the proposed development.
  - c. An ILR10 General Storm Water Permit will be required by the Illinois Environmental Protection Agency if there is one acre or more of land disturbance caused by the proposed development.
- B. Objective 8.5 states, **“Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.”**

Policies 8.5.4 and 8.5.5 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.5 because of the following:

- (1) Policy 8.5.1 states, **“For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.”**

The proposed rezoning will **NOT IMPEDE** Policy 8.5.1 for the following reason:

- a. The subject property is located within the Illinois Natural Areas Inventory Spoon River Site. The Spoon River Illinois Natural Areas Inventory (INAI) site is 29 acres under INAI Category VI, which indicates “unusual



concentrations of flora or fauna and high quality streams.” This INAI site is not protected by the State of Illinois.

- b. While the existing Ehler Bros facility is located just east of a tributary of the Spoon River, the subject property is located on the east side of the existing facility.
  - c. The subject property has been in agricultural production for many years, and as proposed will not differ from the uses at the existing facility which is closer to the tributary.
- (2) Policy 8.5.2 states, **“The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”**

The proposed rezoning will **HELP ACHIEVE** Policy 8.5.2 for the following reason:

- a. The petitioner has applied for a Variance from the Zoning Ordinance requirement to submit a Stormwater Drainage Plan. (Variance Case 171-V-25)
  - b. The Zoning Use Permit required for constructing the proposed building on the subject property requires evaluation and consideration of land disturbance and erosion control measures.
  - c. The *Champaign County Storm Water Management and Erosion Control Ordinance* requires a minimum required 50 feet separation between any land disturbance caused by the proposed development and the top of the adjacent unnamed tributary to the Spoon River. The *Champaign County Storm Water Management and Erosion Control Ordinance* also has other requirements that will be applicable to the proposed development.
- (3) Policy 8.5.3 states, **“The County will encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage.”**

The proposed rezoning will **HELP ACHIEVE** Policy 8.5.3 for the following reason:

- a. A Natural Resource Report received on February 18, 2016 from the Champaign County Soil and Water Conservation District for the Ehler Brothers property immediately to the west, includes an analysis using the Illinois Department of Natural Resources Ecological Compliance Assessment Tool (EcoCAT). The analysis did not indicate any wetlands that would be impacted by the proposed use.
- b. A Natural Resource Report from the Champaign County Soil and Water Conservation District has been applied for and will be available prior to review of this case by ELUC and the County Board.

- c. The US Fish and Wildlife Service National Wetlands Inventory showed no wetlands within 1 mile of the subject property.

C. Objective 8.6 states, **“Champaign County will encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species.”**

Policies 8.6.1, 8.6.5, and 8.6.6 are not relevant to the proposed amendment. The proposed rezoning ***WILL NOT IMPEDE*** Objective 8.6 because of the following:

- (1) Policy 8.6.2 states, **“a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas. b. With regard to by-right development on good zoning lots, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”**

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

- a. The subject property has been in agricultural production for many years and there is no existing habitat.
  - b. The minimum required 50 feet separation between any land disturbance caused by the proposed development and the top of the adjacent unnamed tributary to the Spoon River offers an opportunity for the petitioner to establish appropriate vegetation that could provide habitat and require minimal maintenance once established provided that the vegetation is established as required by paragraph 6.4E. of The *Champaign County Storm Water Management and Erosion Control Ordinance*.
- (2) Policy 8.6.3 states, **“For discretionary development, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.**

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

- a. The Natural Resource Report received on February 18, 2016, from the Champaign County Soil and Water Conservation District for the property adjacent to the subject site states: “The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Spoon River INAI Site.” The Spoon River Illinois Natural Areas Inventory (INAI) site is 29 acres under INAI Category VI, which indicates “unusual concentrations of flora or fauna and high quality streams.” This INAI site is not protected by the State of Illinois.

- (3) Policy 8.6.4 states, “**The County will require implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.**”

The proposed rezoning will **NOT IMPEDE** Policy 8.6.4 for the following reason:

- a. On March 2, 2016, staff contacted the Illinois Department of Natural Resources regarding a previous expansion to the Ehler Brothers facility as it relates to the Spoon River tributary that runs on the west side of the existing Ehler Bros facility. No comments were received.

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

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

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

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

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

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

**GENERALLY REGARDING THE LASALLE FACTORS**

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

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



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<b>Table 1. Land Use and Zoning Summary</b>		
Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture (proposed to be rezoned to B-1)
North	Agriculture	AG-1 Agriculture
East	Agriculture, Residential	AG-1 Agriculture
West	Ehler Bros Fertilizer business	B-1 Rural Trade Center.
South	Agriculture	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, and so any discussion of values is necessarily general.
  - (2) Regarding the value of nearby residential properties, it is not clear if the requested map amendment would have any effect.
  - (3) This area is primarily an agricultural area and the existing Ehler Bros business adjacent to the subject property has been a fertilizer business since the 1970s.
- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.** Regarding this factor:  
There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:  
The gain to the public of the proposed rezoning is positive because the proposed amendment would allow Ehler Bros to expand their fertilizer blending, storage and sales business in order to better support surrounding agricultural activities.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**  
Regarding this factor:  
In the review of Policy 4.3.2, the ZBA has recommended the following that the proposed rezoning will **HELP ACHIEVE** Policy 4.3.2 regarding whether the site with proposed improvements is well-suited overall for the proposed land use.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**  
The subject property has been in agricultural production in the AG-1 Zoning District.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:

- (1) The petitioner needs additional area for expansion of the existing business.
  - (2) Evidence for LRMP Policy 4.2.1 has been provided regarding whether the proposed use is a service better provided in a rural area.
  - (3) Evidence for LRMP Policy 4.3.5 has been provided regarding whether the proposed use is a service better provided in a rural area.
    - a. The proposed use serves surrounding agriculture.
    - b. The B-1 District is intended to provide agriculture related businesses to rural residents.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's (Champaign County's) comprehensive planning.**
- (1) The proposed rezoning and proposed use should not have a detrimental effect on the adjacent properties.
  - (2) Evidence regarding the LRMP has shown that the proposed use generally **DOES CONFORM** to goals and policies of the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

23. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.
  - B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The second LaSalle factor (Item 22.B.) stated that no formal real estate appraisals were submitted and that the adjacent Ehler Bros. business has been there since the 1970s.
  - C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

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

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters.
- (1) A small portion of the subject property is within the floodplain hazard area as per FEMA Flood Insurance Rate Map number 17019C0350D effective October 2, 2013. The proposed building will have to have a floor that is above the Base Flood Elevation.
  - (2) The petitioner has applied for a Variance from the Zoning Ordinance requirement to submit a Stormwater Drainage Plan. (Variance Case 171-V-25)
  - (3) The Petitioner has submitted a site plan showing the location of proposed stormwater drainage inlets and drainage lines that will collect stormwater and direct it to the drainage ditch that is located south of the subject property.
  - (4) The Drainage District #10 of Ogden has approved the petitioners plan to install two drainage exit pipes that connect to the drainage ditch south of the subject property.
- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
- (1) 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.
- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.
- These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.
- G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and



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

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed 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 use will have to be conducted in compliance with those requirements.

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

The proposed use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan because it would not require a connection to sanitary sewer.

- 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) The Natural Resource Report received on February 18, 2016, from the Champaign County Soil and Water Conservation District for the property adjacent to the subject site states: “The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Spoon River INAI Site.” The Spoon River Illinois Natural Areas Inventory (INAI) site is 29 acres under INAI Category VI, which indicates “unusual concentrations of flora or fauna and high quality streams.” This INAI site is not protected by the State of Illinois.

(2) The subject property does not contain any natural features.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development

of urban areas to minimize the cost of development of public utilities and public transportation facilities.

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

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- (1) The Ehler Bros existing facility adjacent to the subject property has been in the B-1 Rural Trade Center Zoning District since 1977, with additional area added and rezoned from AG-1 to B-1 in 2016.
- (2) The proposed use provides a service to support local agricultural production.
- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

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

***REGARDING SPECIAL CONDITIONS OF APPROVAL***

24. Proposed special condition of approval:

- A. **A Zoning Use Permit and applicable fees shall be required any future construction on the property.**

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

**Conformance with the Champaign County Zoning Ordinance.**

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

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

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

**DOCUMENTS OF RECORD**

1. Petition for Zoning Map Amendment received March 28, 2025, with attachments
  - A Site Plans received March 28, 2025
  - B Building plans received March 28, 2025
  - C Legal Description of Parcel to be Re-zoned from Warranty Deed Document #2024R10135
  - D Engineer Site Plan received June 20, 2025
2. Application for Variance received June 26, 2025
  - A Drainage Site Plan received June 26, 2025
  - B Approval Letter from Drainage District #10 of Ogden received June 26, 2025
3. Preliminary Memorandum dated July 10, 2025, for Case 167-AM-25 and 171-V-25 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Aerial Photo 2023
  - C Aerial Photo 2023 showing Flood Zones
  - D Site Plans Received March 28, 2025, June 20, 2025, and June 26, 2025
  - E Building Plans Received March 28, 2025
  - F Approval Letter from Drainage District #10 of Ogden
  - G LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
  - H LRMP Appendix of Defined Terms (on ZBA meetings website)
  - I Site Photos taken July 10, 2025
  - J Draft Finding of Fact, and Final Determination for Case 167-AM-25
  - K Draft Summary of Evidence, Finding of Fact and Final Determination for Case 171-V-25



## SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 17, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow Premier Cooperative to continue operations at the Dewey location with proper zoning and to continue to serve the needs of the farmers of Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4 Agriculture:
    - (1) The proposed amendment 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 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 15.B.(2)).
      - b. Policy 4.1.4, which states that the County will guarantee landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a good zoning lot (i.e., a lot that meets County zoning requirements in effect at the time the lot is created) the by right development allowance to establish a new single family dwelling or non-agricultural land use on each such lot, provided that current public health, safety and transportation standards are met (see Item 15.B.(3))
      - c. 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 15.B.(4))
      - d. Policy 4.1.7 minimizing the conversion of best prime farmland (see Item 15.B.(5))
      - e. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 15.B.(6))

- (2) The proposed amendment will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
  - a. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 15.C.(2)).
  - b. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 15.C.(3)).
  - c. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 15.C.(4)).
  - d. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 15.C.(5)).
- (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 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 15.D.(2)).
  - b. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 15.D.(3)).
  - c. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 15.D.(4)).
  - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 15.D.(5)).
- (4) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.

**C. Regarding Goal 7 Transportation:**

- (1) The proposed amendment will **HELP ACHIEVE** Objective 7.1 requiring the consideration of traffic impact in land use decisions because it will **HELP ACHIEVE** the following:
  - a. Policy 7.1.1 requiring traffic impact analyses for projects with significant traffic generation (see Item 18.A.(1)).

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- (2) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 7 Transportation.

D. Regarding Goal 8 Natural Resources:

- (1) The proposed amendment will **HELP ACHIEVE** Objective 8.4 requiring the County to work to ensure that new development maintains and improves surface water quality, contributes to stream channel stability, and minimizes erosion and sedimentation because it will **NOT IMPEDE** the following:
  - a. Policy 8.4.1 requiring the County to incorporate the recommendations of adopted watershed plans in the review of new discretionary development (see Item 19.A.(1)).
  - b. Policy 8.4.2 requiring the County to require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide stream flows that support healthy aquatic ecosystems (see Item 19.A.(2)).
  - c. Policy 8.4.5 requiring the County to ensure that non-point discharges from new development meets or exceeds state and federal water quality standards (see Item 19.A.(3)).
- (2) The proposed amendment will **HELP ACHIEVE** Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because it **WILL HELP ACHIEVE** the following:
  - a. Policy 8.5.2 requiring that new discretionary development cause no more than minimal disturbance to the stream corridor environment (see Item 19.B.(2)).
  - b. Policy 8.5.3 requiring the County to encourage the preservation and voluntary restoration of wetlands and a net increase in wetland habitat acreage (see Item 19.B.(3)).
  - c. The proposed amendment will **NOT IMPEDE** Policy 8.5.1 requiring the County to require discretionary development to have land use patterns, site design standards, and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat (see Item 18.B.(1)).
- (3) The proposed amendment will **NOT IMPEDE** Objective 8.6 requiring the County to encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species because it will **HELP ACHIEVE** the following:

- a. Policy 8.6.2 requiring that for new development the County will require land use patterns, site design standards, and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species or to mitigate impacts of unavoidable disturbance (see Item 19.C.(1)).
  - b. Policy 8.6.3 requiring the County to use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement (see Item 19.C.(2)).
  - c. The proposed amendment will **NOT IMPEDE** Policy 8.6.4 requiring the County to implement IDNR recommendations for discretionary development sites that contain endangered or threatened species and to seek to ensure that recommended management practices are maintained on such sites (see Item 18.C.(3)).
- (4) Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 8 Natural Resources (see Item 19).

E. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination
- Goal 5 Urban Land Use
- Goal 6 Public Health and Public Safety
- Goal 9 Energy Conservation
- Goal 10 Cultural Amenities

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

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

- A. The proposed map amendment would allow Ehler Brothers to continue to support area agricultural activities and expand its operations at the Royal facility.
- B. The map amendment will help ensure the value of the subject property by allowing the continued operation of the fertilizer business.
- C. Properties adjacent to the subject property have maintained the same uses for years.
- D. The subject property is well-suited overall for the proposed land use.
- E. The proposed use is a service better provided in a rural area.



3. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the Zoning Ordinance because:
  - A. The rezoning would achieve Purpose 2.0 (b), by conserving the value of the subject property by allowing the continued operation of the fertilizer sales business (see Item 23. B).
  - B. The rezoning would achieve Purpose 2.0 (c) to lessen and avoid congestion in the public streets because there would be no significant increase in traffic (see Item 23. C).
  - C. The rezoning would achieve Purpose 2.0 (d) of the Ordinance to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters because the proposed site plan shows a system of drainage inlets and lines that will collect stormwater and direct it to the nearby drainage ditch (see Item 23. D).
  - D. The rezoning would achieve Purpose 2.0 (i) of the Ordinance. Establishing the B-1 District at this location will help classify, regulate, and restrict the location of the uses authorized in the B-1 District (see Item 23.G.).
  - E. The rezoning would achieve Purpose 2.0 (q) of the Ordinance 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 (see Item 23.L.).
4. **THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**
  - A. **A Zoning Use Permit and applicable fees shall be required any future construction on the property.**

The special condition stated above is required to ensure the following:  
**Conformance with the Champaign County Zoning Ordinance.**
  - B. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

**FINAL DETERMINATION**

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

The Zoning Ordinance Amendment requested in **Case 167-AM-25** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- A. A Zoning Use Permit and applicable fees shall be required any future construction on the property.**
- B. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

***PRELIMINARY DRAFT***

**171-V-25**

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

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

Date: ***{July 17, 2025}***

Petitioner: **Ehler Brothers Company represented by Dustin Ehler**

Request: **Authorize a variance from Section 4.3.10 of the Champaign County Zoning Ordinance which requires compliance with the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a lot of 2 to 6.25 acres, for the property in related Zoning Case 167-AM-25.**

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 13, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Ehler Brothers Company with President/Director Kristofer Ehler, Secretary Sherri Bateman, Director Aaron Ehler, Treasurer Randi Justus and Shareholder holding more than 20% share David Ehler, represented by Dustin Ehler, owns the subject property.
2. The subject property is a 3-acre tract in the Northwest Quarter of the Northeast Quarter of Fractional Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township with PIN 17-17-19-200-011, located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N, St. Joseph.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Royal, a municipality with zoning. Zoned municipalities do not have protest rights in Variance cases. Notice of the public hearing was sent to the Village.
  - B. The subject property is located within Ogden Township, which does not have a Planning Commission.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 3.0 acre tract currently zoned AG-1 Agriculture and is in agricultural production. The Petitioner purchased the land on July 10, 2024 in order to expand the existing Ehler Bros Co fertilizer business just west of the subject property.
  - B. Land to the north, east, and south of the subject property is zoned AG-1 Agriculture and is in agricultural production.
  - C. Land to the west is also the petitioner's property, zoned B-1 Rural Trade Center and is a fertilizer blending and sales business.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Regarding the site plan for the subject property:
  - A. The site plans received March 28, 2025, June 20, 2025 and June 26, 2025 indicate the following:
    - (1) A proposed a 272 feet by 100 feet 27,200 square foot (approximately) dry fertilizer storage building to be located on the vacant 3 acre tract immediately east of the existing facility.
    - (2) Two proposed 24 inch catch basins connected to the nearby drainage ditch by a proposed 10 in drainage tile located to the west of the proposed building.
    - (3) A proposed curtain drain with an 8 inch tile connected to the nearby drainage ditch located on the east side of the proposed building.



- B. The following are previous Zoning Use Permits for the subject property:
- (1) ZUPA 163-78-01 was approved July 5, 1978 for three storage buildings and 6 tanks as accessory to the commercial fertilizer plant.
  - (2) ZUPA 240-87-02 was approved August 28, 1987, for an addition to what is now the dry fertilizer storage building south of the main building.
  - (3) ZUPA 304-94-02 was approved November 9, 1994, for an addition to an existing building for fertilizer loading area and wash bay and two 12,000 gallon water tanks.
  - (4) ZUPA 308-98-01 was approved November 17, 1998, one 120 feet by 40 feet building to replace one destroyed by fire.
    - a. The building, including restroom, included an accessibility Statement of Compliance. The approved Site Plan showed one accessible parking space on the south side of the main building.
  - (5) ZUPA 203-03-01 was approved August 29, 2003, for the construction of a 40 feet by 70 feet detached storage building.
  - (6) ZUPA 190-16-02FP was approved July 27, 2016, for the construction of a 150 feet by 80 feet detached storage building and a 1,000,000 gallon fertilizer storage tank.
- C. The following are previous Zoning Cases for the subject property:
- (1) Case 264-AM-77 was approved in 1977 for Ehler Brothers to rezone the land for the existing Ehler Bros business from AG-2 to B-1.
  - (2) Case 824-AM-155 was a request to rezone 1.04 acres in the AG-1 Agriculture district to B-1 Rural Trade Center to expand the Ehler Brothers business on the property immediately to the west. It was approved by the County Board on April 21, 2016.
- D. The requested variance is from Section 4.3.10 of the Champaign County Zoning Ordinance which requires compliance with the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a lot of 2 to 6.25 acres

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding authorization for the proposed variance:
- A. The Champaign County Stormwater Management and Erosion Control Ordinance specifies that “Any part here or this entire Ordinance may be waived or varied by the relevant Approval Authority in accord with Section 9.1.9 of the Champaign County Zoning Ordinance except for specific requirements of the ILR10”
  - B. Section 9.1.9 of the Zoning Ordinance specifies that a “Waiver from nonnumerical regulations or standards of the Champaign County Stormwater Management and Erosion Control Ordinance may be granted by the BOARD in accordance with the requirements of this Section.”

- C. The B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
  - (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.

**GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
  - A. The Petitioner has testified on the application, **“A drainage ditch is within 100 feet of the proposed project and is capable of handling any excess stormwater runoff.”**
  - B. Regarding the proposed variance for not requiring a Storm Water Drainage Plan:
    - (1) The soil on the subject property consists of 152A Drummer silty clay loam, and has an average LE of 100. This soil type has negligible surface runoff, brief but frequent ponding, and flooding is improbable.
    - (2) The subject property is relatively flat.
    - (3) The petitioner has proposed two 24 inch catch basins connected to the nearby drainage ditch by a 10 in drainage tile located to the west of the proposed building, and a proposed curtain drain with an 8 inch tile connected to the nearby drainage ditch located on the east side of the proposed building.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
  - A. The Petitioner has testified on the application, **“With the close proximity of the drainage ditch utilization of a stormwater drainage plan involving detention ponds would be a waste of resources.”**
  - B. Without the proposed variance, the petitioners would be required to either reduce the gravel area and building footprints to less than one acre, or contract a consultant to complete a Storm Water Management Plan, which would add costs to expanding their business on the subject property.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“No.”**

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
  - A. The Petitioner has testified on the application, **“This will be a better source of drainage without having to incur additional expense.”**
  - B. The proposed variance is 100%.
  - C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*, which is a requirement in Zoning Ordinance Section 4.3.10.
    - (1) The proposed development requires a Storm Water Drainage Plan because the amount of impervious area on the subject property exceeds the maximum allowed for being exempt from the Storm Water Drainage Plan requirement.
    - (2) The Ordinance states that storm water detention is required if there is one acre or more of impervious surface area; the proposed impervious area will cover more than 1 acre.
  - D. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:

- A. The Petitioner has testified on the application: **“We would be sending the stormwater directly to the location it would inevitably end up anyway.”**
- B. The Drainage District #10 of Ogden has provided a letter approving of connecting the two proposed drainage lines to the nearby drainage ditch.
- C. The Spoon River Drainage District has been notified of this variance and no comments have been received.
- D. The Champaign County Highway engineer has stated that he has no objection to the Variance request.
- E. The Ogden-Royal Fire Protection District has been notified of this variance, and no comments have been received.
- F. The Ogden Township Highway Commissioner has been notified of this variance and no comments have been received.
- G. The Ogden Township Supervisor has been notified of this variance and no comments have been received.

***GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE***

- 12. Generally regarding and other circumstances which justify the Variance:
  - A. The Petitioner did not provide a response to this question

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

- 13. **No special conditions are proposed at this time.**



**DOCUMENTS OF RECORD**

1. Variance Application received June 26, 2025, with attachments:
  - A Drainage Site Plan received June 26, 2025
  - B Approval Letter from Drainage District #10 of Ogden received June 26, 2025
2. Preliminary Memorandum dated July 10, 2025, for Case 167-AM-25 and 171-V-25 with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Aerial Photo 2023
  - C Aerial Photo 2023 showing Flood Zones
  - D Site Plans Received March 28, 2025, June 20, 2025, and June 26, 2025
  - E Building Plans Received March 28, 2025
  - F Approval Letter from Drainage District #10 of Ogden
  - G LRMP Land Use Goals, Objectives, and Policies (on ZBA meetings website)
  - H LRMP Appendix of Defined Terms (on ZBA meetings website)
  - I Site Photos taken July 10, 2025
  - J Draft Finding of Fact, and Final Determination for Case 167-AM-25
  - K Draft Summary of Evidence, Finding of Fact and Final Determination for Case 171-V-25

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 171-V-25 held on **June 17, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
  - a. ***The property is near an existing drainage ditch and the proposed drainage system appears to be adequate to control any stormwater generated by the proposed improvements.***
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - a. ***The cost of creating a Stormwater Drainage Plan in addition to the proposed drainage improvements will increase the cost of the project.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
4. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
  - a. ***It is an expansion of the existing business in that location and is not prohibited by the Zoning Ordinance.***
5. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
  - a. ***The Drainage District #10 of Ogden has approved the proposed drainage improvements.***
  - b. ***Relevant jurisdictions were notified of this case, and no comments have been received.***
  - c. ***The proposed drainage improvements should be adequate to manage the drainage for the proposed building, and there is an existing Drainage Ditch nearby.***
6. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
  - a. ***The proposed drainage improvements should be adequate to manage the drainage for the proposed building, and there is an existing Drainage Ditch nearby.***
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED} / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

**FINAL DETERMINATION**

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

The Variance requested in Case **160-V-24** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Ehler Brothers Company**, to authorize the following:

**Authorize a variance from Section 4.3.10 of the Champaign County Zoning Ordinance which requires compliance with the Champaign County Storm Water Management and Erosion Control Ordinance, which requires a Storm Water Drainage Plan and review for more than one acre of impervious area within a lot of 2 to 6.25 acres, for the property in related Zoning Case 167-AM-25.**

***{SUBJECT TO THE FOLLOWING CONDITION(S):}***

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