

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **March 10, 2016**
Time: **6:30 P.M.**
Place: **John Dimit Meeting Room**
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings
6. New Public Hearings

*Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.*

***Case 824-AM-15 Petitioner: Dustin Ehler, d.b.a. Ehler Bros. Co.**

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 incidental storage and mixing of blended fertilizer.

Location: A 1.4 acre tract in the Northeast Quarter of the Northwest Quarter of Section 19, Township 20N, Range 11E of the Third Principal Meridian in Ogden Township located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100N, Thomasboro.

***Case 825-V-16 Petitioner: Kent Jurgensen, d.b.a. CAT Scale Co.**

Request: Authorize a variance from Section 7.3.6 of the Zoning Ordinance for a freestanding sign that is 110 square feet in area in lieu of the maximum allowed 75 square feet that is required for a second sign on a premises for interstate oriented business in the B-3, Highway Business Zoning District.

Location: A 4.48 acre tract of land located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 18 North, Range 8 East of Tolono Township of the Third Principal Meridian, commonly known as the Marathon Gas Station with an address of 872 CR 1000 North, Champaign.

7. Staff Report
8. Other Business
 - A. Review of Docket
 - B. Revised 2016 ZBA calendar
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

CASE NO. 824-AM-15

PRELIMINARY MEMORANDUM

MARCH 3, 2016

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

Petitioner: Dustin Ehler d.b.a. Ehler Bros Co.

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

Location: A tract in the Northeast Quarter of the Northwest Quarter of Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N (CH 20), Thomasboro.

Site Area: 1.4 acres

Time Schedule for Development: As soon as possible

Prepared by: Susan Chavarria
Senior Planner

John Hall
Zoning Administrator

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.

No comments have been received regarding the proposed map amendment.

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

SUBJECT PROPERTY IS IN THE SPECIAL HAZARD FLOODPLAIN AREA

Part of the existing Ehler Bros. facility and part of the subject property are within the floodplain hazard area as per FEMA Flood Insurance Rate Map number 17019C0350D effective October 2, 2013. Previous permit approvals for the existing Ehler Bros. facility have indicated that all buildings have flooring that is above Base Flood Elevation. The Petitioner has received a Topographic Survey created by MSA, received by staff on February 10, 2016 that will help determine what measures may need to be taken in order to develop the subject property in compliance with relevant ordinances.

The petitioner has not yet applied for a Zoning Use Permit for the proposed building. Any proposed building will have to comply with the Champaign County Special Flood Hazard Areas Ordinance and the Champaign County Stormwater Management and Erosion Control Ordinance as part of the Zoning Use Permit process.

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.

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.

The following decision points can be found in the Finding of Fact:

- Page 8, Item 14: Goal 4 Agriculture and subsidiary decision points
Note that this decision point is based on the decision points in Goal 8 starting on Page 14
 - Item 14.D. – Objective 4.1
 - Policy 4.1.6 and item h. of that policy
- Page 14, Item 18: Goal 8 Natural Resources and subsidiary decision points:
 - Item 18.A. – Objective 8.4
 - Policy 8.4.1
 - Policy 8.4.2
 - Item 18.B. – Objective 8.5
 - Policy 8.5.2
 - Item 18.C. – Objective 8.6
 - Policy 8.6.4
- Page 19, Item 21.H. – overall conformance with LRMP
- Page 19, Item 22 – overall achievement of Zoning Ordinance purpose

PROPOSED SPECIAL CONDITIONS

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:
Conformance with Policy 4.2.3.

ATTACHMENTS

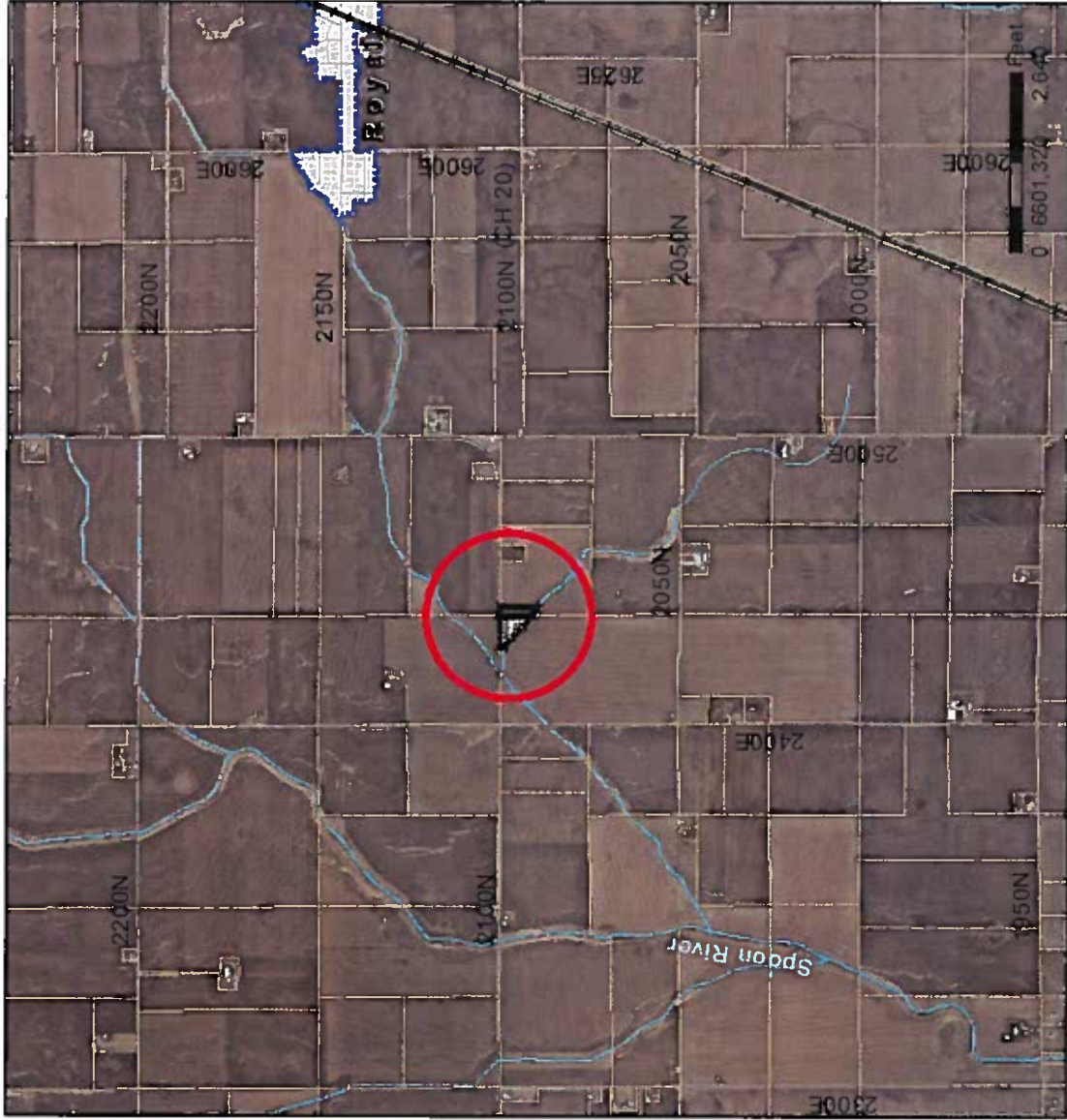
- A Case Maps (Location, Land Use, Zoning)
- B LRMP Land Use Goals, Objectives, and Policies
- C LRMP Appendix of Defined Terms
- D Topographic Survey created by MSA, received February 10, 2016
- E Email from Dustin Ehler received February 12, 2016
- F Natural Resources Report from Champaign County Soil and Water Conservation District received February 18, 2016
- G Site Plan received February 29, 2016
- H Site Visit Photos
- I Right to Farm Resolution 3425
- J Draft Finding of Fact and Final Determination

Location Map

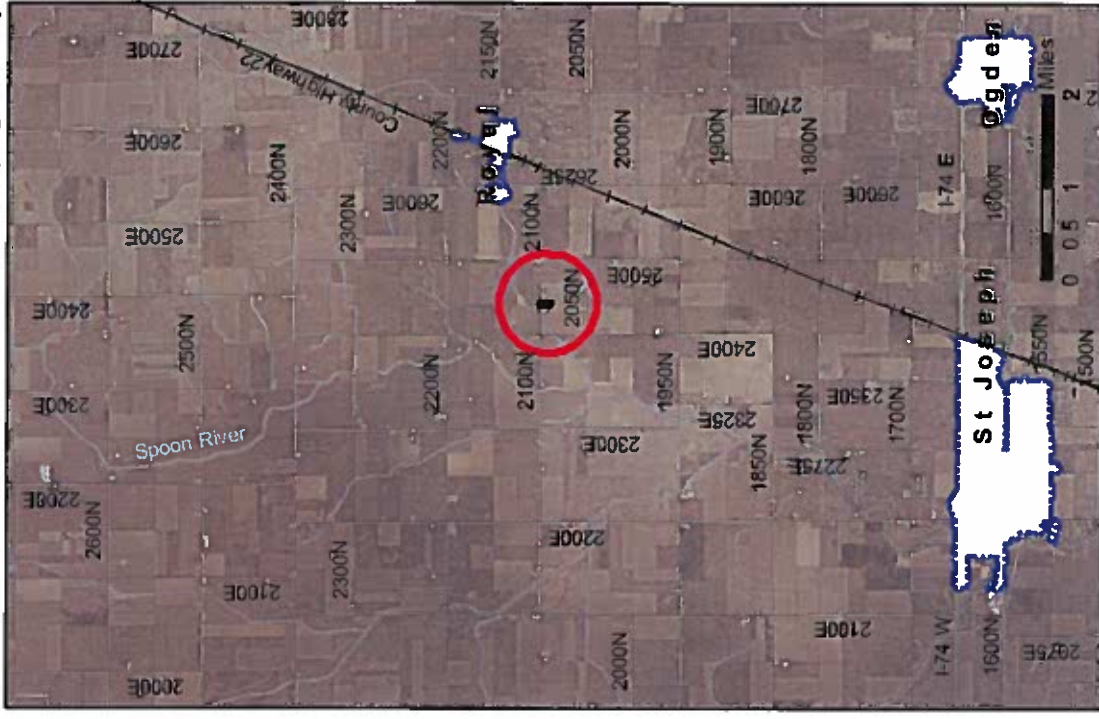
Case 824-AM-15

March 10, 2016

Subject Property

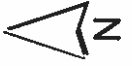


Property location in Champaign County



- Legend**
- Subject Property
 - Existing Ehler Bros facility
 - Parcels
 - Municipal Boundary
 - Streams
 - Streets

Champaign County
Department of
Planning & Zoning



Land Use Map

Case 824-AM-15
March 10, 2016



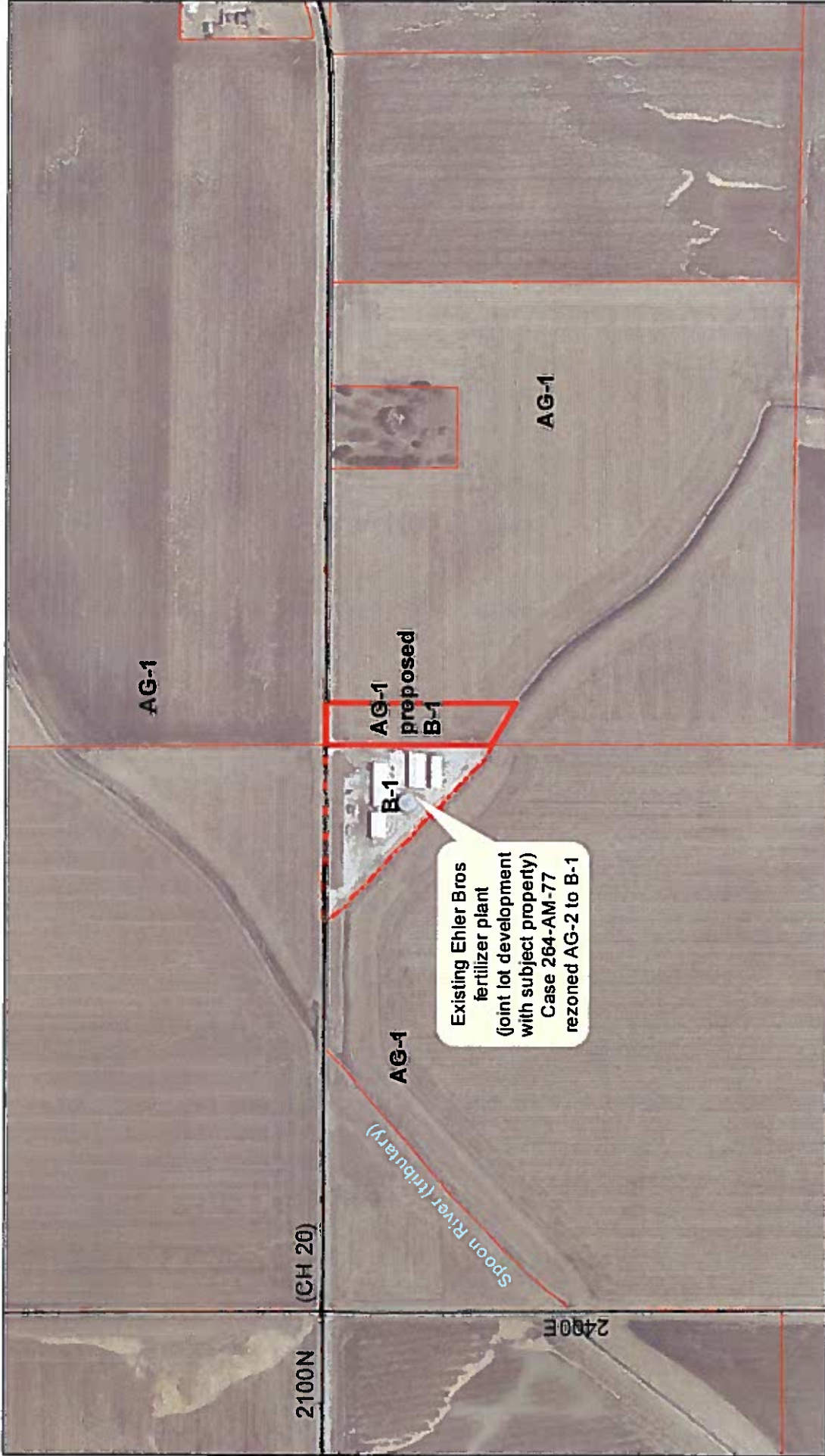
- Legend**
- Subject Property
 - Ehler Bros existing facility
 - Streams
 - Streets
 - SF Single Family Residential
 - AG Agriculture
 - Parcels

Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 824-AM-15
March 10, 2016

Note: Original Mylar Zoning background could not be used for this area.



Champaign County
Department of
PLANNING &
ZONING



- Legend**
- Subject Property
 - Ehler Bros existing facility
 - Streams
 - Streets



Goal 1 Planning and Public Involvement

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

Goal 1 Objectives

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Objective 1.3 Incremental Updates

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

Objective 1.4 Comprehensive Updates

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

Goal 1 Objectives and Policies

Objective 1.1 Guidance on Land Resource Management Decisions

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

Objective 1.2 Updating Officials

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

Policy 1.2.1

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

Objective 1.3 Incremental Updates

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

Policy 1.3.1

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

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



Objective 1.4 Comprehensive Updates

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

Policy 1.4.1

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

Policy 1.4.2

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

Goal 2 Governmental Coordination

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

Goal 2 Objectives

Objective 2.1 Local and Regional Coordination

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

Objective 2.2 Information Sharing

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

Goal 2 Objectives and Policies

Objective 2.1 Local and Regional Coordination

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

Policy 2.1.1

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

Policy 2.1.2

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

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

**Policy 2.1.3**

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

Objective 2.2 Information Sharing

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

Goal 3 Prosperity

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

Goal 3 Objectives**Objective 3.1 Business Climate**

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

Objective 3.2 Efficient County Administration

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

Objective 3.3 County Economic Development Policy

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

Goal 4 Agriculture

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

Goal 4 Objectives**Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

Objective 4.2 Development Conflicts with Agricultural Operations

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

continued

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

**Objective 4.3 Site Suitability for Discretionary Review Development**

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Goal 4 Objectives and Policies**Objective 4.1 Agricultural Land Fragmentation and Conservation**

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

Policy 4.1.1

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

Policy 4.1.2

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

Policy 4.1.3

The *by right development* allowance is intended to ensure legitimate economic use of all property. The County understands that continued agricultural use alone constitutes a



reasonable economic use of *best prime farmland* and the *by right development* allowance alone does not require accommodating non-farm development beyond the *by right development* allowance on such land.

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

Policy 4.1.5

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

Policy 4.1.6 Provided that the use, design, site and location are consistent with County policies regarding:

- i. suitability of the site for the proposed use;
- ii. adequacy of infrastructure and public services for the proposed use;
- iii. minimizing conflict with agriculture;
- iv. minimizing the conversion of farmland; and
- v. minimizing the disturbance of natural areas,

then,

- a) on *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of *by-right development*) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or
- b) on *best prime farmland*, the County may authorize non-residential *discretionary development*; or
- c) the County may authorize *discretionary review* development on tracts consisting of other than *best prime farmland*.

Policy 4.1.7

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

Policy 4.1.8

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

Policy 4.1.9

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



Objective 4.2 Development Conflicts with Agricultural Operations

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

Policy 4.2.1

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

Policy 4.2.2

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

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

Policy 4.2.3

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

Policy 4.2.4

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

Objective 4.3 Site Suitability for Discretionary Review Development

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

Policy 4.3.1

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

Policy 4.3.2

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

Policy 4.3.3

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

Policy 4.3.4

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

**Policy 4.3.5**

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

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

Objective 4.4 Regulations for Rural Residential Discretionary Review

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

Objective 4.5 LESA Site Assessment Review and Updates

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

Objective 4.6 Protecting Productive Farmland

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

Policy 4.6.1 The County will utilize, as may be feasible, tools that allow farmers to permanently preserve farmland.

Policy 4.6.2 The County will support legislation that promotes the conservation of agricultural land and related natural resources in Champaign County provided that legislation proposed is consistent with County policies and ordinances, including those with regard to landowners' interests.

Policy 4.6.3 The County will implement the agricultural purposes exemption, subject to applicable statutory and constitutional restrictions, so that all full- and part-time farmers and retired farmers will be assured of receiving the benefits of the agricultural exemption even if some non-farmers receive the same benefits.

Objective 4.7 Right to Farm Resolution

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

Objective 4.8 Locally Grown Foods

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

Objective 4.9 Landscape Character

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

Policy 4.9.1

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



Goal 5 Urban Land Use

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

Goal 5 Objectives

Objective 5.1 Population Growth and Economic Development

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

Objective 5.2 Natural Resources Stewardship

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

Objective 5.3 Adequate Public Infrastructure and Services

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

Goal 5 Objectives and Policies

Objective 5.1 Population Growth and Economic Development

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

Policy 5.1.1

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

Policy 5.1.2

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

Policy 5.1.3

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

Policy 5.1.4

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

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

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

**Policy 5.1 5**

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

Policy 5.1.6

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

Policy 5.1.7

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

Policy 5.1.8

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

Policy 5.1.9

The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the municipality considering any *discretionary development* approval from the County that would otherwise be necessary without the annexation agreement.

Objective 5.2 Natural Resources Stewardship

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

Policy 5.2.1

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

Policy 5.2.2

The County will:

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

Policy 5.2.3

The County will:

- a. require that proposed new *urban development* results in no more than minimal disturbance to areas with significant natural environmental quality; and



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

Objective 5.3 Adequate Public Infrastructure and Services

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

Policy 5.3.1

The County will:

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

Policy 5.3.2

The County will:

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

Policy 5.3.3

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

Goal 6 Public Health and Public Safety

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

Goal 6 Objectives

Objective 6.1 Protect Public Health and Safety

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

Objective 6.2 Public Assembly Land Uses

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

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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

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



Goal 6 Objectives and Policies

Objective 6.1 Protect Public Health and Safety

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

Policy 6.1.1

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

Policy 6.1.2

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

Policy 6.1.3

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

Policy 6.1.4

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

Objective 6.2 Public Assembly Land Uses

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

Policy 6.2.1 The County will require public assembly, dependent population, and multifamily premises built, significantly renovated, or established after 2010 to comply with the Office of State Fire Marshal life safety regulations or equivalent.

Policy 6.2.2 The County will require Champaign County Liquor Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Policy 6.2.3 The County will require Champaign County Recreation and Entertainment Licensee premises to comply with the Office of State Fire Marshal life safety regulations or equivalent by 2015.

Objective 6.3 Development Standards

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

Objective 6.4 Countywide Waste Management Plan

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



Goal 7 Transportation

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

Goal 7 Objectives

Objective 7.1 Traffic Impact Analyses

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

Objective 7.2 Countywide Transportation System

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

Goal 7 Objectives and Policies

Objective 7.1 Traffic Impact Analyses

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

Policy 7.1.1

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

Objective 7.2 Countywide Transportation System

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

Policy 7.2.1

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

Policy 7.2.2

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

Policy 7.2.3

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

Policy 7.2.4

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

Policy 7.2.5

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

Policy 7.2.6

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

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



Goal 8 Natural Resources

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

Goal 8 Objectives

Objective 8.1 Groundwater Quality and Availability

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

Objective 8.2 Soil

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Objective 8.4 Surface Water Protection

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

Objective 8.5 Aquatic and Riparian Ecosystems

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

Objective 8.6 Natural Areas and Habitat

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

Objective 8.7 Parks and Preserves

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

Objective 8.8 Air Pollutants

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

Objective 8.9 Natural Resources Assessment System

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

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



Goal 8 Objectives and Policies

Objective 8.1 Groundwater Quality and Availability

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

Policy 8.1.1

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

Policy 8.1.2

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

Policy 8.1.3

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

Policy 8.1.4

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

Policy 8.1.5

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

Policy 8.1.6

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

Policy 8.1.7

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

Policy 8.1.8

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

Policy 8.1.9

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

Objective 8.2 Soil

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

**Policy 8.2.1**

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

Objective 8.3 Underground Mineral and Energy Resource Extraction

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

Policy 8.3.1

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

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

Objective 8.4 Surface Water Protection

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

Policy 8.4.1

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

Policy 8.4.2

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

Policy 8.4.3

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

Policy 8.4.4

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

Policy 8.4.5

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

Policy 8.4.6

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



Objective 8.5 Aquatic and Riparian Ecosystems

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

Policy 8.5.1

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

Policy 8.5.2

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

Policy 8.5.3

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

Policy 8.5.4

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

Policy 8.5.5

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

Objective 8.6 Natural Areas and Habitat

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

Policy 8.6.1

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

Policy 8.6.2

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

Policy 8.6.3

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

Policy 8.6.4

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

**Policy 8.6.5**

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

Policy 8.6.6

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

Objective 8.7 Parks and Preserves

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

Policy 8.7.1

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

Policy 8.7.2

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

Policy 8.7.3

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

Policy 8.7.4

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

Policy 8.7.5

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

Policy 8.7.6 The County will support public outreach and education regarding site-specific natural resource management guidelines that landowners may voluntarily adopt.

Objective 8.8 Air Pollutants

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

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

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



Objective 8.9 Natural Resources Assessment System

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

Goal 9 Energy Conservation

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

Goal 9 Objectives

Objective 9.1 Reduce Greenhouse Gases

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 9 Objectives and Policies

Objective 9.1 Reduce Greenhouse Gases

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

Policy 9.1.1

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

Policy 9.1.2

The County will promote energy efficient building design standards.

Policy 9.1.3

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

Objective 9.2 Energy Efficient Buildings

Champaign County will encourage energy efficient building design standards.

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

**Policy 9.2.1**

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

Policy 9.2.2

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

Objective 9.3 Land Use and Transportation Policies

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

Objective 9.4 Reuse and Recycling

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

Objective 9.5 Renewable Energy Sources

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

Goal 10 Cultural Amenities

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

Goal 10 Objective**Objective 10.1 Cultural Amenities**

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

Goal 10 Objectives and Policy**Objective 10.1 Cultural Amenities**

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

Policy 10.1.1

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

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

APPENDIX

DEFINED TERMS

The following defined terms can be found in italics within the text of the LRMP Volume 2 Chapters: Goals, Objectives and Policies; Future Land Use Map; and Implementation Strategy.

best prime farmland

'Best prime farmland' consists of soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System with a Relative Value of 85 or greater and tracts of land with mixed soils that have a LESA System Land Evaluation rating of 85 or greater.

by right development

'By right development' is a phrase that refers to the limited range of new land uses that may be established in unincorporated areas of the County provided only that subdivision and zoning regulations are met and that a Zoning Use Permit is issued by the County's Planning and Zoning Department. At the present time, 'by right' development generally consists of one (or a few, depending on tract size) single family residences, or a limited selection of other land uses. Zoning Use Permits are applied for 'over-the-counter' at the County Planning & Zoning Department, and are typically issued—provided the required fee has been paid and all site development requirements are met—within a matter of days.

contiguous urban growth area

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

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

discretionary development

A non-agricultural land use that may occur only if a Special Use Permit or Zoning Map Amendment is granted by the County.

discretionary review

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

The discretionary review process includes review by the County ZBA and/or County Board of a request for a Special Use or a Zoning Map Amendment. For 'discretionary review' requests, a

discretionary review (continued)

public hearing occurs before the County ZBA. Based on careful consideration of County [LRMP] goals, objectives and policies and on specific criteria, the ZBA and/or County Board, at their discretion, may or may not choose to approve the request.

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

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

parks and preserves

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

pre-settlement environment

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

public infrastructure

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

public services

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

rural

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

site of historic or archeological significance

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

suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'suited overall' if the site meets these criteria:

- the site features or site location will not detract from the proposed use;
- the site will not create a risk to the health, safety or property of the occupants, the neighbors or the general public;
- the site is not clearly inadequate in one respect even if it is acceptable in other respects;
- necessary infrastructure is in place or provided by the proposed development; and
- available public services are adequate to support the proposed development effectively and safely.

well-suited overall

During the discretionary review process, the County Board or County Zoning Board of Appeals may find that a site on which development is proposed is 'well-suited overall' if the site meets these criteria:

- the site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative affects on neighbors or the general public; and
- the site is reasonably well-suited in all respects and has no major defects.

urban development

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

urban land

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

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

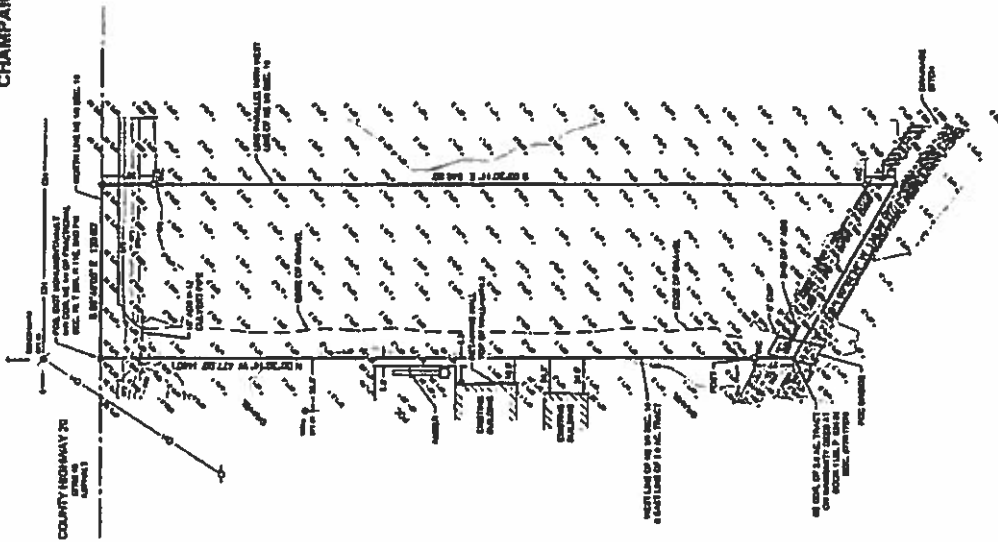
urban land use

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

BOUNDARY AND TOPOGRAPHIC SURVEY
PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 19,
TOWNSHIP 20 NORTH, RANGE 11 EAST
OF THE THIRD PRINCIPAL MERIDIAN,
CHAMPAIGN COUNTY, ILLINOIS

PROPERTY NOT REPRESENTED BY

APPROXIMATE LOCATION OF
 SURVEYED POINTS, MARKED BY
 CHAMPAIGN COUNTY RECORDS



PROFESSIONAL SURVEYOR

1. Found and used monuments on the ground as follows: (1) Iron nail.
2. The following corners remain to be found: (1) Iron nail monument located by a boundary.
3. All bearings and distances were taken as they are.
4. The bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape.
5. There are trees and other obstructions on some of the lines, and the bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape.
6. All bearings and distances were taken as they are.
7. A portion of the land is owned by the State of Illinois, and the bearings and distances were taken as they are.
8. The bearings and distances were taken as they are.
9. A line of land along the north line, County Highway 20, on the east end of land is owned by the State of Illinois.

CHAMPAIGN COUNTY RECORDS

Surveyed and found on the ground as follows: (1) Iron nail monument located by a boundary. The bearings and distances were taken as they are. The bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape. There are trees and other obstructions on some of the lines, and the bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape. All bearings and distances were taken as they are. A portion of the land is owned by the State of Illinois, and the bearings and distances were taken as they are. The bearings and distances were taken as they are. A line of land along the north line, County Highway 20, on the east end of land is owned by the State of Illinois.



Surveyed and found on the ground as follows: (1) Iron nail monument located by a boundary. The bearings and distances were taken as they are. The bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape. There are trees and other obstructions on some of the lines, and the bearings were taken by the magnetic needle, which is very accurate, and the distances were taken by a steel tape. All bearings and distances were taken as they are. A portion of the land is owned by the State of Illinois, and the bearings and distances were taken as they are. The bearings and distances were taken as they are. A line of land along the north line, County Highway 20, on the east end of land is owned by the State of Illinois.

RECEIVED

FEB 10 2016

CHAMPAIGN CO. P. & Z DEPARTMENT

REMARKS:
 THIS IS AN OFFICE FOUND IN THE SOUTH END OF POWER
 AND IT IS PART OF THE CORNER OF THE AC. 142 OF
 FRACTIONAL SECTION 19, T. 20 N. R. 11 E. S. 36 P. 2 E.

SECTION 18 SURVEY
 EHLER BROTHERS CO
 CHAMPAIGN, ILLINOIS

MSA

BOUNDARY AND TOPOGRAPHIC SURVEY

DATE: FEB 10 2016

BY: [Signature]

Susan Chavarria

From: Dustin Ehler <dustinehler@gmail.com>
Sent: Friday, February 12, 2016 1:57 PM
To: Susan Chavarria
Cc: Dan Ray
Subject: Re: questions for zoning case - no hurry

Follow Up Flag: Follow up
Due By: Friday, February 19, 2016 9:00 AM
Flag Status: Flagged

Susan, my safety consultant is in the process of designing a cad drawing of the proposed project. I have cc'd Dan Ray to this email and hopefully he can provide a pdf version that we can both use. He should have it done soon.

As for the impact on traffic flow: there should be no significant impact on traffic as there will be no difference in truck or equipment traffic because of the new tank or building. The tank is being built to help aid in servicing our growing nitrogen business. The building is being constructed to warehouse our custom fertilizer application equipment. The equipment has grown in size and we need to construct a building that is large enough to accommodate it.

Dustin Ehler
Ehler Bros. Co

> On Feb 11, 2016, at 1:39 PM, Susan Chavarria <schavarr@co.champaign.il.us> wrote:

- >
- > Hi Dustin,
- >
- > Do you have a proposed site plan for how the overall property will be developed? If so, I will need a copy of that.
- >
- > Can you make a statement via email regarding potential traffic impacts from the proposed expansion?
- >
- > Once again, this can wait until you get back - I have until February 24th to get the draft finalized.
- >
- > Thanks!
- > Susan
- >
- > Susan Chavarria, AICP, PCED
- > Senior Planner
- > Champaign County Planning and Zoning
- > 1776 East Washington Street
- > Urbana, IL 61802
- > 217-819-4086
- > www.co.champaign.il.us
- >
- > <winmail.dat>

RECEIVED

FEB 12 2016

CHAMPAIGN CO. P & Z DEPARTMENT



Champaign County

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

NATURAL RESOURCE REPORT

Development Name: Ehler Brothers Co

Date Reviewed: February 17, 2016

Requested By: Dustin Ehler

Address: P.O. Box 194
Gifford, IL 61847

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FEB 18 2016

CHAMPAIGN CO. P & Z DEPARTMENT

Location of Property: part of the NE $\frac{1}{4}$ of sec.19 in T. 20 N., R.11 E., of the 3rd. P.M.



The Resource Conservationist of the Champaign County Soil and Water Conservation District inspected this tract on February 10th, 2016.

February 10, 2016



Champaign County

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

SITE SPECIFIC CONCERNS

1. The area that is and to be developed has 2 soil types (Drummer Silty Clay Loam 152A, Brenton Silty Loam 149A) that are slight to severe ponding for dwellings without a basement.

SOIL RESOURCE

a) Prime Farmland:

This tract is considered best prime farmland for Champaign County by the LE calculation.

This tract has an L.E. Factor of 100; see the attached worksheet for this calculation.

b) Soil Characteristics:

There are Two (2) soil types on this site; see the attached soil map. The soil present has severe limitations for development in its natural, unimproved state. The possible limitations include severe ponding in shallow excavations. A development plan will have to take the soil characteristics into consideration.

Map Symbol	Name	Slope	Shallow			Septic Fields	Steel	Concrete
			Excavations	Basements	Roads		Corrosion	Corrosion
152A	Drummer Silty Clay Loam	0-2%	Severe: ponding	Severe: ponding	Severe: ponding	Severe: ponding	high	moderate
149A	Brenton Silty Loam	0-2%	Severe: wetness	Severe: wetness	Severe: low strength	Severe: wetness	high	moderate

c) Erosion:

This area that still may be developed, will be susceptible to erosion both during and after construction. Any areas left bare for more than 7 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible. The area has a slight slope to the old bridge which could allow erosion during construction and heavy rainfall events. The area is currently in standing corn stalks and has not been disturbed more than general farming at the time of inspection, erosion control measures must be installed before construction starts. This site is just above a drainage ditch so extra care should be given to run off.



Champaign County

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

d) Sedimentation:

A complete erosion and sedimentation control plan should be developed and implemented on this site prior to and during major construction activity. This plan should also have information for the land owner to continue Sedimentation control after.

Example: When will inlets for storm drains need to be cleaned out or how often? All sediment-laden runoff should be routed through sediment basins before discharge. Silt fences should be used in flow areas with drainage areas that do not exceeding 0.5 acres.

Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control. The website is: <http://www.aishxcd.org/IUM/>

This link has a resource to help develop a SWPPP for small lots:

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

WATER RESOURCE

a) Surface Drainage:

The site has a slight slope to the south that leads to a drainage ditch. The developed areas seem to have good drainage. The water from the site will leave by way of the drainage ditch.

Best Management Practices that minimize the volume of stormwater flowing offsite and attempt to filter it as much as possible should be considered for any future development.

b) Subsurface Drainage:

It is likely that this site contains agricultural tile, if any tile is found care should be taken to maintain the tile in working order.

Severe ponding, along with wetness may be a limitation associated with the soil types on the site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.



Champaign County

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

c) Water Quality:

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

EPA Stormwater Pollution Prevention Plan Reference Tool:

EPA requires a plan to control stormwater pollution for all construction sites over 1 acre in size. *A Guide for Construction Sites* is a reference tool for construction site operators who must prepare a SWPPP in order to obtain NPDES permit coverage for their stormwater discharges. The guide describes the SWPPP development process and provides helpful guidance and tips for developing and implementing an effective plan.

Two model plans, based on hypothetical sites, are now available as a supplement to the guide. The first example plan is for a medium-sized residential subdivision and the second is for a small commercial site. Both examples utilize the SWPPP template that is included in the guide. To view the guide, models and template, visit <http://www.epa.gov/npdes/swpppguide>.

A new small lots plan can be found at this website location:

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

d) Low impact development:

The EPA's new report, "Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices." Provides ideas to improve water quality through unique designs. The report contains 17 case studies from across North America that show using LID practices in construction projects can lower costs while improving environmental results. LID practices are innovative stormwater management practices used to manage urban stormwater runoff at its source. The goal of LID practices is to mimic the way water moves through an area before development occurs, which is achieved using design techniques that infiltrate, evapotranspiration and reuse runoff close to its source. Some common LID practices include rain gardens, grassed swales, cisterns, rain barrels, permeable pavements and green roofs. LID practices increasingly are used by communities across the country to help protect and restore water quality. For a copy of the report, go to www.epa.gov/owow/nps/lid/costs07.



Champaign County

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

CULTURAL, PLANT, AND ANIMAL RESOURCE

a) Cultural:

The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

b) Illinois Endangered Species Protection Act & Illinois Natural Areas Preservation Act:

State agencies or units of local government must consult the Department about proposed actions that they will authorize, fund or perform. Private parties do not have to consult, but they are liable for prohibited taking of state-listed plants or animals or for adversely modifying a Nature Preserve or a Land and Water Reserve.

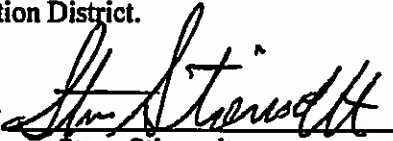
Home rule governments may delegate this responsibility, through duly enacted ordinances, to the parties seeking authorization or funding of the action.

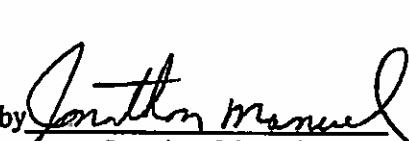
The Illinois Natural Heritage Database shows the following protected resource may be in the vicinity of the project location: Spoon River INAI Site.

c) Plant:

For eventual landscaping of the site, the use of native species is recommended whenever possible. The three soil types will support trees such as Bur Oak, Norway Spruce, Black Oak, and Silky Dogwood. For areas to be restored to a more natural area several groups in the area may be able to help with seed.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by 
Steve Stierwalt
Board Chairman

Prepared by 
Jonathon Manuel
Resource Conservationist

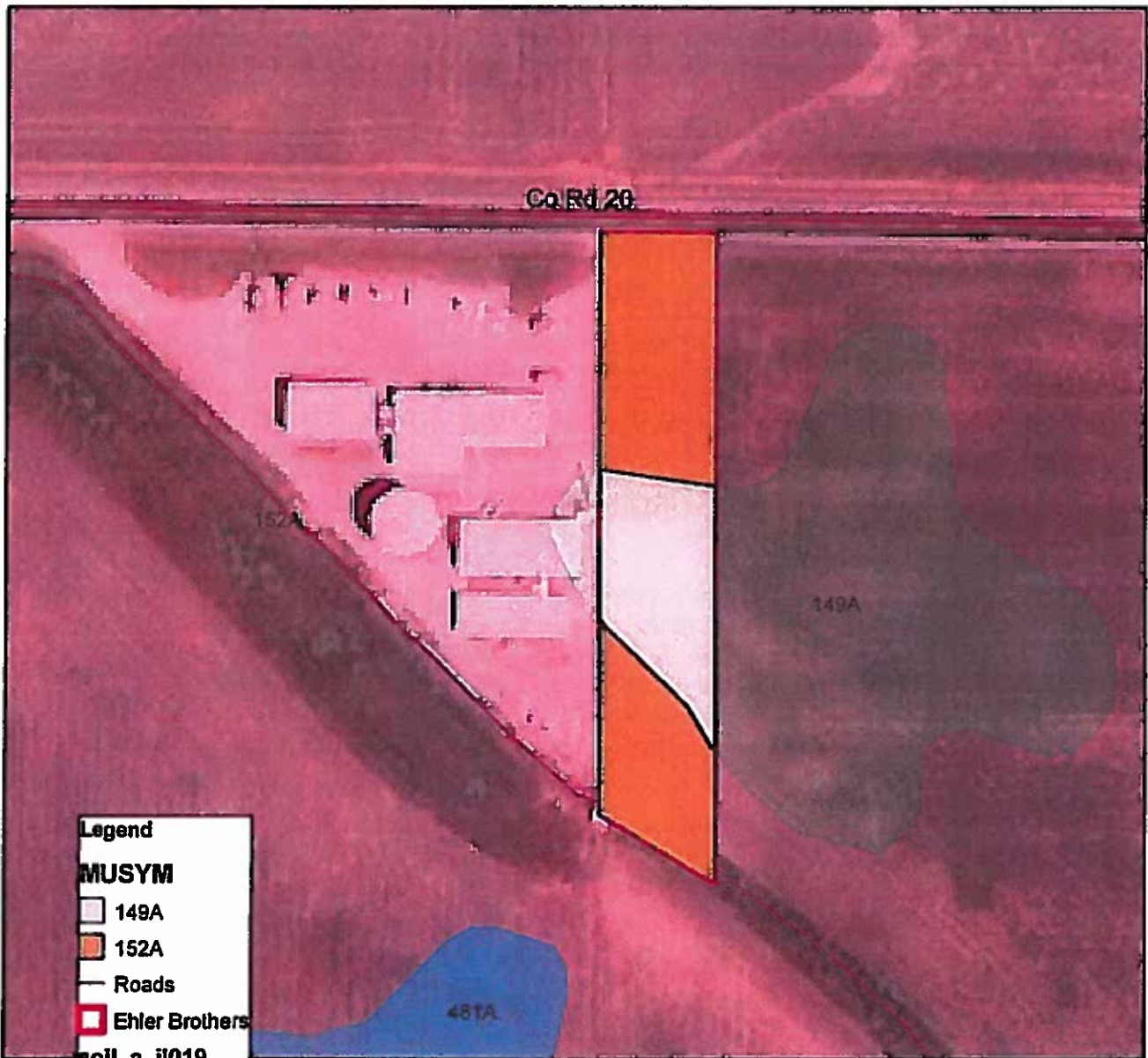


Ehler Brothers

Date: 2/8/2016

Assisted By: JONATHON MANUEL
State and County: IL, Champaign County, Illinois

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Legal Description: NW 1/4 Section of Section 19, T20N, R11E



- Legend**
- MUSYM
 - 149A
 - 152A
 - Roads
 - Ehler Brothers

soil_a_il019

- MUSYM**
- 149A
 - 152A
 - 481A



LAND EVALUATION WORKSHEET

Soil Type	Soil Name	Ag Group	Relative Value	Acres	Land Evaluation Score
152A	Drummer	2	100	0.7	70.0
149A	Brenton	1	100	0.3	30.0
					0.0
					0.0
					0.0
					0.0
					0.0

acreage for calculation slightly larger than tract acreage due to rounding of soils program

Total LE Weighted Factor= 100

Acreage= 1

Land Evaluation Factor For Site=

100

Note: A Soil Classifier could be hired for additional accuracy if desired

Data Source: Champaign County Digital Soil Survey

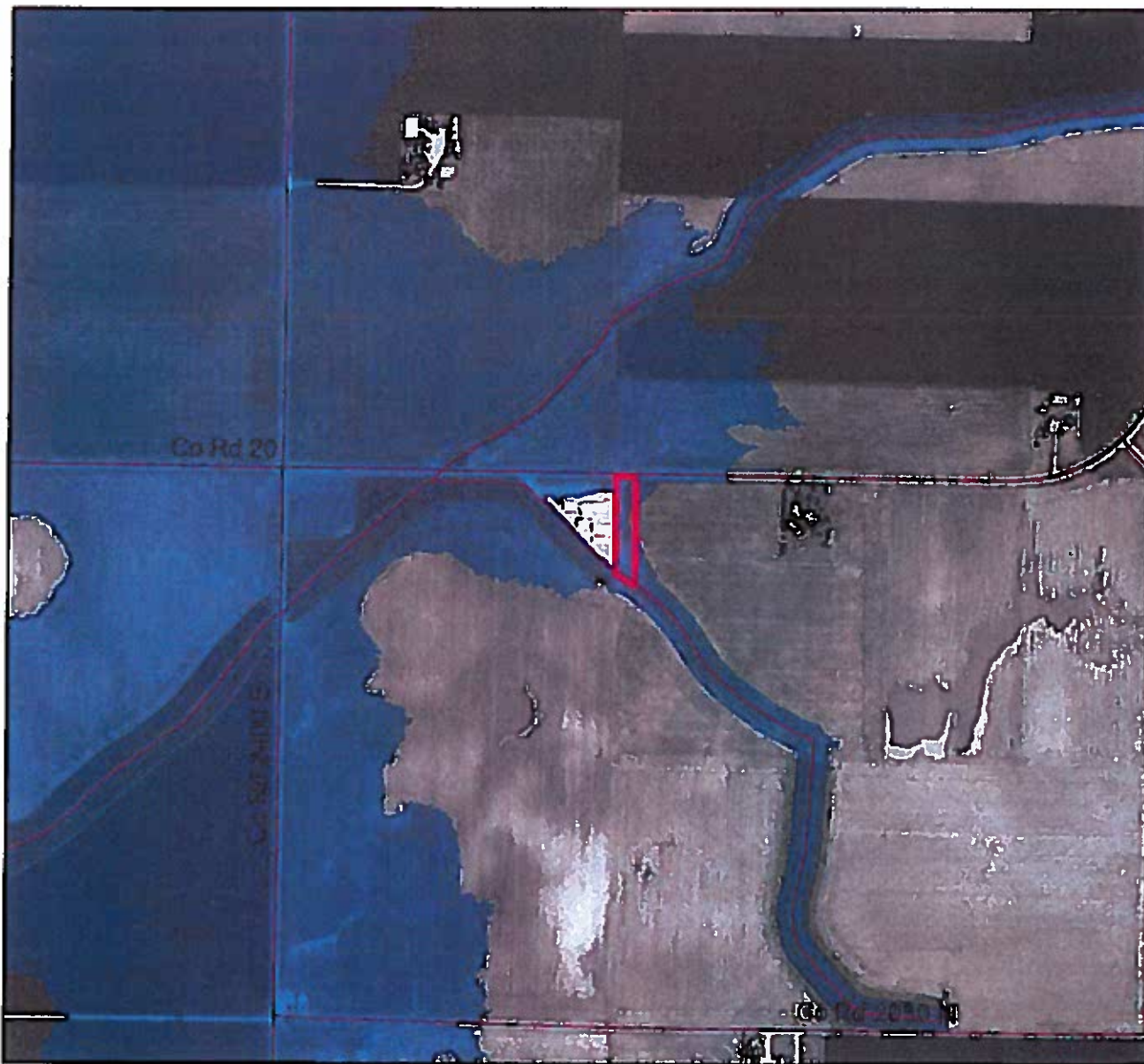


Ehler Brothers



Date: 2/8/2016

Assisted By: JONATHON MANUEL
State and County: IL, Champaign County, Illinois

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Legal Description: NW 1/4 Section of Section 19, T20N, R11E



Legend

- Roads
-  Ehler Brothers
-  fema_a_11019



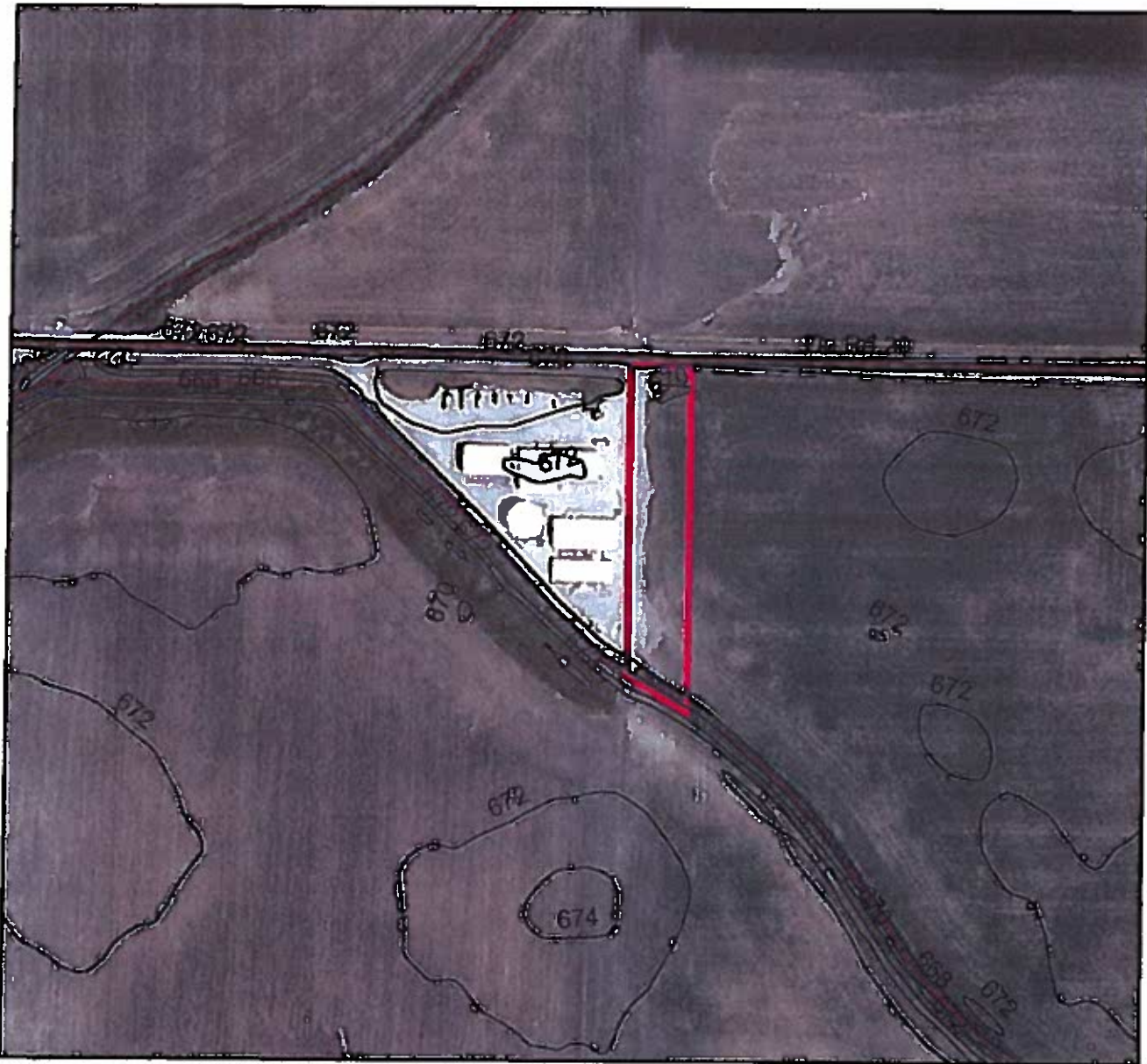


Ehler Brothers

Date: 2/8/2016

Assisted By: JONATHON MANUEL
State and County: IL, Champaign County, Illinois

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Legal Description: NW 1/4 Section of Section 19, T20N, R11E



Legend

— 3_T20N_R11E_SEC19

— Roads

 Ehler Brothers





Ehler Brothers

Date: 2/8/2016

Assisted By: JONATHON MANUEL
State and County: IL, Champaign County, Illinois

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Legal Description: NW 1/4 Section of Section 19, T20N, R11E



Legend

- Roads
- ▣ Ehler Brothers
- streams_l_il





Applicant: Champaign County Soil & Water Conservation District **IDNR Project Number:** 1607252
Contact: Jonathon Manuel **Date:** 02/10/2016
Address: 2110 West Park Court
 Suite C
 Champaign, IL 61821

Project: Ehler Bros Co
Address: 2110 West Park Court Suite C, Champaign

Description: New shed for Fertilizer plant

Natural Resource Review Results

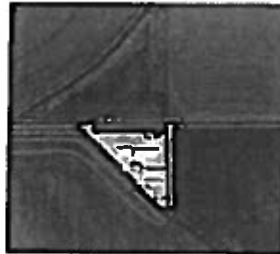
This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Spoon River INAI Site

Location

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



County: Champaign

Township, Range, Section:
20N, 11E, 19

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

Disclaimer

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

Terms of Use

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

IDNR Project Number: 1607252

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

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

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

Privacy

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



Ehler Brothers

Date: 2/8/2016

Assisted By: JONATHON MANUEL
State and County: IL, Champaign County, Illinois

Aerial 2012

District: CHAMPAIGN COUNTY SOIL & WATER CONSERVATION DISTRICT
Legal Description: NW 1/4 Section of Section 19, T20N, R11E

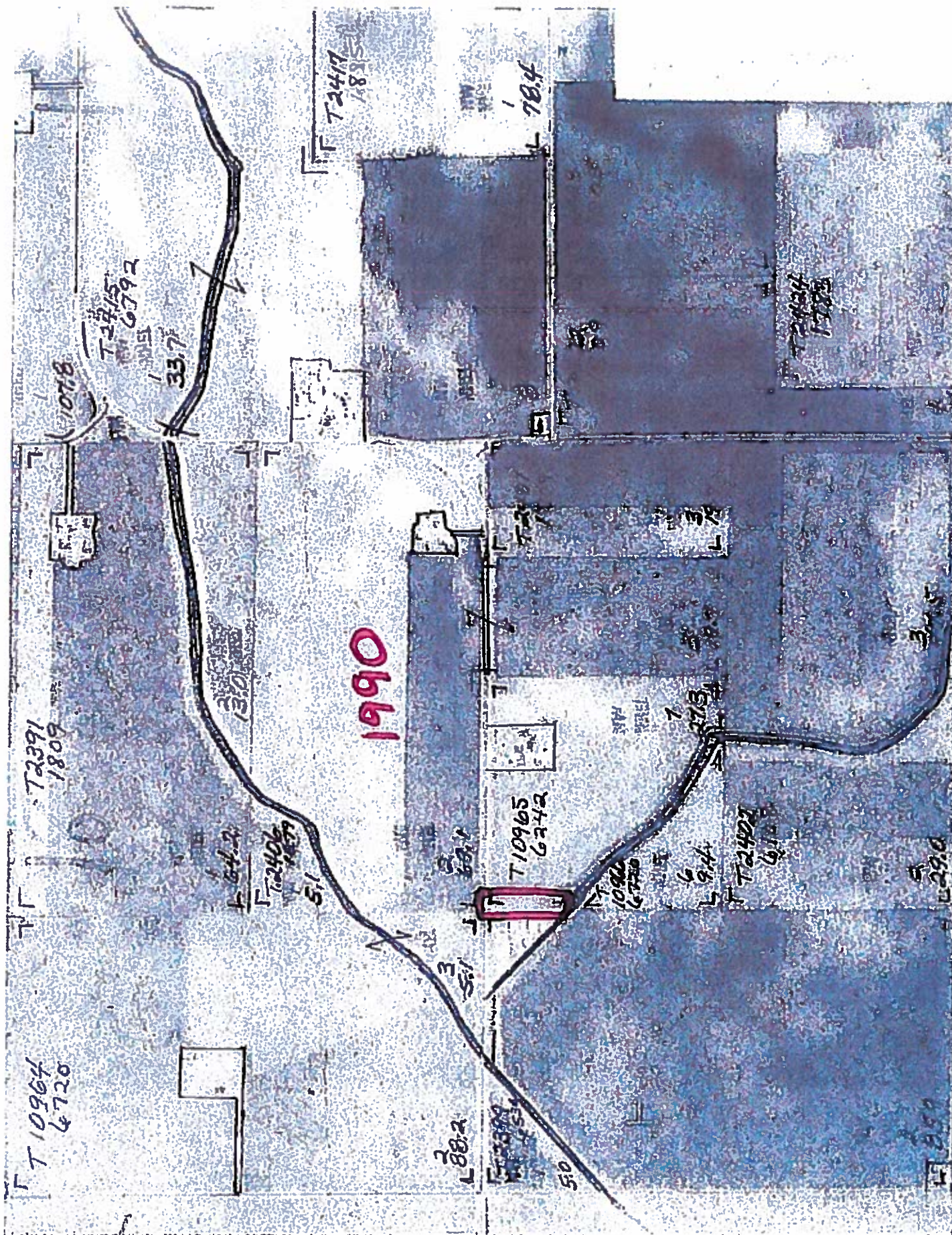


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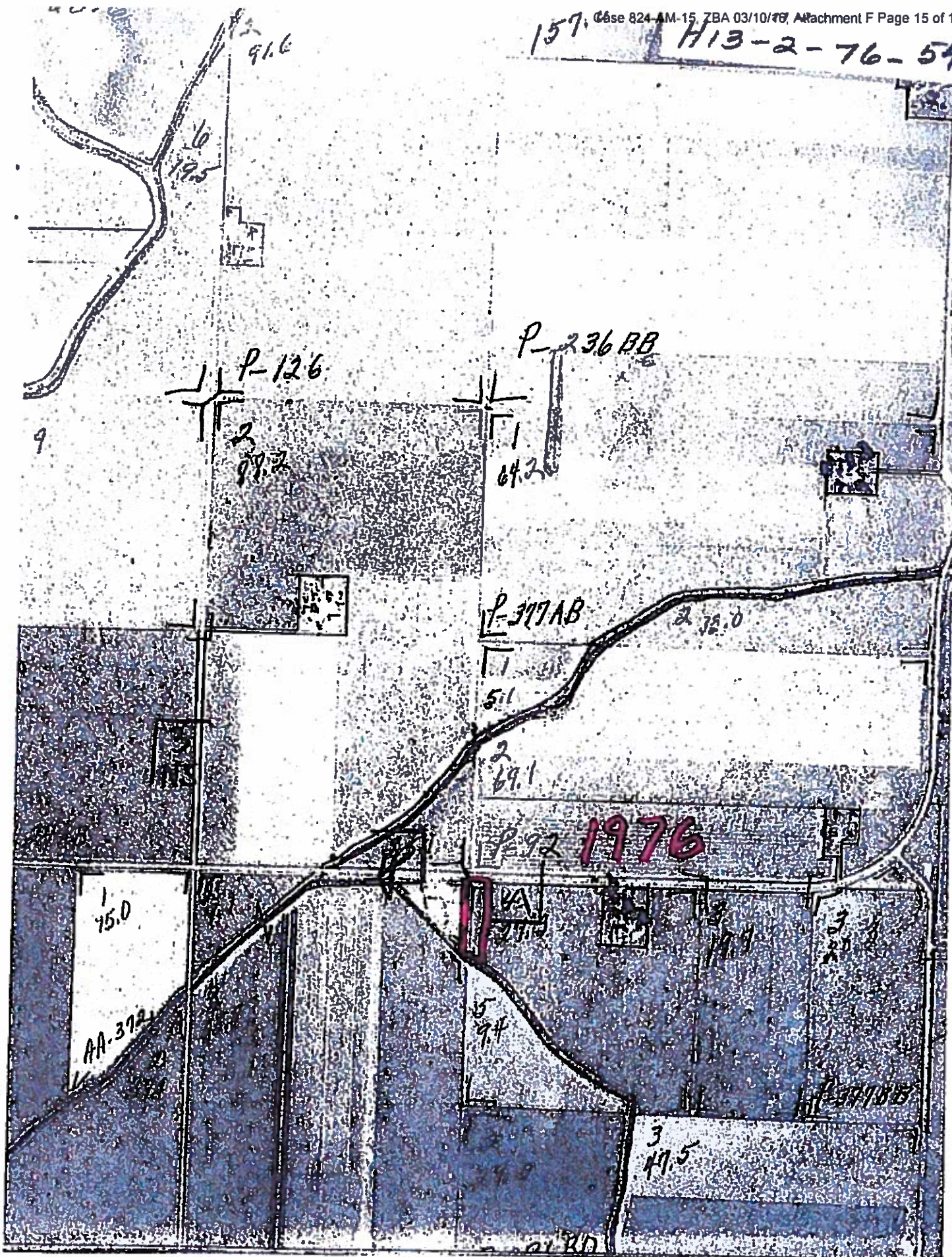
— Roads

□ Ehler Brothers





H13-2-76-54



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P-377AB

P-92 1976

AA-372

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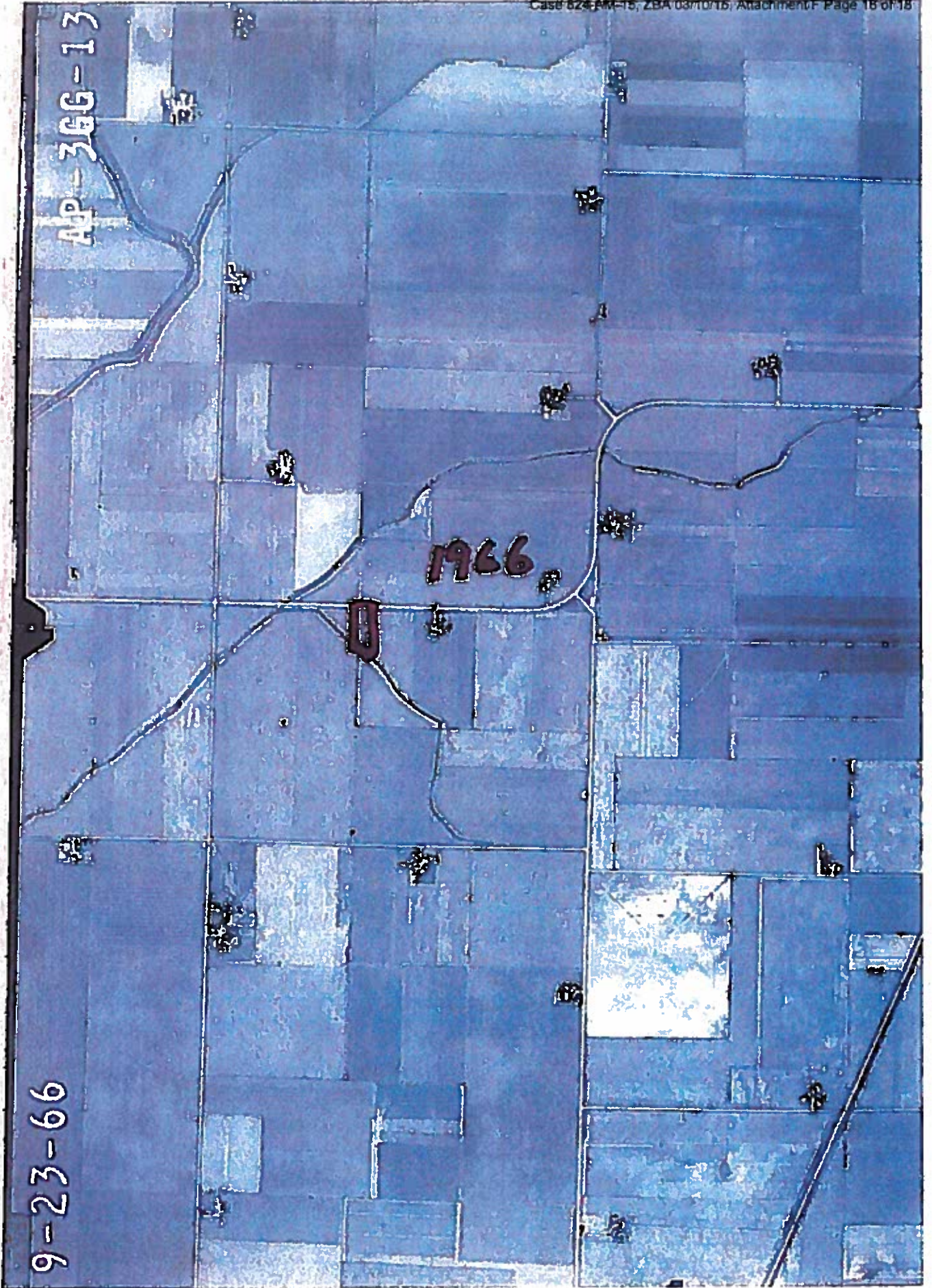
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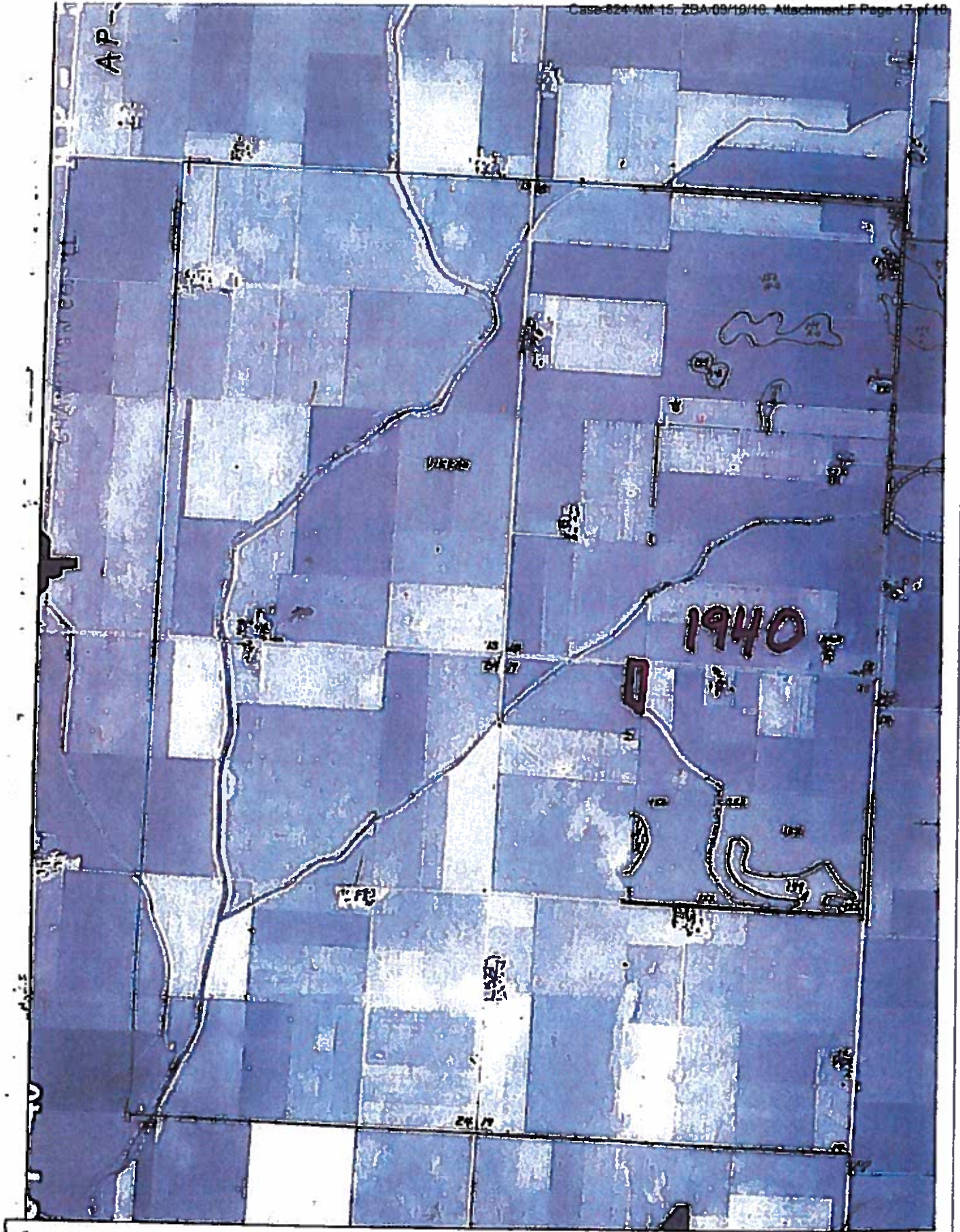
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1966

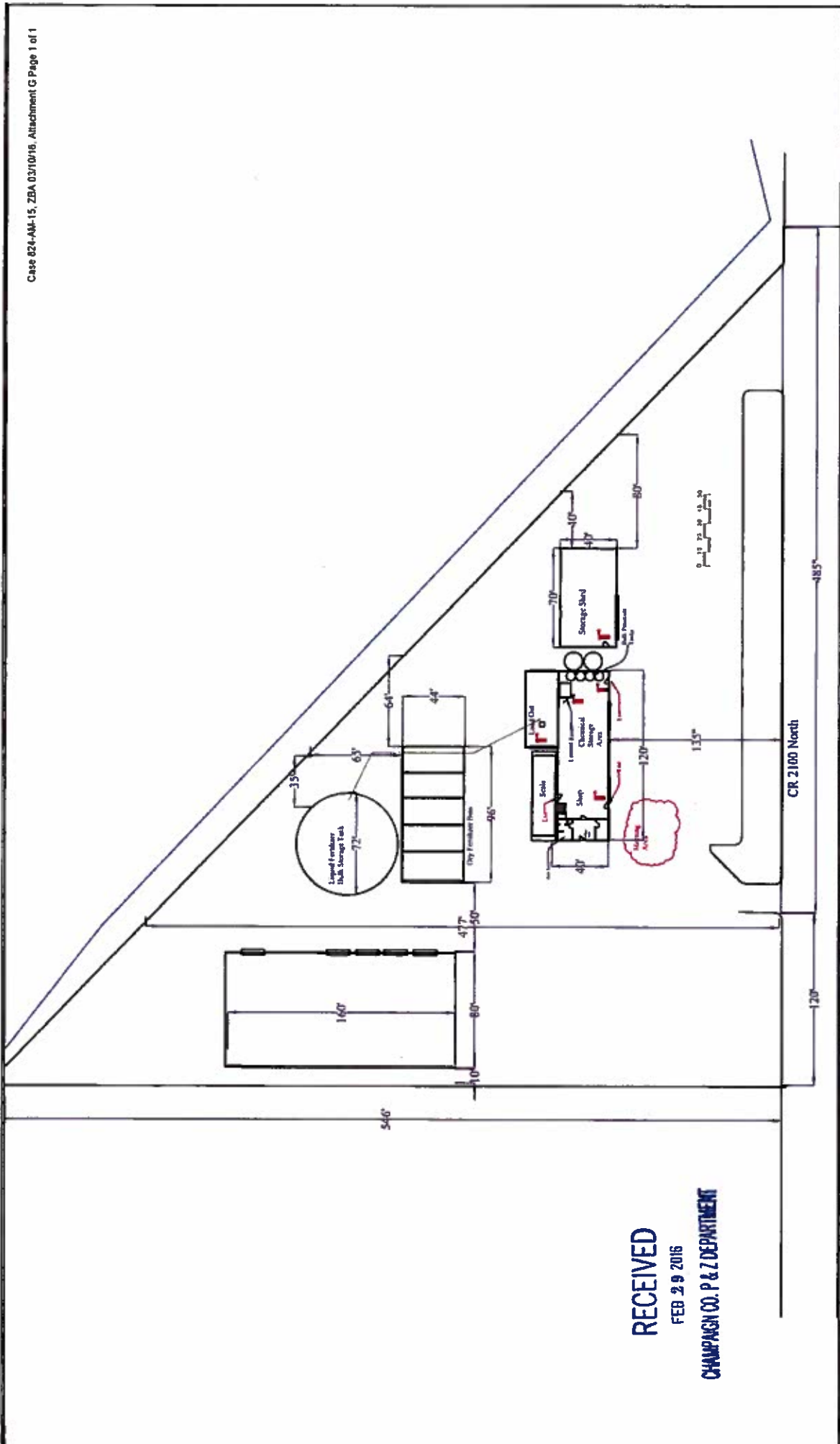




AP-

1940

1941



RECEIVED
 FEB 29 2016
 CHAMPAIGN CO. P & Z DEPARTMENT

Sheet Title
 Detail
 Scale
 See Scale Bar

Facility
 Ehler Brothers
 Royal, IL

Drawn
 Design
 Checked
 Rechecked

Water Flow Direction
 Electrical Panel

Fire Extinguisher
 Safety Equipment
 Shows 0.1/1.5 Web, Respirator
 Gas Shutoff

Safety Consulting Services
 1001 S. Center St
 Mahomet, IL 61853
 888-791-2536

824-AM-15 Images



824-AM-15 Ehler Bros
2016-01-26

Subject property (ag land on right), from south end of existing Ehler Bros facility



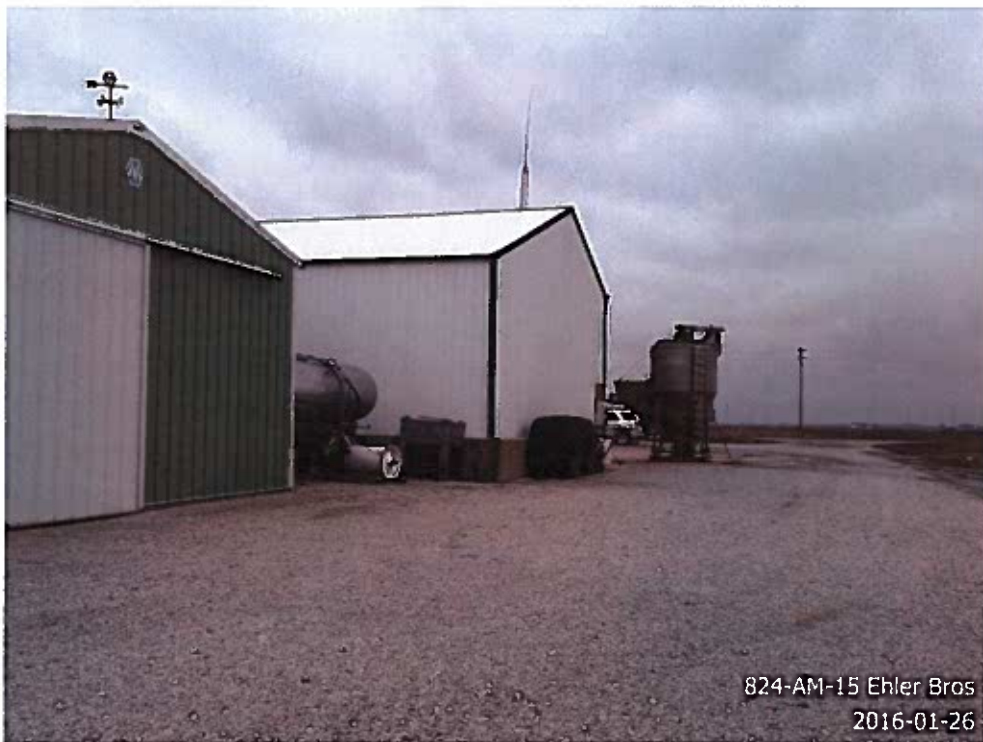
824-AM-15 Ehler Bros
2016-01-26

Main Ehler Bros building, from CR 2100 N (CH20) facing SW

824-AM-15 Images



Existing Ehler Bros facility liquid fertilizer storage tank



Existing Ehler Bros facility, east side facing north

RESOLUTION NO. 3425

A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY

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

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

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

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

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.
2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.
3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

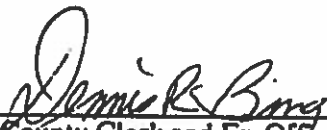
Page 2

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

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



Chairman, County Board of the
County of Champaign, Illinois

ATTEST: 

County Clerk and Ex-Officio
Clerk of the County Board

PRELIMINARY DRAFT 03/03/16

824-AM-15

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

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

Date: ***{March 10, 2016}***

Petitioner: **Dustin Ehler, d.b.a. Ehler Bros Co.**

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

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Case 824-AM-15 Final Determination..... 30

PRELIMINARY DRAFT 03/03/16**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 10, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner Dustin Ehler, 2475 E CR 2100 N (CH 20), Thomasboro, Vice President of Ehler Bros Co., with board members David Ehler (President), and Daniel Ehler (Secretary) own the subject property.
2. The subject property is a 1.4 acre tract in the Northeast Quarter of the Northwest Quarter of Section 19, Township 20N Range 11E of the Third Principal Meridian in Ogden Township located immediately east of the existing Ehler Brothers facility with an address of 2475 E CR 2100 N (CH 20), Thomasboro.
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 that the **“property is zoned AG-1, which does not allow for fertilizer blending or retail sales”**.
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the rezoning the petitioner has indicated that **“additional real estate is needed for expansion”**.

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 1.04 acre tract currently zoned AG-1 Agriculture and is in agricultural production. The Petitioner purchased the land on February 10, 2016 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 for the subject property and its vicinity are 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.

PRELIMINARY DRAFT 03/03/16**Case 824-AM-15
Page 3 of 30**

8. Regarding site plan and operations of the subject property:
- A. The existing Ehler Bros business adjacent to the subject property includes the following, as shown in the Site Plan received on February 29, 2016:
- (1) One 120 feet by 40 feet main building that includes a chemical storage area, control room, scale, loading berth, shop area, office area, and restroom;
 - (2) One 40 feet by 70 feet storage shed west of the main building;
 - (3) One 96 feet by 44 feet dry fertilizer storage building;
 - (4) One 72' diameter liquid fertilizer bulk storage tank; and
 - (5) Two 12,000 gallon water tanks for the wash bay.
- B. Proposed improvements to the site include:
- (1) One 80 feet by 160 feet building to be located on the recently purchased part of the subject property.
- C. Previous permits for the existing Ehler Bros. property are the following:
- (1) An addition to what is now the dry fertilizer storage building south of the main building, approved under Permit #240-87-02.
 - (2) An addition to an existing building for fertilizer loading area and wash bay and two 12,000 gallon water tanks, approved under Permit #304-94-02.
 - (3) One 120 feet by 40 feet building to replace one destroyed by fire, approved under Permit #308-98-01.
 - 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.
 - (4) A 40 feet by 70 feet detached storage building approved under Permit # 203-03-01.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

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

PRELIMINARY DRAFT 03/03/16

- (1) The AG-1 District is generally located throughout the county in areas which have not been placed in any other Zoning Districts.
 - (2) The B-1 District is generally located in rural areas suitable for businesses operations to serve the needs of rural residents.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 11 types of uses authorized by right in the AG-1 District and there are 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 nine uses are authorized by right in the B-1 District and not at all in the AG-1 District:
 - (a) Parking garage or lot;
 - (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 of recreational facility;

PRELIMINARY DRAFT 03/03/16**Case 824-AM-15
Page 5 of 30**

- (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;
 - (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;

PRELIMINARY DRAFT 03/03/16

- (u) BIG WIND TURBINE TOWER (1-3 turbines);
 - (v) WIND FARM (County Board SUP)
 - (w) Sawmills, Planing Mills, and related activities; and
 - (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

10. 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.”

PRELIMINARY DRAFT 03/03/16Case 824-AM-15
Page 7 of 30**REGARDING RELEVANT LRMP GOALS & POLICIES**

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

11. 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.

12. 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.

13. 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.

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14. 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 / WILL NOT} **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 4.3 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 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.

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- (b) The subject property fronts County Highway 20 (CH20).
- (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) In an email received February 12, 2016, Dustin Ehler stated, “There should be no significant impact on traffic as there will be no difference in truck or equipment traffic because of the new tank or building.”
- (b) 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 B-1 District is intended to provide agriculture related businesses to rural residents.
- 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 reasons:

- (a) Ehler Bros is an agricultural support service, providing fertilizer for area farmers.

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- (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) In an email received February 12, 2016, Dustin Ehler stated, “As for the impact on traffic flow, there should be no significant impact on traffic as there will be no difference in truck or equipment traffic because of the new tank or building.”
 - (c) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (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 both depends upon and supports agricultural activities.
- (b) The B-1 District is intended to provide agriculture related businesses to rural residents.
- (c) A special condition has been proposed regarding the County’s Right to Farm Resolution.

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- (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 B-1 District is intended to provide agriculture related businesses to rural residents.

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

The proposed rezoning {WILL / WILL NOT} **HELP ACHIEVE** Objective 4.1 because of the following:

- (1) Objective 4.1 includes nine subsidiary policies. Policies 4.1.1, 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 4.1.4 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 1.4 acre subject property on February 10, 2016.
- b. Regarding the County zoning requirements in effect as of February 10, 2016:
 - (a) The subject property does not meet the average minimum width specification of 150 feet as per Section 4.3.4, but does meet the criteria when considered as part of the joint lot development with the existing Ehler Bros business.
 - (b) The subject property meets the standard for area established in Section 4.3.4.

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

The proposed rezoning {WILL / WILL NOT} HELP ACHIEVE Policy 4.1.6 for the following reasons:

- a. The soil on the subject property is BEST PRIME FARMLAND and consists of 152A Drummer silty clay loam and 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 1.4 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.

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- h. For Goal 8 Natural Resources, the ZBA determined that the subject property **{DOES / DOES NOT}** 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 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."
 - (c) On March 2, 2016, staff contacted the Illinois Department of Natural Resources regarding the proposed expansion as it relates to the Spoon River tributary that runs on the west side of the existing Ehler Bros facility. No comments have been received.
- (4) **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 1.4 acres, less than the maximum allowed for Best Prime Farmland.

- (5) **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. Further evidence on the LESA rating will be provided at the hearing.

15. 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.

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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.

16. 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.

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

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

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Objective 7.2 and the subsidiary policies.

The proposed amendment will **HELP ACHIEVE** Goal 7 for the following reasons:

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

The proposed rezoning will **HELP ACHIEVE** Objective 7.1 because of the following:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”
- a. In an email received February 12, 2016, Dustin Ehler stated, “There should be no significant impact on traffic as there will be no difference in truck or equipment traffic because of the new tank or building.”

18. 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 / WILL NOT} **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 / WILL NOT} **HELP ACHIEVE** Objective 8.4 because of the following:

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- (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 / WILL NOT} **HELP ACHIEVE** 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.
- c. The Spoon River Drainage District and Drainage District #10 of Ogden were notified of the case and no comments were received.

- (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 / WILL NOT} **HELP ACHIEVE** Policy 8.4.2 for the following reasons:

- a. A Storm Water Drainage Plan with detention will be required if there is one acre of impervious area added in the new development.
- b. The Boundary and Topographic Survey for the subject property received February 10, 2016 indicates a Base Flood Elevation of 671.7. No survey has been submitted for the existing Ehler Bros facility, nor is there one on file from previous zoning permits.

- (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 Illinois 2016 Integrated Water Quality Report 303(d) List of impaired waterways does not include the Spoon River or its tributaries.

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- (a) Other parts of the Upper Salt Fork Watershed are listed for impairments related to aquatic life due to chloride, dissolved oxygen, ph, and phosphorus.
 - 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.
 - d. 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 / WILL NOT} **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 **HELP ACHIEVE** 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 / WILL NOT} **HELP ACHIEVE** Policy 8.5.2 for the following reason:

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- a. A Storm Water Drainage Plan with detention will be required if there is one acre of impervious area added in the new development.
 - 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. The Natural Resource Report received on February 18, 2016 from the Champaign County Soil and Water Conservation District 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. The US Fish and Wildlife Service National Wetlands Inventory showed no wetlands within 2 miles 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 / WILL NOT} **HELP ACHIEVE** 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.

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- 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 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 / WILL NOT**} **HELP ACHIEVE** Policy 8.6.4 for the following reason:

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

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

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

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

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

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

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

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

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

Table 1 below summarizes the land uses and zoning of the subject property and properties nearby.

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

- B. *LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.**
- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
 - (2) In regards to 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 petitioner promotes the health, safety, morals, and general welfare of the public.**
There has been no evidence submitted regarding property values. The proposed rezoning should not have a negative effect on the public health, safety, and welfare.
- D. *LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**

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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 whether the site is well suited to the proposed land use, evidence has been provided under LRMP 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.**
- (1) In the application for the current zoning case, the Petitioner testified they need additional real estate for expansion.
 - (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 comprehensive planning.**
- (1) Evidence regarding the LRMP has shown that the proposed use generally {DOES / DOES NOT} CONFORM to goals and policies of the Champaign County Land Resource Management Plan.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

22. 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.

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

The second LaSalle factor (Item 21.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.

In an email received February 12, 2016, Dustin Ehler stated, "There should be no significant impact on traffic as there will be no difference in truck or equipment traffic because of the new tank or building."

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

Part of the existing Ehler Bros. facility and part of the subject property are within the floodplain hazard area as per FEMA Flood Insurance Rate Map number 17019C0350D effective October 2, 2013. Previous permit approvals for the existing Ehler Bros. facility have indicated that all buildings have flooring that is above Base Flood Elevation. Any proposed building will have to comply with the Champaign County Special Flood Hazard Areas Ordinance and the Champaign County Stormwater Management and Erosion Control Ordinance as part of the Zoning Use Permit process.

- 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) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

(2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- 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.

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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 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.

- 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.

The Natural Resource Report received on February 18, 2016 from the Champaign County Soil and Water Conservation District 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

PRELIMINARY DRAFT 03/03/16

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.

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

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

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

The Ehler Bros existing facility adjacent to the subject property has been in the B-1 Rural Trade Center Zoning District since 1977.

- 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

23. Proposed Special Conditions of Approval:

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3.

DOCUMENTS OF RECORD

1. Petition for Zoning Map Amendment signed by Dustin Ehler, received on December 28, 2015
2. Topographic Survey created by MSA, received February 10, 2016
3. Warranty deed and legal description for subject property received February 10, 2016
4. Champaign County Land Resource Management Plan (LRMP) Goals, Objectives, and Policies
5. Champaign County Land Resource Management Plan (LRMP) Appendix of Defined Terms
6. Natural Resources Report from Champaign County Soil and Water Conservation District received February 18, 2016
7. Site Plan received February 29, 2016
8. Illinois Environmental Protection Agency 2016 Illinois 303(d) list
9. *Watershed Implementation Plan for the Upper Salt Fork of the Vermilion River* dated May 2007
10. Case file for Map Amendment 264-AM-77 – Ehler Bros. existing facility
11. Permit files for subject property: 240-87-02, 304-94-02, 308-98-01, and 203-03-01
12. Preliminary Memorandum for Case 824-AM-15 dated March 3, 2016, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B LRMP Land Use Goals, Objectives, and Policies
 - C LRMP Appendix of Defined Terms
 - D Topographic Survey created by MSA, received February 10, 2016
 - E Email from Dustin Ehler received February 12, 2016
 - F Natural Resources Report from Champaign County Soil and Water Conservation District received February 18, 2016
 - G Site Plan received February 29, 2016
 - H Site Visit Photos
 - I Right to Farm Resolution 3425
 - J Draft Finding of Fact and Final Determination

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SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 10, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment {**WILL / WILL NOT**} **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 3 Prosperity:
 - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow an existing business to expand and continue to serve the needs of Champaign County farmers.
 - (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 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 14.B.(5)).
 - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.B.(4)).
 - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 14.B.(3)).
 - d. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 14.B.(2)).
 - (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 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 14.C.(5)).
 - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 14.C.(4)).

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- c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 14.C.(3)).
 - d. Policy 4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 14.C.(2)).
- (3) The proposed amendment **{ WILL/ WILL NOT } HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it **{ WILL/ WILL NOT } HELP ACHIEVE** the following:
- a. Policy 4.1.4, 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 14.D.(2)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 14.D.(3)).
 - c. Policy 4.1.7 minimizing the conversion of best prime farmland (see Item 14.D.(4)).
 - d. 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 14.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/ WILL NOT } 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 17.A.(1)).
 - (2) Based on achievement of the above Objective and Policy 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.

PRELIMINARY DRAFT 03/03/16**Case 824-AM-15
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- D. Regarding Goal 8 Natural Resources:
- (1) The proposed amendment **{WILL/ WILL NOT} 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/ WILL NOT} HELP ACHIEVE** 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 18.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 18.A.(2)).
 - a. 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 18.A.(3)).
 - (2) The proposed amendment **{WILL/ WILL NOT} HELP ACHIEVE** Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because it **{WILL/ WILL NOT} HELP ACHIEVE** the following:
 - a. 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)).
 - b. Policy 8.5.2 requiring that new discretionary development cause no more than minimal disturbance to the stream corridor environment (see Item 18.B.(2)).
 - c. 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 18.B.(3)).
 - (3) The proposed amendment **{WILL/ WILL NOT} HELP ACHIEVE** 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/ WILL NOT} 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 18.C.(1)).

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- 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 18.C.(2)).
 - c. 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/ WILL NOT} HELP ACHIEVE** Goal 8 Natural Resources (see Item 18).
- 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 / WILL NOT} HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed amendment will allow an existing business to expand and continue to serve the needs of Champaign County farmers.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Establishing the B-1 District at this location will help lessen and avoid congestion in the public streets (Purpose 2.0 (c) see Item 22.C.).
 - B. 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 (Purpose 2.0 (i) see Item 22.G.).
 - C. Establishing the B-1 District at this location will 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 (Purpose 2.0 (m) see Item 22.H.).

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- D. Establishing the B-1 District at this location will help protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses (Purpose 2.0 (n) see Item 22.I.).
- E. Establishing the B-1 District at this location will help minimize the cost of development of public utilities and public transportation facilities (Purpose 2.0 (p) see Item 22.K.).
- F. Establishing the B-1 District at this location will help encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities (Purpose 2.0 (q) see Item 22.L.).

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FINAL DETERMINATION

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

The Zoning Ordinance Amendment requested in Case 824-AM-15 should **{BE ENACTED / NOT BE ENACTED}** by the County Board in the form attached hereto.

SUBJECT TO THE FOLLOWING SPECIAL CONDITION:

- A. LRMP Policy 4.2.3 requires discretionary development and urban development to explicitly recognize and provide for the right of agricultural activities to continue on adjacent land. The following condition is intended to provide for that:

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

The above special condition is necessary to ensure the following:
Conformance with Policy 4.2.3.

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

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

CASE NO. 825-V-16

PRELIMINARY MEMORANDUM
MARCH 3, 2016

Petitioners: Kent Jurgensen, d.b.a. CAT Scale Co.

Request: Authorize a variance from Section 7.3.6 of the Zoning Ordinance for a freestanding sign that is 110 square feet in area in lieu of the maximum allowed 75 square feet that is required for a second sign on a premises for interstate oriented business in the B-3 Highway Business Zoning District.

Subject Property: A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 18 North, Range 8 East of Tolono Township of the Third Principal Meridian, commonly known as the Marathon Gas station with an address of 872 CR 1000 North, Champaign.

Site Area: 4.38 acres

Time Schedule for Development: As soon as possible

**Prepared by: Susan Chavarria
Senior Planner**

**John Hall
Zoning Administrator**

BACKGROUND

The petitioner plans to install a truck scale and integrated sign at the Marathon Gas Station on CR 1000 N (Monticello Road) just east of the I-57 interchange. In his application, the petitioner says that the truck scale is at pavement grade, so a sign is necessary for truckers to see their way safely on and off the scale. He also states that a truck scale without a sign will not be used property, giving inaccurate weights.

The subject property has an existing freestanding sign with an area of 120 square feet. The sign they would like to install is within the maximum number of signs allowed on the property, but there are restrictions on the area of the proposed second sign: although located in the B-3 zoning district, it must comply with the square feet requirements in the B-4 zoning District. The maximum area for the second freestanding sign can be no larger than 75 square feet.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Gas Station	B-3 Highway Business
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Vacant joint lot development with the gas station	B-3 Highway Business
South	Agriculture	B-2 Neighborhood Business

IMPACTS

The proposed sign is supported by two poles set 153 inches apart; is 5 feet 4.5 inches tall and 20 feet wide, for a total area of 110 square feet; and will be mounted 16 feet from the ground, for a total height of 21 feet 4.5 inches.

The existing sign at the entrance to the gas station includes a Marathon Gas logo, a gas price sign, and a reader board panel; it stands 22 feet tall and is 120 square feet in area.

No comments have been received regarding the proposed variance.






ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 13, 2016 (*for this packet, using more legible version received via email on October 6, 2015*)
- C Letter from CAT Scale regarding proposed sign received January 13, 2016
- D Proposed Sign Specifications received January 13, 2016
- E Site Visit Photos taken January 26, 2016
- F *Champaign County Zoning Ordinance Section 7.3.6*
- G Draft Summary of Evidence, Finding of Fact, and Final Determination

Land Use Map

Case 825-V-16
March 10, 2016

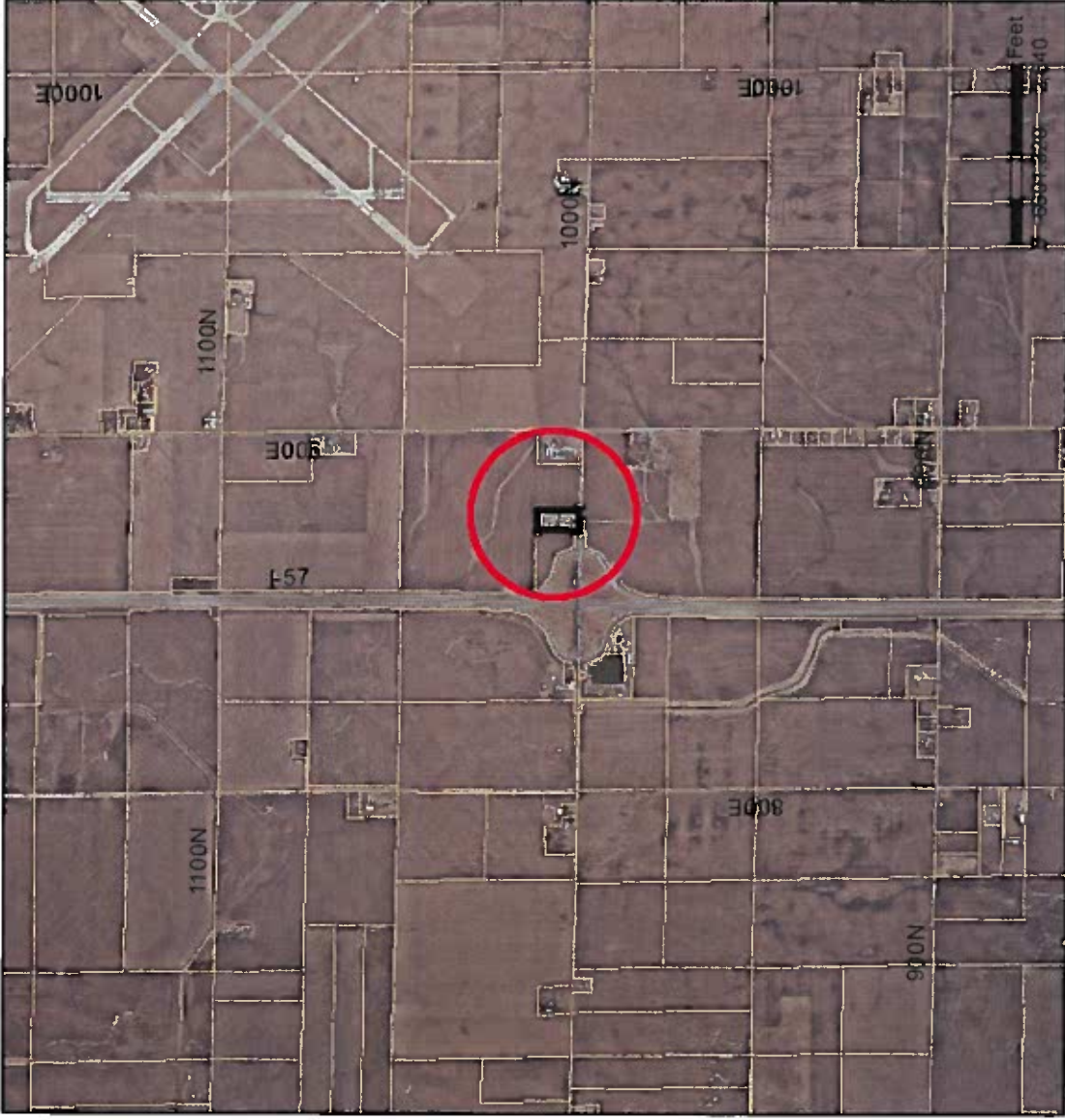


- Legend**
-  Subject Property
 -  Parcels
 -  Streets
 -  Single Family Residential
 -  Agriculture

Location Map

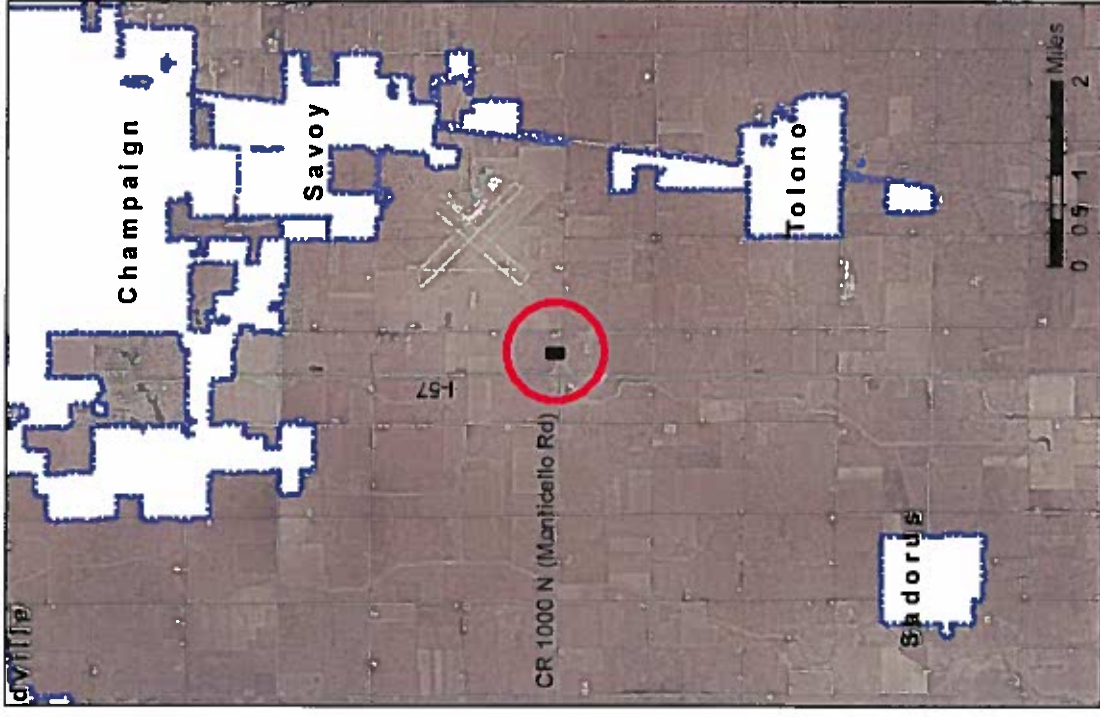
Case 825-V-16
March 10, 2016

Subject Property



- Legend**
- Subject Property
 - Municipal Boundary
 - Streets
 - Parcels

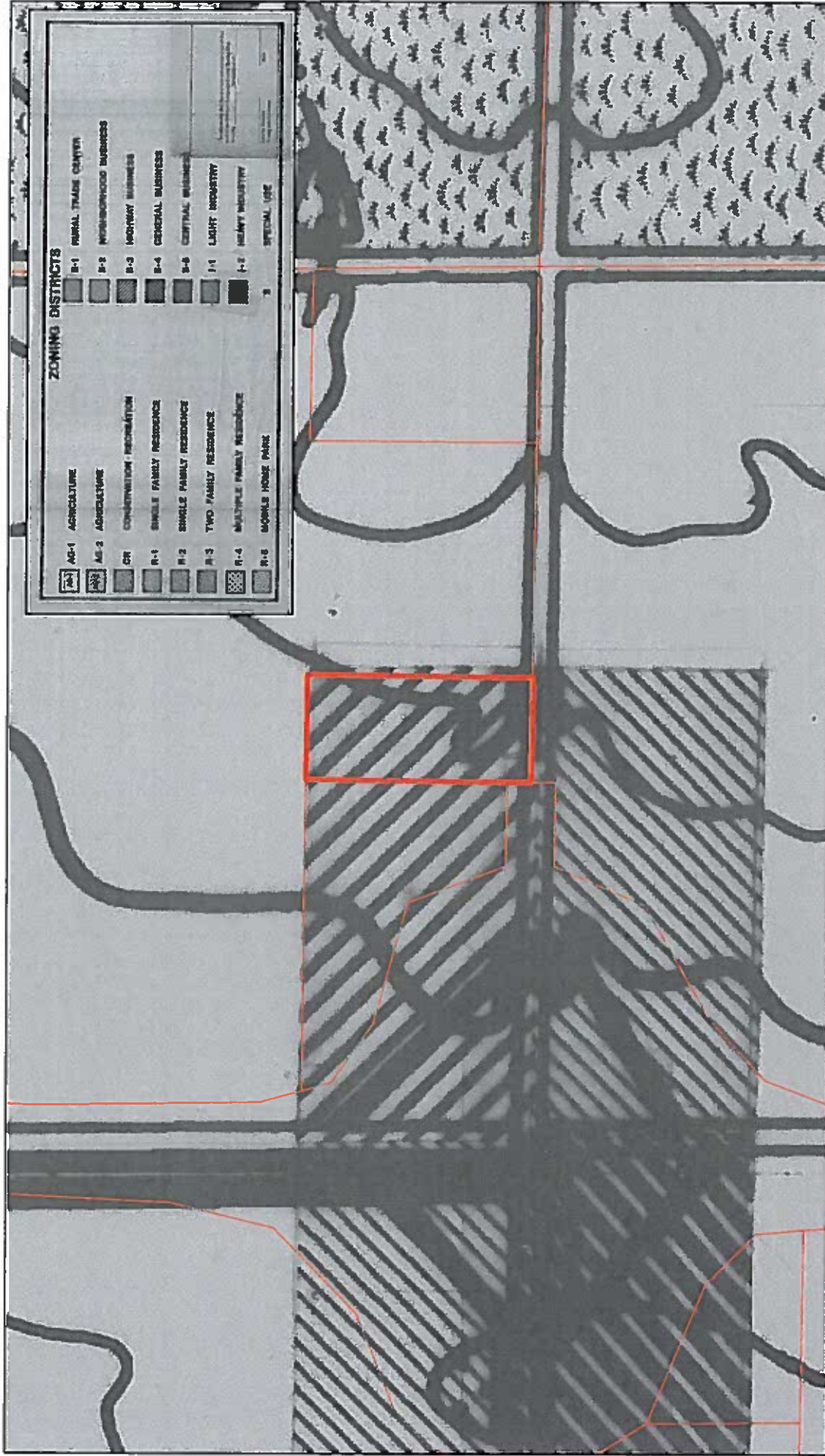
Property location in Champaign County



Zoning Map

Case 825-V-16
March 10, 2016

Note: Original Mylar Zoning background is slightly skewed from the approved GIS Parcel layer. Property is all B-3.



Legend
Subject Property
Parcels



Champaign County
Department of
PLANNING &
ZONING



RE: Sign Variance for the CAT Scale @ 872 County 1000N

In keeping with the industry standard, CAT Scale Company installs a freestanding sign over the truck scale to direct and position the scaling traffic on the scale properly and obtain accurate weighing. The condition of our highway systems is better maintained when truck drivers use these scales to obtain and observe the proper legal limits.

Height: The sign poles are 16'-0" in length. This provides adequate clearance below the sign cabinet for over-height loads that frequent the use of truck scales. In addition, the sign needs to be visible to the driver (above the other truck traffic) when he enters the truckstop so he can negotiate the proper turns to get onto the scale. This helps to maintain the least congestive traffic flow and minimize recycling traffic created when they cannot negotiate the turns to get onto the scale the first pass through.

Double Support Poles: One of the most significant problems in the Certified Weighing business is getting the trucker to position his truck correctly on the scale. A truck not positioned correctly on the scale will result in an inaccurate Certified Weight. From our experience with a network of over 1500 scales nationwide, giving the driver a post on each side of the scale is a valuable aid to the driver in properly aligning the truck on the scale.

Intercom: The scale is unmanned. When the driver comes to a stop after positioning his vehicle on the scale, the left sign post is directly outside his window. Mounted on that post is an intercom cabinet, by which the driver and the weigh master (located inside the building at the fuel counter) are able to communicate the details, required in the weighing process. The operation instructions are listed on the intercom cabinet.

Camera: It is a State Weight and Measures requirement that the person operating the scale unit be able to see the vehicle being weighed on the scale. This is done by using a closed circuit camera mounted on the sign structure giving full view of the driver and truck on the scale via a TV monitor located at the fuel desk. The overhead sign provides the best placement for the camera.

Sign Copy: The left side of the sign is reserved for the CAT Scale Logo. The remaining portion of the sign is for information and directional purposes. It tells the driver that this scale unit is a State Certified Public Scale Unit which gives Legal for Trade Weights, and helps determine if the vehicle is properly loaded so as not to exceed local and interstate weight limits. The scale may only be entered from one direction, so the sign copy also indicates which way to enter and exit the scale. The sign is easily recognized so the driver can focus his attention on driving instead of trying to locate the scale.

Again, due to the nature of the truck weighing business, we request a variance for the proposed scale sign.

Kent Jurgensen
Construction Manager

RECEIVED

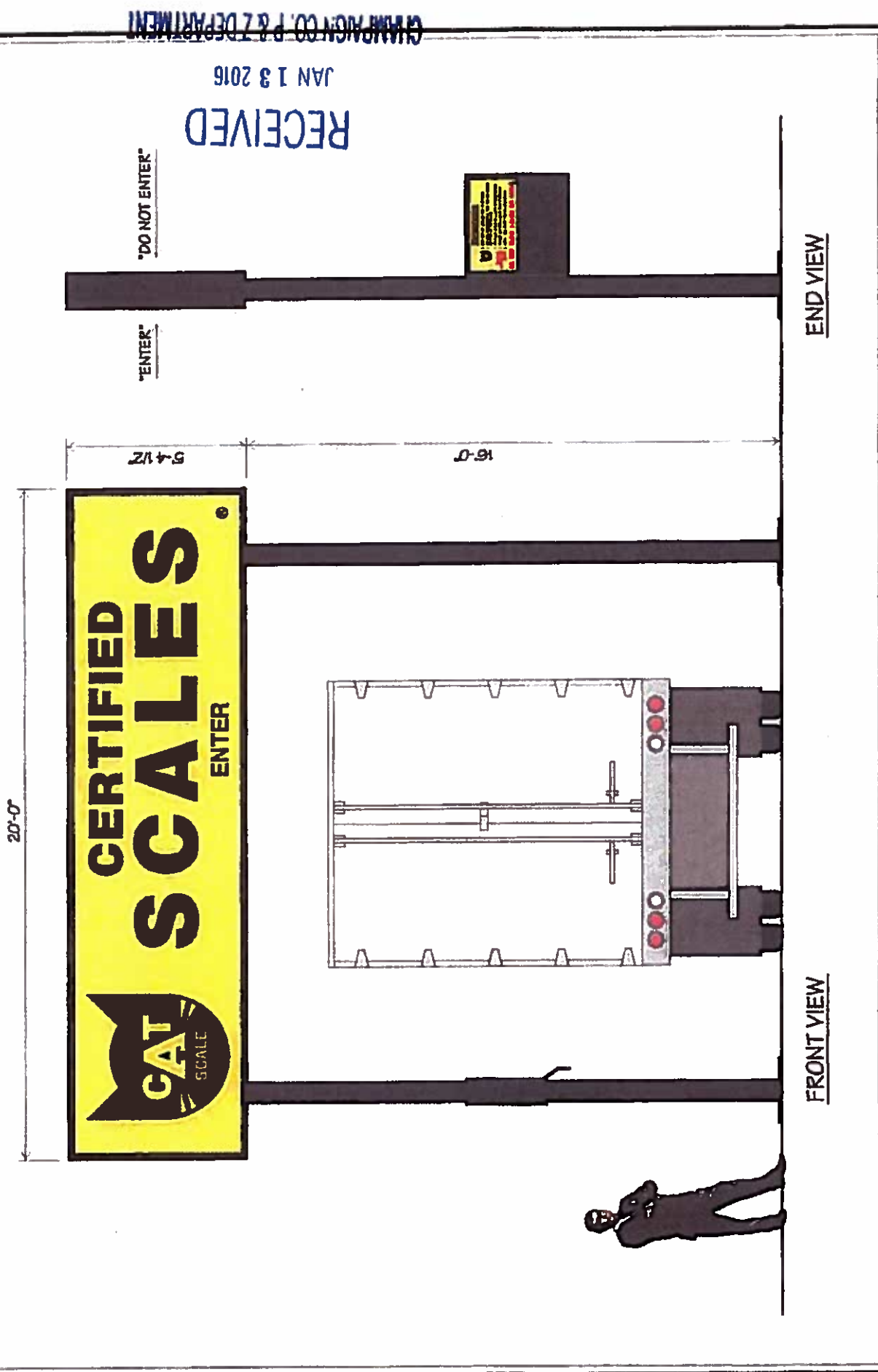
JAN 13 2016

CHAMPAIGN CO. P & Z DEPARTMENT

CAT Scale Company · P.O. Box 630 · Walcott, IA 52773 · 563-284-6263

CAT Scale Company of Texas, L.P. · P.O. Box 865 · Walcott, IA 52773 · 563-284-6263

www.catscale.com



STD CAT SCALE 5 x 20 D.F. SIGN
 CAT SCALE, VARIOUS LOCATIONS SCALE 1/4" = 1'-0"

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825-V-16 Images



Subject property from access drive at CR 1000 N (Monticello Road)



Proposed scale and sign location west of fuel tanks

825-V-16 Images



Proposed scale/sign area from west exit lane of gas station, facing Monticello Road



Truck leaving from west exit lane of gas station, facing Monticello Road, taken from approximate location of proposed scale/sign

Section 7.3.6 Table of Standards for On – Premises SIGNS in B-1, B-2, B-3, B-4, B-5, I-1 and I-2 DISTRICTS

Type of SIGN	Maximum Number Permitted	Maximum Area Permitted per SIGN	Maximum HEIGHT Permitted per SIGN*	Location	Miscellaneous Provision
FREESTANDING*	One per PROPERTY FRONTAGE provided that no PROJECTING SIGN exceeding 35 sq. ft. or OFF-PREMISES SIGN exists on the same FRONTAGE; except two per PREMISE for lodging, food, outdoor recreational or auto service facilities along interstate highways	1.0 sq. ft. per lineal ft. FRONTAGE, up to a maximum of 75 sq. ft. in B-2, B-4 & B-5 DISTRICTS; 150 sq. ft. in B-1 & B-3 DISTRICTS; and 200 sq. ft. in I-1 & I-2 DISTRICTS	20 ft. at the PROPERTY line plus one ft. per additional two ft. of SETBACK up to a maximum of 35 ft. in B-2, B-4 & B-5 DISTRICTS; 30 ft. at the PROPERTY line plus one ft. per additional two ft. of SETBACK up to a maximum of 45 ft. in B-1, B-3, I-1 & I-2 DISTRICTS	SIGN may be located within a required FRONT YARD but in no case shall any part of the SIGN project over a public RIGHT-OF-WAY	The second SIGN on the PREMISES for interstate oriented business shall conform to the SIGN provisions in the B-4 DISTRICT
PROJECTING	One per PROPERTY FRONTAGE provided that no FREESTANDING or OFF-PREMISES SIGN exists on the same FRONTAGE	35 sq. ft. in B-2, B-4, & B-5 DISTRICTS; 50 sq. ft. in B-1 & B-3 DISTRICTS; and 75 sq. ft. in I-1 & I-2 DISTRICTS	SIGN may not project above portion of the roof immediately adjacent to the SIGN	SIGN may be located within a required FRONT YARD but in no case shall any part of the SIGN project over a public RIGHT-OF-WAY	1.0 ft. minimum clearance between bottom of SIGN and ground
WALL MOUNTED	Three per FRONTAGE	15% of the area of wall surface per FRONTAGE	SIGN may not project above the wall upon which the SIGN is mounted	Not to project beyond the edges of the wall upon which the SIGN is mounted	
CANOPY mounted	Two SIGNS per FRONTAGE suspended beneath a CANOPY structure or mounted on the fascia	15% of the total wall surface per FRONTAGE		CANOPY STRUCTURE may not project over public RIGHT-OF-WAY but may project within two ft. of any curb line	10 ft. minimum clearance between bottom of SIGNS and ground

*If a SIGN is 1) directed primarily toward the user of an Interstate Highway, 2) in a B-3, B-4, B-5, I-1 or I-2 DISTRICT, 3) within 2,000 feet of the centerline of an Interstate Highway, and 4) more than 500 feet from any residential DISTRICT, SCHOOL, park, HOSPITAL, or NURSING HOME; it may rise only to such a HEIGHT to be visible from within one-half mile distance each way along the Interstate measured from the nearest exiting intersection, not to exceed a HEIGHT of 75 feet.

PRELIMINARY DRAFT 03/03/16

825-V-16

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

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

Date: ***{MARCH 10, 2016}***

Petitioner: **Kent Jurgersen, d.b.a. CAT Scale Co.**

Request: Authorize a variance from Section 7.3.6 of the Zoning Ordinance for a freestanding sign that is 110 square feet in area in lieu of the maximum allowed 75 square feet that is required for a second sign on a premises for interstate oriented business in the B-3 Highway Business Zoning District.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 10, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The State Bank of Illinois Trust Department owns the subject property. Petitioner, Kent Jurgensen, d.b.a. CAT Scale Co., is the contractor for installing the proposed CAT Scale on the subject property.
2. The subject property is a 4.48 acre tract of land in the Southwest Quarter of the Southeast Quarter of Section 9, Township 18 North, Range 8 East of Tolono Township of the Third Principal Meridian, commonly known as the Marathon Gas station with an address of 872 CR 1000 North, Champaign.
3. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 4.48 acre tract and is currently zoned B-3 Highway Business. Land use is a gas station.
 - B. Land on the north, south, east, and west of the subject property is zoned and is in use as follows:
 - (1) Land to the north is zoned AG-1 Agriculture and is in agricultural production.
 - (2) Land to the south is zoned B-2 Neighborhood Business and is in agricultural production.
 - (3) Land west of the subject property is a joint lot development with the subject property, zoned B-3 Highway Business and is in agricultural production with an off-premises sign advertising the gas station.
 - (4) Land east of the subject property is zoned AG-1 Agricultural and is in agricultural production.
 - C. The subject property has FRONTAGE on both Interstate 57 RIGHT-OF-WAY and CR 1000 North (Monticello Road).

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the proposed Site Plan and sign specifications:
 - A. The proposed Site Plan received January 13, 2016 (*for this packet, using more legible version received via email on October 6, 2015*) shows the 11.2 acre joint lot development with the following existing structures:

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- (1) The 6.72 acre west parcel indicates an existing off-premises sign. There is no access to a roadway from this parcel.
 - (2) The 4.48 acre subject property includes the following:
 - a. A gas station;
 - b. Two portable sheds;
 - c. Two access driveways fronting CR 1000 N (Monticello Road); and
 - d. One 22 feet tall on-premises freestanding sign with an area of 120 square feet located approximately 50 feet north of CR 1000 N (Monticello Road).
- B. Proposed structures on the subject property include a 21 feet by 104 feet CAT Scale and 110 square feet integrated sign.
- C. Regarding the proposed sign specifications as shown in the sign specifications received January 13, 2016:
 - a. The proposed sign is supported by two poles set 153 inches apart.
 - b. The proposed sign is 5 feet 4.5 inches tall and 20 feet wide.
 - c. The sign will be mounted 16 feet from the ground, for a total height of 21 feet 4.5 inches.
- D. The required variance is as follows: Authorize a variance from Section 7.3.6 of the Zoning Ordinance for a freestanding sign that is 110 square feet in area in lieu of the maximum allowed 75 square feet that is required for a second sign on a premises for interstate oriented business in the B-3 Highway Business Zoning District.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "ACCESSORY STRUCTURE" is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (3) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.

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- (4) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it.

As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “PREMISES” are a LOT or tract of land and any STRUCTURE located thereon.
- (7) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (8) “SIGN” is any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a BUILDING, STRUCTURE or land which is placed out-of-doors and in view of the general public and which directs attention to a product, place, activity, person, institution, or business.
- (9) “SIGN, FREESTANDING” is a SIGN which is completely or principally self-supported by posts or other supports independent of any BUILDING or other STRUCTURE.
- (10) “SIGN, OFF-PREMISES” is a SIGN which directs attention to a USE, business, commodity, service or activity not conducted, sold, or offered upon the PREMISES where the SIGN is located. Such SIGNS shall be considered a principal USE of a PROPERTY.
- (11) “SIGN, ON-PREMISES” is a SIGN which relates solely to a USE, business or profession conducted upon, or to a principal commodity, service, or entertainment

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sold, provided, or offered upon the PREMISES where the sign is located or on a LOT adjacent to the PREMISES advertised. Such SIGNS shall be ACCESSORY USES of a PROPERTY.

- (12) "SIGN, PROJECTING" is a SIGN, other than a wall SIGN, which projects from and is supported by, or attached to, a wall of a BUILDING or STRUCTURE.
- (13) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
 - (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (14) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (15) "STRUCTURE, DETACHED" is a STRUCTURE not connected to another STRUCTURE.
- (16) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (17) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.

B. 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.

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- 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.
- C. Section 7.3.6 establishes requirements for ON-PREMISES SIGNS:
- (1) One FREESTANDING SIGN is allowed per PROPERTY FRONTAGE provided that no PROJECTING SIGN exceeding 35 square feet or OFF-PREMISES SIGN exists on the same FRONTAGE; except two per PREMISE for lodging, food, outdoor recreational or auto service facilities along interstate highways;
 - (2) Maximum area of the FREESTANDING SIGN is limited to 1.0 square feet per lineal foot FRONTAGE, up to a maximum of 75 square feet in B-2, B-4 & B-5 DISTRICTS; 150 square feet in B-1 & B-3 DISTRICTS; and 200 square feet in I-1 & I-2 DISTRICTS;
 - (3) Maximum HEIGHT permitted per SIGN is 20 feet at the PROPERTY line plus one foot per additional two feet of SETBACK up to a maximum of 35 feet in B-2, B-4, and B-5 DISTRICTS; 30 feet at the PROPERTY line plus one foot per additional two feet of SETBACK up to a maximum of 45 feet in B-1, B-3, I-1, and I-2 DISTRICTS;
 - (4) A SIGN may be located within a required FRONT YARD but in no case shall any part of the SIGN project over a public RIGHT-OF-WAY; and
 - (5) Miscellaneous provision: The second SIGN on the PREMISES for interstate oriented business shall conform to the SIGN provisions in the B-4 DISTRICT.

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. Regarding the proposed variance, the Petitioner has testified on the application: “Sign for truck scale – without sign scale cannot be seen since scale is at pavement grade.”

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- B. The subject property has FRONTAGE on both Interstate 57 RIGHT-OF-WAY and CR 1000 North (Monticello Road), which permits two ON-PREMISES FREESTANDING SIGNS on the subject property.
- C. A variance for authorizing an OFF-PREMISES SIGN was approved in 1990 for the adjacent property to the west that has been and continues to be under the same ownership. The west property has no access to a public street.
- (1) Prior to 1997, the two lots could be considered separate lots rather than a joint lot development. Variance Case 695-V-90 determined that the west lot could have an OFF-PREMISES SIGN even though it was under the same ownership as the subject property.
 - (2) Since the adoption of Ordinance No. 527 (Case 055-AT-96) on February 18, 2011, all lots must have frontage on a public street and the west lot and the subject property are now considered a joint-lot development. The sign that was authorized in Case 695-V-90 as an OFF-PREMISES SIGN may be considered non-conforming.
 - (3) The entire subject property (including the parcel to the west) has frontage on two streets and one of the street frontages is an interstate highway (I-57). Sec. 7.3.6 of the Ordinance authorizes one FREESTANDING SIGN per frontage except two FREESTANDING SIGNS per PREMISES for specific signs along interstate highways. Thus, the subject PREMISES is authorized to have a total of three FREESTANDING SIGNS.

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. Regarding the proposed variance, the Petitioner has testified on the application, **“A truck scale without a sign will not be used properly giving inaccurate weights.”**
 - B. Without the proposed variance the petitioner would have to reduce the size of their sign from 110 square feet to 75 square feet, which would reduce the sign’s effectiveness and legibility from Interstate 57; or remove the existing 86 square foot sign that sits 50 feet north of CR 1000 N (Monticello Road). The existing sign, approved under Permit 128-06-02, includes a Marathon Gas logo, a gas price sign, and a reader board panel.
 - C. The CAT scale sign must be integrated with the CAT scale, which will be set back approximately 100 feet north of CR 1000 N (Monticello Road).

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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. Regarding the proposed variance, 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. Regarding the proposed variance, the Petitioner has testified on the application, "This is a commercial lot with fueling for trucks and this is just another feature for the trucks so they can make sure they are legal before going down the road."
- B. Regarding the proposed variance for a FREESTANDING ON-PREMISES SIGN of 110 square feet, the proposed sign is 35 square feet larger than the maximum allowed 75 square feet, for a variance of 47%.
- C. The Zoning Ordinance does not clearly state the considerations that underlie the square footage requirements for the proposed sign. In general, the maximum sign area is presumably intended to ensure the following:
- (1) Visibility: signs can block visibility for motorists, which is a safety concern.
- a. Staff visited the site and determined that the proposed sign's size and location will not affect visibility for motorists driving within the property, along the interstate, or motorists on Monticello Road.
- (2) Aesthetic: larger signs can disrupt the desired landscape of the surrounding area.
- a. The surrounding area includes land in agricultural production, an interstate interchange, and a residence approximately 600 feet to the east of the subject property.
- b. The proposed sign will be aligned east to west, so its face will not be visible from the nearest residential property.
- c. The proposed sign is 21 feet tall compared to the 65 feet tall sign on the adjacent property to the west and 22 feet tall sign that is already at the entrance of the subject property.
- 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:

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- A. Regarding the proposed variance, the Petitioner has testified on the application: **“The sign helps flow onto the scale where truck drivers can see where they are going in a safe manner.”**
- B. IDOT District 5 has been notified of this variance but no comments have been received.
- C. The County Highway Engineer has been notified of this variance but no comments have been received.
- D. The Tolono Township Road Commissioner has been notified of this variance but no comments have been received.
- E. The Tolono Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding any other circumstances which justify the Variance: the petitioner provided no further explanation.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received on January 13, 2016, with attachments:
 - A Site Plan
 - B Proposed Sign Specifications
 - C Letter from CAT Scale regarding proposed sign
2. Case file from Permit #128-06-02
3. Case file from Variance Case 695-V-90
4. Preliminary Memorandum dated March 3, 2016 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 13, 2016 (*for this packet, using more legible version received via email on October 6, 2015*)
 - C Letter from CAT Scale regarding proposed sign received January 13, 2016
 - D Proposed Sign Specifications received January 13, 2016
 - E Site Visit Photos taken January 26, 2016
 - F *Champaign County Zoning Ordinance Section 7.3.6*
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 825-V-16 held on March 10, 2016, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:

5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

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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 825-V-16 is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Kent Jurgersen, d.b.a. CAT Scale Co.**, to authorize the following in the B-3 Highway Business Zoning District as per Section 7.3.6 of the *Zoning Ordinance*:

A variance from Section 7.3.6 of the Zoning Ordinance for a freestanding sign that is 110 square feet in area in lieu of the maximum allowed 75 square feet that is required for a second sign on a premises for interstate oriented business.

{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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date