

SPECIAL MEETING AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), , Ralph
Langenheim (C), Brendan McGinty, Steve
Moser, Jon Schroeder*

Date: *June 21, 2005*

Time: *9:00 a.m.*

Place: *Meeting Room 1
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. *Revisions to Selected Champaign County Land Use Regulatory Policies - Rural Districts based on results of Ad Hoc Working Group Discussions Held on April 20, 2005 and May 04, 2005.*

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
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DATE: June 16, 2005

TO: Environment and Land Use Committee

FROM: Jeffrey Roseman, Zoning Administrator and Susan Monte, Associate Planner

RE: **Proposed Revisions to Selected *Champaign County Land Use Regulatory Policies - Rural Districts***

At the June 13, 2005 ELUC meeting, members agreed that an ELUC subcommittee should be formed to consider proposed revisions to certain *Champaign County Land Use Regulatory Policies - Rural Districts* (LURP). Revisions to selected LURP policy statements will be considered in light of the revised Phase One proposal resulting from the *ad hoc* working group discussions on April 20, 2005 and May 4, 2005.

The following ELUC members are expected to be appointed to this Subcommittee: Chair Ralph Langenheim; Vice-Chair Nancy Greenwalt; and Steve Moser. The formal approval of this ELUC Subcommittee will be considered by the County Board at their next meeting (June 23, 2005).

The following documents are provided for review at an initial Special ELUC Meeting on June 21 at 9:00 am in County Board Meeting Room 1 to consider this topic:

- *Principal Changes Created by New Zoning Ordinance Proposal Compared to the Existing Ordinance*, provided as Attachment A
- a draft *Strikeout Version of Proposed Revisions*, provided as Attachment B
- the complete text of the *Champaign County Land Use Regulatory Policies - Rural Districts*, as amended through November 20, 2001, provided as Attachment C

ATTACHMENTS:

- A Principal Changes Created by New Zoning Ordinance Proposal Compared to the Existing Ordinance
- B Draft Strikeout Version of Proposed Revisions
- C *Champaign County Land Use Regulatory Policies- Rural Districts*, as amended through November 20, 2001

PRINCIPAL CHANGES CREATED BY NEW ZONING ORDINANCE PROPOSAL COMPARED TO THE EXISTING ORDINANCE

Natural area protections will apply to new developments in the CR District that require ZBA or County Board Approval including:

- a mandatory "Natural Area Impact Assessment" to find any sensitive areas on the site
- special rules apply if sensitive areas are identified requiring that such areas be avoided and that the design minimize impacts on sensitive areas

A **Stream Protection Buffer** extending 150 feet outward from the stream will be maintained to preserve and protect a continuous strip of natural vegetation along the wooded portions of major streams. Within the buffer:

- construction and fill is prohibited,
- removal of large trees is prohibited (with certain exemptions), and
- planting non-native landscaping is prohibited.

A **Drainageway Setback** is created, proportional to the upstream drainage area. Within the setback:

- construction and fill is prohibited to prevent obstruction of surface drainage, but
- driveway and road crossings are allowed if they are properly designed and constructed.

A **minimum buildable area** is required on all new lots to:

- prevent the creation of lots with problems due to poor drainage, unsuitable soils, etc. and
- ensure that setback and buffer requirements can be met.

A **Public Resource Protection Buffer** 250 feet in width is created around parks and preserves prohibiting:

- certain construction, excavation, fill, mining etc., and
- outdoor lighting and other activities that negatively impact the public resource.

Overall Development Rights are significantly pared back to reduce impacts on natural areas and conflicts with agriculture. The limits are comparable to those found in other counties including, for example, McLean and DeKalb counties.

By right development is limited to:

- on tracts under 40 acres: one house if there no existing house* on the tract, and
- on tracts 40 acres and larger: one house per 40 acres in addition any existing house*, up to a maximum of 4 houses, with any existing house* included in the total.

* Farm houses are exempt and not counted.

Rural Planned Developments:

- must not be located on best prime farmland (about 80% of the land in the County),
- may not exceed one lot per 10 acres of tract area,
- must have developed areas that avoid sensitive natural areas and prime farmland soils,
- must meet natural area protection requirements, and
- are subject to incentives to encourage clustering of houses to create natural area and agricultural reserves.

**DRAFT STRIKEOUT VERSION OF PROPOSED REVISIONS
TO SELECTED CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES - RURAL DISTRICTS**

DRAFT

1.1 HIGHEST AND BEST USE OF FARMLAND

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. Other land uses can be accommodated only in areas of less productive soils and only under very unique conditions.

~~in those areas provided that:~~

- ~~a) the conversion of prime farmland is minimized;~~
- ~~b) the disturbance of natural areas is minimized;~~
- ~~c) the sites are suitable for the proposed use;~~
- ~~d) infrastructure and public services are adequate for the proposed use; and~~
- ~~e) the potential for conflicts with agriculture is minimized~~

1.2 PRESERVING UNIQUE SOIL RESOURCES

~~On the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies. The best prime farmland will be preserved for agricultural use.~~

1.3 PROTECTION OF PROPERTY RIGHTS

- 1.3.2 Landowners' minimum basic development rights are ~~proportionate to tract size. The division of smaller tracts of land will not be permitted if it would overburden existing infrastructure or create other problems~~ generally based on a "one dwelling per 40 acres" ratio as follows:

- a) On tracts of less than 40 acres in size: a total of one dwelling may be permitted. If a dwelling exists, then no additional dwelling may be permitted.
- b) On tracts of 40 acres or more in size: one dwelling per 40 acres may be permitted, up to a total of four dwellings. This allowance is in addition to any one existing dwelling.

- 1.3.3 On best prime farmland tracts (with a Land Evaluation score of 85 or higher), no development beyond the basic right will be permitted. Development beyond the basic right will be permitted on non-best prime farmland tracts (with a Land Evaluation score of less than 85) if the use, design, site and location are consistent with County policy regarding:

- a) the efficient use of prime farmland;
- b) minimizing the disturbance of natural areas;
- c) suitability of the site for the proposed use;
- d) adequacy of infrastructure and public services for the proposed use; and
- e) minimizing conflict with agriculture.

1.5 SITE SUITABILITY FOR DEVELOPMENT

- 1.5.2 On the best prime farmland, development will not be permitted. ~~unless the site is well-suited, overall, for the proposed land use~~

1.7 CONSERVATION OF NATURAL AREAS

- 1.7.1 Development ~~Non-agricultural land uses~~ will be permitted in or near natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are designed and located so as to minimize disturbance of wildlife, natural features, historic or archeological resources or park and preserve resources.

CHAMPAIGN COUNTY, ILLINOIS

Land Use Regulatory Policies - Rural Districts

As amended through November 20, 2001

GENERAL POLICIES

0.1 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES

0.1.1 These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the Land Use Regulatory Policies will govern and the *Land Use Goals and Policies* will be revised accordingly.

0.1.2 These regulatory policies include and will conform to the *U.S. Rt. 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

The Land Use Goals and Policies are more than 20 years old. The Land Use Regulatory Policies are more in keeping with current understanding and public values and so, supersede earlier efforts.

The County will honor plans and policies adopted in other settings unless the parties agree to amend them.

0.2 COORDINATING COUNTY ZONING WITH MUNICIPAL AND OTHER OFFICIAL PLANS AND POLICIES

Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other of government agencies to the greatest extent possible consistent with

these and other County policies and the adopted *Ordinance Objectives*.

Eleven municipalities in Champaign County have adopted comprehensive plans. Under Illinois law these communities have jurisdiction over land use planning and land subdivision in the unincorporated area falling within 1½ miles of their corporate limits.

Municipalities may also enter into annexation agreements in these areas that contain enforceable provisions relating to land use and development. The County, however, retains jurisdiction with respect to zoning, nuisance and floodplain regulation.

Additionally, other public bodies such as the Urbana-Champaign Sanitary District, CUUATS, the Forest Preserve District, park districts, etc. have adopted plans and policies that bear, in part, on land use.

It is important that County, municipal and other land use policies be coordinated for the benefit of landowners and the general public interest.

Municipal and other plans vary in their level of detail, supporting analysis and currency. They may use dissimilar and even conflicting categories and terminology. For these reasons the County cannot automatically bind itself to every plan or policy and subsequent amendment adopted by every government entity. Within these limitations the County can and will work to harmonize the zoning ordinance with other plans and policies as much as possible, recognizing that in some instances the ordinance will not necessarily directly reflect every policy of every government

RURAL LAND USE POLICIES

1.1 HIGHEST & BEST USE OF FARMLAND

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. Other land uses can be accommodated in those areas provided that:

- a. **the conversion of prime farmland is minimized;**
- b. **the disturbance of natural areas is minimized;**
- c. **the sites are suitable for the proposed use;**
- d. **infrastructure and public services are adequate for the proposed use; and**
- e. **the potential for conflicts with agriculture is minimized.**

The soils, landscape, climate and location of Champaign County constitute a uniquely productive setting for producing row crops. The County takes seriously its stewardship over more than a half million acres of the most productive farmland in the world. The County places a very high value on the economic contribution of farming and on farming as a way of life.

As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible. Under the proper conditions, rural development can be permitted without unduly sacrificing our soil resources or interfering with agricultural practices.

1.2 PRESERVING UNIQUE SOIL RESOURCES

On the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.

For purposes of these policies the "best" prime farmland is that made up of soils in Agricultural Value Groups one through four. These are, generally, tracts of land with a Land Evaluation score of 85 or better on the County's *Land Evaluation and Site Assessment System*, that are large enough to be farmed economically. Small and irregular tracts are not included.

Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, with a relatively small amount resulting from development in the County's rural zoning districts.

The conversion of best prime farmland can be minimized by ensuring that it is used efficiently. This means using few acres as possible for each dwelling or other unit of development that is provided. Inefficient large-lot or "farmette" type development will not be permitted on the best prime farmland.

The County also finds that it is not in the public interest to compromise its other policies on the best prime farmland. Standards for site suitability, adequacy of infrastructure and compatibility with agriculture will be higher for development on the best prime farmland than for less productive land (See Policies 1.5.1 and 1.5.2)

1.3 PROTECTION OF PROPERTY RIGHTS

1.3.1 All landowners will be guaranteed a minimum basic development right subject only to public health, safety and site development regulations.

For purposes of this policy, "development" excludes

the division of land into tracts above a certain size. This minimum size is intended to provide tracts large enough to be farmed economically. In addition this minimum size is such that permitted land uses can be assumed to generate traffic within the capacity of rural roads and to have only negligible impacts on sensitive natural areas and features. Creating tracts above this threshold may, therefore, be exempted from limits on development rights. Creating tracts below the threshold is subject to limitations on development rights. The "minimum basic development right" refers to the right to create such smaller lots and is in addition to the right to divide land into large exempt tracts.

The County recognizes that most land owners legitimately expect to be able to sell some part of their land for development. Limited development opportunities will be permitted as of right, but not necessarily in the same form in all locations. In some areas development rights may provide for commercial uses in lieu of residential development, consistent with other policies

The scope of the basic development right is limited by concerns for public health and safety. It is not intended to allow the creation of lots subject to extreme flood hazard or in locations that are otherwise hazardous or incapable of providing a reasonably healthy and safe environment. Legitimate development expectations do not necessarily apply to areas with severe health or safety concerns.

Basic development rights do not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site.

1.3.2 Landowners' minimum basic development rights are proportionate to tract size. The division of smaller tracts of land will not be permitted if it would overburden existing infrastructure or create other problems.

The basic development right is intended to allow limited development located in such a way that the County can be reasonably certain that it will not overburden existing infrastructure or violate other County policies. The basic development right is

related to acreage in common ownership to ensure that concentrations of new lots do not create problems when the same right is accorded to all landowners.

Basic development rights will not necessarily apply to small tracts of land previously divided to create house lots or for other purposes such as small woodlots. In areas where there are concentrations of smaller tracts further development could overburden existing infrastructure or violate other County policies if similar development occurs on other tracts in the vicinity.

On larger tracts the basic development right is also subject to an overall cap. The cap defines the greatest number of lots that can be permitted as of right with reasonable assurance that the immediate impacts of the development will be acceptable. Above this cap projects require site specific reviews of drainage, traffic and other impacts to ensure that County policies are met. Special consideration will be given, however, to small irregular or isolated tracts that cannot be farmed economically.

- 1.3.3 Development beyond the basic right will be permitted if the use, design, site and location are consistent with County policy regarding:**
- a. the efficient use of prime farmland;**
 - b. minimizing the disturbance of natural areas;**
 - c. suitability of the site for the proposed use;**
 - d. adequacy of infrastructure and public services for the proposed use; and**
 - e. minimizing conflict with agriculture.**

Development beyond the basic development right will not be automatically restricted but it will be limited to further the County's other policies.

Development beyond the basic development right is not guaranteed. Such development will be subject to site and project specific reviews to ensure that it conforms to other County policies.

1.4 COMPATIBILITY WITH AGRICULTURE

1.4.1 Non-agricultural land uses will not be permitted unless they are of a type that is not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.

Development in rural areas can be negatively affected by agriculture. Newcomers to rural areas often fail to understand the customary side effects of agriculture and so conflicts with farmers can result. It is the duty of those proposing rural development to avoid such conflicts as much as possible by proper choice of location and good site design.

1.4.2 Non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.

Non-farm land uses in rural areas can have serious detrimental impacts on farming in a variety of ways. Although other land uses can be accommodated in rural areas, agriculture is the preferred land use and will be protected.

Rural developments will be scrutinized carefully for impacts they may have on agricultural operations including the impacts of additional similar development in the area. If the impacts are significant development will be limited or disallowed.

1.5 SITE SUITABILITY FOR DEVELOPMENT

1.5.1 On less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use.

1.5.2 On the best prime farmland, development will not be permitted unless the site is well suited, overall, for the proposed land use.

Ample sites that are well suited to residential and other development are available in rural Champaign County. It is not necessary, and the County will not permit, development on sites that are not well suited to it.

A site is considered well suited if development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public. A site is well suited overall only if it is reasonably well suited in all respects and has no major defects.

A site is unsuited for development if its features or location would detract from the propose use. A site is also unsuitable if development there would create a risk to the health, safety or property of the occupants, the neighbors or the general public. A site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

1.5.3 Development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.

A site may unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by

the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.

Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for

by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.5.4 Development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

Public services, such as police, fire protection and ambulance service, in the rural areas of the County are provided on a more limited basis and with a narrower financial base than those in municipalities. Rural taxing bodies have a tax base that is heavily dependant on farmland than those in urbanized areas. The County will carefully weigh the ability of rural public service agencies to meet the demands posed by rural development. Developments will be expected to bear the full cost of providing services to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

1.6 BUSINESSES AND NONRESIDENTIAL USES

1.6.1 In all rural areas, businesses and other non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

Significant demand exists to site private and public uses in rural locations where land can be obtained more cheaply. This accounts for a significant fraction of the farmland converted by rural development.

Uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income or they involve products or services that can be provided better in a rural setting than in an urban one. Uses that have significant utility demands or which require access to urban services or which pose significant environmental or other impacts in a rural setting will be restricted to areas that have the necessary urban infrastructure and services.

1.6.2 On the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:

- they also serve surrounding agricultural uses or an important public need, and cannot be located in an urban area or on a less productive site, or
- the uses are otherwise appropriate in a rural area and the site is very well suited to them.

Accommodating non-residential land uses in rural areas can conflict with the County's policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be permitted if they minimize the conversion of the best prime farmland it is not feasible

to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc..

1.6.3 In rural areas that are expected to be developed in non-residential land use business and other uses will be permitted if they are consistent with other County policies and with the anticipated long term use in the area.

It is inappropriate to permit residential development in areas that will ultimately be developed for business or industrial use where residences would be undesirable. These areas may be designated in plans or may otherwise be designated for business or industrial use. It is also inappropriate to permit intensive development in such areas before urban utilities and services are available. In the mean time the interests of landowners must be respected and so a wider array of non-residential land uses will be permitted in lieu of residential development rights.

1.7 CONSERVATION OF NATURAL AREAS

1.7.1 Nonagricultural land uses will be permitted in or near natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are designed and located so as to minimize disturbance of wildlife, natural features, historic or archeological resources or park and preserve resources.

Almost all natural areas in the County have been developed for agricultural and other uses or have been seriously disturbed by past land use. The resources to acquire, develop and manage parks and preserves are limited so the public and private investment in the existing sites merits protection. The County will not

restrict development for this purpose beyond the limits that apply in agricultural areas but its location and design will be subject to special standards to minimize impacts on these resources.

1.7.2 Development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.

High quality natural areas, endangered species and historic and archeological sites are rare in Champaign County. Development that may affect them will be subject to close scrutiny and will be permitted only if appropriate measures are taken to avoid harm to these resources.

1.8 IMPLEMENTING THE "AGRICULTURAL PURPOSES" EXEMPTION

All full and part-time farmers and retired farmers will be assured of receiving the benefits of the agriculture exemption even if some non-farmers receive the same benefits.

The State of Illinois exempts land and buildings used for agricultural purposes from County zoning jurisdiction except for certain requirements such as minimum lot size. The County's rural land use policies will not be undermined by the exemption. Champaign County concurs with the agricultural exemption policy and will ensure that all qualifying projects receive the benefits of this policy even if a small number of non-farmers also benefit incidentally.

1.9 ACCESSORY DWELLINGS IN RURAL AREAS

Accessory dwellings will be permitted for the limited purpose of providing housing to family members on a temporary basis so long as site development standards and the public health and safety are not compromised.

A significant demand exists to provide for housing for family members on the same lot with another single family dwelling. Permitting second dwellings on lots without limits would undermine the County's other policies regarding rural development. The County wishes to assist families in providing for the needs of family members. With special controls, the potential impacts of accessory dwellings are reasonable given the public purpose served.