

CASE NO. 733-AT-12

SUPPLEMENTAL MEMORANDUM

February 14, 2013

Petitioner: **Zoning Administrator**

Prepared by: **John Hall**, Zoning Administrator
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Champaign
County
Department of

**PLANNING &
ZONING**

**Brookens
Administrative Center**
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Urbana, Illinois 61802

(217) 384-3708

Request: Amend the Champaign County Zoning Ordinance as follows:

- Part A.** Add defined term "AGRICULTURAL DRAINAGE CONTRACTOR" to Section 3 to be defined as "a contractor whose principal business is installing and/or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements."
- Part B.** Add "AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS" as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1, and AG-2 Zoning Districts; and by right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.
- Part C.** Add "AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS" as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1, AG-2, B-4 (if screening is not provided), and B-5, Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.

STATUS

This case was continued from the January 31, 2013, public hearing. A Revised Draft Finding of Fact and Final Determination is attached.

EVALUATION OF GOALS AND POLICIES

Revisions to the evaluation of the LRMP Goals, Objectives, and Policies have been made and are reflected in the attached Revised Draft Finding of Fact and Final Determination. Goals 3, 6, and 7 have been revised to an overall evaluation of **WILL NOT IMPEDE**.

Objectives 4.1, 5.3, 8.2 and Policies 4.1.1, 4.1.6, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 5.2.2, 5.3.1, 5.3.2, 8.2.1, and 8.5.2 have been revised to an evaluation of **WILL NOT IMPEDE**.

NEW FORMAT OF THE SUMMARY FINDING OF FACT

The Summary Finding of Fact has been revised to provide better information for purposes of when Text Amendment and Map Amendment cases are forwarded to the County Board. It is the intent of staff to only forward the Summary Finding of Fact to the County Board as opposed to the whole Finding of Fact. If the Board is comfortable with this format staff would like to begin forwarding only the Summary Finding of Fact with this case.

ATTACHMENTS

A Revised Draft Finding of Fact and Final Determination

REVISED DRAFT

733-AT-12

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: February 14, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Add defined term “AGRICULTURAL DRAINAGE CONTRACTOR” to Section 3 to be defined as “a contractor whose principal business is installing and/or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements.”

Part B. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1; and AG-2 Zoning Districts; and by right in the B-1, B-4, B-5, I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.

Part C. Add “AGRICULTURAL DRAINAGE CONTRACTOR Facility (with Outdoor STORAGE and/or Outdoor OPERATIONS” as an authorized principal use to the Table of Authorized Principal Uses in Section 5.2. permitted by Special Use Permit in the CR, AG-1, AG-2, B-4 (if screening is not provided), and B-5, Zoning Districts; and by right in the B-1, B-4 (if OUTDOOR STORAGE is located in the REAR YARD and completely screened), I-1, and I-2 Zoning Districts; and add a footnote authorizing as much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility to be retail sales of agricultural drainage products; and add Special Use Permit Standard Conditions to Section 6.1.3.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 31, 2013, and February 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to add “Agricultural Drainage Contractor Facility (with no outdoor storage and/or operations)” and “Agricultural Drainage Contractor Facility (with outdoor storage and/or operations)” as principal uses to the Table of Authorized Principal Uses in Section 5.2 in the following Zoning Districts: CR, AG-1, AG-2, B-1, B-4, B-5, I-1, and I-2.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states as follows:

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 has 4 objectives and 4 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

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.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

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 NOT IMPEDE / WILL HELP ACHIEVE}~~ the achievement of Goal 3 for the following reasons:

A. ~~— The proposed amendment WILL NOT IMPEDE the achievement of Objectives 3.1 and 3.3.~~

B. ~~— Objective 3.2 states as follows: “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.”~~

The proposed amendment ~~{WILL NOT IMPEDE / WILL HELP ACHIEVE}~~ Objective 3.2 for the following reasons:

(a) ~~— The intent of the proposed amendment is to accommodate a use that is currently not in the Zoning Ordinance in which there is a definite need for in Champaign County.~~

(b) ~~— The proposed amendment will provide specific standards for which an AGRICULTURAL DRAINAGE CONTRACTOR will have to comply with and will allow the Department of Planning and Zoning to efficiently provide prospective applicants with that information in a timely manner.~~

Goal 3 has three objectives and no policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 3.

9. LRMP Goal 4 is entitled "Agriculture" and states as follows:

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

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

- A. ~~Objective 4.1 states as follows: "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 amendment ~~WILL HELP ACHIEVE~~ Objective 4.1 for the following reasons:

- (1) ~~Policy 4.1.1 states as follows: "Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils."~~

The proposed amendment ~~WILL HELP ACHIEVE~~ Policy 4.1.1 for the following reasons:

- (a) ~~In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is located in a Zoning District in which a Special Use Permit is necessary to be authorized the proposed use will go through a thorough review process in which Special Conditions of Approval may be imposed by the Zoning Board of Appeals to mitigate any impacts on nearby agricultural operations.~~
- (b) ~~Soil data will be used to determine the productivity of the soils on the proposed site if a Special Use Permit is warranted.~~
- (2) ~~Policy 4.1.6 states as follows: "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)~~

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~~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~~

~~e) the County may authorize discretionary review development on tracts consisting of other than best prime farmland.”~~

The proposed amendment ~~*WILL HELP ACHIEVE*~~ Policy 4.1.6 for the following reasons:

~~(a) In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is required the proposed use will go through a thorough review process in which site suitability, adequacy of infrastructure and public services, and agricultural and environmental factors will be evaluated.~~

B. A. Objective 4.2 states as follows: “**Champaign County will require that each discretionary review development will not interfere with agricultural operations.**”

The proposed amendment *WILL HELP ACHIEVE* Objective 4.2 for the following reasons:

(1) Policy 4.2.1 states as follows: “**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.**”

The proposed amendment *WILL HELP ACHIEVE* Policy 4.2.1 for the following reasons:

(a) The intent of the proposed amendment is to insert AGRICULTURAL DRAINAGE CONTRACTOR Facility into the Table of Authorized Principal Uses in Section 5.2 which is a use that supports the agricultural community and provides necessary products and services to the agricultural community.

(b) An AGRICULTURAL DRAINAGE CONTRACTOR Facility may be located in an urban area, but providing for such use in the rural area allows business owners to be located where the services and products associated with the business are typically provided and used.

(2) Policy 4.2.2 states as follows: “**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

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- 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 amendment *WILL HELP ACHIEVE* Policy 4.2.2 for the following reasons:

- (a) The review of any proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility will evaluate to determine if the proposed use will negatively affect agricultural activities, is located and designed minimize exposure to agricultural activities, and if it will interfere with agricultural related infrastructure.

- ~~(3) Policy 4.2.3 states as follows: “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 amendment *WILL HELP ACHIEVE* Policy 4.2.3 for the following reasons:~~

- ~~(a) The Zoning Board of Appeals may impose special conditions of approval in instance of a Special Use Permit in which the applicant agrees to recognize the right of agricultural activities to continue on adjacent land.~~

- ~~(4) Policy 4.2.4 states as follows: “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 amendment *WILL HELP ACHIEVE* Policy 4.2.4 for the following reasons:~~

- ~~(a) The review of any proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility will evaluate to determine if a buffer is warranted and in some instances screening will be required between the business and adjacent land uses.~~

- C. B. Objective 4.3 states as follows: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed rezoning *WILL HELP ACHIEVE* Objective 4.3 for the following reasons:

- ~~(1) Policy 4.3.1 states as follows: “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.”~~

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The proposed amendment ~~*WILL HELP ACHIEVE*~~ Policy 4.3.1 for the following reasons:

(a) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRATOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is necessary the proposed use will go through a thorough review process in which site suitability, adequacy of infrastructure and public services, and agricultural and environmental factors will be evaluated.

- (2) — Policy 4.3.2 states as follows: **“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 amendment ~~*WILL HELP ACHIEVE*~~ Policy 4.3.2 for the following reasons:

(a) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRATOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is necessary the proposed use will go through a thorough review process in which site suitability, adequacy of infrastructure and public services, and agricultural and environmental factors will be evaluated.

- (3) — Policy 4.3.3 states as follows: **“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 amendment ~~*WILL HELP ACHIEVE*~~ Policy 4.3.3 for the following reasons:

(a) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRATOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is necessary the proposed use will go through a thorough review process in which site suitability, adequacy of infrastructure and public services, and agricultural and environmental factors will be evaluated.

- (4) — Policy 4.3.4 states as follows: **“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 amendment ~~*WILL HELP ACHIEVE*~~ Policy 4.3.4 for the following reasons:

(a) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRATOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is necessary the proposed use will go through a

~~thorough review process in which site suitability, adequacy of infrastructure and public services, and agricultural and environmental factors will be evaluated.~~

- (5) (1) Policy 4.3.5 states as follows: **“On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **it also serves surrounding agriculture 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 amendment **WILL HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- (a) The intent of the proposed amendment is to insert AGRICULTURAL DRAINAGE CONTRACTOR Facilities into the Table of Authorized Principal Uses in Section 5.2 which is a use that provides necessary products and services to the agricultural community.
- (b) An AGRICULTURAL DRAINAGE CONTRACTOR Facility may be located in an urban area, but providing for such use in the rural area allows business owners to be located where the services and products associated with the business are typically provided and used.
- (c) In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is necessary to be authorized the proposed use will go through a thorough review process in which site suitability will be evaluated.

~~D. C.~~ The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.1, 4.5, 4.6, 4.7, 4.8, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.6, 4.1.7, 4.1.8, 4.2.3, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Objective 4.4 and Policies 4.1.4, 4.1.5, and 4.1.9 are **NOT RELEVANT** to the proposed amendment.

10. 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 HELP ACHIEVE** Goal 5 for the following reasons:

- A. The proposed amendment **WILL NOT IMPEDE** the achievement of Objective 5.1 and 5.3 and Policies 5.1.4, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.2, 5.3.1, 5.3.2, and 5.3.3. Policies 5.1.1, 5.1.2, 5.1.3, and 5.1.5 are **NOT RELEVANT** to the proposed amendment.

- B. Objective 5.2 states as follows: **“When new urban development is proposed, Champaign County will encourage that such development demonstrates good stewardship of natural resources.”**

The proposed amendment *WILL HELP ACHIEVE* Objective 5.2 for the following reasons:

- (1) — ~~Policy 5.2.2 states as follows: “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.”~~

~~The proposed amendment *WILL HELP ACHIEVE* Policy 5.2.2 for the following reasons:~~

- ~~(a) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located on urban land and a Special Use Permit is required, the proposed use will go through a thorough review process which should help ensure efficient use of best prime farmland.~~

- (2) (1) Policy 5.2.3 states as follows: **“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.”**

The proposed amendment *WILL HELP ACHIEVE* Policy 5.2.3 for the following reasons:

- (a) In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located on urban land and a Special Use Permit is required, the proposed use will go through a thorough review process which should help ensure no more than minimal disturbance.

- ~~C. — Objective 5.3 states as follows: “Champaign County will oppose proposed new urban development unless adequate utilities, infrastructure, and public services are provided.”~~

~~The proposed amendment *WILL HELP ACHIEVE* Objective 5.3 for the following reasons:~~

- ~~(1) — Policy 5.3.1 states as follows: “The County will:~~

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- 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.”~~

The proposed amendment ~~WILL HELP ACHIEVE~~ Policy 5.3.1 for the following reasons:

- (a) ~~In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located on urban land and a Special Use Permit is required, the proposed use will go through a thorough review process which should help ensure that adequate public services are available.~~

(2) Policy 5.3.2 states as follows: “**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.”~~

The proposed amendment ~~WILL HELP ACHIEVE~~ Policy 5.3.2 for the following reasons:

- (a) ~~In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located on urban land and a Special Use Permit is required, the proposed use will go through a thorough review process which should help ensure adequate public infrastructure is available.~~

11. 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 / WILL HELP ACHIEVE}~~ Goal 6 for the following reasons:

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

The proposed amendment ~~{WILL NOT IMPEDE / WILL HELP ACHIEVE}~~ Objective 6.1 for the following reasons:

(1) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is required the proposed use will go through a thorough review process in which the effect that the proposed development would have on public health or safety would be evaluated.

B. — Objectives 6.2, 6.3, and 6.4 and Policies 6.1.1, 6.1.2, 6.1.3, 6.2.1, 6.2.2, and 6.2.3 are **NOT RELEVANT** to the proposed amendment.

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

12. 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 HELP ACHIEVE** Goal 7 for the following reasons:~~

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

The proposed amendment ~~**WILL HELP ACHIEVE**~~ Objective 7.1 for the following reasons:

(1) — In the instance that a proposed AGRICULTURAL DRAINAGE CONTRACTOR Facility is proposed to be located in a Zoning District in which a Special Use Permit is required the proposed use will go through a thorough review process in which traffic impacts will be considered.

B. — The proposed amendment ~~**WILL NOT IMPEDE**~~ the achievement of Objective 7.2 and Policy 7.2.3. Policies 7.1.1, 7.2.1, 7.2.2, 7.2.4, 7.2.5, and 7.2.6 are **NOT RELEVANT** to the proposed amendment.

Goal 7 has 2 objectives and 7 policies. The proposed amendment **WILL NOT IMPEDE** the achievement of Goal 7.

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

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

Goal 8 has 9 objectives and 36 policies. The proposed amendment **WILL HELP ACHIEVE** the Goal 8 for the following reasons:

A. — Objective 8.2 states as follows: **“Champaign County will strive to conserve its soil resources to provide the greatest benefit to current and future generations”**

The proposed amendment *WILL HELP ACHIEVE* Objective 8.2 for the following reasons:

- (1) ~~Policy 8.2.1 states as follows: “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.”~~

The proposed amendment *WILL HELP ACHIEVE* Policy 8.2.1 for the following reasons:

- (a) ~~For the same reasons indicated under Policy 5.2.2.~~

- B. A. Objective 8.5 states as follows: “Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.”

The proposed amendment *WILL HELP ACHIEVE* Objective 8.5 for the following reasons:

- (1) Policy 8.5.1 states as follows: “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 amendment *WILL HELP ACHIEVE* Policy 8.5.1 for the following reasons:

- (a) ~~For the same reasons indicated under Policy 5.2.3.~~

(a) Riparian habitats are generally only found in the CR District and the proposed footnote in Section 5.2 of the Zoning Ordinance limits facilities that may be authorized by this amendment in the CR District to any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT} so that completely new facilities are not authorized.

(b) A proposed standard condition in Section 6.1.3 of the Zoning Ordinance will require that any expansion of any existing AGRICULTURAL DRAINAGE CONTRACTOR Facility in the CR DISTRICT shall minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat.

- (2) ~~Policy 8.5.2 states as follows: “The County will require in its discretionary review that new development cause no more than minimal disturbance to the stream corridor environment.”~~

The proposed amendment ~~WILL HELP ACHIEVE~~ Policy 8.5.1 for the following reasons:

~~(a) — For the same reasons indicated under Policy 5.2.3.~~

- ~~C. B.~~ Objective 8.6 states as follows: **“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.”**

The proposed amendment *WILL HELP ACHIEVE* Objective 8.6 for the following reasons:

(1) Policy 8.6.2 states as follows:

“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 amendment *WILL HELP ACHIEVE* Policy 8.6.2 for the following reasons:

(a) For the same reasons indicated under Policy ~~5.2.3~~ 8.1.5.

- ~~D. C.~~ The proposed amendment *WILL NOT IMPEDE* the achievement of Objectives 8.1, 8.2, 8.4, and 8.8 and Policies 8.1.7, 8.2.1, 8.4.3, 8.5.2, 8.5.5, 8.6.4, 8.6.5, and 8.6.6. The proposed amendment is *NOT RELEVANT* to Objectives 8.3, 8.7, and 8.9 and Policies 8.1.1, 8.1.2, 8.1.3, 8.1.4, 8.1.5, 8.1.6, 8.1.8, 8.1.9, 8.3.1, 8.4.1, 8.4.2, 8.4.4, 8.4.5, 8.4.6, 8.5.3, 8.5.4, 8.6.1, 8.6.3, 8.7.1, 8.7.2, 8.7.3, 8.7.4, 8.7.5, 8.7.6, 8.8.1, and 8.8.2.

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

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

Goal 9 has 5 objectives and 5 policies. The proposed amendment *WILL NOT IMPEDE* the achievement of Goal 9.

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

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

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *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.

The proposed amendment is not directly related to this purpose.

- 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 proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- 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.

The proposed amendment is not directly related to this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is directly related to this purpose by limiting the zoning districts in which an AGRICUTURAL DRAINAGE CONTRACTOR Facility can be located and the process by which the use can be authorized.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

~~The proposed amendment is not directly related to this purpose.~~

The proposed amendment is directly related to this purpose because it specifies important differences between an “AGRICULTURAL DRAINAGE CONTRACTOR” and other types of contractors.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

~~The proposed amendment is directly related to this purpose because the amendment has proposed that an AGRICULTURAL DRAINAGE CONTRACTORS Facility be limited to only those Zoning Districts in which such use is seen as being compatible with surroundings and has proscribed standard conditions to prevent incompatibility.~~

The proposed amendment is not directly related to this purpose.

- M. 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.

The proposed amendment is not directly related to this purpose.

- N. 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 amendment is directly related to this purpose because a Special Use Permit will be required in the AG-1, AG-2, and CR Zoning Districts in which a thorough review process and a public hearing at the Zoning Board of Appeals will evaluate the effects that an AGRICULTURAL DRAINAGE CONTRACTOR Facility will have on agricultural lands.~~

The proposed amendment is not directly related to this purpose.

- O. 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 proposed amendment is directly related to this purpose because a Special Use Permit will be required in the AG-1, AG-2, and CR Zoning Districts in which a thorough review process and a public hearing at the Zoning Board of Appeals will evaluate the effects that an AGRICULTURAL DRAINAGE CONTRACTOR Facility will have on areas containing natural features.

- P. 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 amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- R. 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 amendment is not directly related to this purpose.

17. The proposed text amendment *WILL* improve the text of the Zoning Ordinance because it *WILL* provide:
- A. A use that is currently not included in the Zoning Ordinance, but is a use that is present in Champaign County and is needed by the agricultural community.
 - B. The ability to conduct more than just incidental retail sales of agricultural drainage equipment.
 - C. Specific standards by which an AGRICULTURAL DRAINAGE CONTRACTOR can be authorized.
 - D. Accommodations for existing AGRICULTURAL DRAINAGE CONTRACTORS located in the CR District, but will prohibit any new facilities from being located in the CR District.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **January 31, 2013, and February 14, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment **HELPS ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):

A. The proposed text amendment **HELPS ACHIEVE** the following LRMP goals:

Goal 4 Agriculture because while it will not impede or is not relevant to many objectives and policies under this goal, it **HELPS ACHIEVE** the following:

- Objective 4.2 requiring discretionary development to not interfere with agriculture because it **HELPS ACHIEVE** the following:
 - 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 9.A.(1)).
 - Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 9.A.(2)).
- Objective 4.3 requiring any discretionary development to be on a suitable site because it **HELPS ACHIEVE** the following:
 - Policy 4.3.5 requiring any business on best prime farmland to be appropriate in a rural area and on a site that is well suited (see Item 9.B.(1)).

Goal 5 Urban Land Use because while it will not impede one objective and is not relevant to many policies under this goal, it **HELPS ACHIEVE** the following:

- Objective 5.2 requiring any urban development to demonstrate good stewardship of natural resources because it **HELPS ACHIEVE** the following:
 - Policy 5.2.3 requiring that new urban development shall result in no more than minimal disturbance to natural areas with significant quality (see Item 10.B.(1)).

Goal 8 Natural Resources because while it will not impede one objective and is not relevant to many policies under this goal, it **HELPS ACHIEVE** the following:

- Objective 8.5 that encourages the maintenance and enhancement of aquatic and riparian habitats because it **HELPS ACHIEVE** the following:
 - Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 13.A.(1)).
- Objective 8.6 that avoids loss or degradation of habitat because it **HELPS ACHIEVE** the following:
 - Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (see Item 13.B.(2)).

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

- Goal 1 Planning and Public Involvement
- Goal 2 Governmental Coordination

- Goal 3 Prosperity
- Goal 6 Public Health and Public Safety
- Goal 7 Transportation
- Goal 9 Energy Conservation

C. The proposed text amendment is **NOT RELEVANT** to the following LRMP goal(s):

- Goal 10 Cultural Amenities

2. The proposed amendment **HELPS ACHIEVE** the purpose of the Zoning Ordinance as follows:

- Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I.).
- Fixes regulations and standards to which USES shall conform (Purpose 2.0 (k) see Item 16.K.).
- Protects natural features in the CR District such as forested areas and watercourses (Purpose 2.0 (o) see Item O.).

3. The proposed text improvement **WILL IMPROVE** the Zoning Ordinance as follows:

- Adds the principal use “AGRICULTURAL DRAINAGE CONTRACTOR” that is currently not included in the Zoning Ordinance even though it is present in the county and needed by the agricultural community.
- Specifies an important differences between an “AGRICULTURAL DRAINAGE CONTRACTOR” and other types of contractors.
- Accommodates the expansion of nonconforming “AGRICULTURAL DRAINAGE CONTRACTOR” uses in the CR District but not allowing the establishment of new “AGRICULTURAL DRAINAGE CONTRACTOR” uses that are not already located in the CR District.
- Specifies standards by which an “AGRICULTURAL DRAINAGE CONTRACTOR” can be authorized.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated January 25, 2013, with attachments:
 - A Memo to the Champaign County Board Committee of the Whole dated September 25, 2012, with attachments:
 - A Existing “contractor facility” in Section 5.2
 - B Proposed Amendment to Add” Agricultural Drainage Contractor Facility” to Section 5.2
 - B LRMP Land Use Goals, Objectives, and Policies & Appendix
 - C Draft Finding of Fact and Final Determination

2. Supplemental Memorandum dated February 8, 2013, with attachment:
 - A Proposed Amendment (ANNOTATED) to Add “Agricultural Drainage Contractor Facility” to Section 5.2

3. Supplemental Memorandum dated February 14, 2013, with attachment:
 - A Revised Draft Finding of Fact and Final Determination

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 733-AT-12** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

Proposed Amendment






1. Add to Section 3 DEFINITIONS (new text underlined):

AGRICULTURAL DRAINAGE CONTRACTOR: A contractor whose principal business is installing and/ or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements.

2. Revise Section 5.2 as follows (new text underlined):

SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS					
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS)		S	S													
Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS		S	S									5				
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S</u> ²¹	<u>S</u>	<u>S</u>									*		*	*	
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S</u> ²¹	<u>S</u>	<u>S</u>									5	<u>S</u>	*	*	
												S				

	= Permitted by right		=Permitted on individual LOTS as a SPECIAL USE		= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right		=Proposed to be permitted on individual LOTS as a SPECIAL USE		

Footnotes

5. Outdoor STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sec. 7.6.3.

20. As much as 50% of the dollar volume of business at an AGRICULTURAL DRAINAGE CONTRACTOR facility on average may be retail sales of agricultural drainage products.

21. Only applicable to any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT}.

3. Add the following to Section 6.1.3 (new text underlined):

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline ²			SIDE	REAR		
						STREET Classification						
					MAJOR	COLLECTOR	MINOR					
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS ; or with no Outdoor STORAGE and/or Outdoor OPERATIONS</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
<p>1. <u>In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE subject to subsection 7.6.</u></p> <p>2. <u>In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:</u> A. <u>No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</u> B. <u>Outdoor STORAGE and/ or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3 H.1.</u></p> <p>3. <u>In the CR DISTRICT, any expansion shall minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat.</u></p>												

Footnotes

- Standard same as applicable zoning DISTRICT.