



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Diane Wolfe Marlin and City Council Members

FROM: Nick Olsen, Planner I

DATE: May 6, 2022

SUBJECT: **CCZBA-040-AT-22:** An amendment to the Champaign County Zoning Ordinance to allow private or commercial transmission and receiving towers over 100 feet in height as a second principal use on lots with an electrical substation in the AG-1 and AG-2 districts.

Introduction

The Champaign County Zoning Administrator requests a text amendment to the Champaign County Zoning Ordinance to allow “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use on lots with “Electrical Substations” in the AG-1 and AG-2 districts.

The proposed text amendment is of interest to the City of Urbana, because it may affect zoning and land development decisions within the City’s one-and-a-half mile extraterritorial jurisdiction (ETJ). The City has subdivision and land development jurisdiction within the ETJ, while the County holds zoning jurisdiction in this area.

The City has the right to protest County text amendments by filing a protest by the date the case goes before the County Board. Under state law, a municipal protest of the proposed amendment would require three-quarters super-majority of affirmative votes for approval of the request by the County Board; otherwise, a simple majority would be required.

The Plan Commission heard this case on April 21, 2022, and recommends City Council not protest the proposed amendment. Staff agrees with the recommendation, finding that the proposed text amendment does not significantly affect the use of land or affect the City’s ability to manage growth and development.

Background

County Timeline

Champaign County Department of Planning & Zoning (CCDPZ) has an applicant (Eastern Illini Electric Cooperative) interested in installing 120-foot tall towers on five lots with existing substations within Champaign County, none of which are located in Urbana’s ETJ. The towers would be installed to monitor the adjacent substations on the lots. An internet provider (Nextlink) would also be interested in “piggybacking” on the towers with antennas to provide rural internet

service.

Private or commercial transmission and receiving towers (including antennas) over 100 feet in height are already allowed by special use permit in all County zoning districts except the I-2 Heavy Industry Zoning District, which allows them by-right. These towers are not currently allowed as a second principal use, as the applicant proposes.

The proposed amendment would limit telecommunications towers as second principal uses on lots with electrical substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts with a special use permit.

On March 17, 2022, the Champaign County Zoning Board of Appeals (CCZBA) voted to recommend approval of the proposed amendment to the Champaign County Board.

The Environment and Land Use Committee of the Champaign County Board (ELUC) reviewed the amendment on April 7, 2022 and is expected to again on May 5, 2022, awaiting municipal comments in the interim. At the May 5, 2022 meeting, ELUC is expected to make a recommendation to the County Board.

The County Board is expected to make a final decision on the proposed amendment on May 19, 2022.

Draft Amendment

The full text of the proposed amendment, excerpted from a March 8, 2022 memo from the Champaign County Zoning Administrator is included as part of Exhibit A. The legal publication for the initial March 17, 2022 public hearing of the CCZBA summarized the proposed zoning amendment as follows (**bolded** text for convenience):

1. **Add new paragraph 4.2.1 C.7. as follows:**

4.2.1 CONSTRUCTION and USE

C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a Special Use Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

Proposed Amendment's Benefits to County

The proposed amendment would allow a second principal use for which there is a demonstrated demand on certain lots. The Champaign County Land Resource Management Plan (LRMP) was

adopted by the County Board on April 22, 2010, and is currently the only guidance for amendments to the ordinance. CCDPZ staff determined that the proposed text amendment “will help achieve” LRMP Goal 3; “will not impede” achievement of goals 1, 2, and 4-9; and that Goal 10 is “not relevant” to the proposed amendment.

LRMP Goal 3 states, “Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.” CCDPZ states that this goal is helped by the proposed text amendment which “will allow internet towers to piggyback on electrical substation properties, which will improve cost efficiencies for those providers,” and should also improve internet service for County residents.

The proposed text amendment “will improve” the ordinance itself because it will “help achieve” the purpose of the ordinance and “improve” the text of the ordinance by providing a “means to regulate an activity for which there is demonstrated demand.”

For more details on how the LRMP and the County Zoning Ordinance would be served by the proposed amendment, see Exhibit A.2, an excerpt from a County memorandum on the amendment.

Discussion

County Zoning

County land within the City’s ETJ is dominated by agricultural (81%) zoning, with small areas zoned residential (8%) and conservation (7%), and little business (2%) or industrial (3%) zoning (Exhibit B). The proposed amendment applies to the AG-1 and AG-2 agricultural zoning districts (Figure 1).

The County Zoning Ordinance already allows for the construction of private or commercial transmission and receiving towers over 100 feet tall in the AG-1 and AG-2 districts as a sole principal use. The proposed amendment would allow these towers as a second principal use by special use permit in the AG-1 and AG-2 districts on lots with an electrical substation. Urbana can submit comments on Champaign County special use permit cases within the ETJ.

All electrical substations currently located in the Urbana ETJ are owned by Ameren and are exempt from County zoning as a public utility.

The County Zoning Ordinance requires a 100-foot setback for towers over 100 feet tall from any major, minor, and collector streets, and a 50-foot setback from side and rear streets. It is likely that towers located on lots with substations will also require waivers from the County for reduced setbacks, as existing substations on lots may make compliance with setback requirements unfeasible.

AG-1 & AG-2 County Districts Within Urbana Extraterritorial Jurisdiction

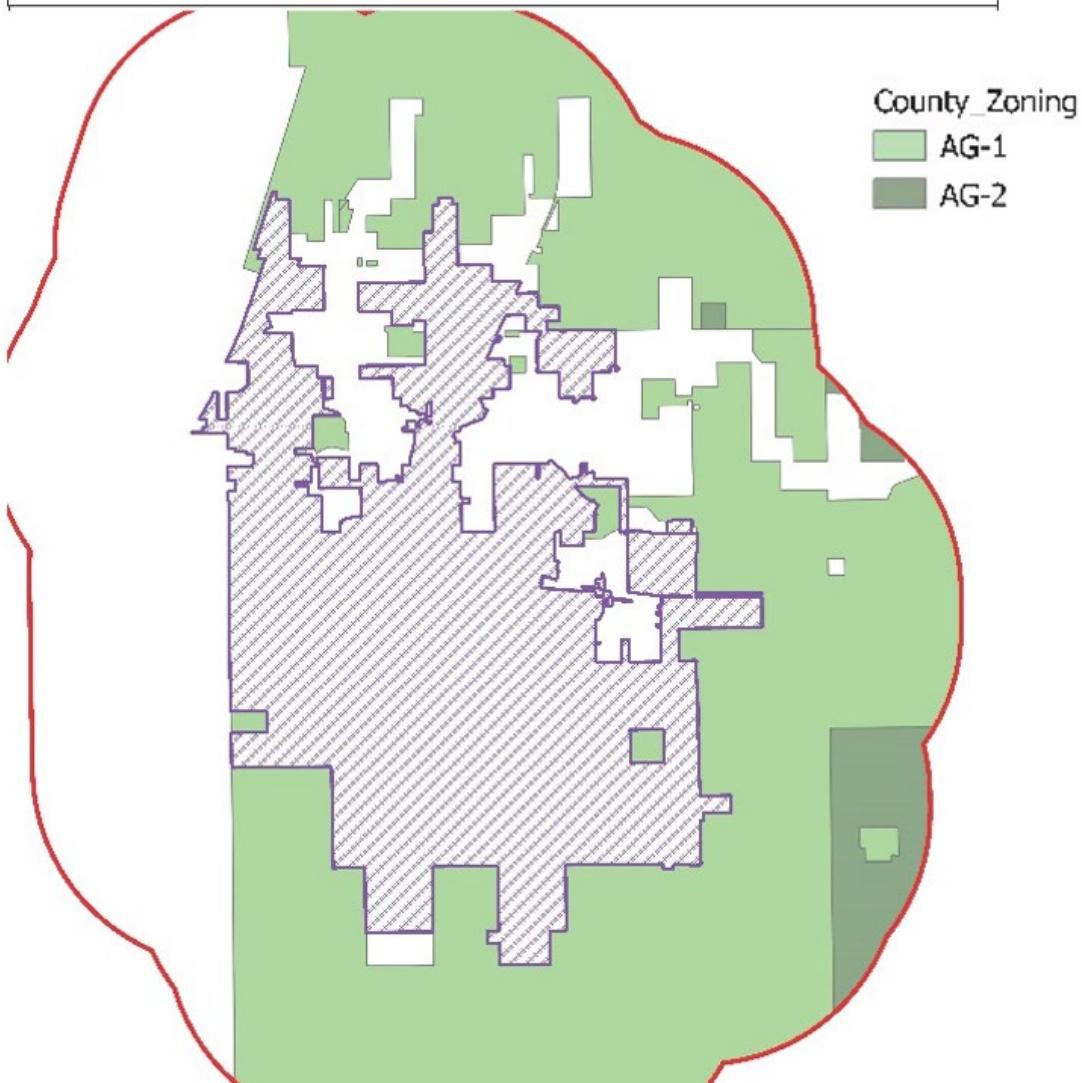


Figure 1. Affected Agricultural Districts in City of Urbana ETJ (Green Areas) - Champaign County Department of Planning & Zoning

City Zoning

If the proposed amendment is passed, City staff does not see any potential land use conflicts in the city or the ETJ. It would not affect the City's ability to plan or manage future development.

The City Zoning Ordinance Table of Uses (Table V-1) allows telecommunications towers in the AG, Agricultural district with a special use permit, and does not regulate tower height in the district. Section XIII-1 states that antennas and towers may be considered as a principal or accessory use and that “a different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.”

In sum, the City Zoning Ordinance already allows for the construction of telecommunications towers greater than 100 feet tall in agricultural districts by special use permit and as a second principal use. As such, the City Zoning Ordinance would not conflict with the County's proposal to allow telecommunications towers greater than 100 feet tall as a second principal use on lots with an electrical substation with a special use permit.

For the purposes of City Zoning Ordinance Section XIII-1, pertaining to telecommunications towers, the AG district is considered a "Residential Zoning District," which presents some additional conditions for the construction of telecommunications towers.

The Zoning Ordinance states that:

"Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless there are unusual geographic or public health, safety, and welfare or other public policy considerations."

This would potentially require greater setbacks for towers in agricultural districts than required by the County on lots near other lots with a residential use. The City could express any concerns regarding tower setbacks for future developments in the ETJ as part of the County's special use permit process.

The City also requires that applicants wishing to locate towers in a residential zone shall:

"...demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available."

Because any towers located on a lot with an Electrical Substation would be there in part to monitor the adjacent substation, the conditions for demonstrating valid constraints preventing an alternate location would presumably be met.

Plan Commission

The Urbana Plan Commission discussed the proposed text amendment at its April 25, 2022 meeting. Discussion items included when a tower is considered a principal use by the County¹ and which substations in the County are considered public utilities.² The Commission forwarded the case to City Council with a unanimous recommendation not to protest the amendment (five ayes, no nays, no abstentions).

Implications for Development Within the City's ETJ

Within the City's municipal boundaries, the proposed amendment does not significantly affect the use of land, nor does it affect the City's ability to manage growth and development. The City Zoning Ordinance already allows what Champaign County is proposing to allow, and the City would be able to express any concerns over differences in setback requirements as part of the required special use

¹ Section 5.2 of the County Zoning Ordinance states that any tower over 100 feet in height is considered a principal use.

² Electrical substations in Urbana's ETJ are operated by Ameren Illinois and are considered public utilities by the County. The lots with substations and proposed towers outside the ETJ that have prompted this amendment are operated by the Eastern Illini Electrical Cooperative, which is not considered a public utility.

permit process for any second principal use tower. As such, **staff does not anticipate a negative effect on the City's ability to plan or manage growth or development.**

At this time, all lots with substations located within the City's ETJ are operated by Ameren, are exempt from the County Zoning Ordinance as a public utility, and are not subject to the proposed amendment. Existing lots with substations that would be immediately affected by the proposed amendment are located outside the City's ETJ. Any future lots with substations within the Champaign County jurisdiction would be subject the proposed amendment (unless exempted as a public utility).

Urbana 2005 Comprehensive Plan

By State law, the City has the ability to review zoning decisions within its ETJ for consistency with the City's comprehensive plan. Therefore, Champaign County's proposed text amendment should be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan, which includes the following pertinent goals and objectives:

Goal 4.0	Promote a balanced and compatible mix of land uses that will help create long-term, viable neighborhoods.
Objective	4.1 Encourage a variety of land uses to meet the needs of a diverse community.
Goal 17.0	Minimize incompatible land uses.
Objectives	17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas. 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.
Goal 21.0	Identify and address issues created by overlapping jurisdictions in the one-and-one-half mile Extraterritorial Jurisdictional area (ETJ).
Objectives	21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

The proposed County Zoning Ordinance text amendment is generally consistent with these City goals and objectives: encourage a variety of land uses while minimizing the effects of potentially incompatible land uses through design controls.

Summary of Staff Findings

1. The Champaign County Zoning Administrator requests a text amendment to the Champaign County Zoning Ordinance to allow "private or commercial transmission and receiving tower (including antenna) over 100 feet in height" as a second principal use on lots with the "Electrical Substation" land use in the AG-1 and AG-2 district.
2. The proposed text amendment is generally compatible with the land use policy goals and objectives of the 2005 Urbana Comprehensive Plan, which promotes a variety of compatible land uses.
3. The proposed text amendment would not negatively affect land uses or the ability of the City to manage growth and development of land currently within the City's ETJ.

Options

City Council has the following options in CCZBA Case No. 040-AT-22, a request to amend the Champaign County Zoning Ordinance to allow “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use on lots with the “Electrical Substation” land use in the AG-1 and AG-2 district:

- a. **Not to protest;** or
- b. **Not to protest,** contingent upon specific provisions to be identified; or
- c. **Protest.**

Staff Recommendation

At its April 21, 2022 meeting, the Urbana Plan Commission voted unanimously (five ayes, zero nays) to forward Case **CCZBA 040-AT-22 to City Council with a recommendation NOT TO PROTEST** the proposed zoning ordinance amendment. Staff concurs with the Plan Commission’s recommendation.

Attachments: Exhibit A: Champaign County Department of Planning & Zoning Documents:

1. Text of Proposed Amendment
2. Finding of Fact, Land Resource Management Plan, and Purposes of the Zoning Ordinance as Pertaining to the Proposed Amendment

Exhibit B: AG-1 & AG-2 County Districts Within Urbana ETJ

Exhibit C: Plan Commission Meeting Minutes – DRAFT (dated April 21, 2022)

cc: John Hall, Director, Champaign County Planning and Zoning
Susan Burgstrom, Planner, Champaign County Planning and Zoning

RESOLUTION NO. _____

**A RESOLUTION NOT TO PROTEST A PROPOSED TEXT AMENDMENT TO THE
CHAMPAIGN COUNTY ZONING ORDINANCE**

(Second Principal Use Telecommunications Towers/ CCZBA-040-AT-22)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, and may exercise any power and perform any function pertaining to its governmental business and affairs, and the passage of this Resolution constitutes an exercise of the City's home rule powers and functions as granted by the Illinois Constitution of 1970; and

WHEREAS, the Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance to allow private or commercial transmission and receiving towers over 100 feet in height as a second principal use on lots with an electrical substation in the AG-1 and AG-2 districts; and

WHEREAS, the proposed text amendment has been submitted to the City of Urbana for review and is being considered by the City of Urbana under the name of "CCZBA-040-AT-22"; and

WHEREAS, pursuant to the provisions of State of Illinois Compiled Statutes 55 ILCS 5/5-12014 that states in cases of any proposed zoning amendment where the land affected lies within one-and-one-half (1-½) miles of the limits of a zoned municipality, the corporate authorities of the zoned municipality may by resolution issue written protest against the proposed text amendment; and

WHEREAS, the proposed text amendment is compatible with the Goals and Objectives and Future Land Use Map of the 2005 City of Urbana Comprehensive Plan; and

WHEREAS, the Urbana Plan Commission met on April 21, 2022, to consider the proposed text amendment and voted with five (5) ayes and zero (0) nays to forward to the City Council a recommendation not to protest the proposed text amendment; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendment is consistent with the best interest of the City of Urbana.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. The City Council finds and determines that the facts contained in the above recitations are true.

Section 2. That the Urbana City Council hereby resolves that the City of Urbana, pursuant to the provisions of 55 ILCS 5/5-12014, does hereby APPROVE a Resolution Not to Protest a Proposed Text Amendment as presented in CCZBA-040-AT-22.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2022.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2022.

Diane Wolfe Marlin, Mayor

Exhibit A.1: Champaign County Department of Planning & Zoning Documents:
Text of Proposed Amendment

Case 040-AT-22, ZBA 03/17/22, Attachment B, Page 2 of 2

PROPOSED AMENDMENT

1. Add new paragraph 4.2.1 C.7. as follows:

4.2.1 CONSTRUCTION and USE

C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

ELU/C
02/10/22

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 17, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for “Private or commercial transmission and receiving towers (including antennas) over 100 feet in height” to be allowed as a second principal use with Electrical Substations in the AG-1 and AG-2 Agriculture Zoning Districts.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

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 that 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.

PRELIMINARY DRAFT

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. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 3 as follows:

- A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will ***HELP ACHIEVE*** Objective 3.1 as follows:

- (1) The proposed text amendment will allow internet towers to piggyback on electrical substation properties, which will improve cost efficiencies for those providers.

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 NOT IMPEDE*** the achievement of Goal 4.

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 NOT IMPEDE*** the achievement of Goal 5.

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*** 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 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 NOT IMPEDE** the achievement of Goal 8.

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 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.

The proposed amendment is consistent with 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 consistent with this purpose.

PRELIMINARY DRAFT

- 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 consistent with 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 consistent with this purpose.

- 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 consistent with this purpose.

- 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 consistent with 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 consistent with 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 not directly related to this purpose.

- 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 consistent with 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 consistent with this purpose.

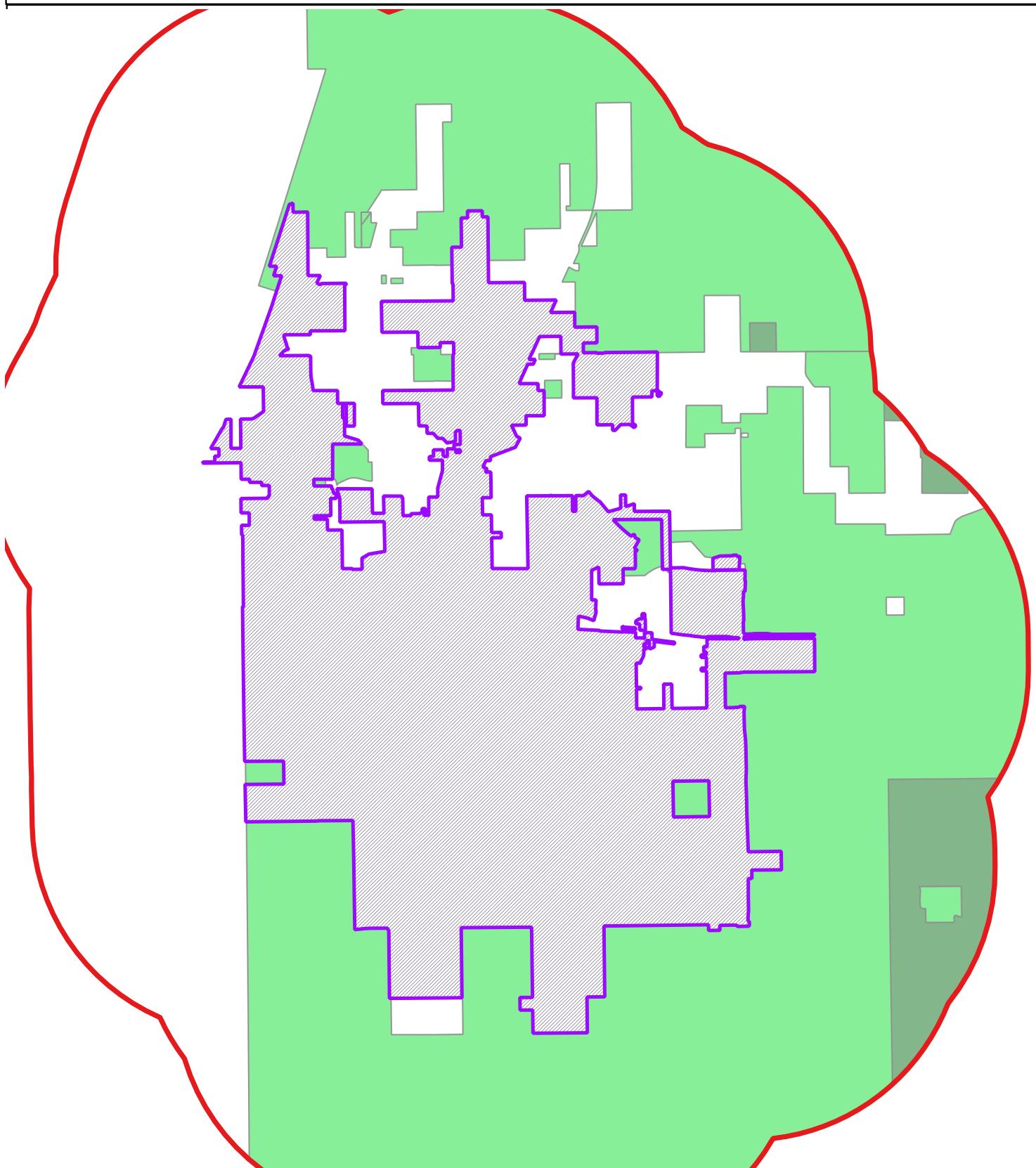
PRELIMINARY DRAFT

- 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 classification which allows new technology collaborations supporting the local economy while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

Exhibit B: AG-1 & AG-2 County Districts Within Urbana Extraterritorial Jurisdiction



Case No.: CCZBA-040-AT-22
Subject: Proposed Telecom Tower
Amendment (Relevant Districts)
Location: Champaign County
Petitioners: Champaign County
Zoning Administrator



0 0.5 1 1.5 2 mi

County_Zoning
AG-1
AG-2

Exhibit C: Plan Commission Meeting Minutes – DRAFT (dated April 21, 2022)

April 21, 2022

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: April 21, 2022

TIME: 7:00 P.M.

PLACE: Council Chambers, City Building, 400 South Vine Street, Urbana, Illinois

PLAN COMMISSION

MEMBERS ATTENDING: Dustin Allred, Jane Billman, Andrew Fell, Lew Hopkins, Karen Simms, Chenxi Yu

MEMBERS EXCUSED: Debarah McFarland

STAFF PRESENT: UPTV Camera Operator; Kevin Garcia, Principal Planner | Zoning Administrator; Marcus Ricci, Planner II; Kat Trotter, Planner II; Nick Olsen, Planner I

PUBLIC PRESENT: Dannie Otto

...

8. NEW BUSINESS

Case No. CCZBA-040-AT-22 – An amendment to the Champaign County Zoning Ordinance to allow private or commercial transmission and receiving towers over 100 feet in height as a second principal use on lots with an electrical substation in the AG-1 and AG-2 districts.

Chair Allred opened Case No. CCZBA-040-AT-22. Nick Olsen, Planner I, presented the case to the Plan Commission. He stated the purpose for the proposed County text amendment. He discussed the County zoning and noted that the County Zoning Ordinance already allows for construction of private or commercial transmission and receiving towers over 100 feet tall in the AG-1 and AG-2 districts as a sole principal use. He reviewed the proposed language change to the County Zoning Ordinance. He showed a map indicating where the AG-1 and AG-2 County districts were located within Urbana's extraterritorial jurisdiction area. He talked about City zoning and pointed out that the City Zoning Ordinance already allows for the construction of telecommunication towers greater than 100 feet tall in Agricultural districts by special use permit and as a second principal use as the County is proposing to do. However, there are some additional conditions with regards to setback requirements, such as: 1) Towers in residential districts must be set back a distance equal to at least 200% of the height of the tower from any residential lot front, side and rear yard setback line unless there are unusual geographic or public health, safety, and welfare or other public policy

considerations; and 2) Applicants wishing to locate towers in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available. He stated that because towers sharing a lot with a substation would be there to monitor the substation, the conditions for demonstrating no suitable alternate location should be met, and that concerns over setback requirements could be expressed during the special use permit process. He stated that the City does not anticipate a negative effect on the City's ability to plan or manage growth or development, and no lots within the Urbana ETJ would be immediately affected. He read the options of the Plan Commission and presented City staff's recommendation that the Plan Commission forward the case to the City Council with a recommendation to not protest the proposed amendment. He noted that this case would be forwarded to City Council on May 9, 2022.

Chair Allred asked if the Plan Commission members had questions for City staff.

Mr. Fell asked why this is considered a second principal use and not an accessory use. Mr. Hopkins stated that his understanding is that an internet provider wants to use the tower as a second principal use to provide internet access. (Note: Staff subsequently confirmed with the County Zoning Administrator that any tower over 100 feet tall is considered a principal use.) Mr. Olsen pointed out that while Ameren is exempt from County Zoning, there are other operators of substations that would not be.

Ms. Billman moved that the Plan Commission forward Case No. CCZBA-040-AT-22 to the City Council with a recommendation to not protest the amendment. Mr. Hopkins seconded the motion. Roll call on the motion was as follows:

Ms. Billman	-	Yes	Mr. Allred	-	Yes
Mr. Fell	-	Yes	Ms. Simms	-	Yes
Mr. Hopkins	-	Yes			

The motion passed by unanimous vote.