



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Mayor Laurel Lunt Prussing

FROM: Elizabeth H. Tyler, FAICP, Director

DATE: March 14, 2013

SUBJECT: A request by the Champaign County Zoning Administrator to amend Sections 3, 5.2, and 6.1.3 of the Champaign County Zoning Ordinance regarding Agricultural Drainage Contractors. (Case No. CCZBA-733-AT-12)

Introduction & Background

The Champaign County Zoning Administrator is requesting a text amendment to the Champaign County Zoning Ordinance in Champaign County Case No. CCZBA-733-AT-12 to add a definition and regulations for “Agricultural Drainage Contractors”. This application is in response to a contractor who does not fit the current definition of “Contractor” under the Champaign County Zoning Ordinance. Under the proposed change, an Agricultural Drainage Contractor would be allowed to earn up to 50% of their income from direct sales, while a Contractor may only have a small percentage of income from sales. The proposed County Zoning Ordinance text amendment would create separate use categories for Agricultural Drainage Contractors that operate entirely indoors and those that have outdoor storage or operations.

According to County staff, an Agricultural Drainage Facility will look like a typical contractor facility:

“There may be materials (reels of black tile) being stored onsite for jobs and/or retail sales as well as the equipment used to put tile into the ground. It will all depend on how large an operation is proposed to be, if a very large operation is proposed they may have a significant amount of materials and equipment stored onsite (indoor or outdoor). If the operation is small there may not be any or very little materials stored onsite with a few pieces of equipment. Some of the existing operations in Champaign County are pretty small and operated by farmers, and for the most part these operations look like a farm.

An agricultural drainage contractor installs subsurface drainage tile to improve drainage on farmland. Some of these contractors will sell the materials to farmers and the farmers will install the materials themselves which is why the provision for retail sales was included in this amendment.”

The proposed changes can be summarized as follows:

- Amend Section 3 of the County Zoning Ordinance to define Agricultural Drainage Contractor 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.”
- Add “Agricultural Drainage Contractor Facility (with outdoor storage and/or outdoor operations)” and “Agricultural Drainage Contractor Facility (with no outdoor storage and/or outdoor operations)” to the table of uses in Section 5.2 in the B-1, B-4, B-5, I-1, I-2, CR, AG-1 and AG-2 districts.
- Add Special Use Permit standard conditions to Section 6.1.3 for “Agricultural Drainage Contractor Facility”. Outdoor storage and operations would be allowed as an accessory use, but must be screened from adjacent residences when in the B-5 district.

The proposed text amendment is of interest to the City of Urbana to the extent that it will affect zoning and land use development decisions within the City’s one-and-one-half mile extra-territorial jurisdictional (ETJ) area. The City has subdivision and land development jurisdiction within the ETJ area, while the County holds zoning jurisdiction in this area. It is important that there be consistency between these two jurisdictions to the extent that certain regulations may overlap. Since development within this area may abut development within the corporate limits of the City or may eventually be annexed into the City’s corporate limits, some level of consistency in zoning regulations is also desirable. Land uses in the County affect the City of Urbana in several ways, including:

- Land uses in Champaign County can potentially conflict with adjacent land uses in the City of Urbana;
- Unincorporated portions of Champaign County adjacent to the City of Urbana will likely be annexed into the City at some point in the future. Existing land uses would also be incorporated as part of annexation;
- In addition to land uses, development patterns of areas annexed into the City of Urbana will affect our ability to grow according to our shared vision provided in the 2005 Comprehensive Plan.

For these reasons, the City should examine the proposed text amendment to the Champaign County Zoning Ordinance to ensure compatibility with existing City ordinances. City Council should review the proposed amendment to determine whether or not the City should protest its adoption. Under state law, a municipal protest of the proposed amendment would require three-quarters super majority of affirmative votes for approval of the request at the County Board; otherwise, a simple majority would be required. At their March 7, 2013 meeting, the Urbana Plan Commission reviewed the proposed county text amendment and voted six ayes and zero nays to recommend City Council defeat a resolution of protest regarding the amendment.

Issues and Discussion

Urbana 2005 Comprehensive Plan

By State law, the City has an obligation to review zoning decisions within its extra-territorial jurisdiction area for consistency with the City's comprehensive plan. Champaign County's proposed Zoning Ordinance text amendment should therefore be reviewed for consistency with the City of Urbana's 2005 Comprehensive Plan. Specifically, Urbana's comprehensive plan includes the following pertinent goals and objectives:

Goal 17.0 Minimize incompatible land uses.

Objective 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.

Objective 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).

Objective 21.1 Coordinate with Champaign County on issues of zoning and subdivision in the ETJ.

Objective 21.2 Work with other units of government to resolve issues of urban development in unincorporated areas.

The proposed text amendment is generally consistent with these goals and objectives. It provides for protection of incompatible land uses by requiring screening of Agricultural Drainage Contractor outdoor storage from adjacent residences. It also requires mitigation of any disturbed habitats in the CR, Conservation Recreation district.

Zoning Impacts

The proposed amendment would have very little impact on zoning within the City's extra-territorial jurisdiction. Contractors are already required to have a Special Use Permit in the county AG-2 district, which is the most prevalent district in the ETJ. Agricultural Drainage Contractors would likewise need a Special Use Permit in the AG-2 district. Uses with outdoor storage would be required to have storage in the rear yard and screened.

Summary of Findings

1. Champaign County Zoning Case No. CCZBA-733-AT-12 would define and regulate "Agricultural Drainage Contractors".
2. The proposed zoning ordinance text amendment is generally consistent with the goals and objectives of the Urbana 2005 Comprehensive Plan.
3. The proposed zoning ordinance text amendment would not pose a significant detriment to the City of Urbana or to the extra-territorial jurisdiction of the City of Urbana.

Options

City Council has the following options regarding proposed text amendments in CCZBA Case No. 733-AT-12:

1. Defeat a resolution of protest; or
2. Defeat a resolution of protest contingent upon some specific revision(s) to the proposed text amendments; or
3. Adopt a resolution of protest.

Recommendation

At their March 7, 2013 meeting, the Urbana Plan Commission reviewed the proposed county text amendment and voted six ayes and zero nays to recommend City Council **DEFEAT a resolution of protest** for the proposed County Zoning Ordinance text amendment. Staff concurs with this recommendation.

Attachments: Exhibit A: Memorandum to the Champaign County ZBA dated January 25, 2013
Exhibit B: Supplemental Memorandum dated February 8, 2013
Exhibit C: CCZBA 733-AT-12 Draft Finding of Fact and Final Determination
Exhibit D: Draft minutes from the March 7, 2013 Plan Commission meeting

cc: John Hall, Champaign County Zoning Administrator

RESOLUTION NO. 2013-03-010R

**A RESOLUTION OF PROTEST AGAINST A PROPOSED TEXT AMENDMENT TO THE CHAMPAIGN
COUNTY ZONING ORDINANCE**

(Request by the Champaign County Zoning Administrator to amend the Champaign
County Zoning Ordinance concerning Agricultural Drainage Contractors
- Plan Case No. CCZBA 733-AT-12)

WHEREAS, the Champaign County Zoning Administrator has petitioned the
County of Champaign for zoning text amendments to the Champaign County Zoning
Ordinance in Champaign County ZBA Case No. 733-AT-12 to establish definitions
and use regulations for Agricultural Drainage Contractor; and

WHEREAS, said 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-733-AT-12: A Request by the Champaign County Zoning Administrator to
amend the Champaign County Zoning Ordinance concerning Agricultural Drainage
Contractors"; and

WHEREAS, said amendment is consistent with the City of Urbana's 2005
Comprehensive Plan's goals and objectives; and

WHEREAS, said amendments would not adversely affect future zoning or
land use development decisions within the City's one-and-one-half mile extra-
territorial jurisdictional (ETJ) area; and

WHEREAS, the Urbana Plan Commission, after considering matters
pertaining to said Petitions at their meeting of March 7, 2013, has
recommended by a vote of six ayes to zero nays that the Urbana City Council
DEFEAT a resolution of protest against the proposed text amendment to the
Champaign County Zoning Ordinance; and

WHEREAS, the Urbana City Council, having duly considered all matters pertaining thereto, finds and determines that the proposed text amendments are not in the best interests 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 adopt a Resolution of Protest against the proposed text amendment as presented in CCZBA-733-AT-12.

Section 3. The City Clerk of the City of Urbana is authorized and directed to file a certified copy of this Resolution of Protest with the County Clerk of the County of Champaign, and to mail a certified copy of this resolution to the Petitioner, Mr. John Hall at 1776 East Washington, Urbana, Illinois 61801 and to the State's Attorney for Champaign County and Attorney for the Petitioner, at the Champaign County Courthouse, Urbana, Illinois, 61801.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____,
_____.

Laurel Lunt Prussing, Mayor

CASE NO. 733-AT-12

PRELIMINARY MEMORANDUM

January 25, 2013

Petitioner: **Zoning Administrator**Prepared by: **Andy Kass, Associate Planner**
John Hall, Zoning AdministratorChampaign
County
Department of**PLANNING &
ZONING**

Brookens

Administrative Center

1776 E. Washington Street
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.

BACKGROUND

For background information please see Attachment A.

SUMMARY FINDING OF FACT

The Summary Finding of Fact on Page 19 of the Draft Finding of Fact indicates the following:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals (3), 4, 5, (6), 7, and 8.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2, (3), (6), and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goal 10.

2. The proposed text amendment *WILL* improve the Zoning Ordinance because it will:
 - A. *HELP ACHIEVE* the purpose of the Zoning Ordinance (see Item 16 on pages 14-17).

Note: Staff has not made a recommendation for Goals 3 and 6 which is why they are both included in Items 1.A. and 1.B. above. Once the Board makes a determination on Goals 3 and 6 this case will be ready for Final Action.

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 (included separately)
- C Draft Finding of Fact and Final Determination (included separately)

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens

Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

To: Champaign County Board Committee of the Whole

From: John Hall, Director & Zoning Administrator

Date: September 25, 2012

RE: Zoning Ordinance requirements for Contractors Facilities

Request: Request approval to proceed with a public hearing for an amendment to the Zoning Ordinance to add "agricultural drainage contractor facility"

BACKGROUND

A local business engaged in agricultural drainage contracting (installing agricultural drainage improvements) recently contacted the Department about relocating to a rural location from its current municipal location. The current regulations for "contractor facility" were added to the Zoning Ordinance on April 21, 1992, in Ordinance No. 405 (Case 790-AT-92) and authorize "contractor facility" as a Special Use Permit in the AG-1 and AG-2 Districts.

Implicit in the contractor facility regulations is the requirement that retail sales of material stock direct to consumers be no more than "incidental" (ie, a very small part of the business) to the primary business of installing the materials. In addition to constructing and installing drainage improvements, the subject business currently sells drainage tile, tile inlets, culverts, and related drainage items directly to farmers who do the installation themselves, and this is a common practice. The proposed amendment will authorize an "agricultural drainage contractor" to have as much as 50% of the dollar volume of business in retail sales of agricultural drainage products.

OVERVIEW OF PROPOSED AMENDMENT

Attachment B indicates the proposed changes which are briefly summarized below (capitalized words are defined in the Zoning Ordinance):

1. "Agricultural drainage contractor" is proposed to be defined so as to distinguish these contractors from other types of contractors.
2. A footnote to Section 5.2 is proposed to specify that an "agricultural drainage contractor" may have as much as 50% of the dollar volume of business in retail sales of agricultural drainage products.
3. "Agricultural drainage contractor" facility is proposed to be authorized as follows:
 - "By right" in I-1, I-2 and B-4 (see Footnote 5) the same as other "contractor facilities" but in addition are proposed to be authorized "By right" in the B-1 Rural Trade Center District which is consistent with other uses authorized By right in B-1 such as Farm Chemical Sales, Farm Equipment Sales, Feed and Grain Sales, and Grain Storage Elevator and Bins.

Zoning Administrator
SEPTEMBER 25, 2012

- By Special Use Permit in AG-1, AG-2 and B-4 (see Footnote 5) the same as other “contractor facilities” but in addition are proposed to be authorized by Special Use Permit in the CR District. There is at least one nonconforming agricultural drainage contractor that has been located in the CR District since it was first established in 1973 and this will provide for that longstanding business.

Also included in the proposed Special Use Permit authorization is the B-5 Central Business District. Contractor Facility is not currently authorized in the B-5 District but is proposed to be added in another proposed amendment and “agricultural drainage contractor facility” is simply proposed to be authorized in that district as part of this amendment.

ATTACHMENT S

- A Existing “contractor facility” in Section 5.2**
- B Proposed Amendment to Add “Agricultural Drainage Contractor Facility” to Section 5.2**

Attachment B. Proposed Amendment to Add "Agricultural Drainage Contractor Facility"

to Section 5.2

SEPTEMBER 25, 2012



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>	<u>S</u>	<u>S</u>						*			*		*	*	
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S</u>	<u>S</u>	<u>S</u>						*			5	<u>S</u>	*	*	
												S				

	= Permitted by right	S	=Permitted on individual LOTS as a SPECIAL USE	B	= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right	<u>S</u>	=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 may be retail sales of agricultural drainage products.

Attachment A. Existing “Contractor Facility” in Section 5.2
SEPTEMBER 25, 2012

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				



= Permitted by right



=Permitted on individual LOTS as a SPECIAL USE



= COUNTY BOARD Special Use Permit

Footnotes

- 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.

**Attachment B. Proposed Amendment to Add "Agricultural Drainage Contractor Facility"
to Section 5.2
SEPTEMBER 25, 2012**

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</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
	<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></p> <p>A. <u>No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</u></p> <p>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>										

Footnotes

1. Standard same as applicable zoning DISTRICT.

CASE NO. 733-AT-12**SUPPLEMENTAL MEMORANDUM**

February 8, 2013

Petitioner: **Zoning Administrator**Prepared by: **John Hall, Zoning Administrator**
Andy Kass, Associate PlannerChampaign
County
Department of**PLANNING &
ZONING**

Brookens

Administrative Center

1776 E. Washington Street
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 is continued from the January 31, 2013, public hearing. The revisions discussed at that meeting have been made to the attached Draft amendment and are briefly reviewed below

REVISED DRAFT AMENDMENT

The Draft Amendment has been revised as follows (asterisks indicate the changes discussed by the ZBA at the last meeting):

- *1. The footnote in Section 5.2 that limits the amount of retail sales has been revised to include "on average".
- *2. An additional footnote is proposed for Section 5.2 to limit the amendment so that the only such facilities that may be authorized in the CR District are "any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT}".

3. The proposed standard conditions in Section 6.1.3 have been revised to ensure that any such facility in the CR District "...will 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." which is based on LRMP Policies 8.5.1, 8.5.2, and 8.6.2. See the recommended revision to the Findings of Fact.

REVISIONS TO FINDING OF FACT

1. Revise item 13.B.(1)(a) which is the assessment for Policy 8.5.1, to read as follows:
 - (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. Revise 13.B.(2)(a) which is the assessment for Policy 8.5.2, to refer to Policy 8.5.1 instead of Policy 5.2.3. Also make a similar revision to 13.C.(1)(a).
3. Add Item 17 as follows:
 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.

ATTACHMENTS

- A Proposed Amendment (ANNOTATED) to Add "Agricultural Drainage Contractor Facility" to Section 5.2

EXHIBIT B

Attachment A. Proposed Amendment (ANNOTATED) to Add “Agricultural Drainage Contractor Facility” to Section 5.2
FEBRUARY 8, 2013






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>S²¹</u>	<u>S</u>	<u>S</u>						*			*		*	*
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S²¹</u>	<u>S</u>	<u>S</u>						*			5	<u>S</u>	*	*

 = 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}.

Attachment A. Proposed Amendment (ANNOTATED) to Add “Agricultural Drainage Contractor Facility” to Section 5.2

FEBRUARY 8, 2013

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	
						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>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
	<ol style="list-style-type: none"> 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> 2. <u>In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:</u> <ol style="list-style-type: none"> 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> 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> 										

Footnotes

1. Standard same as applicable zoning DISTRICT.

DRAFT

733-AT-12

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

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

Date: January 31, 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.

CONTENTS

FINDING OF FACT.....pages 3 – 15
DOCUMENTS OF RECORD.....page 18
SUMMARY FINDING OF FACT.....page 19
FINAL DETERMINATION.....page 20
PROPOSED AMENDMENT.....page 21–22

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 31, 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.

DRAFT

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*)**

DRAFT

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

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

The proposed 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. 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**

- 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. 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.”

DRAFT

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 to 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) 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. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objectives 4.5, 4.6, 4.7, 4.8, and 4.9 and Policies 4.1.2, 4.1.3, 4.1.7, 4.1.8, 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 Policies 5.1.4, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 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.

DRAFT

- 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) 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:**

- 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.”

DRAFT

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.

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.

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. 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.

- (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. 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

DRAFT

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.

D. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objectives 8.1, 8.4, and 8.8 and Policies 8.1.7, 8.4.3, 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

DRAFT

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.

- 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.

- 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.

- 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.

DRAFT

- 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.

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

SUMMARY FINDING OF FACT

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

1. The proposed Zoning Ordinance text amendment *IS NECESSARY TO ACHIEVE* the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will *HELP ACHIEVE* LRMP Goals (3), 4, 5, (6), 7, and 8.
 - B. The proposed Zoning Ordinance text amendment *WILL NOT IMPEDE* the achievement of LRMP Goals 1, 2, (3), (6), and 9.
 - C. The proposed Zoning Ordinance text amendment is *NOT RELEVANT* to LRMP Goal 10.
2. The proposed text amendment *WILL* improve the Zoning Ordinance because it will:
 - A. *HELP ACHIEVE* the purpose of the Zoning Ordinance (see Item 16 on pages 14-17).

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									S			
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S</u>	<u>S</u>	<u>S</u>						*			*		*	*
<u>AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS</u> ²⁰	<u>S</u>	<u>S</u>	<u>S</u>						*			S	<u>S</u>	*	*

	= Permitted by right	S	=Permitted on individual LOTS as a SPECIAL USE	B	= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right	<u>S</u>	=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 may be retail sales of agricultural drainage products.

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</u>	<u>NR</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>(1)</u>	<u>*See below</u>
<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></p> <p>A. <u>No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</u></p> <p>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>												

Footnotes

- Standard same as applicable zoning DISTRICT.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: March 7, 2013

TIME: 7:30 P.M.

PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock, Marilyn Upah-Bant

MEMBERS ABSENT: Lew Hopkins, Bernadine Stake, Mary Tompkins

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II

OTHERS PRESENT: Tom Berns, Kathleen Holden, Vicki Mayes, Carol McKusick, L. Ramu Ramachandran, Deb Reardanz, Mike Rennor, Susan Taylor, Carl Webber, Ron Wilcox

NEW BUSINESS

Case No. CCZBA-733-AT-12: A request by the Champaign County Zoning Administrator to amend Sections 3, 5.2, and 6.1.3 of the Champaign County Zoning Ordinance regarding Agricultural Drainage Contractors.

Robert Myers, Planning Manager, presented this case to the Plan Commission. He talked about the proposed text amendment and explained its purpose, which is to allow an agricultural drainage contractor to earn up to 50% of their income from direct sales.

Mr. Fitch asked if there is a special use permit case within the Extra-Territorial Jurisdiction (ETJ) area, will the City have the ability to review the case. Mr. Myers replied that the City has the authority to review County ordinance text amendments and zoning map amendments, but not for special use permit requests.

With no questions or comments from the audience, Chair Pollock opened the item up for Plan Commission discussion and/or motion.

Mr. Fitch did not like the idea that the City would not have any review over special use permit requests for this use. Mr. Otto responded by saying that it comes down to whether one would

find this use offensive within the City's jurisdiction. The materials are not going to be stored outside for years and years because of UV breakdown. The contractors and the farmers will want to get it installed as soon as possible.

Mr. Otto moved that the Plan Commission forward Case No. CCZBA-733-AT-12 to the Urbana City Council with a recommendation to defeat a resolution of protest. Mr. Ash seconded the motion. Roll call on the motion was as follows:

Mr. Ash	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Upah-Bant	-	Yes

The motion was approved by unanimous vote. Mr. Myers stated that this case would go before City Council on March 18, 2013.