

1 **MINUTES OF SPECIAL MEETING**

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4 **Champaign County Environment**  
5 **& Land Use Committee**  
6 Champaign County  
7 Brookens Administrative Center  
8 Urbana, IL 61802

**DATE:** Tuesday, June 21, 2005  
**TIME:** 9:00 a.m.  
**PLACE:** Meeting Room 1  
Brookens Administrative Center

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11 **MEMBERS PRESENT:** Ralph Langenheim (Chairperson), Nancy Greenwalt (Vice-  
12 Chairperson), Steve Moser, Jon Schroeder, Brendan McGinty,  
13 Chris Doenitz

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15 **MEMBERS ABSENT:** Patty Busboom, Jan Anderson, Tony Fabri

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17 **STAFF PRESENT:** Jeff Roseman, Susan Monte

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19 **OTHERS PRESENT:** Steve Willard, Hal Barnhart

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22 **1. Call to Order, Roll Call**

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24 The meeting was called to order at 9:07 a.m. The roll was called and a quorum declared present.

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26 **2. Approval of Minutes**

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28 No minutes were available.

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30 **3. Approval of Agenda**

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32 Mr. Doenitz moved, seconded by Ms. Busboom, to approve the Agenda as submitted. The motion  
33 carried by voice vote.

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35 **4. Public Participation – None**

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

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40 Ms. Monte said the purpose of this meeting is to review the *Land Use Regulatory Policies – Rural*  
41 *Districts*, focusing only on inconsistencies between the selected policies and the direction recently  
42 provided by the *Ad Hoc Working Group* with regard to Phase One of the Comprehensive Zoning  
43 Review. She said that a Subcommittee of ELUC will consider revisions only to those selected  
44 policies that contained inconsistencies. Ms. Monte said the discussion of potential revisions to  
45 selected Land Use Regulatory Policies would begin during this meeting and that no conclusions  
46 were anticipated today.

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Ms. Monte reviewed Land Use Regulatory Policy 1.1, Highest and Best Use of Farmland, which presently allows for other land uses on rural land in Champaign County provided that: the conversion of prime farmland is minimized; the disturbance of natural areas is minimized; the site are suitable for the proposed use; the available infrastructure and public services are adequate for the proposed use; and the potential for conflicts with agriculture is minimized. She said that one recommendation of the Ad Hoc Working Group is to significantly reduce overall residential development rights in the rural districts by not allowing rural residential subdivisions to be located on best prime farmland. She said that best prime farmland is defined as land having a “Land Evaluation” (LE) score of 85 or greater, based on the County’s adopted *Land Evaluation and Site Assessment* System. She said that, based on an LE score of 85, approximately 80 percent of the land in Champaign County would be rated as ‘best prime farmland.’ She said that if rural residential subdivisions (or residential development beyond a landowner’s basic right) are prohibited from locating on ‘best prime farmland’, then such a restriction would be inconsistent with Policy 1.1 as adopted. Policy 1.1, as presently adopted, allows for County Board consideration of a rural residential subdivision on best prime farmland provided that all the conditions stated in the Policy were effectively met.

Ms. Monte said that she would confirm that the direction of the *Ad Hoc* Working Group is to limit rural residential subdivisions from occurring on best prime farmland in all rural zoning districts, and not only within the AG-1 and AG-2, Agriculture Districts. She reviewed revised text presently under consideration for Policy 1.1 as indicating that other land uses (besides commercial agriculture) can be accommodated only in areas of less productive soils and only under very special conditions.

Mr. Moser asked how ‘commercial agriculture’ is defined as compared to the Department of Agriculture’s definition. He said according to the USDA, if a property of 10 or more acres produces \$1500, the property is considered commercial agriculture. He questioned if the proposed policy modifications would limit horse farms in the CR District.

Ms. Monte said the County Zoning Ordinance definition of ‘agriculture’ does not include a minimum monetary value. She read the Zoning Ordinance definition of ‘agriculture’ and said that agriculture and agricultural related uses are exempt from zoning regulations except for front yard setback and minimum lot size requirements. She said that typically, boarding horses is considered an agricultural operation and that a riding stable not meeting ‘accessory use’ zoning standards is only permitted with a Special Use is approved by the ZBA. She added that for a larger horse farm, once a minimum threshold in terms of ‘animal units’ is exceeded, permits based on the State’s Livestock Facilities Management Act are required.

Mr. Langenheim stated his general concern that some of the Land Use Regulatory Policies, as proposed to be modified, do not allow for valid exceptions as far as development proposals are concerned. As an example, he noted Policy 1.2 which states “the best prime farmland will be preserved for agricultural use” as a policy that will be circumvented under certain circumstances by clever, motivated people. He said that the Board cannot avoid taking responsibility for a decision regarding an individual case. He said the policies should have an ‘escape hatch’ and

1 need to be defined so they can be defended. He commented on the difficulties inherent in  
2 accurately defining 'agriculture' to exclude agriculture as a 'hobby' or side business.

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4 Ms. Greenwalt observed that a problem is that a person may be able to develop a lot under the  
5 guise of 'agriculture' that would include a nice house with a very small agricultural component  
6 such as a few goats.

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8 Mr. Moser questioned the distinction being made between 'prime' and 'best prime' farmland. He  
9 stated the farmland is all considered as 'prime' farmland, even soils in the CR District.

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11 Ms. Monte reviewed Land Use Regulatory Policy 1.2, Preserving Unique Soils Resources, noting  
12 that a very significant revision is proposed in light of the recommendation from the *Ad Hoc*  
13 Working Group that rural residential subdivisions not be allowed to locate on 'best prime  
14 farmland'. She said that she will clarify that we are considering prohibition of rural residential  
15 subdivisions on 'best prime farmland, and not in the entire AG District. With regard to restriction  
16 of rural residential subdivisions on 'best prime farmland, she said that the USDA and the County  
17 Soil and Water Conservation District do not recognize a separate category of 'best' prime  
18 farmland, and that 'best prime farmland' is a distinction proposed by the County, because, as  
19 pointed out by Mr. Moser—all or most soils in Champaign County are considered as 'prime'  
20 farmland.

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22 Mr. Langenheim suggested that the phrase 'except under very unique conditions' be added at the  
23 end of Policy 1.2. Members discussed the advisability of adding an 'escape clause' for each  
24 policy. Ms. Monte said the policies are best considered as a set instead of as stand-alone.

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26 Mr. Moser said in some cases there is a tremendous difference between the soil maps provided by  
27 the USDA and what the soil actually is. He said the Assessor's Office and County GIS  
28 Consortium is presently reviewing for discrepancies in soil types generally north of the Gifford  
29 moraine, in Kerr, Rantoul, Ludlow and Harwood townships.

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31 Mr. Langenheim pointed out that soil types are not as precisely mapped as you may want—that  
32 there is a gradation between one area soil type and another soil type.

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34 Mr. Moser said that, based on a review of two properties that he owns, the CR District boundaries  
35 do not appear to be based on soil type. He said that generally soil maps are based on judgment  
36 calls by soil scientists based on the best available information they have.

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38 Ms. Monte said that adjustments to Policy 1.3 will need to be considered, again based on the  
39 direction recently recommended by *Ad Hoc* Working Group. She said that the proposed  
40 adjustment to Policy 1.3 will be one of the more significant changes to be considered. She said  
41 the changes to be considered reflect a shift to a 'one per forty' type of residential property rights  
42 system, a system somewhat similar to that used by other counties in Illinois including Mclean and  
43 DeKalb Counties.

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45 Ms. Monte described the 'one per forty' residential property rights system that is presently under  
46 consideration. She said that one important distinction is that a landowner of a tract of less than 40

1 acres will be allowed a limit of one single-family residence on that tract. She said that if an  
2 existing house is on that tract, then no additional single-family residence will be allowed on that  
3 tract. She said that if a landowner has a tract that is 40 acres or more in size, then that landowner  
4 would be allowed to build a total of one single family residences for each 40 acres owned up to a  
5 total of four single family residences. She said that farmhouses are exempt and are not counted.  
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7 Mr. McGinty asked why the limit of 4 dwellings is proposed.  
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9 Ms. Monte said that the limit of 4 dwellings is proposed so as not to exceed the existing road and  
10 utility infrastructure in the County. She said that the 4-dwelling limit is similar to the previous  
11 Phase One proposal and, is similar, in fact to the current Zoning Ordinance limit.  
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13 Mr. Langenheim said the recommendation of the *Ad Hoc* Working Group is to limit rural  
14 subdivisions to areas other than best prime farmland and not to limit rural subdivisions from the  
15 Agriculture Districts.  
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17 Mr. Roseman stated that, as part of the proposed Phase One changes, the AG-2 Agriculture zoning  
18 district would eventually be phased out. Mr. Moser stated that if rural subdivisions would be  
19 limited from the agriculture zoning districts, then this would be a constant changing line. He said  
20 that the AG-2 district is largely within the one-and one-half mile extraterritorial jurisdiction and  
21 that it is therefore nearly impossible to avoid a protest from municipalities. Ms. Monte said that  
22 each municipality has their own comprehensive plan and that these comprehensive plans do  
23 designate areas of agriculture. She said more dialogue is expected in the near future with  
24 municipal representatives as part of Phase 2 proposed changes involving proposed commercial  
25 and industrial districts.  
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27 Mr. Langenheim asked about how the one and one-half mile extraterritorial limit is determined.  
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29 Mr. Roseman said that it is relatively easily determined using the GIS system. He said that the  
30 County GIS Consortium updates annexation information regularly, and that a one and one-half  
31 mile buffer is imposed on the municipal boundary to determine the line. He said that if part of a  
32 lot is in the one and one-half mile ETJ, then some person’s belief that the ETJ should take into  
33 account the entire lot. He said in actuality, if a development is proposed on the portion of a lot  
34 that is outside the ETJ and no part of the development impacts the portion of the lot within the  
35 ETJ, then the municipal protest rights would not typically be available.  
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37 Mr. Langenheim asked if part of a lot is located within municipal limits, and the city allows  
38 construction on that part of a lot, then does the property owner have the right to put another house  
39 on the remaining portion of the lot that is within the County.  
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41 Ms. Monte said that the city has subdivision rights within a distance of one and one-half miles of  
42 the municipal limits and that within that area only the city regulates the division of property. She  
43 said the County zoning ordinance allows for the regulation of use in this area, but the city  
44 regulates lot division. She added that most typically an entire lot would be annexed in order to  
45 avoid a situation such as the one described.  
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1     **Adjournment**

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3     The meeting was adjourned at 10:05 a.m.

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5     Respectfully submitted,

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7     Secretary to the Environment and Land Use Committee

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