

## ***ADDENDUM TO AGENDA***

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### ***Champaign County Environment & Land Use Committee***

#### ***Members:***

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

***Date:*** *September 12, 2005*

***Time:*** *7:00 p.m.*

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

***Phone:*** *(217) 384-3708*

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### **AGENDA**

***Old Business shown in Italics***

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|------------|--|---------------------|
| <b>A1.</b> | <b>Minutes (June 21, 2005; June 29, 2005; and July 27, 2005)</b>                               | <b>A1 thru A21</b>  |
| <b>A2.</b> | <b>Revision to Selected Champaign County Land Use Regulatory Policies-<br/>Rural Districts</b> | <b>A22 thru A32</b> |
| <b>A3.</b> | <b>Request for Review of Existing Positions</b>  | <b>A33</b>          |

**DRAFT**

1 **MINUTES OF SPECIAL MEETING**

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**Champaign County Environment  
& Land Use Committee**  
Champaign County  
Brookens Administrative Center  
Urbana, IL 61802

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

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- MEMBERS PRESENT:** Ralph Langenheim (Chairperson), Nancy Greenwalt (Vice-Chairperson), Steve Moser, Jon Schroeder, Brendan McGinty, Chris Doenitz
- MEMBERS ABSENT:** Patty Busboom, Jan Anderson, Tony Fabri
- STAFF PRESENT:** Jeff Roseman, Susan Monte
- 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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27 **2. Approval of Minutes**

28 No minutes were available.

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31 **3. Approval of Agenda**

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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36 **4. Public Participation – None**

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

41 Ms. Monte said the purpose of this meeting is to review the *Land Use Regulatory Policies – Rural  
42 Districts*, focusing only on inconsistencies between the selected policies and the direction recently  
43 provided by the *ad hoc* working group with regard to Phase One of the Comprehensive Zoning  
Review. She said that a Subcommittee of ELUC will consider revisions only to those selected

1 policies that contained inconsistencies. Ms. Monte said the discussion of potential revisions to  
2 selected Land Use Regulatory Policies would begin during this meeting and that no conclusions  
3 were anticipated today.

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

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

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28 Mr. Moser asked how ‘commercial agriculture’ is defined as compared to the Department of  
29 Agriculture’s definition. He said according to the USDA, if a property of 10 or more acres produces  
30 \$1500, the property is considered commercial agriculture. He questioned if the proposed policy  
31 modifications would limit horse farms in the CR District.

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

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

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

Ms. Monte reviewed Land Use Regulatory Policy 1.2, Preserving Unique Soils Resources, noting that a very significant revision is proposed in light of the recommendation from the *ad hoc* working group that rural residential subdivisions not be allowed to locate on ‘best prime farmland’. She said that she will clarify that we are considering prohibition of rural residential subdivisions on ‘best prime farmland, and not in the entire AG District. With regard to restriction of rural residential

1 subdivisions on 'best prime farmland, she said that the USDA and the County Soil and Water  
2 Conservation District do not recognize a separate category of 'best' prime farmland, and that 'best  
3 prime farmland' is a distinction proposed by the County, because, as pointed out by Mr. Moser—all  
4 or most soils in Champaign County are considered as 'prime' farmland.

5  
6 Mr. Langenheim suggested that the phrase 'except under very unique conditions' be added at the end  
7 of Policy 1.2. Members discussed the advisability of providing adding an 'escape clause' for each  
8 policy. Ms. Monte said the policies are best considered as a set instead of as stand-alone.

9  
10 Mr. Moser said in some cases there is a tremendous difference between the soil maps provided by  
11 the USDA and what the soil actually is. He said the Assessor's Office and GIS [Consortium] is  
12 presently reviewing for discrepancies in soil types generally north of the Gifford moraine, in Kerr,  
13 Rantoul, Ludlow and Harwood townships.

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

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

21  
22 Ms. Monte said that adjustments to Policy 1.3 will need to be considered, again based on the  
23 direction recently recommended by *ad hoc* working group. She said that the proposed adjustment to  
24 Policy 1.3 will be one of the more significant changes to be considered. She said the changes to be  
25 considered reflect a shift to a 'one per forty' type of residential property rights system, a system  
26 somewhat similar to that used by other counties in Illinois including Mclean and DeKalb Counties.

27  
28 Ms. Monte described the 'one per forty' residential property rights system that is presently under  
29 consideration. She said that one important distinction is that a landowner of a tract of less than 40  
30 acres will be allowed a limit of one single-family residence on that tract. She said that if an existing  
31 house is on that tract, then no additional single-family residence will be allowed on that tract. She

1 said that if a landowner has a tract that is 40 acres or more in size, then that landowner would be  
 2 allowed to build a total of one single family residences for each 40 acres owned up to a total of four  
 3 single family residences. She said that farmhouses are exempt and are not counted.

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 5 Mr. McGinty asked why the limit of 4 dwellings is proposed.

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 7 Ms. Monte said that the limit of 4 dwellings is proposed so as not to exceed the existing road and  
 8 utility infrastructure in the County. She said that the 4-dwelling limit is similar to the previous Phase  
 9 One proposal and, is similar, in fact to the current Zoning Ordinance limit.

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 11 Mr. Langenheim said the recommendation of the *ad hoc* committee is to limit rural subdivisions to  
 12 areas other than best prime farmland and not to limit rural subdivisions from the Agriculture  
 13 Districts.

14  
 15 Mr. Roseman stated that, as part of the proposed Phase One changes, the AG-2 Agriculture zoning  
 16 district would eventually be phased out. Mr. Moser stated that if rural subdivisions would be limited  
 17 from the agriculture zoning districts, then this would be a constant changing line. He said that the  
 18 AG-2 district is largely within the one-and one-half mile extraterritorial jurisdiction and that it is  
 19 therefore nearly impossible to avoid a protest from municipalities. Ms. Monte said that each  
 20 municipality has their own comprehensive plan and that these comprehensive plans do designate  
 21 areas of agriculture. She said more dialogue is expected in the near future with municipal  
 22 representatives as part of Phase 2 proposed changes involving proposed commercial and industrial  
 23 districts.

24  
 25 Mr. Langenheim asked about how the one and one-half mile extraterritorial limit is determined.

26  
 27 Mr. Roseman said that it is relatively easily determined using the GIS system. He said that the GIS  
 28 consortium updates annexation information regularly, and that a one and one-half mile buffer is  
 29 imposed on the municipal boundary to determine the line. He said that if part of a lot is in the one  
 30 and one-half mile ETJ, then some person's belief that the ETJ should take into account the entire lot.

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1 He said in actuality, if a development is proposed on the portion of a lot that is outside the ETJ and  
 2 no part of the development impacts the portion of the lot within the ETJ, then the municipal protest  
 3 rights would not typically be available.

4  
 5 Mr. Langenheim asked if part of a lot is located within municipal limits, and the city allows  
 6 construction on that part of a lot, then does the property owner have the right to put another house on  
 7 the remaining portion of the lot that is within the County.

8  
 9 Ms. Monte said that the city has subdivision rights within a distance of one and one-half miles of the  
 10 municipal limits and that within that area only the city regulates the division of property. She said  
 11 the County zoning ordinance allows for the regulation of use in this area, but the city regulates lot  
 12 division. She added that most typically an entire lot would be annexed in order to avoid a situation  
 13 such as the one described.

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 15 **Adjournment**

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

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 20 Respectfully submitted,

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 22 Secretary to the Environment and Land Use Committee  
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**DRAFT**

1 **MINUTES OF ELUC SUBCOMMITTEE MEETING**

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**Champaign County Environment  
& Land Use Committee  
Champaign County  
Brookens Administrative Center  
Urbana, IL 61802**

**DATE:** Wednesday, June 29, 2005  
**TIME:** 9:00 a.m.  
**PLACE:** Brookens Administrative Center  
County Board Room 1

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**Members Present:** Ralph Langenheim (Chairperson), Nancy Greenwalt (Vice-Chairperson), Steve Moser  
**Others Present:** Patty Busboom, Chris Doenitz, Bruce Stickers, Kenneth M. Kessler, Bob McLeese, Norman Stenzel  
**Staff Present:** Susan Monte, Mary Cummings

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

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Chairperson Langenheim called the meeting to order at 9:05 a.m. The roll was called and a quorum declared present.

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**2. Approval of Agenda**

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Mr. Moser moved, seconded by Ms. Greenwalt, to approve the agenda as submitted. The motion carried by voice vote.

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**3. Approval of Minutes**

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There were no minutes available.

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**4. Public Participation**

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Ms. Monte introduced Mr. Bob McLeese, Soil Scientist for the Natural Resources Conservation Service, who was invited to attend and address the Subcommittee regarding the accuracy of digital soils data now available in Champaign County.

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Mr. McLeese said his presentation would address the issue of accuracy of the Champaign County soil survey. He the NRCS is the agency responsible for the soil survey program in Illinois. He described the earliest Illinois soil survey report for Champaign County that was published in 1918. He said that soil map was scaled at 1/2 inch to the mile—a scale that does not allow for much detail. He said that a map’s scale is what really dictates the accuracy and detail that can be shown. He said the Champaign County

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1 soil survey published in 1918 featured a total of 14 map units with 14 different colors, and that it was a  
2 good useful report 100 years ago, but wouldn't meet our needs today. He indicated that beginning in the  
3 1950's, the NRCS worked with Illinois Ag Experiment Station and started a program in Illinois to  
4 complete a modern soil survey for the State of Illinois. He said that the effort to map the entire state of  
5 Illinois continued during the time frame of 1950 to 1995, a period of 45 years. He said the Champaign  
6 County Soil Survey was republished in 1982, and that this publication is the one that is presently most  
7 widely distributed. He indicated that the scale of the 1982 soil survey maps is 4 inches to the mile, and  
8 not 1/2 inch per mile. He said that 69 map units are featured in the 1982 version and much more detail  
9 and accuracy, as compared to the 1918 report.

10  
11 Mr. McLeese said that the complete inventory of the State's soil resources was completed in 1995, but  
12 prior to completion the NRCS started to look at 'where do we need to go with the soil survey program –  
13 what is the next generation?' He said that the next generation was identified as the digital soil survey  
14 with GIS technology, and that based on the uses that people were putting the soil survey to, an updated  
15 and digitized soil survey was needed. He said that Champaign County is one of the 43 counties now that  
16 has an updated and digitized soil survey. He said the 2003 update of the soil survey is different: the maps  
17 have been rectified to the 2003 digital orthophotos available from the USGS and the map scale is now  
18 5.25 inches per mile (an improvement from the 1982 scale of 4 inches to the mile) which allows for more  
19 detail. He said the Champaign County Soil Survey now features 74 map units. He indicated that the  
20 updated soil survey is available both in digital form and as a hard copy. He said that a CD called 'Soil  
21 View' is available from the NRCS for anyone who has a computer and desires access to updated soil  
22 survey information.

23  
24 Mr. McLeese addressed the question of how accurate the updated Champaign County Soil Survey is. He  
25 said the updated information is not 100% accurate in every location. He said that at the map scale of 5.25  
26 inches per mile, the detail that can be delineated is about 1-1/2 acres in size. He said that the map scale  
27 dictates cartographically the minimum delineation that can be shown. He used, as an example, an 80 acre  
28 field, on which the Soil Survey units shown are Drummer, Flannigan, Blackberry, and perhaps Brenton.  
29 He said there could be a small one-acre pot hole of Peotone in a Drummer unit. He indicated that because  
30 it's just one acre in size, it will not show up on the Soil Survey because the scale dictates the detail that  
31 can be shown. He said these are referred to as 'inclusions'. He said that the Soil Survey narrative  
32 indicates that the Drummer map unit in Champaign County are typically 90% Drummer and similar type  
33 soils, with a 10% 'inclusion' rate. He said that with Drummer, those inclusions are typically the

1 Flannigan soils, the Peotone soils, and the Brenton soils and they occur in the pothole or on a little ridge.  
2 He said that ‘inclusions’ are inherent in the mapped soil survey units.

3  
4 Mr. Moser said that the Supervisor of Assessments, Curt Deedrich, is involved in updating maps used for  
5 assessments with the updated soil survey information available from the GIS [Consortium] for four  
6 townships in the northeastern corner of the County. He said there has been much confusion regarding the  
7 Bulletin 810 changes and how assessments are affected. He noted that several changes are expected to  
8 the Assessor’s maps for these four townships based on the updated digital soil survey information that is  
9 now available.

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11 Ms. Monte indicated that the Assessor’s office will be or is in the process of switching from the mylar  
12 (hard copy) maps which are based on the 1982 Champaign County soil survey and that is based on soils  
13 data collected during the 1970’s, to the updated 2003 digitized Champaign County Soil Survey data.

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15 Ms. Busboom asked why the County should waste its money with the services from Mr. McLeese’s  
16 agency.

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18 Mr. McLeese pointed out that the offering of his agency is just one GIS data layer and that the County  
19 and/or City governments need a lot of different data layers in GIS. He said that the 2003 digital soil  
20 survey was delivered to the County for use by the County’s GIS Consortium. He noted that the digital  
21 soils GIS layer is just one data layer that the Supervisor of Assessments, for instance, would need; and  
22 that he would also need land use data along with other data layers, such as roads and streams, in order to  
23 be more accurate with rural farmland assessments. He stated that the digital data provided is the soils  
24 data that is a certified database that goes through a strict certification process by the NRCS.

25  
26 Mr. McLeese explained the meaning of Bulletin 810, noting that in his opinion Bulletin 810 is not  
27 receiving favorable press around the state. He explained that Bulletin 810 is a publication by the  
28 University of Illinois of the soil productivity indices of the soils of Illinois. He stated that the Department  
29 of Revenue has used that term and has passed down a mandate to the Supervisor of Assessments to  
30 update those soil productivity indices instead of the information contained in a previous Circular 1156  
31 that all counties were using, which is 30 to 40 years old. He further explained that the data contained in  
32 Bulletin 810 is soils data that the professors at the U of I collected throughout the State over a ten-year  
33 period, did computer modeling, and have updated soils productivity information. He stated that the

1 mandate from the Department of Revenue is that all counties are to incorporate modern soil survey  
2 information into their rural farmland assessment process.

3  
4 Concerning a question on slopes information, Mr. McLeese explained that soil maps show the different  
5 soil types, or map units, that are based on soil series, or individual soil slope, whether it is a 0 to 2%  
6 slope, 2 to 5%, 5 to 10%. He stated that those are shown on the soil maps and you take where the soil is  
7 distributed across the landscape with the map. As an example, noting that Bulletin 810 may indicate the  
8 productivity index for Drummer is 128, he explained that the Supervisor of Assessments has to merge the  
9 productivity information where the Drummer is located on the landscape. He further explained that  
10 instead of just saying the predominant soil on an 80-acre parcel is Drummer, which would have been  
11 taxed as such, with the GIS technology, this same parcel would include, for example, 20 acres of  
12 Drummer, 30 of Flannigan, 5 of Brenton, and a weighted average with the productivity would be done  
13 with the actually outcome being a truer picture of what is the productivity of that 80 acres, which would  
14 be more equitable.

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16 Mr. Langenheim asked how truthful the digitized map information is as compared to actual soil types. He  
17 inquired about the process by which information was updated.

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19 Mr. McLeese responded that borings were completed in the course of producing the soil survey published  
20 in 1982. He stated that for the 1982 report, there was a crew in Champaign County over the course of 4  
21 to 5 years and they walked 4 to 5 miles each day doing boring samples. He said that the 2003 update of  
22 the soil survey involved rectifying the survey to current aerial photography, and a subsequent analysis and  
23 update of the survey was based the additional details and visual tones available from the aerial  
24 photography.

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26 Mr. Langenheim asked how much gradation was observed in the rises and how were rises determined.

27  
28 Mr. McLeese said that in the United States, there are 20,000 soil series recognized and 650 of those are in  
29 the State of Illinois. He said that each of those soil series has an established description with an  
30 established range of characteristics that soil scientists have to know. He stated that gradation will  
31 determine where soil differences begin, where some are gradual gradation, and that the National Map  
32 Accuracy Standards are utilized, which are plus or minus 10 meters.

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1 Mr. Langenheim asked if soil differences could be disputed from the map information and Mr. McLeese  
2 responded that NRCS soil scientists investigate soil questions upon requested.

3  
4 Ms. Greenwalt said that we are proposing to protect the best prime farmland from any subdivision  
5 development and asked if someone wanted to dispute the classification of soils on their property, would  
6 there be an appeals process.

7  
8 Mr. McLeese said that this question has come up in other counties and that the NRCS response is that we  
9 stand behind our maps unless someone can show us they are wrong. He said that it is typical that every  
10 time a new soil survey is published and the supervisor of assessments starts using them, a flood of  
11 questions and appeals to the NRCS are plentiful. He said that unwritten NRCS policy is that the  
12 landowner appeals to a Board of Review and indicates they don't agree with the soil types, the NRCS is  
13 not going to visit the site and look at the soil. If a landowner wants to hire a consultant and have that  
14 consultant go out and look at it and provide a report to the NRCS, and if the consultant looks at it with the  
15 same scale as the NRCS does, and their report shows different data, then the NRCS will review the soils  
16 on a particular property.

17  
18 Ms. Monte requested a summarization of the 1982 and 2003 hard copy differences and improvements.

19  
20 Mr. McLeese explained that the digital orthophotos for 2003 and the base map that was used is rectified  
21 aerial photography. He said the 2003 digital soils data are based on USGS orthophotos that could be  
22 matched up with other GIS information layers. He said the 2003 update features a different soil legend  
23 based on improved knowledge of soil types. He stated that the line work didn't change drastically and  
24 that it showed the spatial distribution nearly the same as the previous information. He said the major  
25 difference is that it is now compiled on a different base. He pointed out that soils are stable to at least  
26 1,000 years and the soil survey information is likely to be accurate for many years. He said that with  
27 erosion factors, the soil type would remain the same but soil productivity is likely to decrease.

28  
29 Mr. Langenheim noted that the soil survey map may best be used as a guide to judgment and not a  
30 determination of the judgment.

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32 Mr. McLeese said the 2003 Soil Survey would be a very good tool for land use assessment.

33  
34 Ms. Monte thanked Mr. McLeese for his presentation.

1  
2 **5. Revisions to Selected *Champaign County Land Use Regulatory Policies – Rural Districts* based on**  
3 **results of *ad hoc* Working Group Discussions Held on April 20, 2005 and May 04, 2005**  
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5 Ms. Monte said the policies are designed to be considered as a whole and coordinated as such and that  
6 providing an exception clause for each policy is not advised.  
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8 Regarding Policy 1.1, Highest and Best Use of Farmland, Ms. Monte said that this policy addresses the  
9 question ‘when demands for farmland conflict, what use should take precedence?’

10 She said in Policy 1.1.1, a proposed change is to indicate the County is not obliged to allow further  
11 development to occur unless it occurs on land that is not best prime farmland. She said that other land  
12 uses can be accommodated only in areas of less productive soils and only under very unique conditions.  
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14 Mr. Langenheim suggested changing the language to include “only in areas of less productive soils or  
15 only under very unique conditions”.  
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17 Regarding Policy 1.2, Preserving Unique Soil Resources, Ms. Monte said the policy addresses the  
18 question ‘should farmland preservation focus only on the most productive soils, or apply to all prime  
19 farmland?’ She noted that a distinction is proposed between prime farmland and best prime farmland.  
20 She said that ‘prime farmland’ comprises approximately 94.6% of the County and includes soils in Ag  
21 Value Groups 1 through 6. She said that ‘best prime farmland’ is less inclusive and comprises  
22 approximately 80% of the County and includes soils in Ag Value Groups 1 through 4 only. She said the  
23 proposed policy states that ‘best prime farmland’ will be preserved for agricultural use.  
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26 Regarding Policy 1.3, Protection of Property Rights, Ms. Monte staid the policy statements under this  
27 heading deal with the protection of property rights and to what extent should landowners be guaranteed  
28 the right to sell land or lots for rural development. She said that it is under this policy heading that we are  
29 proposed a significant change in policy. She noted that Policy 1.3 is divided into three sections and the  
30 first one deals with guaranteeing the minimum basic development right. She said the direction provided  
31 from the ad hoc working group is to still guarantee a minimum basic development right of at least one  
32 house, so that if the tract is less than 40 acres and it does not have a house on it, then one house can be  
33 allowed on that tract of land. She indicated, however, that if a house already exists, an additional house  
34 on that tract will not be allowed. She said the bottom line is that the policy needs to clarify that a basic

1 development right will be allowed on all land, however that tracts that are less than 40 acres may not get a  
2 development right if there is already one house on that tract. --

3  
4 Ms. Monte explained that Policy 1.3.2 is a policy statement that is proposed to be adjusted to mesh with  
5 the recommended direction of 'one dwelling per 40 acres' ratio and that additional clarification in the  
6 explanatory text for this policy statement would be helpful.

7  
8 Concerning Policy 1.3.3, Ms. Monte pointed out that one significant change to be proposed is that the  
9 County will not allow residential development of rural subdivisions beyond a basic development right on  
10 tracts or sites with a Land Evaluation (LE) score is 85 or higher. She said that the proposed restriction  
11 concerning residential subdivisions on LE soils of 85 or higher is a very significant change to the adopted  
12 land use regulatory policies, and it is based on the recommendation of the ad hoc working group.

13  
14 Ms. Monte said no changes are proposed to existing Policy 1.4, which addresses whether restrictions  
15 should be imposed on rural land uses that may negatively affect or be affected by agriculture.

16  
17 Regarding Policy 1.5, Site Suitability for Development, Ms. Monte said that policy addresses the  
18 question: 'To what extent should rural development be restricted based on site suitability concerns?' She  
19 said this policy is divided into three separate sections and the only proposed change is to eliminate the  
20 second section which states 'On the best prime farmland development will not be permitted unless the  
21 site is well suited, overall, for the proposed land use.' Ms. Monte said this proposed change is based on  
22 discussions of the *ad hoc* working group, as are all the proposed changes to selected policies.

23  
24 Ms. Monte said that staff had forwarded a question to the Assistant State's Attorney regarding Policy 1.8.  
25 She said that policy deals with the agricultural exemption to zoning restrictions. She explained that under  
26 the current policy 'all full-time and part-time farmers, and retired farmers, will be assured receiving the  
27 benefits of the agriculture exemption-- even if some non-farmers receive the same benefits.' She said that  
28 the staff's question to the Assistant State's Attorney regarded what leeway staff might have to implement  
29 this policy, for example, what proof could be required, if any, to allow a landowner the agricultural  
30 exemption from zoning restrictions? She said this is a very difficult exemption to administer over the  
31 counter and that staff only has the word of the person requesting the exemption. She stated that staff is  
32 still awaiting advice from the Assistant State's Attorney on this point.

33

1 Ms. Busboom requested that staff investigate the property across the road from her farm concerning the  
 2 agricultural exemption granted previously. She said that there should be acreage and usage involved in  
 3 the proof of the land being used for farmland purposes. Ms. Monte said that these questions have been  
 4 posed to the Assistant State’s Attorney and to personnel at the Champaign County Farm Bureau. She  
 5 pointed out that the farm bureau staff has received direction from the State Farm Bureau Office and there  
 6 was nothing new to consider at this point. Ms. Monte has been in contact with other counties around the  
 7 state including the northern counties in the greater Chicago metropolitan area which deal with the  
 8 agricultural exemption somewhat differently based on a specific state statute for them. She emphasized  
 9 that the downstate counties, including Champaign County, are restricted on what can be done to  
 10 implement this policy.

11  
 12 Ms. Greenwalt stated that when taxes are filed, one would assume there is income from the property and  
 13 the federal government does not check to see if what you indicated on your forms is true. She asked if  
 14 staff is asking for direction concerning proof of proper land use. Ms. Monte stated that the policy as it  
 15 states presently is very liberal and extending out to anyone claiming to be a farmer, retired or otherwise.  
 16 She explained that at the next meeting, staff would bring forward arguments for possibly altering this  
 17 policy, making it more restrictive or not, or keeping it the way it reads based on the advise of the State’s  
 18 Attorney. Mr. Moser requested that the State’s Attorney be asked to explain the classification of a  
 19 landlord that is at risk with some type of lease, whether it be custom farm lease or cash rent lease, where  
 20 there is some kind of risk involved, or whether it is a crop share lease. Ms. Monte stated that this is the  
 21 type of question that has been posed to the State’s Attorney.

22  
 23 Ms. Monte announced that the next meeting would be Thursday, July 27<sup>th</sup> at 9:00 a.m.

24  
 25 Mr. Moser requested that this committee invite Mr. Mark Toalson, GIS Manager, and Mr. Curt Deedrich,  
 26 Supervisor of Assessments, to explain the GIS project on the four townships in the northern portion of the  
 27 County.

28  
 29 **6. Other business – None**

30  
 31 **7. Adjournment**

32  
 33 The meeting was adjourned at 10:00 a.m.

34  
 35 Respectfully submitted,

36  
 37 Secretary to the Environment and Land Use Subcommittee

**DRAFT**

**MINUTES OF ELUC SUBCOMMITTEE MEETING**

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**Champaign County Environment  
& Land Use Committee  
Champaign County  
Brookens Administrative Center  
Urbana, IL 61802**

**DATE:** Wednesday, July 27, 2005  
**TIME:** 9:00 a.m.  
**PLACE:** Brookens Administrative Center  
County Board Room 1

- 
- Members Present:** Ralph Langenheim (Chairperson), Nancy Greenwalt (Vice-Chairperson) (arrived after roll call), Steve Moser
  - Others Present:** Patty Busboom, Joel Fletcher, Hal Barnhardt
  - Staff Present:** Frank DiNovo, Susan Monte, Connie Berry
- 

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

Chairperson Langenheim called the meeting to order at 9:04 a.m. The roll was called and a quorum declared present.

**2. Approval of Agenda**

Mr. Moser moved and Ms. Greenwalt seconded to accept the agenda. Upon vote, the motion carried unanimously.

**3. Approval of Minutes**

There were no minutes available.

**4. Public Participation – None**

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

Ms. Monte reviewed additional minor changes proposed, including substituting either ‘authorized’ or ‘allow’ in place of ‘permitted’ throughout the text. She said that the policy statements will need to be considered as a set, and not only as individual policies.

Regarding Policy 1.1, Highest and Best Use of Farmland, Ms. Monte said that this policy group addresses how demands for farmland will be handled when the farmland demands conflict with regional policy. She explained that this policy holds commercial agriculture as the highest and best use of land, which is

1 no change; however, a change warranted by the direction recommended by the *ad hoc* working group is  
2 that development beyond a basic right to construction a house will not be allowed on best prime farmland.  
3 She said that as the policy is proposed at present, it is thorough in its scope.  
4

5 Mr. DiNovo recommended replacing the word ‘unique’ with either ‘special’, ‘limited’, or ‘restricted’ in  
6 Policy 1.1.1. He asked why the phrase ‘conversion of prime farmland is minimized’ was changed to  
7 ‘farmland is efficiently used’. Ms. Monte responded the change is proposed because many of the  
8 provisions addressed the efficient use of farmland. Mr. DiNovo then pointed out that the original text was  
9 clearer and that “efficiently” can mean a yield of housing units per acre of farmland sacrifice, and that a  
10 lay person without that background looking at the word “efficiently” doesn’t necessarily understand it in  
11 the same way. He said the point of using prime farmland efficiently is to minimize the conversion.  
12

13 Mr. Langenheim said that flat statements that are not capable of being appealed or being granted  
14 exception by the Board. Mr. DiNovo said that no single policy overrides others and hopefully, the  
15 County Board will not go against all policies. He explained that policies should mean what is intended  
16 and it would do a disservice to adopt policy statements that the Board is not willing to stand behind.  
17

18 Ms. Monte explained that other improvements may be proposed to 1.1 to make it briefer and more  
19 concise.  
20

21 With regard to Policy 1.2, Preserving Unique Soil Resources, Ms. Monte said the question that underlies  
22 this policy is “should farmland preservation focus only on the most productive soils?” She indicated the  
23 newest changes proposed is to limit residential subdivisions on best prime farmland, allowing for non-  
24 residential land uses provided that the land is used in the most efficient way and minimizing conversion.  
25

26 Ms. Busboom said that this policy is ambiguous and should be clarified. Ms. Monte said that this policy  
27 does not directly address basic development rights, which is addressed directly in Policy 1.3; and that  
28 Policy 1.2 addresses preservation of farmland. Mr. DiNovo explained that the best prime farmland should  
29 stay as that and non-farmland development would be allowed in small amounts on land. He said that  
30 there may be exceptions where small amounts of development by some non-residential developer would  
31 be allowed on best prime farmland. He suggested that we keep the forthright statement but make a  
32 notation that there are specific exceptions to this ruling, which would be specified in the Zoning rules. He  
33 then questioned the use of the word “largely” in this section, which is not specific.  
34

1 Ms. Busboom requested an explanation of the third paragraph down, the last sentence. Ms. Monte said  
2 that detailed clarification of the policy statements would be included in the ordinance draft. Members  
3 discussed the distinction between horse farms and riding stables, and which is considered agriculture.  
4 Ms. Monte said that the riding lessons portion of a stable would not be considered agricultural use. Mr.  
5 DiNovo suggested exempting all stables, which would be less complicated for staff.

6  
7 Regarding Policy 1.3, Protection of Property Rights, Ms. Monte said this section deals with property  
8 rights related to the establishment of residences. She said a new policy statement will be proposed in this  
9 section to clarify the new direction proposed by the *ad hoc* working group. She said that a proposal to  
10 add a policy assuring landowners that they will retain the right to establish a single family residence on  
11 existing lots that are considered as good zoning lots and that have been created legally. She said a  
12 nonconforming lot is a lot created properly under present zoning regulations at the time the lot was  
13 created, but not in compliance with a current zoning ordinance. Ms. Monte said that these owners would  
14 be guaranteed the right to establish a single family dwelling on these lots.

15  
16 Discussion took place concerning split lots and whether or not the existing lots, owned by the same  
17 person, would fall under the new zoning regulations. Ms. Monte explained that existing lots of under 40  
18 acres would fall under the new zoning regulation and only 1 house would be allowed on any acreage  
19 under 40 acres. Existing lots, if they were approved zoning lots, would remain the same.

20  
21 Mr. DiNovo said that we are talking about lots that have not been sold or had any development put upon  
22 it. Once a person took steps to comply with the rules, the existing priority of that change will not be  
23 extinguished. Mr. DiNovo said that one must be careful regarding the document of conveyance and the  
24 will or an estate request. He suggested the following language: As of July 1, 2005, there were otherwise  
25 lawful lots would be grandfathered in, but lots created between then and the date of this option would be  
26 subject to the new regulations.

27  
28 Ms. Busboom asked how we could control someone selling 5 acres to someone who would then sell back  
29 four of those acres to the original owner. Mr. DiNovo said that staff and the State's Attorney's office  
30 managed to acquire an important opinion from the State's Attorney concerning this type of action and the  
31 loophole was closed. For purposes of financing a dwelling on 40 acres, Mrs. Berry pointed out that the  
32 lot would be split to include the one acre on which the dwelling would be built for financing purposes  
33 only. Ms. Monte would clarify this in the language.

34

1 Ms. Busboom expressed concern regarding proposed Policy statement 1.3.2, asking for clarification  
2 regarding development that will be allowed by right.

3  
4 Mr. DiNovo said that basic development rights generally are proportionate to tract size and generally are  
5 1 dwelling per 40 acres. He said that all of the rest of this section could be explanatory text, and  
6 suggested that the last clause in that sentence be dropped.

7  
8 Mr. DiNovo said that for proposed Policy 1.3.3, we could take those two statements and make them two  
9 separate policy statements, and that it would be useful to have explanatory text to explain why a land  
10 evaluation score of 85 is important. He said that the County could deny development rights on best prime  
11 farmland because one could earn reasonable return on the investment farming the land.

12  
13 Ms. Monte said that no changes are proposed to Policy 1.4.

14  
15 Regarding Policy 1.5, Site Suitability for Development Subject to Discretionary Review, Ms. Monte said  
16 a proposed modification is that clarification be added to the heading to indicate this policy pertains to  
17 development that is subject to discretionary review. She said the distinction between less productive  
18 farmland and productive farmland is no longer relevant because now the distinction is between “best  
19 prime farmland” and “farmland other than best prime farmland”. She said there were no other major  
20 changes to the 1.5 series of policies.

21  
22 Regarding Policy 1.6, Ms. Monte said that only minor changes are proposed to change the word  
23 ‘permitted’ to either ‘allowed’ or ‘authorized’ .

24  
25 Regarding Policy 1.7, Ms. Monte said clarification is proposed to distinguish which policy pertains to by-  
26 right or conditional use developments and which policy pertains to development allowed by discretionary  
27 review.

28  
29 Ms. Monte said that Mr. Fletcher was requested to investigate a question given to him by staff concerning  
30 the administering of these agricultural exemptions with regard to zoning.

31  
32 Mr. Fletcher said that the short answer is that we cannot define that and cannot set up standards as there  
33 are State laws for this. Minimum farmland income is defined, minimum amount of acreage, etc. If  
34 nothing agricultural happening on the land, then the agriculture exemptions do not apply.

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Mr. DiNovo wanted to clarify what is at issue and that is no one is asking that there is ever a circumstance where an activity, which by itself is agriculture, is not exempt, i.e., keeping a horse, nursery, anything that itself is agriculture is always exempt and there is no question about that. He explained that the real issue is houses with the question being - when is a house considered a farmhouse, which is exempt, versus a non-farmhouse, which is not exempt.

Mr. DiNovo then asked if a situation where a person that farms and has a lot somewhere else that has been signified as farmland, does that make his house exempt?

Mr. Fletcher said that, to the best of his knowledge, the farmhouse has to be on or adjacent to a farm.

Mr. DiNovo asked if we were going to exempt houses that aren't on farms, i.e., physical site evidence versus subdivision and how does staff determine whether or not the owner is actually a farmer.

Mr. Fletcher explained that there is a limitation in place for a farmhouse to be on the property that is being farmed. He said that the zoning laws deal with the use of the land and State Law prohibits the definition of farmhouse versus non-farmhouse.

Ms. Monte said that staff could require an affidavit and there would be certain provisions that need to be met on this affidavit. Mr. Fletcher agreed with this type of requirement.

Mr. DiNovo pointed out that we wanted to see commercial farmland use that generated cash flow.

Mr. Moser explained that the State only requires proof that if you are financially and materially involved in the management of a farm and you are at risk, you are classified as a farmer.

Mr. DiNovo said that there is a zoning requirement that applies with respect to minimum lot size and set back from the road so that they would not be subject to side yard set backs, drainage protection, natural area protection and would be exempt from everything in the ordinance except minimum lot size and set back from the road.

1 Mr. Fletcher explained that the operating definition would be the best guess as to what the judge is going  
 2 to say and that there is no power to make a policy for what that is going to be. He said that the Attorney  
 3 General opinion is little more than just guidance.

4  
 5 Mr. DiNovo pointed out that according to traditional zoning ordinances, the “farmhouse” must be  
 6 accessible to the barn on the property. Mrs. Berry said that filing a “Schedule F”, which would show  
 7 farm income, could be one of the provisions included on the affidavit. Mr. Moser pointed out that if a  
 8 “Schedule F” is filed, that person would be subject to Social Security tax and there is another form that  
 9 retired farmers utilize to be exempt from social security taxes.

10  
 11 Concerning riding stables and schools, Mr. DiNovo explained that the agricultural exemption does not go  
 12 to the underlying zoning district, it goes to all of the land under the County’s jurisdiction, whether it is  
 13 zoned residential, industrial, or agriculture.

14  
 15 Ms. Monte said that there were changes proposed to 1.9 but the guidance received with regard to 1.8 is to  
 16 perhaps consider an either/or type of situation regarding Schedule F or living on the premises.

17  
 18 Mr. Moser expressed concern on a provision of 1.7 , and specifically the proposed Public Resource Area  
 19 Buffer of 250 feet around the park such as Homer Lake. He asked if the next owner would have to give it  
 20 up. Ms. Monte said that there would be exemptions for existing lots and that this provision is directed  
 21 primarily toward new development. Mr. DiNovo said that the only prohibitions associated with the  
 22 proposed Public Resource Area Buffer will be new permanent structures larger than 150 square feet and  
 23 lighting shining directly into the adjacent forest preserve district property.

24  
 25 Regarding any proposed change to Policy 1.8 regarding the agriculture exemption, Mr. DiNovo pointed  
 26 out that any specification of what agriculture is would go against someone’s interests. He said that we  
 27 would perhaps do best way by leaving things alone.

28  
 29 Mr. DiNovo recommended bringing the proposed revisions to the Land Use Regulatory Policies – Rural  
 30 Districts forward to ELUC at the next September meeting.

31  
 32 **6. Other business – None**

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**7. Adjournment**

The meeting was adjourned at 11:10 a.m.

Respectfully submitted,

Secretary, Environment and Land Use Subcommittee



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

(217) 384-3708  
FAX (217) 328-2426

DATE: September 8, 2005  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Associate Planner *SM*  
RE: **Proposed Revisions to Selected Champaign County Land Use  
Regulatory Policies - Rural Districts**

---

## BACKGROUND

At the June ELUC meeting, a Subcommittee was tasked to review proposed changes and forward a recommendation to the full Committee regarding proposed revisions to selected *Champaign County Land Use Regulatory Policies - Rural Districts*.

An initial Special Meeting of ELUC was held on June 21, 2005 at which time proposed revisions to selected Land Use Regulatory Policies - Rural Districts were initially reviewed. The following topics were considered: exception clauses in policy statements; accuracy and utility of mapped soil type classifications; the distinction between best prime farmland and prime farmland; Illinois Counties that utilize a "1 per 40" limit on property development rights in rural districts.

Meetings of the appointed ELUC Subcommittee (comprised of Chair Ralph Langenheim, Vice-Chair Nancy Greenwalt, and Steve Moser) were held on June 29, 2005 and July 27, 2005. During the course of these meetings, USDA Soil Scientist Bob McCleese reviewed digital soils data for Champaign County and review of revisions to selected land use regulatory policies and accompanying explanatory text occurred.

## PROPOSED REVISIONS TO SELECTED LAND USE REGULATORY POLICIES

Based on the direction provided by the *ad hoc* Working Group during April and May, 2005, certain revisions and additional policies are proposed to selected *Land Use Regulatory Policies - Rural Districts*. (The recommendation of the *ad hoc* Working Group is summarized in Attachment A.)

A draft 'Executive Summary' of proposed revisions to the *Land Use Regulatory Policies* is provided as Attachment B. The draft 'Executive Summary' is not part of the official policies and is provided for convenience only.

The actual proposed revisions to selected *Land Use Regulatory Policies* is provided as Attachment C. At the ELUC meeting, a handout will be distributed that contains a summary of proposed revisions to the policies viewable alongside the existing policies.

### ATTACHMENTS:

- A Comparison of Zoning Ordinance Proposals dated May 19, 2005
- B Draft 'Executive Summary' dated September 8, 2005
- C Proposed Revisions: *Champaign County Land Use Regulatory Policies - Rural Districts*

**COMPARISON OF ZONING ORDINANCE PROPOSALS**

**- ATTACHMENT A -**

CURRENT ORDINANCE	ORIGINAL PROPOSAL	NEW PROPOSAL
<i>Natural Area Protection</i>		
None	Resource Protection Overlay (RPO) restricts location of construction and land management on existing and new lots	
	150' Stream Protection Buffer on all streams in the RPO	150' Stream Protection Buffer on wooded portions of major streams
	Within RPO "Natural Area Assessment and Conservation Report" required for projects that require ZBA or County Board Approval but no specific rules apply.	Within CR District "Natural Area Impact Assessment" required for projects that require ZBA or County Board Approval. and specific site development rules apply if sensitive areas are found.
	In Rural Planned Developments lots must avoid the RPO.	In Rural Planned Developments lots must avoid sensitive areas identified by "Natural Area Impact Assessment"
	Incentives to create "conservation subdivisions".	Incentives to create "conservation subdivisions".
<i>Protection of Agriculture</i>		
Land use efficiency and agricultural compatibility criteria for Rural Planned Developments	Land use efficiency, agricultural compatibility, site suitability and infrastructure criteria for Rural Planned Developments.	Land use efficiency, agricultural compatibility, site suitability and infrastructure criteria for Rural Planned Developments.
	No Rural Planned Developments on best prime farmland tracts when site has other problems (40-60% of County)	No Rural Planned Developments on best prime farmland tracts (±80% of County)
	Lots in Rural Planned Developments must avoid best prime soils.	In Rural Planned Developments lots must avoid best prime soils.
	Incentives to create agricultural resource reserves in Rural Planned Developments	Incentives to create agricultural resource reserves in Rural Planned Developments
<i>Development Rights</i>		
<i>By Right</i>		
1 - 4 houses plus one on any lot over 35 acres	2 - 4 houses on tracts larger than 5 acres depending on tract size plus one on any lot over 35 acres.	1 house on tracts under 40 acres if there is no existing house* on the tract 1 house per 40 acres in addition to any existing house* on tracts over 40 acres, up to a maximum of 4 houses with any existing house* included in the total * Farm houses are exempt and not counted
<i>In Rural Planned Developments</i>		
One house per 1½ acres	One house per 5 acres	One house per 10 acres
<i>Drainage Protection</i>		
None	Drain Tile Setback	Drain Tile Setback
	Drainageway Protection Buffer	Drainageway Protection Setback
<i>Minimum Buildable Area Requirement</i>		
None	Applies to construction and land management on existing lots and new lots.	Applies only to construction on new lots.
<i>Public Resource Protection</i>		
None	250' buffer around parks and preserves	250' buffer around parks and preserves

**EXECUTIVE SUMMARY: LAND USE REGULATORY POLICIES – RURAL DISTRICTS**

Commercial agriculture is the highest and best use of land in the rural areas of Champaign County that are suited to it, but non-agricultural land uses will be allowed on all rural land to a very limited extent that will not interfere with the pursuit of commercial agriculture nor waste the land resource. <sup>(1.1.1-1.1.4)</sup>

Champaign County will not allow significant non-agricultural development in rural areas not served by a sewer system. <sup>(1.1.1)</sup>

All tracts of record that are 40 acres or larger may be developed as-of-right under a development allowance of one single-family residence per 40 acres. In areas that are best prime farmland, this as-of-right allowance for development will be the only residential development that will be authorized. <sup>(1.2, 1.3.1 – 1.3.5)</sup>

Development under the as-of-right allowance that is in or near to known natural areas, sites of historic or archaeological significance, County forest preserves, or other parks and preserves must be located so as to minimize disturbance of such areas. <sup>(1.7.1)</sup> However, all existing lawfully created lots that are “good” zoning lots will remain good zoning lots and one single-family residence may be constructed on any such lot that is vacant. <sup>(1.3.3)</sup>

Non-agricultural development may be authorized at a somewhat higher intensity in areas that are not best prime farmland and specific uses on best prime farmland may be authorized provided that:

- all reasonable effort has been made to determine of especially sensitive and valuable features are present, and all reasonable effort has been made to prevent minimize to disturbance of natural areas, protection of endangered species and protection of historical and archeological resources, County Forest Preserves or other parks and preserves; <sup>(1.7.2)</sup>
- sites on the best prime farmland must be well suited overall <sup>(1.5)</sup> and must be used in the most efficient way. <sup>(1.2)</sup>
- the existing infrastructure and the improvements proposed are adequate to support the proposed development effectively and safely without undue public expense; <sup>(1.5.3)</sup>
- the available public services are adequate to support the proposed development effectively and safely without undue public expense; <sup>(1.5.4)</sup>
- non-residential development accords with other policies and is located in areas planned for such development, <sup>(1.6.3)</sup> or supports agriculture, or involves a product or service that is provided better in a rural setting than in an urban one. <sup>(1.6.1)</sup>
- non-residential development accords with other policies and either is appropriate in a rural area and is on a very well suited site, or services surrounding agriculture or an important public need and cannot be located elsewhere. <sup>(1.6.2)</sup>

A second dwelling on an individual lot may be allowed, but only for the limited purpose of providing housing to family members on a temporary basis. <sup>(1.9)</sup>

All farmers will be assured of receiving the State-mandated exemption from County zoning even if some non farmers also receive the same benefit. <sup>(1.8)</sup>

The Land Use Regulatory Policies will be coordinated with other County plans as much as possible with municipal plans and policies. <sup>(0.1.1, 0.1.2, 0.2)</sup>

Notes: Superscript numbers <sup>(n; n; n)</sup> refer to the number of the full policy statement (see attached).  
The Executive Summary is not part of the official policies and is provided only for convenience.

The *Land Use Regulatory Policies* are adopted as general statements to guide County staff, Zoning Board of Appeals and County Board in the review of proposed Zoning Ordinance amendments. These policies are not yet complete, but have been officially adopted and are in full force. The policies may be used on an interim basis to evaluate zoning cases involving discretionary decisions.

The County will add policies as needed in each phase of the *Comprehensive Zoning Review*. In Phase 7, where all previous changes are reconciled and harmonized, the County will review and revise the policies to provide continuing guidance for future zoning cases and ordinance amendments.

## ATTACHMENT C

### PROPOSED REVISIONS CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

#### GENERAL POLICIES

##### 0.1 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES

- 0.1.1 These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the Land Use Regulatory Policies will govern and the *Land Use Goals and Policies* will be revised accordingly.
- 0.1.2 These regulatory policies include and will conform to the *U.S. Route 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

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

Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other government agencies to the greatest extent possible consistent with these and other County policies and the adopted *Ordinance Objectives*.

#### RURAL LAND USE POLICIES

##### 1.1 HIGHEST AND BEST USE OF RURAL LAND

- 1.1.1 The unincorporated areas of Champaign County fall into two broad classes: urban land, which is served by a sanitary sewer system and rural land which is not. Champaign County will allow only low intensity uses under restricted conditions on appropriate rural sites that are not served by sanitary sewer systems.
- 1.1.2 Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses will not be accommodated except under very restricted conditions or in areas of less productive soils.
- 1.1.3 Residential development beyond that allowed as-of-right will be prohibited on land consisting of best prime farmland, but may be allowed elsewhere if:
- a. conversion of farmland is minimized;
  - b. potential for conflicts with agriculture is minimized;
  - c. disturbance of natural areas, rivers, or waterways is minimized;
  - d. sites are suitable for the proposed use; and
  - e. infrastructure and public services are adequate for the proposed use.
- 1.1.4 Non-residential land uses will not be allowed on rural land except when:
- a. conversion of farmland is minimized;
  - b. potential for conflicts with agriculture is minimized;
  - c. disturbance of natural areas, rivers, or waterways is minimized;
  - d. sites are suitable for the proposed use; and infrastructure and
  - e. public services are adequate for the proposed use.

**PROPOSED REVISIONS  
CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS**

**EXPLANATION:**

The preservation of prime farmland and minimization of disturbance to natural areas requires that land in the County be used efficiently. Efficient use of land requires that the vast majority of development be at urban densities and supported by the provision of sanitary sewer service. Only low intensity uses can be allowed on appropriate sites and under restricted conditions on rural sites that are not served by sanitary sewer systems.

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

As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible on a limited basis. It is, however, neither necessary nor appropriate to authorize residential development beyond that allowed as-of-right on land consisting of the best prime farmland.

Under the proper conditions, rural development can be authorized without unduly sacrificing our soil resources or interfering with agricultural practices. For example, certain types of non-residential uses may be allowed to operate on a site, effectively re-using an existing rural structure provided that specific conditions are met with regard to minimizing impacts to surrounding agricultural operations.

**1.2 PRESERVING UNIQUE SOIL RESOURCES**

**The best prime farmland will be preserved for agricultural use. Other land uses on best prime farmland will not be authorized except on a strictly restricted basis. On best prime farmland, residential land use is limited to an as-of-right allowance and the amount of farmland conversion is restricted. On best prime farmland, non-residential land uses will not be allowed unless the land is used in the most efficient way consistent with other County policies.**

**EXPLANATION:**

For purposes of these policies, the best prime farmland is that made up of soils in Agricultural Value Groups One through Four. These are, generally, tracts of land with a Land Evaluation score of 85 or better on the County's Land Evaluation and Site Assessment System.

Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, and as a result of annexation to one of the municipal entities.

The conversion of best prime farmland can be further minimized by ensuring that it is used efficiently. This means using as few acres as possible for each single-family residence or other form of development that is provided. Inefficient large-lot or 'farmette' type development will not be allowed on the best prime farmland.

Under limited circumstances, a single-family residence may be allowed to be located on a small tract of best prime farmland separated from a larger tract by an existing stream, ditch, street, or railroad.

## ATTACHMENT C

### PROPOSED REVISIONS CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

#### 1.3 PROTECTION OF PROPERTY RIGHTS

- 1.3.1 **All landowners are guaranteed an as-of-right allowance to establish a non-agricultural use, subject only to public health, safety and site development regulations.**

*EXPLANATION:*

*The as-of-right allowance refers to the right to establish a land use or create lots that will generate traffic within the capacity of rural roads and have only negligible impacts on sensitive natural areas and features.*

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

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

*The as-of-right allowance does not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site or agricultural endeavors.*

- 1.3.2 **The as-of-right allowance is intended to ensure a legitimate economic use of all property. Champaign County finds that continued agriculture use alone constitutes a reasonable economic use of the best prime farmland and fairness to landowners does not require accommodating non-farm development on such land.**

*EXPLANATION*

*Landowners are entitled to an economic return on investments in land consistent with reasonable expectations. This does not guarantee the greatest possible profit. Reasonable expectations are those that reflect public policy, respect long-standing use of neighboring land, account for the agricultural value and natural conditions found on the land, are consistent with the development suitability of the land and avoid interference with the use of other lands. Non-agricultural development is not a reasonable expectation on best prime farmland. Development that would significantly impair the ecological integrity of natural areas is not a reasonable expectation.*

- 1.3.3 **Landowners of one or more lawfully created and recorded lots that are considered a ‘good zoning lot’ (i.e., a lot that meets all County zoning requirements in effect at the time the lot is created) are guaranteed the as-of-right allowance to establish a single-family residence on each such lot.**

*EXPLANATION:*

*The County recognizes that some landowners lawfully created, acquired, or may wish to sell lots that met the necessary zoning requirements in effect at the time the lot was created, but that presently do not conform to zoning requirements. Such lots are considered ‘good zoning lots’.*

**PROPOSED REVISIONS**  
**CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS**

Landowners can be assured that the establishment of a single-family residence will be allowed on 'good zoning lots' provided that such lots have been lawfully created and recorded at the County Recorder's Office.

- 1.3.4 **Landowners' as-of-right allowance is generally proportionate to tract size, with one single-family residence allowed per 40 acres. The right to construct a single-family residence on vacant lawfully created tracts of land less than 40 acres is also part of the as-of-right allowance.**

EXPLANATION:

*The as-of-right allowance is intended to allow limited residential development and at the same time minimize the conversion of farmland, minimize disturbance of natural areas, avoid overburdening existing infrastructure and violation of other County policies.*

- 1.3.5 **Residential development beyond the as-of-right allowance is not authorized on best prime farmland. Residential development beyond the as-of-right allowance may be allowed on tracts consisting of other than best prime farmland if the use, design, site and location are consistent with County policies regarding:**
- a. suitability of the site for the proposed use;**
  - b. adequacy of infrastructure and public services for the proposed use;**
  - c. minimizing conflict with agriculture;**
  - d. minimizing the conversion of farmland; and**
  - e. minimizing the disturbance of natural areas.**

EXPLANATION:

*Consistent with County Land Use Regulatory Policies 1.1 and 1.2, the development of rural residential subdivisions on the best prime farmland is prohibited. Residential development beyond the as-of-right allowance on prime or other farmland (defined as tracts with a Land Evaluation score of less than 85 based on the County's Land Evaluation and Site Assessment System) is not guaranteed. Such development will be subject to site and project-specific reviews to ensure that it conforms to other County policies.*

**1.4 COMPATIBILITY WITH AGRICULTURE**

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

EXPLANATION:

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

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

## ATTACHMENT C

### PROPOSED REVISIONS CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

EXPLANATION:

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

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

**1.5. SITE SUITABILITY FOR DEVELOPMENT THAT REQUIRES DISCRETIONARY REVIEW \***

[\* Note: ‘Discretionary Review’ is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.]

**1.5.1 Development that requires discretionary review will not be allowed on other than best prime farmland if the site is unsuited overall for the proposed land use.**

**1.5.2 Development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited overall for the proposed land use.**

EXPLANATION:

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

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

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

**1.5.3 Development that requires discretionary review will not be allowed if the existing infrastructure together with the improvements proposed are inadequate to support the proposed development effectively and safely without undue public expense.**

EXPLANATION:

*A site may unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.*

**PROPOSED REVISIONS  
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*Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.*

- 1.5.4 Development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.**

**EXPLANATION:**

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

**1.6 BUSINESS AND NONRESIDENTIAL USES**

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

**EXPLANATION:**

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

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

- 1.6.2 On the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless:**
- a. they also serve surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
  - b. the uses are otherwise appropriate in a rural area and the site is very well suited to them.**

**EXPLANATION:**

*Accommodating non-residential land uses in rural areas can conflict with the County' policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be permitted if they minimize the conversion of the best prime farmland it is not feasible to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc.*

## ATTACHMENT C

### PROPOSED REVISIONS CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS

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

*EXPLANATION:*

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

#### **1.7 CONSERVATION OF NATURAL AREAS**

- 1.7.1 Development authorized By-Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if located so as to minimize disturbance of such areas.**
- 1.7.2 Development that requires discretionary review will be allowed only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent minimize to disturbance of natural areas, protection of endangered species and protection of historical and archeological.**

*EXPLANATION:*

*[\* Note: 'Discretionary Review' is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.]*

*Natural areas, endangered species and historic and archeological sites are rare in Champaign County. In the absence of alternative economic uses such as agriculture fairness requires recognition of the reasonableness of the expectation of some degree of non-agricultural development. Development in these areas, however, may only proceed within strict limits, subject to close scrutiny and will be allowed only if appropriate measures are taken to minimize harm to these resources.*

#### **1.8 IMPLEMENTING THE 'AGRICULTURAL PURPOSES' EXEMPTION**

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

*EXPLANATION:*

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

**PROPOSED REVISIONS  
CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES – RURAL DISTRICTS**

**1.9 ACCESSORY DWELLINGS IN RURAL AREAS**

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

*EXPLANATION:*

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



## CHAMPAIGN COUNTY ADMINISTRATIVE SERVICES

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1776 EAST WASHINGTON  
URBANA, IL 61802  
(217) 384-3776  
(217) 384-3765 – PHYSICAL PLANT  
(217) 384-3896 – FAX  
(217) 384-3864 – TDD  
Website: [www.co.champaign.il.us](http://www.co.champaign.il.us)

ADMINISTRATIVE SUPPORT  
DATA PROCESSING  
MICROGRAPHICS  
PURCHASING  
PHYSICAL PLANT  
SALARY ADMINISTRATION

### MEMORANDUM

**TO:** Ralph Langenheim, Chair, and MEMBERS of the ENVIRONMENT and LAND USE COMMITTEE

**FROM:** Deb Busey, County Administrator of Finance & HR Management *Deb*

**DATE:** August 8, 2005

**RE:** REQUEST FOR REVIEW OF EXISTING POSITIONS

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I am writing to request your approval to submit all of the Planning and Zoning positions to the Job Content Evaluation Committee for review.

Now that the Planning and Zoning Department staff will be operating as a County department, instead of through an agreement with the Regional Planning Commission, it is necessary to evaluate the positions under the system of classification and evaluation used by the County to determine appropriate classifications, compensation, and job descriptions for those positions.

Thank you for your consideration of this request. I will be present at your meeting on September 12<sup>th</sup>, 2005 if there are questions or concerns regarding this matter.