

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 761-AT-13

SUPPLEMENTAL MEMORANDUM

August 15, 2013

Petitioner: **Zoning Administrator** Prepared by: **Andy Kass**, Associate Planner
John Hall, Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:

Part A. Revise Table A in Appendix A of the Champaign County LESA System to correct certain non-best prime farmland soil data and reclassify those soils to appropriate Agriculture Value Groups as necessary.

Part B. Revise Table A in Appendix A of the Champaign County LESA System to revise the Farmland Classification category to be consistent with the USDA Natural Resource Conservation Service "Farmland Classification" categories.

STATUS

This is the first hearing for this case. A Draft Finding of Fact and Final Determination is attached.

ATTACHMENTS

A Draft Finding of Fact and Final Determination

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

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

PRELIMINARY DRAFT

761-AT-13

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: August 15, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance by amending the Champaign County Land Evaluation and Site Assessment (LESA) System that is referred to in Section 3; and Footnote 13 in Section 5.3; and subsection 5.4, as follows:

Part A. Revise Table A in Appendix A of the Champaign County LESA System to correct certain non-best prime farmland soil data and reclassify those soils to appropriate Agriculture Value Groups as necessary.

Part B. Revise Table A in Appendix A of the Champaign County LESA System to revise the Farmland Classification category to be consistent with the USDA Natural Resource Conservation Service “Farmland Classification” categories.

CONTENTS

FINDING OF FACT.....pages 2 – 17
SUMMARY FINDING OF FACT.....page 18 – 20
DOCUMENTS OF RECORD.....page 21
FINAL DETERMINATION.....page 22
PROPOSED AMENDMENT.....page 23 -

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 15, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to make corrections to Table A of Appendix A of the Champaign County LESA System.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

REGARDING LRMP GOALS

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

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

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

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

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

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

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

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

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

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

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

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”**

The proposed amendment will *HELP ACHIEVE* Objective 4.1 for the following reasons:

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

The proposed amendment will *HELP ACHIEVE* Policy 4.1.1 for the following reasons:

PRELIMINARY DRAFT

- (2) Policy 4.1.5 states as follows:
- “a. The County will allow landowner *by right development* that is generally proportionate to tract size, created from the January 1, 1998 configuration of tracts on lots that are greater than five acres in area, with:
 - 1 new lot allowed per parcel less than 40 acres in area;
 - 2 new lots allowed per parcel 40 acres or greater in area provided that the total amount of acreage of *best prime farmland* for new by right lots does not exceed three acres per 40 acres; and
 - 1 authorized land use allowed on each vacant *good zoning lot* provided that public health and safety standards are met.**
 - b. The County will not allow further division of parcels that are 5 acres or less in size.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.1.5 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.
- (3) Policy 4.1.6 states as follows: **“Provided that the use, design, site and location are consistent with County policies regarding:**
- i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
 - a) On *best prime farmland*, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
 - b) On *best prime farmland*, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize *discretionary review* development on tracts consisting of other than best prime farmland.”**

PRELIMINARY DRAFT

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

(a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

(4) Policy 4.1.7 states as follows: **“To minimize the conversion of best prime farmland, the County will require a maximum lot size limit on new lots established as by right development on best prime farmland.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.7 for the following reasons:

(a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

(5) Policy 4.1.8 states as follows: **“The County will consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.8 for the following reasons:

(a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

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

The proposed amendment will **HELP ACHIEVE** Objective 4.3 for the following reasons:

(1) Policy 4.3.2 states as follows: **“On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.2 for the following reasons:

(a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

(2) Policy 4.3.5 states as follows: **“On best prime farmland, the County will authorize a business or other non-residential use only if:**

PRELIMINARY DRAFT

- a. **it also serves 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 use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

- C. Objective 4.5 states as follows: **“By the year 2012, Champaign County will review the Site Assessment portion of the LESA for possible updates; thereafter, the County will periodically review the site assessment portion of LESA for potential updates at least once every 10 years.”**

The proposed amendment will **HELP ACHIEVE** Objective 4.5 for the following reasons:

- (1) The Site Assessment portion of LESA was updated in Case 710-AT-12, but it will improve the LESA system because it will make corrections to the soils table in Appendix A.
- (2) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

- D. The proposed amendment **WILL NOT IMPEDE** the achievement of Objectives 4.2, 4.4, 4.6, 4.7, 4.8, and 4.9 and Policies 4.1.2, 4.1.3, 4.1.4, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.3.1, 4.3.3, 4.3.4, 4.6.1, 4.6.2, 4.6.3, and 4.9.1. Policy 4.1.9 is **NOT RELEVANT** to the proposed amendment.

- 10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **HELP ACHIEVE** Goal 5 for the following reasons:

- A. Objective 5.1 states as follows: **“Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers.”**

The proposed amendment will **HELP ACHIEVE** Objective 5.1 for the following reasons:

PRELIMINARY DRAFT

- (1) Policy 5.1.4 states as follows: **“The County may approve *discretionary development* outside contiguous urban growth areas, but within municipal extra-territorial jurisdiction areas only if:**
- a. **the development is consistent with the municipal comprehensive plan and relevant municipal requirements;**
 - b. **the site is determined to be *well-suited overall* for the development if on *best prime farmland* or the site is *suited overall*, otherwise; and**
 - c. **the development is generally consistent with all relevant LRMP objectives and policies.”**

The proposed amendment will *HELP ACHIEVE* Policy 5.1.4 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.
- (2) Policy 5.1.9 states as follows: **“The County will encourage any new *discretionary development* that is located within municipal extra-territorial jurisdiction areas and subject to an annexation agreement (but which is expected to remain in the unincorporated area) to undergo a coordinated municipal and County review process, with the County that would otherwise be necessary without the annexation agreement.”**

The proposed amendment will *HELP ACHIEVE* Policy 5.1.9 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

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

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

- (1) Policy 5.2.2 states as follows: **“The County will:**

 - a. **ensure that urban development proposed on *best prime farmland* is efficiently designed in order to avoid unnecessary conversion of such farmland; and**
 - b. **encourage, when possible, other jurisdictions to ensure that urban development proposed on best prime farmland is efficiently designed in order to avoid un necessary conversion of such farmland.”**

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

PRELIMINARY DRAFT

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

C. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objective 5.3 and Policies 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.2.1, 5.2.3, 5.3.1, 5.3.2, and 5.3.3.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

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

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

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

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

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

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

- A. Objective 8.1 states as follows: **“Champaign County will strive to ensure adequate and safe supplies of groundwater at reasonable cost for both human and ecological purposes.”**

The proposed amendment will ***HELP ACHIEVE*** Objective 8.1 for the following reasons:

- (1) Policy 8.1.1 states as follows: **“The County will not approve *discretionary development* using on-site water wells unless it can be reasonably assured that an adequate supply of water for the proposed use is available without impairing the supply to any existing well user.”**

The proposed amendment will ***HELP ACHIEVE*** Policy 8.1.1 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be

PRELIMINARY DRAFT

BEST PRIME FARMLAND or not. This may help determine if a groundwater study is necessary for proposed discretionary development.

- (2) Policy 8.1.5 states as follows: **“To the extent that groundwater in the County is interconnected with surface waters, the County will work to ensure that groundwater contributions to natural surface hydrology are not disrupted by groundwater withdrawals by *discretionary development*.”**

The proposed amendment will **HELP ACHIEVE** Policy 8.1.5 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This may help determine if a groundwater study is necessary for proposed discretionary development.

- B. Objective 8.2 states as follows: **“Champaign County will strive to conserve its soil resources to provide the greatest benefit.”**

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

- (1) Policy 8.2.1 states as follows: **“The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of best prime farmland. Best prime farmland is that comprised of soils that have a Land Evaluation score of 85 or greater as defined in the LESA.”**

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

- (a) The purpose of the proposed amendment is to correct data in Table A of Appendix A of the LESA. This amendment will ensure that the data in Table A is accurate in order to calculate LE scores correctly. The only soil type that will have its LE rating changed is Muskego silty clay loam (637A+). It will be moved from Agriculture Value Group 8 to Agriculture Value Group 17.
- (b) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. The only soil type that will have its LE rating changed is Muskego silty clay loam (637A+). It will be moved from Agriculture Value Group 8 (LE 84) to Agriculture Value Group 17 (LE 50).

- C. Objective 8.4 states as follows: **“Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.”**

The proposed amendment will *HELP ACHIEVE* Objective 8.4 for the following reasons:

- (1) Policy 8.4.1 states as follows: **“The County will incorporate the recommendations of adopted watershed plans in its policies, plans, and investments and in its *discretionary review* of new development.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.4.1 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This may help the County determine if recommendations of watershed plans are necessary to incorporate for new development.

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

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

- (1) Policy 8.5.1 states as follows: **“For *discretionary development*, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.5.1 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering environmental impacts.

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

The proposed amendment will *HELP ACHIEVE* Policy 8.5.2 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be

PRELIMINARY DRAFT

BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering environmental impacts.

- E. Objective 8.6 states as follows: **“Champaign County will encourage resource management which avoids loss or degradation of areas representative of the *pre-settlement environment* and other areas that provide habitat for native and game species.”**

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

- (1) Policy 8.6.2 states as follows:

- “a. For new development, the County will require land use patterns, site design standards and land management practices to minimize the disturbance of existing areas that provide habitat for native and game species, or to mitigate the impacts of unavoidable disturbance to such areas.**
- b. With regard to *by-right development on good zoning lots*, or the expansion thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of disturbance to such onsite areas.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.6.2 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering environmental impacts.
- (2) Policy 8.6.3 states as follows: **“For *discretionary development*, the County will use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.6.3 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering environmental impacts and the Illinois Natural Areas Inventory.

PRELIMINARY DRAFT

- (3) Policy 8.6.4 states as follows: **“The County will require implementation of IDNR recommendations for *discretionary development* sites that contain endangered or threatened species, and will seek to ensure that recommended management practices are maintained on such sites.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.6.4 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering environmental impacts.

- F. Objective 8.7 states as follows: **“Champaign County will work to protect existing investments in *rural* parkland and natural area preserves and will encourage the establishment of new public parks and preserves and protected private lands.”**

The proposed amendment will *HELP ACHIEVE* Objective 8.7 for the following reasons:

- (1) Policy 8.7.1 states as follows: **“The County will require that the location, site design and land management of *discretionary development* minimize disturbance of the natural quality, habitat value and aesthetic character of existing public and private parks and preserves.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.7.1 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This may be a factor in determining the suitability of land for a proposed discretionary development.
- (2) Policy 8.7.3 states as follows: **“The County will require that *discretionary development* provide a reasonable contribution to support development of parks and preserves.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.7.3 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This may help determine where parks and preserves are appropriate.

- G. Objective 8.8 states as follows: **“Champaign County considers the atmosphere a valuable resource and will seek to minimize harmful impacts to it and work to prevent and reduce the discharge of ozone precursors, acid rain precursors, toxics, dust and aerosols that are harmful to human health.”**

The proposed amendment will *HELP ACHIEVE* Objective 8.8 for the following reasons:

- (1) Policy 8.8.1 states as follows: **“The County will require compliance with Illinois Environmental Protection Agency and Illinois Pollution Control Board standards for air quality when relevant in *discretionary review* development.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.8.1 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering air quality and its impact on proposed development.
- (2) Policy 8.8.2 states as follows: **“In reviewing proposed *discretionary development*, the County will identify existing sources of air pollutants and will avoid locating sensitive land uses where occupants will be affected by such discharges.”**

The proposed amendment will *HELP ACHIEVE* Policy 8.8.2 for the following reasons:

- (a) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not. This will help the County identify areas that are suitable for development while also considering air quality and its impact on proposed development.
- H. Objective 8.9 states as follows: **“Champaign County will, by the year 2016, adopt a natural resources specific assessment system that provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations, including groundwater resources; soil and mineral resources; surface waters; aquatic and riparian ecosystems; natural areas; parks and preserves; known cultural resources; and air quality.”**

The proposed amendment will *HELP ACHIEVE* Objective 8.9 for the following reasons:

- (1) To the extent that the proposed amendment will change Land Evaluation (LE) scores on certain soils and that could have some impact on the total LE scores of a property which could affect whether or not a property will be BEST PRIME FARMLAND or not.

- I. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Objective 8.3 and Policies 8.1.2, 8.1.3, 8.1.4, 8.1.6, 8.1.7, 8.1.18, 8.1.9, 8.3.1, 8.4.2, 8.4.3, 8.4.4, 8.4.5, 8.4.6, 8.5.3, 8.5.4, 8.5.5, 8.6.1, 8.6.5, 8.6.6, 8.7.2, 8.7.4, 8.7.5, and 8.7.6.

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

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

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

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

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

Goal 10 has 1 objective and 1 policy. The proposed amendment is ***NOT RELEVANT*** to Goal 10.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

- 16. The proposed amendment appears to ***HELP ACHIEVE*** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

PRELIMINARY DRAFT

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is directly related to this purpose because it will make corrections to the Land Evaluation Site Assessment system which is a tool the County uses to protect productive farmland from conversion to non-agricultural uses.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

17. The proposed text amendment will **IMPROVE** the text of the Zoning Ordinance because it will:
 - A. Correct information in the LESA System to make it consistent with the NRCS as well as provide updated soils data to ensure that LESA scores are being calculated correctly.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **August 15, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment will **HELP ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
 - A. The proposed text amendment will **HELP ACHIEVE** the following LRMP goals:

Goal 4 Agriculture because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will **HELP ACHIEVE** the following:
 - Policy 4.1.1 requiring that other land uses only be accommodated under very restricted conditions or in areas of less productive soils (see Item 9.A.(1)).
 - Policy 4.1.5 requiring the County to allow landowner by right development that is proportionate to tract size on lots that are greater than 5 acres in area (see Item 9.A.(2)).
 - Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 9.A.(3)).
 - Policy 4.1.7 requiring a maximum lot size on new lots established by right on best prime farmland (see Item 9.A.(4)).
 - Policy 4.1.8 requiring the County to consider LESA ratings when making land use decisions regarding a discretionary development (see Item 9.A.(5)).
- Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - Policy 4.3.2 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 9.B.(1)).
 - Policy 4.3.5 requiring any business on best prime farmland to be appropriate in a rural area and on a site that is well suited (see Item 9.B.(2)).
- It will **HELP ACHIEVE** Objective 4.5 requiring the County to review the Site Assessment portion of the LESA for possible updates (see Item 9.C.).

Goal 5 Urban Land Use because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will **HELP ACHIEVE** the following:

- Objective 5.1 ensure that the population growth and economic development is accommodated by new urban development in or adjacent to existing population centers because it will **HELP ACHIEVE** the following:
 - Policy 5.1.4 requiring that discretionary development outside of the CUGA, but within an ETJ to be consistent with the municipal comprehensive plan, if the site is

best prime farmland it must be well-suited, and the development is consistent with the LRMP (see Item 10.A.(1)).

- **Policy 5.1.9 requiring discretionary development that is located within an ETJ and subject to an annexation agreement to undergo a coordinated municipal and County review process (see Item 10.A.(2)).**
- **Objective 5.2 encourage any urban development to demonstrate good stewardship of natural resources because it will *HELP ACHIEVE* the following:**
 - **Policy 5.2.2 ensure that urban development on best prime farmland is efficiently designed to avoid unnecessary conversion and encourage other jurisdictions to do the same (Item 10.B.(1)).**

Goal 8 Natural Resources because while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will *HELP ACHIEVE* the following:

- **Objective 8.1 requiring the County to ensure adequate and safe supplies of groundwater because it will *HELP ACHIEVE* the following:**
 - **Policy 8.1.1 requiring the County to ensure that a proposed discretionary development will have an adequate supply of water for the proposed use (see Item 13.A.(1)).**
 - **Policy 8.1.5 requiring the County to ensure that groundwater contributions to natural surface hydrology are not disrupted by discretionary development (see Item 13.A.(2)).**
- **Objective 8.2 requiring the County to conserve its soil resources to provide the greatest benefit to current and future generations because it will *HELP ACHIEVE* the following:**
 - **Policy 8.2.1 requiring the County to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to best prime farmland (see Item 13.B.(1)).**
- **Objective 8.4 requiring the County to ensure that new development and on going land management practices maintain and improve surface water quality because it will *HELP ACHIEVE* the following:**
 - **Policy 8.4.1 requiring the County to incorporate the recommendations of adopted watershed plans in discretionary review of new development (see Item 13.C.(1)).**
- **Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because it will *HELP ACHIEVE* the following:**
 - **Policy 8.5.1 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore habitat (see Item 13.D.(1)).**
 - **Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (see Item 13.D.(2)).**
- **Objective 8.6 that avoids loss or degradation of habitat because it will *HELP ACHIEVE* the following:**
 - **Policy 8.6.2 requiring new development to minimize the disturbance of habitat or to mitigate unavoidable disturbance of habitat (see Item 13.E.(1)).**

- Policy 8.6.3 requiring the County to use credible sources of information to identify priority areas for protection, restoration, preservation or enhancement (see Item 13.E.(2)).
 - Policy 8.6.4 requiring implementation of IDNR recommendations for discretionary development sites that contain endangered or threatened species (see Item 13.E.(3)).
- Objective 8.7 that requires the County to protect existing rural parkland and natural area preserves because it will *HELP ACHIEVE* the following:
 - Policy 8.7.1 requiring discretionary development to minimize the disturbance of natural quality, habitat value and aesthetic character of existing public and private parks (see Item 13.F.(1)).
 - Policy 8.7.3 requiring discretionary development to a reasonable contribution to support development of parks and preserves (see Item 13.F.(2)).
 - Objective 8.8 that requires the County to encourage minimizing impacts on the atmosphere because it will *HELP ACHIEVE* the following:
 - Policy 8.8.1 requiring the County to require compliance with IEPA and IPCB standards for air quality in discretionary development (see Item 13.G.(1)).
 - Policy 8.8.2 requiring the County to identify existing source of air pollution and avoid locating sensitive land uses near those (see Item 13.G.(2)).
 - It will *HELP ACHIEVE* Objective 8.9 requiring the County to adopt a natural resources specific assessment system (see Item 13.H.).
- B. The proposed text amendment will *NOT IMPEDE* the following LRMP goal(s):
- Goal 1 Planning and Public Involvement
 - Goal 2 Governmental Coordination
 - Goal 6 Public Health and Public Safety
 - Goal 7 Transportation
 - Goal 9 Energy Conservation
- C. The proposed text amendment is *NOT RELEVANT* the following LRMP goal(s):
- Goal 3 Prosperity
 - Goal 10 Cultural Amenities
2. The proposed Zoning Ordinance map amendment will *HELP ACHIEVE* the purpose of the Zoning Ordinance because it is either not directly related to the purposes of the Zoning Ordinance or is directly relate to the following purpose:
- Protecting productive agricultural lands from haphazard and unplanned intrusions of urban uses (Purposed 2.0n.).
3. The proposed text improvement *WILL IMPROVE* the Zoning Ordinance as follows:
- Correct information in the LESA System to be consistent with the NRCS.
 - Provide updated soils data to ensure that LESA scores are being calculated correctly.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated August 9, 2013, with attachments:
 - A Champaign County Environment and Land Use Committee Memorandum dated May 23, 2013, with Attachment
 - B Revised Table A
 - C LRMP Goals, Objectives, and Policies and Appendix

2. Supplemental Memorandum dated August 15, 2013, with attachments:
 - A Draft Finding of Fact and Final Determination

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 761-AT-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Proposed Amendment

See Attached.

Table A Composition of Agriculture Value Groups

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
1	100	1	Prime 1	98 - 100	154A Flanagan silt loam	100,553	15.74
					198A Elburn silt loam	17,641	2.76
					149A Brenton silt loam	16,465	2.58
2	100	2e, 2w	Prime 1, Prime 2	98 - 100	152A Drummer silty clay loam	254,484	39.82
					679B Blackberry silt loam	4,985	0.78
3	94	1, 2e, 2w	Prime 1, Prime 2	93 - 95	171B Catlin silt loam	17,385	2.72
					153A Pella silty clay loam	6,422	1.01
					623A Kishwaukee silt loam	3,105	0.49
					481A Raub silt loam	22,903	3.58
					663B Clare silt loam	8,391	1.31
					67A Harpster silty clay loam	2,153	0.34
4	91	1, 2e, 2w	Prime 1, Prime 2	90 - 92	234A Sunbury silt loam	2,014	0.32
					56B Dana silt loam	22,838	3.57
					219A Millbrook silt loam	1,454	0.23
					490A Odell silt loam	1,269	0.20
					687B Penfield loam	2,327	0.36
					125A Selma loam	2,908	0.46
					148B2 Proctor silt loam	15	0.002
					232A Ashkum silty clay loam	29,196	4.57
					206A Thorp silt loam	2,641	0.41
					146A Elliot silt loam	761	0.12
5	88	2e, 2s, 2w	Prime 1, Prime 2	87 - 89	242A Kendall silt loam	1,441	0.23
					3107A Sawmill silty clay loam	11,080	1.73
6	87	3w	Prime 5	87	56B2 Dana silt loam	136	0.02
					330A Peotone silty clay loam	3,744	0.59
					236A Sabina silt loam	3,011	0.47
					102A La Hogue loam	1,423	0.22
					233B Birbeck silt loam	2,669	0.42
					235A Bryce silty clay	1,623	0.25
					134A Camden silt loam	14	0.002
7	85	1, 2e, 2w, 3w	Prime 1, Prime 2	83 - 86	148B2 Proctor silt loam	15	0.002
					232A Ashkum silty clay loam	29,196	4.57
5	88	2e, 2s, 2w	Prime 1, Prime 2	87 - 89	206A Thorp silt loam	2,641	0.41
					146A Elliot silt loam	761	0.12
242A Kendall silt loam	1,441	0.23	3107A Sawmill silty clay loam	11,080	1.73	1.73	

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
8	84	3e	Statewide Importance 30	84	687C2 Penfield loam	809	0.13 0.13
9	83	2e, 3w, 2s	Prime 1, Prime 3	81 - 83	146B2 Elliott silty clay loam 622B Wyanet silt loam 134B Camdem silt loam 680B Campton silt loam 91A Swygert silty clay loam 146C2 Elliott silty clay loam 291B Xenia silt loam 448B Mona silt loam 3473A Rossburg silt loam	28,484 7,312 1,207 1,651 73 1,485 4,837 245 982	4.46 1.14 0.19 0.26 0.01 0.23 0.76 0.04 0.15
10	79	2e	Prime 1	78 - 79	387B Ockley silt loam 570B Martinsville silt loam	1,125 708	0.18 0.11
11	78	3e	Statewide Importance 30	78	622C2 Wyanet silt loam	6,331	1.00
12	76	2e, 3e	Prime 1	74 - 76	131B Alvin fine sandy loam 223B2 Varna silt loam 91B2 Swygert silty clay loam 150B Onarga sandy loam 223C2 Varna silt loam 91C2 Swygert silty clay loam 530B Ozaukee silt loam 618B Senachwine silt loam	205 8,040 2,791 290 3,116 411 509 269	0.03 1.26 0.44 0.05 0.49 0.06 0.08 0.04
13	75	3e	Statewide Importance 30	74 - 75	322C2 Russell silt loam 570C2 Martinsville loam	1,930 1,021	0.30 0.16
14	71	2e, 2w, 3e, 3w	Prime 1, Prime 2, Prime 5	68 - 73	23A Blount silt loam 530C2 Ozaukee silt loam 3302A Ambraw silty clay loam 23B2 Blount silt loam	804 411 2,794 808	0.13 0.06 0.44 0.13

continued

Table A Composition of Agriculture Value Groups (AVG) continued

Agriculture Value Group	Relative LE ¹	Land Capability Classification	Farmland Classification	Adjusted Soil Productivity Index ²	Map Unit Symbol and Soil Series	# Acres Countywide	Percentage of County Land
15	69	3e, 4e	Statewide Importance 30	69	530D2 Ozaukee silt loam 618C2 Senachwine silt loam	543 850	0.09 0.13
16	66	4e	Statewide Importance 30 Not Prime	62 - 69	387C3 Ockley clay loam 570D2 Martinsville loam 223D3 Varna silty clay loam 622D3 Wyonet clay loam 618D2 Senachwine silt loam 530E2 Ozaukee silt loam	301 360 2,826 357 632 382	0.05 0.06 0.44 0.06 0.10 0.06
17	50	5w, 6e, 7e	Prime 2, Not Prime	37 - 60	637A+ Muskego silty clay loam 618E2 Senachwine silt loam 618F Senachwine silt loam 241C3 Chatsworth silty clay 241D3 Chatsworth silty clay	47 511 398 36 285	0.01 0.08 0.06 0.01 0.05
18	n/a	n/a	Not Prime	n/a	533 Urban Land 802B Orthents loamy undulating 830 Landfill 865 Gravel Pit W Water	1,607 4,290 115 460 1,319	0.25 0.67 0.02 0.07 0.21

Table A Notes

1. LE is the weighted, average designated Land Evaluation score assigned to each Agriculture Value Group.
2. The "Adjusted Productivity Index" is derived from Productivity Index data published in Table S2 of Bulletin 811. The Productivity Indices provided in Table S2 are for 0% to 2% slopes and slightly eroded conditions. Productivity indices were adjusted for increasing slope and erosion in accordance with Table S3 of Bulletin 811: "Decimal Adjustments in Crop Yields and Productivity Indices Under an Optimum Level of Management for Various Slope Groups and Erosion Phases."