

CASE NO. 819-AT-15

SUPPLEMENTAL MEMORANDUM

December 17, 2015

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator

Request: * Amend the Zoning Ordinance as follows:

- A. In Section 4.2.1 C. add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.”
- B. In Section 5.2, add “HOSPITAL” as a Special Use Permit in the CR District and add a footnote stating that “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.”
- C. In Section 5.2, add “Medical and Dental CLINIC” as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL in the CR District.
- D. In Section 6.1.3 add “HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District” and require no minimum fencing; require the minimum LOT AREA, Width, Maximum HEIGHT, and Required Yards to be the same as in the CR Zoning DISTRICT; and add the following special provisions:
 - 1. The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.
 - 2. Traffic impacts shall be considered.
 - 3. Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.
 - 4. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.

***This description does not reflect the proposed changes to the text amendment that are discussed in this Supplemental Memorandum.**

UPDATE

City of Urbana staff was concerned about the scope of the amendment as originally proposed. The attachment is a revised amendment that has eliminated the Urbana staff concerns and still meets the needs of the Champaign County Fair Association.

REVISED PROPOSED AMENDMENT

An annotated version of the proposed amendment is included as an Attachment. Note that the amendment as proposed in the Attachment differs from the description that was included with the 10/26/15 ELUC memorandum as follows:

1. The revised proposed amendment only adds “parking lot and related passenger waiting buildings” as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2. The only non-fairgrounds buildings allowed are the “passenger waiting buildings” related to the parking lot.
2. All or part of the parking area(s) may be used for parking not otherwise related to the Fairground and the non-Fairground parking may be limited to parking for a single other non-Fairground USE or to multiple other non-Fairground USES. This change provides greater flexibility in non-Fairground use of the parking area than was originally proposed.
3. The requirement for “Site design, land management, and storm water management designs and practices shall provide effective site drainage...” has been expanded to include all of LRMP Policy 8.5.1 including habitat restoration; include LRMP Policy 8.5.2 related to minimizing disturbance to the stream corridor environment and to apply to the entire Fairgrounds and not just the parking area. This change was not based on the concerns of the Urbana staff but was necessary to fully implement the Land Resource Management Plan policies. The LRMP policies should be applicable for any expansion or establishment of a Fairgrounds and not just the Fairgrounds parking lot.

The changes made to the amendment as proposed in Attachment A (particularly Sec. 6.1.3) are materially different than the original legal advertisement and there should be a new legal advertisement. There is ample time for a new legal advertisement prior to the January 14, 2016, meeting.

PRELIMINARY DRAFT FINDING OF FACT

A Draft Finding of Fact is included as Attachment B.

The Finding of Fact is based on the proposed changes to the text amendment.

The Summary Finding of Fact (see pages 11 & 12) summarizes the important Findings.

ATTACHMENTS

A Revised Proposed Amendment (Annotated)

B Preliminary Draft Finding of Fact

Attachment A. Revised Proposed Amendment (Annotated)

Case 819-AT-15
DECEMBER 17, 2015

1. Add new subparagraph 4.2.1 C. 4. to read as follows:

4.2.1 CONSTRUCTION and USE

- C. It shall be unlawful to erect or establish more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT or more than one PRINCIPAL USE per LOT in the AG-1, Agriculture, AG-2, Agriculture, CR, Conservation-Recreation, R-1, Single Family Residence, R-2, Single Family Residence, and R-3, Two Family Residence DISTRICTS other than in PLANNED UNIT DEVELOPMENTS except as follows:
1. Mortuary or funeral home may be authorized as a Special Use Permit in the AG-2, Agriculture Zoning District, when it is on a lot under common management with a cemetery.
 2. Up to three BIG WIND TURBINE TOWERS may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS.
 3. RESIDENTIAL RECOVERY CENTER may be authorized as a SPECIAL USE Permit in the AG-2, Agriculture Zoning DISTRICT in accordance with Section 5.2.
 4. PARKING LOT and related passenger waiting buildings may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2.

Attachment A. Revised Proposed Amendment (Annotated)

Case 819-AT-15
DECEMBER 17, 2015

2. **Revise Section 5.2 by revising “PARKING GARAGE or LOT” and adding a new footnote to read as follows:**

Section 5.2 Table of Authorized Principal USES

Principal USES	Zoning DISTRICTS														
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Public and Quasi-Public Facilities															
PARKING GARAGE or LOT	<u>S²²</u>														
Public Fairgrounds	S		S											S	S

Footnotes

22. PARKING LOT and related passenger waiting buildings may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3.

Attachment A. Revised Proposed Amendment (Annotated)

Case 819-AT-15
DECEMBER 17, 2015

3. Revise Section 6.1.3 by revising Fairground and adding a new special use as follows:

SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

SPECIAL USES or USE Categories	Minimum Fencing Required ⁶	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (Feet)	Feet	Stories	Front Setback from STREET Centerline ²					
						STREET Classification					
						MAJOR	COLLECTOR	MINOR	SIDE	REAR	
Fairground	6' wire mesh	20	(1)	(1)	(1)	100	100	100	50	50	*See below
<p><u>Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; provide for stream flows that support healthy aquatic ecosystems; minimize impacts on adjacent properties and cause no more than minimal disturbance to the stream corridor environment; and, wherever possible, preserve existing habitat, enhance degraded habitat, and restore habitat.</u></p>											
<u>PARKING LOT and related passenger waiting buildings as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District</u>	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
<p><u>At a Public Fairgrounds that was an established USE at the subject location on October 10, 1973, all or part of the parking area(s) may be used for parking not otherwise related to the Fairground and the non-Fairground parking may be limited to parking for a single other non-Fairground USE or to multiple other non-Fairground USES and may include the construction and use of related passenger waiting buildings, so long as authorized as part of the Special Use Permit and subject to the following:</u></p> <p><u>a. Traffic impacts shall be considered.</u></p> <p><u>b. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.</u></p>											
Public HOSPITAL	NR	5	(1)	(1)	(1)	(1)	(1)	(1)	40	40	

Footnotes

- Standard same as applicable zoning DISTRICT.
- In no case, however, shall the FRONT YARD, measured from the nearest RIGHT-OF-WAY line, be less than 35' from a MAJOR STREET, 30' from a COLLECTOR STREET, or 25' from a MINOR STREET. Where 25% or more of the LOTS within a BLOCK, such LOTS abutting STREETS other than federal or state highways, were occupied by MAIN or PRINCIPAL STRUCTURES prior to the effective date of this ordinance, the average of the SETBACK LINES of such STRUCTURES shall be the minimum SETBACK LINE of the remaining vacant LOTS within such BLOCK except where the public health, safety, comfort, morals, or welfare are endangered.
- Other standards shall be in accordance with the "State of Illinois Environmental Protection Agency Solid Waste Rules and Regulations," effective July 27, 1973.
- Applications for sewage disposal facilities shall include plans for such facilities prepared by a registered professional engineer. All plans shall include assurance that the proposed facilities will not be subject to flooding, will not contaminate ground water resources, and any other assurances that may be required by the BOARD. All sewage disposal facilities shall be constructed in accordance with the rules and regulations of the State of Illinois and this ordinance.
- Industrial Pre-existing USES must make application to obtain SPECIAL USE status.

Attachment A. Revised Proposed Amendment (Annotated)

Case 819-AT-15
DECEMBER 17, 2015

6. The specific location and area to be enclosed by required fencing shall be determined by the Zoning Board of Appeals.

PRELIMINARY DRAFT

819-AT-15

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: _____

Petitioner: Zoning Administrator

Request: *Amend the Zoning Ordinance as follows:

- A. In Section 4.2.1 C. add "HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to Section 5.2."
 - B. In Section 5.2, add "HOSPITAL" as a Special Use Permit in the CR District and add a footnote stating that "HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, may be authorized in the CR District only as an additional principal USE or additional principal STRUCTURE on Public Fairgrounds by SPECIAL USE Permit subject to the standard conditions in Section 6.1.3."
 - C. In Section 5.2, add "Medical and Dental CLINIC" as a Special Use Permit in the CR District and make the Special Use Permit subject to the same footnote as for HOSPITAL in the CR District.
 - D. In Section 6.1.3 add "HOSPITAL, medical CLINIC, HOSPITAL and medical CLINIC, and/or any use and/or structure that is accessory to a HOSPITAL and/or medical CLINIC, as an additional principal USE or additional principal STRUCTURE on a Public Fairgrounds in the CR District" and require no minimum fencing; require the minimum LOT AREA to be 20 acres; require the Average Lot Width, Maximum HEIGHT, and setback to be the same as in the CR Zoning DISTRICT; require the Side and Rear Yards to be a minimum of 40 feet; and add the following special provisions:
 1. The Public Fairgrounds must have been an established use at the subject location on October 10, 1973.
 2. Traffic impacts shall be considered.
 3. Site design, land management, and storm water management designs and practices shall provide effective site drainage; meet or exceed state and federal water quality standards; protect downstream drainage patterns; minimize impacts on adjacent properties; provide for stream flows that support healthy aquatic ecosystems; and, wherever possible, preserve existing habitat and enhance degraded habitat.
 4. A Public Fair must continue to be held at the Public Fairgrounds or the Special Use Permit shall become void.
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CONTENTS

FINDING OF FACT.....pages 2 – 13
SUMMARY FINDING OF FACT.....pages 11- 12
DOCUMENTS OF RECORD..... page 13
FINAL DETERMINATION.....page 14
PROPOSED AMENDMENT.....page 15 (not included)

***This description does not reflect the proposed changes to the text amendment that are discussed in the Supplemental Memorandum dated 12/17/15. The Finding of Fact is based on the proposed changes to the text amendment.**

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 10, 2015, and December 17, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. The Champaign County Fair Association was granted a Special Use Permit for the Fairgrounds by the Zoning Board of Appeals in Case 962-S-94 on March 16, 1995. The use of the Fairgrounds parking areas by Carle Hospital and/or Carle Clinic on a daily basis had already been established by that time even though there is no mention of Carle’s use in the records of Case 962-S-94.
 - B. The Carle “pick-up stations” (the bus waiting enclosures) in the Fairgrounds parking lot were authorized in the Phase 3 Parking Plans that were approved by the Zoning Administrator on May 5, 1994.
 - C. As constructed, the pick-up stations meet the Zoning Ordinance definition of “buildings” but are only used by Carle’s employees and patients and therefore constitute an additional non-Fairground principal USE or additional principal STRUCTURE on the Fairground property.
 - D. Sec. 4.2.1C. of the Ordinance prohibits more than one PRINCIPAL USE and more than one MAIN or PRINCIPAL STRUCTURE or BUILDING per LOT in the CR Conservation Recreation Zoning District unless specifically authorized in the Ordinance.
 - E. The proposed amendment will amend the Ordinance so that the Champaign County Fair Association may apply for a new Special Use Permit for the Fairgrounds including the non-Fairground use of the parking lot and the related passenger waiting buildings.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. The proposed amendment has been significantly revised based on comments from the City of Urbana staff.

SUMMARY OF THE PROPOSED AMENDMENT

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

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

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

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

REGARDING LRMP GOALS

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

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

Goal 1 has 4 objectives and 4 policies. The proposed text 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 text amendment will *NOT IMPEDE* the achievement of Goal 2.

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

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

Goal 3 has three objectives and no policies. The proposed text 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 text amendment will *NOT IMPEDE* the achievement of Goal 4.

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

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

Goal 5 has 3 objectives and 15 policies. The proposed text amendment will *NOT IMPEDE* the achievement of Goal 5 in general.

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 text 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 text amendment will *HELP ACHIEVE* Goal 7 for the following reason:

- A. Objective 7.1 is entitled “Traffic Impact Analysis” and states, “**Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.**”

The proposed rezoning will *HELP ACHIEVE* Objective 7.1 as follows:

- (1) Policy 7.1.1 states, “**The County will include traffic impact analyses in discretionary review development proposals with significant traffic generation.**”

The proposed rezoning *HELP ACHIEVE* Policy 7.1.1 for the following reasons:

- a. Traffic impacts are considered at least in a general way in any discretionary review.
- b. The proposed amendment includes a standard condition requiring that “Traffic impacts shall be considered.” The proposed standard condition will not require a traffic impact analysis in every instance but it does elevate traffic considerations to a greater than normal concern.

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 text amendment is directly relevant to the Objectives and policies that are reviewed below and will *HELP ACHIEVE* Goal 8 for the following reasons:

- A. Objective 8.4 is entitled “Surface Water Protection” and states **“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 text amendment will *HELP ACHIEVE* Objective 8.4 because of the following:

- (1) Objective 8.4 has 6 policies. Policies 8.4.1, 8.4.3, 8.4.4, and 8.4.6 are not directly relevant to the proposed text amendment.
- (2) Policy 8.4.2 states **“The County will require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.”**

The proposed text amendment will *HELP ACHIEVE* Policy 8.4.2 because the proposed amendment includes standard conditions in Section 6.1.3 that restate this policy in near verbatim and any Special Use Permit for a Fairgrounds will specifically be reviewed for achievement of this policy.

- (3) Policy 8.4.5 states **“The County will ensure that non-point discharges from new development meet or exceed state and federal water quality standards.”**

The proposed text amendment will *HELP ACHIEVE* Policy 8.4.5 because the proposed amendment includes standard conditions in Section 6.1.3 that restate this policy in near verbatim and any Special Use Permit for a Fairgrounds will specifically be reviewed for achievement of this policy.

- B. Objective 8.5 is entitled “Aquatic and Riparian Ecosystems” and states “**Champaign County will encourage the maintenance and enhancement of aquatic and riparian habitats.**”

The proposed text amendment will *HELP ACHIEVE* the achievement of Objective 8.5 because of the following:

- (1) Objective 8.5 has 5 policies. Policies 8.5.3, 8.5.4, and 8.5.5 are not directly relevant to the proposed text amendment.
- (2) Policy 8.5.1 states “**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 text amendment will *HELP ACHIEVE* the achievement of Policy 8.5.1 because the proposed amendment includes standard conditions in Section 6.1.3 that restate this policy in near verbatim and any Special Use Permit for a Fairgrounds will specifically be reviewed for achievement of this policy.

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

The proposed text amendment will *HELP ACHIEVE* the achievement of Policy 8.5.2 because the proposed amendment includes standard conditions in Section 6.1.3 that restate this policy in near verbatim and any Special Use Permit for a Fairgrounds will specifically be reviewed for achievement of this policy.

- C. Objective 8.6 is entitled “Natural Areas and Habitat” and states “**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 text amendment will *HELP ACHIEVE* the achievement of Objective 8.6 because of the following:

- (1) Objective 8.6 has 6 policies. Policies 8.6.3, 8.6.4, 8.6.5, and 8.6.6 are not relevant to the proposed text amendment.
- (2) Policy 8.6.1 states:
The County will encourage educational programs to promote sound environmental stewardship practices among private landowners.

The proposed text amendment will *NOT IMPEDE* the achievement of Policy 8.6.1.

- (3) Policy 8.6.2 states:
 - 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 text amendment will *HELP ACHIEVE* Policy 8.6.2 to the extent that part a. of this policy is similar to the combined policies 8.5.1 and 8.5.2

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

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

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

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

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

Goal 10 has 1 objective and 1 policy. Goal 10 is *NOT RELEVANT* to the proposed text amendment in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

- 16. The proposed text 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 text 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 will *HELP ACHIEVE* this purpose to the extent that it will allow the Champaign County Fair Association to apply for a new Special Use permit that will presumably continue the parking arrangement with Carle.

- 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 text 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 text amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed text 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 text 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 text 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 text amendment is directly related to this purpose to the same extent as paragraph 2.0 (b) and will *HELP ACHIEVE* 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 text amendment is directly related to this purpose to the same extent as paragraph 2.0 (b) and will **HELP ACHIEVE** 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 text amendment is directly related to this purpose to the same extent as paragraph 2.0 (b) and will **HELP ACHIEVE** 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 text amendment is directly related to this purpose to the same extent as paragraph 2.0 (b) and will **HELP ACHIEVE** 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 text amendment is directly related to this purpose to the same extent as paragraph 2.0 (b) and will **HELP ACHIEVE** 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 text amendment is not directly related to this purpose.

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

The proposed text amendment will **HELP ACHIEVE** this purpose. See the discussion of LRMP Objectives 8.4, 8.5 and 8.6. under items 13.A., B., and C.

- 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 text 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 text 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 text amendment is not directly related to this purpose.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 10, 2015, and December 17, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. Regarding the effect of this text amendment on the Land Resource Management Plan (LRMP):
 - A. **Regarding Goal 8 Natural Resources:**
 - This amendment will **HELP ACHIEVE** Objective 8.4 requiring the County to 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 because it will **HELP ACHIEVE** the following:
 - Policy 8.4.2 requiring the County to require stormwater management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems (see Item 13.A.(2)).
 - Policy 8.4.5 requiring the County to ensure that non-point discharges from new development meet or exceed state and federal water quality standards (see Item 13.A.(3)).
 - This amendment will **HELP ACHIEVE** Objective 8.5 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because while it will either not impede or is not relevant to the other Policies under this Objective, 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.B.(2)).
 - Policy 8.5.2 requiring discretionary development to cause no more than minimal disturbance to the stream corridor environment (see Item 13.B.(3)).
 - This amendment will **HELP ACHIEVE** Objective 8.6 requiring that the County avoid loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species 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.C.(3)).
 - Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed text amendment will **HELP ACHIEVE** Goal 8 Natural Resources.
 - B. **Regarding Goal 7 Transportation:**
 - This amendment will **HELP ACHIEVE** Objective 7.1 requiring that Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted because it will **HELP ACHIEVE** the following:
 - Policy 7.1.1 requiring the County to include traffic impact analyses in discretionary review development proposals with significant traffic generation (see Item 12.A.).

PRELIMINARY DRAFT

- Based on achievement of the above Objectives and Policies and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, this text amendment will **HELP ACHIEVE Goal 7 Transportation.**
- C. This text amendment will **NOT IMPEDE** the following LRMP goal(s):
- **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 3 Prosperity**
 - **Goal 4 Agriculture**
 - **Goal 5 Urban Land Use**
 - **Goal 6 Public Health and Safety**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
- D. Overall, this text amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because it will **HELP ACHIEVE** the following purposes of the Ordinance:
- This text amendment will **HELP** conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY (Purpose 2.0 (b); see Item 16.B.).
 - This text amendment will **HELP** 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. (Purpose 2.0 (i); see Item 16.I.).
 - This text amendment will **HELP** 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. (Purpose 2.0 (j); see Item 16.J.).
 - This text amendment will **HELP** fix regulations and standards to which buildings, structures, or uses therein shall conform. (Purpose 2.0 (k); see Item 16.K.).
 - This text amendment will **HELP** prohibit uses, buildings, or structures incompatible with the character of such districts. (Purpose 2.0 (l); see Item 16.L.).
 - This text amendment will **HELP** 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. (Purpose 2.0 (m); see Item 16.M.).
 - This text amendment will **HELP** protect natural features such as forested areas and watercourses. (Purpose 2.0 (o); see Item 16.O.).

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated December 4, 2015, with Attachments:
 - A ELUC Memorandum dated October 26, 2015
 - B Proposed Amendment (Annotated)
 - C Champaign County Land Resource Management Plan Land Use Goals, Objectives, and Policies (included separately)

2. Supplemental Memorandum dated December 17, 2015, with Attachments:
 - A Revised Amendment
 - B Preliminary Finding of Fact

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 Text Amendment requested in **Case 819-AT-15** 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 the attachment to the Supplemental Memorandum dated 12/17/15)