

CASE 008-AT-21
PRELIMINARY MEMORANDUM
May 4, 2021

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:
Amend Section 5.2 by adding "Agronomic Research and Training Facility" as a Special Use Permit in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts, as detailed in the full legal description in Attachment A.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

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

(217) 384-3708

zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

BACKGROUND

On March 24, 2021, P&Z Staff received an inquiry about the zoning approvals necessary to allow a corporate-owned agronomic research facility on approximately 300 acres in the AG-1 District. The facility is anticipated to include agronomic research for fertilizer; a large digital hub (computer office area) for coordinating world-wide corporate agronomic research and application; and a 400-600 person visitor training center with training auditorium.

Any zoning approval must be based on a similar land use as listed in Section 5.2 Table of Authorized Uses in the Champaign County Zoning Ordinance, but there is no similar land use in Section 5.2. The AG-1 District is the most restrictive zoning district in terms of the types of allowed uses, and this proposed land use is not anticipated in the Zoning Ordinance.

- The proposed visitor training center with training auditorium is not like the UI research farm, which is exempt from local zoning because the UI is owned by the State of Illinois and it is also not like the private seed research facilities in the County which are exempt by state law.
- The Visitor Training Center/Main Pavilion is also not simply an "event center" because of the digital hub which will have be staffed on a daily basis.
- Even though the corporate owner does fertilizer sales, there are no sales proposed at this research facility. If sales were included in the mix of proposed uses, then the 400-600 person visitor training center with training auditorium could be included as part of a special use permit for a "Farm Chemicals and Fertilizer Sales" facility, but no sales are proposed.

Attachment B is the ELUC memo dated March 26, 2021. ELUC approved consideration of the proposed text amendment at its April 8, 2021 meeting.

APPROVAL PROCESS

The proposed amendment will be discussed at the May 13, 2021 and May 27, 2021 ZBA meetings in order to provide municipalities and interested parties time to provide comments. Should the ZBA recommend it for approval on May 27th, it will be forwarded to ELUC starting June 10.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated March 26, 2021
- C Land Resource Management Plan (LRMP) Goals & Objectives *(available on ZBA meetings website)*
- D Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 008-AT-21 dated May 13, 2021

LEGAL PUBLICATION: WEDNESDAY, APRIL 28, 2021

CASE: 008-AT-21

NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

CASE 008-AT-21

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, May 13, 2021 at 6:30 p.m.** prevailing time in the Lyle Shields Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, but with public access only via Zoom, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

Amend Section 5.2 by adding “Agronomic Research and Training Facility” as a Special Use Permit in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts.

All public participation and public testimony during the meeting will only be received via Zoom. Information for connecting to this Zoom meeting can be found on the ZBA meetings website: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, APRIL 28, 2021, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Phone: 384-3708

Our News Gazette account number is 99225860.

TO: **Environment and Land Use Committee**

FROM: **John Hall, Zoning Administrator**

DATE: **March 26, 2021**

RE: **Proposed Text Amendment to add “Agronomic Research and Training Facility” as a Special Use Permit in the AG-1 and AG-2 Zoning Districts**

Champaign County
Department of

**PLANNING &
ZONING**

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

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

BACKGROUND

On March 24 we received a serious inquiry about the zoning approvals necessary to allow a corporate owned agronomic research facility on approximately 300 acres in the AG-1 District. The facility is anticipated to include agronomic research for fertilizer and a large digital hub (i.e., computer office area) for coordinating world-wide corporate agronomic research and application and also a 600 person visitor training center with training auditorium.

Any zoning approval has to be based on a similar land use as listed in Section 5.2 Table of Authorized Uses in the Champaign County Zoning Ordinance but there is no similar land use in Section 5.2. The AG-1 District is the most restrictive zoning district in terms of the types of allowed uses and this proposed land use is not anticipated in the Zoning Ordinance.

The proposed visitor training center with training auditorium is not like the UI research farm which is exempt from local zoning because the UI is owned by the State of Illinois and it is also not like the private seed research facilities in the County which are exempt by state law.

The Visitor Training Center/Main Pavilion is also not simply an “event center” because of the digital hub which will have be staffed on a daily basis.

And even though the corporate owner does fertilizer sales there are no sales proposed at this research facility. If sales were included in the mix of proposed uses, then the 600 person visitor training center with training auditorium could be included as part of a special use permit for a “Farm Chemicals and Fertilizer Sales” facility, but no sales are proposed.

If this development is to happen in Champaign County, the Zoning Ordinance should be amended to add a type of use similar to the 600 person visitor training center with training auditorium, perhaps under the rubric “agronomic research and training facility”, as a special use in the AG-1, AG-2, and CR Districts. At this time, there does not seem to be a need to include any particular requirements for the special use so this will simply be a change to Section 5.2 of the Zoning Ordinance.

ANTICIPATED TIMELINE FOR THE AMENDMENT

Amending the Zoning Ordinance typically takes a minimum of 6 months and then the public hearing for the special use would take at least an additional month. The timeline may be as follows:

- If the Committee authorizes the text amendment at this meeting, a public hearing could open at the May 27, 2021, Zoning Board of Appeals meeting, and the public hearing could be completed as early as June 24, 2021.
- The Zoning Board of Appeals will make a recommendation to the Environment and Land Use Committee. ELUC could review the recommendation as early as July 8, 2021, in which case the County Board could vote on the amendment at their meeting on August 19, 2021.
- If the application for special use permit is made in a timely manner, the special use permit could be considered at the September 16, 2021, Zoning Board of Appeals meeting.

Attachment C: LRMP Goals, Objectives and Policies

can be found online at: http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php

PRELIMINARY DRAFT

008-AT-21

**FINDING OF FACT
AND FINAL DETERMINATION**

of

Champaign County Zoning Board of Appeals

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

Date: *{May 13, 2021}*

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

Amend Section 5.2 by adding “Agronomic Research and Training Facility” as a Special Use Permit in the AG-1 Agriculture and AG-2 Agriculture Zoning Districts.

CONTENTS

Finding of Fact 2 - 7

Summary Finding of Fact 8

Documents of Record..... 9

Final Determination..... 10

Proposed Amendment 11

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 13, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to establish the requirements for Agronomic Research and Training Facilities in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

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 amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

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

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

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

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

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

Goal 3 has three objectives and no policies. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 3 as follows:

- A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will ***HELP ACHIEVE*** Objective 3.1 as follows:

- (1) The proposed text amendment will allow development of corporate-owned agriculture research and training facilities, which will help improve Champaign County’s agriculture-based business climate.

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 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 amendment ***WILL NOT IMPEDE*** the achievement of Goal 5.

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 NOT IMPEDE*** the achievement of Goal 8.

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

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

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

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

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

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

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will ***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 consistent with 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.

PRELIMINARY DRAFT

The proposed amendment is consistent with this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is not directly related to this purpose.

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

The proposed amendment is consistent with 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 consistent with 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 consistent with 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 consistent with 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 consistent with 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 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 consistent with 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** provide:
 - A. A classification which allows an agricultural related business while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 13, 2021**, the Zoning Board of Appeals of Champaign County finds that:

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

DOCUMENTS OF RECORD

1. Legal advertisement for Case 008-AT-21
2. Preliminary Memorandum for Case 008-AT-21, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated March 26, 2021
 - C Land Resource Management Plan (LRMP) Goals & Objectives
(available on ZBA meetings website)
 - D Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 008-AT-21 dated May 13, 2021

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 recommends that:

The Zoning Ordinance Amendment requested in **Case 008-AT-21** 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PRELIMINARY DRAFT

PROPOSED AMENDMENT

1. Revise Section 5.2 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	
Agronomic Research and Training Facility		S	S													

S = Permitted on individual LOTS as a SPECIAL USE