

CASE 040-AT-22

PRELIMINARY MEMORANDUM

MARCH 8, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

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

BACKGROUND

Planning & Zoning has a client who is interested in bringing high-speed internet to rural communities by installing 120 foot tall towers with antennas on some existing substations in Champaign County.

At its February 10, 2022 meeting, ELUC reviewed a memorandum dated January 31, 2022, regarding authorization for “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use with the “Electrical Substation” land use (Attachment B to this memo). ELUC approved opening a ZBA public hearing for these amendments at its February 10, 2022 meeting.

Private or commercial transmission and receiving towers (including antennas) over 100 feet in height are already allowed by Special Use Permit in all zoning districts except the I-2 Heavy Industry Zoning District, which allows them by-right. These towers are not allowed as a secondary use, however, and that is what the client proposes.

The proposed amendment would limit these towers as second principal uses only with Electrical Substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts.

WAIVERS MAY BE NECESSARY FOR TOWERS IN ELECTRICAL SUBSTATIONS

Attachment D is an excerpt from Table 6.1.3 Schedule of Standard Conditions for Specific Types of SPECIAL USES. Standard conditions for towers over 100 feet require 100 feet setback and 50 feet side and rear yards on a minimum one acre of land. Such requirements will not typically fit in an existing electrical substation property, so waivers would likely be necessary to accommodate those dimensions.

APPROVAL PROCESS

We anticipate that the proposed amendment (at the end of Attachment E) will be discussed at the March 17, 2022, and at least one additional ZBA meeting. The earliest that a recommendation from the ZBA would go to ELUC is May 5, 2022, and the earliest that the County Board could adopt the amendment would be June 23, 2022.

ATTACHMENTS

- A Legal advertisement
- B ELUC Memorandum dated January 31, 2022, with attachment:
 - Exhibit A: Outline of proposed amendment
- C Land Resource Management Plan (LRMP) Goals & Objectives
(available on ZBA meetings website)
- D Excerpt from Table 6.1.3 Schedule of Standard Conditions for Specific Types of SPECIAL USES
- E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 040-AT-22 dated March 17, 2022, with attachment:
 - Proposed Amendment

LEGAL PUBLICATION: WEDNESDAY, MARCH 2, 2022

CASE: 040-AT-22

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

CASE 040-AT-22

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, March 17, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, 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:

Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

All persons interested are invited to attend said hearing and be heard. 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, MARCH 2, 2022, 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.

Champaign County
Department of

**PLANNING &
ZONING**

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

TO: Environment and Land Use Committee

**FROM: John Hall, Zoning Administrator
Susan Burgstrom, Senior Planner**

DATE: January 31, 2022

RE: Authorization for Public Hearing on Proposed Zoning Ordinance Text Amendment authorizing “private or commercial transmission and receiving tower (including antenna) over 100 feet in height” as a second principal use with the “Electrical Substation” land use

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

BACKGROUND

Planning & Zoning has a client who is interested in bringing high-speed internet to rural communities by installing 120 foot tall towers with antennas on some existing substations in Champaign County.

Private or commercial transmission and receiving towers (including antennas) over 100 feet in height are already allowed by Special Use Permit in all zoning districts except the I-2 Heavy Industry Zoning District, which allows them by-right. These towers are not allowed as a secondary use, however, and that is what the client proposes.

The proposed amendment would limit these towers as second principal uses only with Electrical Substations, and only in the AG-1 and AG-2 Agriculture Zoning Districts.

PROPOSED TEXT AMENDMENT

An outline of the proposed amendment is attached.

TEXT AMENDMENT PUBLIC HEARING TIMELINE

The public hearing requires a legal advertisement in the newspaper and notice provided to all relevant municipalities. If the public hearing is authorized by ELUC on February 10th, the anticipate timeline (*earliest possible dates) is as follows:

- | | |
|--|-----------------------------------|
| 1. Public Hearing opens at the Champaign County Zoning Board of Appeals (CCZBA) | *Thursday, March 31, 2022 |
| 2. Public Hearing closes at CCZBA and the CCZBA makes recommendations to the Champaign County Board | **Thursday, April 14, 2022 |
| 3. Environment and Land Use Committee of the Champaign County Board (ELUC) affirms or amends CCZBA’s recommendation | *Thursday, May 5, 2022 |
| 4. Environment and Land Use Committee of the Champaign County Board makes a recommendation to the Champaign County Board | *Thursday, June 9, 2022 |
| 5. Champaign County Board makes a final determination | *Thursday, June 23, 2022 |

*earliest anticipated dates of action

ATTACHMENTS

- A Outline of Proposed Amendment

EXHIBIT A: PROPOSED AMENDMENT

1. Add new paragraph 4.2.1 C.7. 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:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

ELUC
02/10/22

Attachment C: LRMP Goals, Objectives and Policies

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

Attachment D: Excerpt from Table 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			SIDE	REAR	
						STREET Classification					
						MAJOR	COLLECTOR	MINOR			
Electrical Substation	6' wire mesh	(1)	(1)	(1)	(1)	(1)	(1)	(1)	20	20	
Private or Commercial transmission and receiving towers (including antennas) over 100 feet in HEIGHT	6' wire mesh	1	(1)	(1)	(1)	100	100	100	50	50	*See below
* Towers shall conform to the standards of the Federal Aviation Administration, Federal Communication Commission, and the Illinois Department of Transportation, Division of Aeronautics.											

PRELIMINARY DRAFT

040-AT-22

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

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

Date: *{March 17, 2022}*

Petitioner: **Zoning Administrator**

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

Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 17, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to amend the requirements for “Private or commercial transmission and receiving towers (including antennas) over 100 feet in height” to be allowed as a second principal use with Electrical Substations in the AG-1 and AG-2 Agriculture Zoning Districts.
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 internet towers to piggyback on electrical substation properties, which will improve cost efficiencies for those providers.

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.

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 consistent with 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 new technology collaborations supporting the local economy 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 **March 17, 2022**, 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 040-AT-22
2. Preliminary Memorandum for Case 040-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated January 31, 2022, with attachment:
 - Exhibit A: Outline of proposed amendment
 - C Land Resource Management Plan (LRMP) Goals & Objectives
(available on ZBA meetings website)
 - D Excerpt from Table 6.1.3 Schedule of Standard Conditions for Specific Types of SPECIAL USES
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 040-AT-22 dated March 17, 2022, with attachment:
 - Proposed Amendment

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 040-AT-22** 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. Add new paragraph 4.2.1 C.7. 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:

7. A private or commercial transmission and receiving tower (including antenna) over 100 feet in height may be authorized as a SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second PRINCIPAL USE on a LOT with an Electrical Substation.