

CASE 058-AT-22

SUPPLEMENTAL MEMORANDUM #2

SEPTEMBER 30, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Revise, add, or remove defined terms to Section 3.0 as listed in the full legal advertisement.
2. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
 - B. Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
 - C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.

5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.
6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.
7. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

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

STATUS

This case was continued from the July 14, 2022 ZBA meeting. No questions or comments have been received for this case.

REVISION TO SPECIFIC MATERIAL COLLECTION SITE

The amendment includes a Specific Material Collection Site in the AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts. P&Z Staff discussed whether a Specific Material Collection Site would be appropriate in the AG-1 Zoning District given the types of uses that are generally allowed in that district. At the July 14, 2022, the Board and Staff agreed that a Specific Material Collection Site should only be allowed in the AG-1 district at a Township Highway Maintenance Garage or other government-owned facility such as a fire station.

REVISION TO CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING (CDDR) FACILITY STANDARD CONDITION

Standard condition 4 for a CDDR facility states:

- “4. A CDDR FACILITY must be located at least 500 feet from any residential zoning district unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.”

This standard condition comes from Will County’s Code for recycling facilities, and is less than the 1,320 feet the State statute 415 ILCS 5/22.38 provides for:

“General construction or demolition debris recovery facilities shall be subject to local zoning, ordinance, and land use requirements. General construction or demolition debris recovery facilities shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.”

P&Z Staff recommend considering a longer separation of 1,320 feet and for that separation to be not only to any residentially zoned district but also to any dwelling conforming as to use.

REVISION TO LANDSCAPE WASTE PROCESSING FACILITY STANDARD CONDITIONS

The proposed amendment combined Landscape Waste Processing Facility and Landscape Waste Compost Facility standard conditions in Section 6.1.3. P&Z Staff propose separating those two uses in Section 6.1.3 as shown in the proposed amendment at the end of Attachment B.

NOISE LEVELS

At the July 14th meeting, the Board discussed whether a Construction and Demolition Debris Recycling (CDDR) facility should have noise requirements added. The proposed amendment includes a minimum 500 feet separation between the facility and any residential zoning district, but otherwise there are no proposed requirements concerning noise.

P&Z Staff searched online for other Illinois counties and municipalities that have a noise requirement for CDDR facilities and found many had no noise limits. Others limited noise to certain hours of the day, typically 7:00 a.m. to 10:00 p.m. Some required compliance with Illinois Pollution Control Board noise limits.

The State of Illinois statute *415 ILCS 5/22.38* for CDDR facilities requires that a CDDR facility “shall be located in accordance with local zoning requirements or, in the absence of local zoning requirements, shall be located so that no part of the facility boundary is closer than 1,320 feet from the nearest property zoned for primarily residential use.”

In a Special Use Permit case from 2020, the Board heard evidence that much of the noise coming from a site that accepted construction and demolition debris was from trucks dumping the materials. The witness testified, “Mr. Jacobson said currently, there is a lot of semi-truck traffic bringing material onto the property. He said that when the concrete is dumped, it doesn’t always come out of the truck until the trailer is extended all the way up, thus the concrete comes out all at once, and it sounds like an explosion when this happens. He said that the dumping, in itself, is a lot of noise, and then the movement of that concrete by the tractors and skid-steers is very noisy, and the most annoying noise is the jackhammer, which the neighbors who are one mile away can hear. He said that it doesn’t matter what he is doing inside, but when the Blocks run the jackhammer, he can hear it inside of his home with the windows and doors shut and the television or radio on.” Mr. Jacobson’s house is approximately 600 feet from where the dumping occurs and is not in a residential zoning district.

SOURCE OF PROPOSED STANDARD CONDITIONS

At the July 14th meeting, a Board member asked if the proposed standard conditions in Section 6.1.3 came from State of Illinois statutes.

- Construction and Demolition Debris Recycling Facility conditions came from Will County, IL Code for recycling facilities and are more specific than the State statutes for CCDD facilities *415 ILCS 5/22.38* but also require compliance with *415 ILCS 5/22.38*.
- Permanent Compostable Waste Collection Point conditions are from State statute *415 ILCS 5/22.55*.
- Landscape Waste Compost Facility conditions are from our own Zoning Ordinance's Landscape Waste Processing Facility standard conditions, with revisions noted in the proposed amendment at the end of Attachment B.

ATTACHMENTS

- A Legal advertisement
- B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated October 13, 2022, with attachment:
 - Revised Exhibit A: Proposed Amendment dated October 13, 2022

LEGAL PUBLICATION: WEDNESDAY, JUNE 29, 2022

CASE: 058-AT-22

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

CASE 058-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, July 14, 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:

1. Revise, add, or remove defined terms to Section 3.0 as follows:
 - A. Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.
 - B. Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.
 - C. Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.
2. Add "SPECIFIC MATERIAL COLLECTION SITE" authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
3. Add "POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY" as exempt from Zoning Ordinance in Section 4.3.7.
4. Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:
 - A. Change "AUTOMOBILE Salvage Yard (junkyard)" to "JUNK YARD or AUTOMOBILE SALVAGE YARD" as a listed PRINCIPAL USE.
 - B. Amend "Recycling of non-hazardous materials (all storage and processing indoors)" to be "RECYCLING CENTER with no Outdoor STORAGE nor

Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
 - D. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.
 - E. Revise “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.
 - F. Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
 - G. Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.
- 5. Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”, “PERMANENT COMPOSTABLE WASTE COLLECTION POINT”, and “LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY.”
 - 6. Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL
 - 7. Revise Section 7.1.2(J)3 to indicate “JUNK YARD or AUTOMOBILE SALVAGE YARD” as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

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, JUNE 29, 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

REVISED DRAFT 10/13/22

058-AT-22

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: *{~~July 14~~28~~~~, 2022} October 13, 2022}*

Petitioner: **Zoning Administrator**

- Request:
1. **Revise, add, or remove defined terms to Section 3.0 as follows:**
 - A. **Add defined terms in Section 3.0: COMPOST, COMPOSTABLE WASTE, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY, FOOD SCRAP, GARBAGE, GARDEN COMPOST OPERATION, GENERAL CONSTRUCTION OR DEMOLITION DEBRIS, HOUSEHOLD WASTE DROP-OFF POINT, LANDSCAPE WASTE COMPOST FACILITY, ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT, PERMANENT COMPOSTABLE WASTE COLLECTION POINT, POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY, RECYCLING CENTER, SPECIFIC MATERIAL COLLECTION SITE.**
 - B. **Revise defined terms in Section 3.0: LANDSCAPE WASTE, LANDSCAPE WASTE PROCESSING FACILITY.**
 - C. **Remove defined terms from Section 3.0: REFUSE DUMP, SANITARY LANDFILL.**
 2. **Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.**
 3. **Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.**
 4. **Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES as follows:**
 - A. **Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.**
 - B. **Amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be “RECYCLING CENTER with no**
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Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.

- C. **Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.**
 - D. **Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.**
 - E. **~~Revise~~ Add “LANDSCAPE WASTE COMPOSTING FACILITY” to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts.**
 - F. **Add “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
 - G. **Add “SPECIFIC MATERIAL COLLECTION SITE” as a listed PRINCIPAL USE to be allowed by SPECIAL USE Permit in AG-1, AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts.**
5. **Add Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY and COMPOSTABLE WASTE COLLECTION POINT.**
 6. **Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES: Public or Commercial SANITARY LANDFILL.**
 7. **Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.**

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 14, 2022, July 28, 2022 and October 13, 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 materials management and waste-related uses 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.
 - A. Regarding justification for the proposed amendment:
 - (1) The SPECIFIC MATERIAL COLLECTION SITE is intended to allow greater flexibility in recycling. For example, the current limited system of glass bottle recycling combines glass bottles with all recyclable materials into one bin. Estimates are that a very minimal percentage of collected glass actually may be recycled effectively. A SPECIFIC MATERIAL COLLECTION SITE would facilitate the recycling of glass separately from other materials so as to reduce the amount of glass that goes in a landfill.
 - (2) Regarding the addition of defined terms for “POLLUTION CONTROL FACILITY” and “NEW POLLUTION CONTROL FACILITY”: the Illinois Environmental Protection Act (415 ILCS 5/39.2) allows these facilities to be exempt from County zoning and instead authorizes the County to conduct a separate comprehensive siting approval review and public hearing process for a proposed new pollution control facility.
 - (3) Regarding the proposed change from “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE: the change adds appropriate capitalization so that this land use is linked to a matching definition in Section 3.0, which is: “A LOT, land, BUILDING, or STRUCTURE, or part thereof used primarily for the collecting, storage, and/or sale of scrap metal, or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for the sale of parts therefrom.”
 - (4) Regarding the proposed amendment to the “Recycling of non-hazardous materials (all storage and processing indoors)” land use: The existing zoning provisions allow for one kind of recycling center—one with all storage and processing indoors. The proposed amendment expands the range of types of recycling facilities to allow for: (1) a RECYCLING CENTER with no outdoor STORAGE Nor outdoor OPERATIONS; (2) a RECYCLING CENTER with limited outdoor STORAGE and/or outdoor OPERATIONS.

- (5) Regarding the addition of “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY”: this is an important modern use that diverts materials away from the landfill. The only known operating and permitted construction and demolition debris recycling facility in Champaign County is Henson Disposal and Recycling. In 2016, Henson Disposal & Recycling opened its permitted C&D Recycling Facility in Urbana to accept all construction and demolition debris (wood, shingles, bricks, concrete, rock, asphalt, metal, cardboard and paper, glass, bulk and clear plastics, drywall and plaster, vinyl siding, carpet, pad, tile and flooring).
- (6) Regarding the addition of “LANDSCAPE WASTE COMPOSTING FACILITY”: currently, the Zoning Ordinance includes a “LANDSCAPE WASTE PROCESSING” land use. The proposed addition of “LANDSCAPE WASTE COMPOSTING FACILITY” adds more flexibility to the Ordinance. The current “LANDSCAPE WASTE PROCESSING” land use would need to be revised to exclude composting materials.
- (7) Regarding the addition of a “PERMANENT COMPOSTABLE WASTE COLLECTION POINT” land use: this proposed use adds flexibility in the collection of landscape waste and food scraps.
- (8) Regarding the removal of Standard Conditions to Section 6.1.3 for “Public or Commercial SANITARY LANDFILL”: The proposed amendment removes the ‘Public or Commercial SANITARY LANDFILL’ standard conditions. The definition of SANITARY LANDFILL would be removed as part of the amendment. A sanitary landfill is considered to be a type of “pollution control facility” and is not subject to zoning ordinance provisions.
- (9) Regarding the revision to Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION: this revision seeks to reduce blight that can be a result of allowing inoperable vehicles to accumulate, especially in residential settings.

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. 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. Objectives 4.4, 4.5, 4.6, 4.7, 4.8, 4.9 and their policies do not appear to be relevant to the proposed text amendment. 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) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: **“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:

- a. The proposed uses are regulated by the Illinois Environmental Protection Agency in addition to having standard conditions regulated by the County through the Zoning Ordinance.
- (3) Policy 4.1.6 states: **“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.”**

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

- a. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.2 regarding no interference with agricultural operations.
- b. The ZBA has recommended that the proposed amendment will ***HELP ACHIEVE*** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
- c. The proposed amendment will ***HELP ACHIEVE*** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which

states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.

- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY requires a minimum of five acres in lot area, which generally makes it infeasible for a CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be located inside a municipality.
- c. A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY **IS** a service better provided in a rural area as evidenced by the following:
 - (a) The location of a site for a LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY must be located a minimum of 500 feet from any existing residence or residential DISTRICT, which is more available in a rural area.
- d. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
- e. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
- f. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5

zoning districts, which is a discretionary review that will allow for site specific review.

- (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.

(2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**

- a) **is a type that does not negatively affect agricultural activities; or**
- b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
- c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- b. A JUNK YARD or AUTOMOBILE SALVAGE YARD is proposed as a by-right use in the I-2 Heavy Industry Zoning District, which are generally adjacent to urban areas.
- c. A RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS is proposed as a by-right use only in the B-4, B-5, I-1, and I-2 zoning districts, which are generally adjacent to urban areas.
- d. A RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS is proposed as a Special Use Permit in the B-4 and B-5 zoning districts, which is a discretionary review that will allow for site specific review.
 - (a) This proposed use would also be allowed by-right in the I-1 and I-2 zoning districts, which are generally adjacent to urban areas.

(3) **Policy 4.2.3 states, “The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. A special condition can be added to any discretionary review regarding the County’s Right to Farm resolution.

- (4) Policy 4.2.4 states, **“To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- a. A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY has a standard condition requiring an eight foot tall fence, and also must be located at least 500 feet from any residential zoning district.
 - b. A LANDSCAPE WASTE COMPOST FACILITY or LANDSCAPE WASTE PROCESSING FACILITY has a standard condition that the compost area be located at least 500 feet from any residential zoning district.
 - c. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.
- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *HELP ACHIEVE* Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.
- (2) **Policy 4.3.2 states, “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. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL

COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a proposed site is well suited overall.

- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.3 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.4 for the following reasons:

- a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- 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. As reviewed for Policy 4.2.1 in this Finding of Fact:
- (a) A CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY *IS* a service better provided in a rural area.

(b) A LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY *IS* a service better provided in a rural area.

b. Materials management and waste-related uses serve an important public need because they help decrease several types of pollution.

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* 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 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. Objective 7.2 and its policies do not appear to be relevant to the proposed text amendment. The proposed amendment will *HELP ACHIEVE* Goal 7 for the following reasons:

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

The proposed amendment will *HELP ACHIEVE* Objective 7.1 for the following reasons:

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

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

a. The proposed amendment will require CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITIES, LANDSCAPE WASTE COMPOSTING FACILITIES, PERMANENT COMPOSTABLE WASTE COLLECTION POINTS, and SPECIFIC MATERIAL COLLECTION SITES to be authorized by a Special Use Permit (which is a discretionary development as defined in the Land Resource Management Plan) which will allow for site specific review, including the determination of whether a traffic impact analysis is warranted.

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 consistent with 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.

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- 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 materials management and waste-related uses to be developed 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 **July 14, 2022, July 28, 2022, and October 13, 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 Goals 4 and 7.
 - B. The proposed Zoning Ordinance text amendment **WILL NOT IMPEDE** the achievement of LRMP Goals 1, 2, 3, 5, 6, 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 058-AT-22
2. Preliminary Memorandum for Case 058-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated February 28, 2022
 - Exhibit A: Proposed Amendment dated February 28, 2022
 - C ELUC Memorandum dated June 2, 2022, with attachments:
 - ELUC Memorandum dated April 28, 2022
 - Exhibit A: Proposed Amendment dated April 28, 2022
 - D Land Resource Management Plan (LRMP) Goals & Objectives
(provided on the ZBA meetings website)
 - E Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 14, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated June 15, 2022
2. Supplemental Memorandum #1 dated July 27, 2022, with attachments:
 - A Legal advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated July 28, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated July 28, 2022
3. Supplemental Memorandum #2 dated September 30, 2022, with attachments:
 - A Legal advertisement
 - B Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 058-AT-22 dated October 13, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated October 13, 2022

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 058-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

PROPOSED AMENDMENT DATED ~~JUNE 15~~JULY 28 ~~OCTOBER 13~~, 2022

The proposed omnibus text amendment includes the following provisions:

- a. Add defined terms to Section 3.0
 - COMPOST
 - COMPOSTABLE WASTE
 - CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY
 - FOOD SCRAP
 - GARBAGE
 - GARDEN COMPOST OPERATION
 - GENERAL CONSTRUCTION OR DEMOLITION DEBRIS
 - HOUSEHOLD WASTE DROP-OFF POINT
 - LANDSCAPE WASTE COMPOST FACILITY
 - ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT
 - PERMANENT COMPOSTABLE WASTE COLLECTION POINT
 - POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY
 - RECYCLING CENTER
 - SPECIFIC MATERIAL COLLECTION SITE
- b. Revise defined terms in Section 3.0
 - LANDSCAPE WASTE
 - LANDSCAPE WASTE PROCESSING FACILITY
- c. Remove defined terms from Section 3.0
 - DUMP, REFUSE
 - SANITARY LANDFILL
- d. Add SPECIFIC MATERIAL COLLECTION SITE authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in AG-1 or AG-2 Zoning Districts in Section 4.2.1.
- e. Add POLLUTION CONTROL FACILITY/NEW POLLUTION CONTROL FACILITY as exempt from Zoning Ordinance in Section 4.3.7.
- f. In Section 5.2, add PERMANENT COMPOSTABLE WASTE COLLECTION POINT to be allowed by Special Use Permit in AG-2, B-1, B-4, B-5, I-1, or I-2 Zoning Districts, and add Special Use Standards to Table 6.1.3.
- g. In Section 5.2, amend “Recycling of non-hazardous materials (all storage and processing indoors)” to be RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- h. In Section 5.2, add RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS to be allowed by Special Use Permit in the B-4, or B-5 Zoning Districts and By Right in the I-1 or I-2 Zoning Districts.
- i. In Section 5.2, add CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY to be allowed by Special Use Permit in the I-1 or I-2 Zoning Districts and add Special Use Standards to Table 6.1.3.

- j. In Section 5.2, revise LANDSCAPE WASTE COMPOSTING FACILITY to be allowed by Special Use Permit in the AG-2, I-1, or I-2 Zoning Districts and amend Special Use Standards to Table 6.1.3.
- k. Revise Section 7.1.2(J)3 to indicate JUNK YARD or AUTOMOBILE SALVAGE YARD as prohibited STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.

*Existing Zoning Ordinance text to be removed is indicated with strike-out.
Text proposed to be added to the Zoning Ordinance is indicated with underlining.*

1) Add, revise, or remove defined terms to Section 3.0

SECTION 3.0 DEFINITIONS

COMPOST

The humus-like product of the process of composting waste, which may be used as a soil conditioner.

COMPOSTABLE WASTE

Household waste that consists of only FOOD SCRAP, household waste that consists of only LANDSCAPE WASTE, or a mixture of both.

CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

ESTABLISHMENTS that receive and process GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for recycling.

DUMP, REFUSE

~~A LOT or tract of land or part thereof used for the disposal by abandonment, burial, or other means and for whatever purposes, of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.~~

FOOD SCRAP

GARBAGE that is (i) capable of being decomposed into COMPOST by composting, (ii) separated by the generator from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST by composting, and (iii) managed separately from other waste, including, but not limited to, GARBAGE that is not capable of being decomposed into COMPOST.

GARBAGE

Waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the handling, processing, storage, and sale of produce.

GARDEN COMPOST OPERATION

An operation which (1) has no more than 25 cubic yards of LANDSCAPE WASTE, composting material or end-product COMPOST on-site at any one time and (2) is not engaging in commercial activity.

GENERAL CONSTRUCTION OR DEMOLITION DEBRIS

Non-hazardous, uncontaminated materials resulting from the CONSTRUCTION, remodeling, repair and demolition of utilities, STRUCTURES, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; asphalt roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

HOUSEHOLD WASTE DROP-OFF POINT

The portion of a site or facility used solely for the receipt and temporary STORAGE of household waste and in accordance with Section 22.55 of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

LANDSCAPE WASTE

All accumulations of grass or shrubbery cuttings, leaves, tree limbs and trucks, and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees., ~~excluding vegetative by-products from agricultural activities onsite.~~

LANDSCAPE WASTE COMPOST FACILITY

An entire LANDSCAPE WASTE COMPOSTING OPERATION with the exception of a GARDEN COMPOST OPERATION.

LANDSCAPE WASTE PROCESSING FACILITY

An establishment for grinding, chipping, splitting, or sawing or composting of LANDSCAPE WASTE including the temporary stockpiling, spreading, disposal or wholesale and/or retail sale of landscape waste materials processed on the site. The processing of LANDSCAPE WASTE on the same lot on which it was generated and composting areas excluded from this definition.

ONE-DAY COMPOSTABLE WASTE COLLECTION EVENT

A household waste drop-off point approved by the COUNTY and in accordance with Subsection (d-5) of the Illinois Environmental Protection Act (415 ILCS) 5.22.55).

PERMANENT COMPOSTABLE WASTE COLLECTION POINT

A HOUSEHOLD WASTE DROP-OFF POINT approved by the COUNTY and in accordance with Subsection (d-6) of the Illinois Environmental Protection Act (415 ILCS)5/22.55).

POLLUTION CONTROL FACILITY or NEW POLLUTION CONTROL FACILITY

Any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator, defined as such in the Illinois Environmental Protection Act (415 ILCS 5/3.330 et seq.).

RECYCLING CENTER

A site or facility that collects, stores, or processes only segregated, nonhazardous, nonspecial, homogenous, non-putrescible materials, such as dry paper, glass, cans or plastics, for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

SANITARY LANDFILL

A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary and to provide a final cover following final placement of refuse.

SPECIFIC MATERIAL COLLECTION SITE

A site that serves an integral part of needed infrastructure for a specific material reuse or recycle OPERATION. The site receives scheduled deliveries of a specific nonhazardous or non-putrescible material (e.g., glass containers/bottles) up to a limited maximum capacity, for temporary STORAGE on site until it is picked up for transport to an off-site processing facility.

2) Amend Section 4.2.1C to add SPECIFIC MATERIAL COLLECTION SITE

- a. Add Item 8. “A SPECIFIC MATERIAL COLLECTION SITE may be authorized as a second PRINCIPAL USE on a LOT as a SPECIAL USE Permit in the AG-1 Agriculture and in the AG-2 Agriculture DISTRICTS.”

3) Amend Section 4.3.7 to also exempt POLLUTION CONTROL FACILITY and NEW POLLUTION CONTROL FACILITY

The following STRUCTURES and USES are exempted by this ordinance and permitted in any DISTRICT:

- A. Poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distribution equipment of a public utility as defined in Public Utilities Act (220 ILCS 5/1-101 *et. seq.*); provided that the installation shall conform, where applicable, to the rules and regulations of the Illinois Commerce Commission, the Federal Aviation Administration, and other public authorities having jurisdiction.; ~~and~~
- B. AGRICULTURE except BUILDINGS and STRUCTURES used for ~~AGRICULTURAL~~ agricultural purposes shall be required to conform to SETBACK LINES. In the event that land, and STRUCTURES cease to be used for ~~AGRICULTURAL~~ agricultural purposes, then and only then shall the remaining provisions of the ordinance apply.
- C. POLLUTION CONTROL FACILITIES and NEW POLLUTION CONTROL FACILITIES, provided that the following provisions have been met:
 - 1. The GOVERNING BODY has granted siting approval for a POLLUTION CONTROL FACILITY or a NEW POLLUTION CONTROL FACILITY in accordance with the Illinois Environmental Protection Act (415 ILCS 5/39.2 *et seq.*).
 - 2. All permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits, and state permit applications are submitted to the COUNTY.

4) Revise Section 5.2 TABLE OF AUTHORIZED PRINCIPAL USES

- a. Change “AUTOMOBILE Salvage Yard (junkyard)” to “JUNK YARD or AUTOMOBILE SALVAGE YARD” as a listed PRINCIPAL USE.
- b. ~~Add Recycling of non-hazardous materials (all storage and processing indoors)~~ “RECYCLING CENTER with no Outdoor STORAGE nor Outdoor OPERATIONS” to be allowed By Right in the B-4, B-5, I-1, or I-2 Zoning Districts.
- c. Add “RECYCLING CENTER with Outdoor STORAGE and/or Outdoor OPERATIONS” to be allowed by SPECIAL USE Permit in the B-4, or B-5 Zoning Districts, and By Right in the I-1 or I-2 Zoning Districts.
- d. Add “CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY” to be allowed by SPECIAL USE Permit in the I-1 or I-2 Zoning Districts.

REVISED DRAFT 10/13/22

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			
						MAJOR	COLLECTOR	MINOR	
DEMOLITION DEBRIS RECYCLING FACILITY									<ol style="list-style-type: none"> 1. <u>The CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY (CDDR FACILITY) must be equipped with a fence of at least eight feet in height located to secure the operating areas of the CDDR FACILITY during non-operating hours as well as assist in minimizing the potential for litter to leave the CDDR FACILITY.</u> 2. <u>Minimum LOT AREA shall be five acres, and the minimum LOT width and maximum HEIGHT standards shall be the same as applicable zoning DISTRICT.</u> 3. <u>Required YARDS standards shall be the same as applicable zoning DISTRICT at a minimum and shall additionally comply with the separation distance standards indicated in Item 4.</u> 4. <u>A CDDR FACILITY must be located at least 500 1,320 feet from any residential zoning district or any DWELLING conforming as to USE unless otherwise expressly approved as part of the SPECIAL USE permit. Considerations for modifying the location standard may include the separation of the residentially zoned PROPERTY from the proposed site by a designated truck route, active rail line, high voltage power transmission easement or other clearly demarcated land-use planning transition boundary.</u> 5. <u>GENERAL CONSTRUCTION OR DEMOLITION DEBRIS receiving/tipping areas must be CONSTRUCTED of a low permeability material (e.g., Portland cement concrete, asphalt concrete) that prevents infiltration and is able to withstand anticipated loads.</u> 6. <u>All loads containing putrescible materials must be tipped, processed and stored indoors or under cover until sent offsite for reuse, recycling, or disposal. Wood may be stored outside if sorted within 72 hours of receipt and immediately processed.</u> 7. <u>Any leachate or runoff from waste/recyclable material must be contained onsite.</u> 8. <u>All state discharge permits, or other applicable permits must be acquired prior to commencing operations.</u> 9. <u>All necessary permits must be acquired to store fuel or other regulated material onsite.</u> 10. <u>The SPECIAL USE Permit application must be accompanied by:</u> <ol style="list-style-type: none"> a. <u>A site plan and architectural drawing depicting BUILDING and STRUCTURE elevations and descriptions of such BUILDINGS and STRUCTURES necessary to convey the architectural appearance and physical magnitude of the proposed improvements;</u> b. <u>A narrative description of the activities proposed to be conducted indoors or under cover within the CDDR FACILITY boundaries;</u> c. <u>A narrative description of other proposed USES (such as, but not limited to truck storage, maintenance, fueling, and container STORAGE) and a demonstration that other such USES can be conducted in a safe and unobtrusive manner without interference with safe recycling activities on the site; and</u> d. <u>A plan describing how incoming material will be handled (both under cover and outdoors), areas for sorting, processing, storing, baling and container STORAGE and all equipment that will be used.</u> e. <u>A spill plan must be submitted for review and approval by the county as a condition of the SPECIAL USE Permit.</u> f. <u>The site plan must include at least the following information:</u> <ol style="list-style-type: none"> i. <u>A legal description of the subject property; access/egress point(s);</u> ii. <u>Parking areas;</u> iii. <u>Any BUILDINGS, STRUCTURES or fixed equipment;</u> iv. <u>The extent of paved or impervious surfaces; material tipping/receiving areas;</u> v. <u>Material processing areas;</u> vi. <u>Areas of proposed material stockpiling (by material type);</u> vii. <u>Material loading areas; and</u> viii. <u>Fencing, berm or screening features.</u> 11. <u>The applicant must provide with a SPECIAL USE Permit application a proposed operating plan that contains at least all of the following information:</u> <ol style="list-style-type: none"> a. <u>Number of employees anticipated at the facility;</u> b. <u>Proposed hours of operations for receipt of general construction or demolition debris and for processing and shipment of general construction or demolition debris;</u> c. <u>Proposed daily average/maximum volume (in tons) of general construction or demolition debris to be received at the CDDR FACILITY. The minimum amount of recyclable material shipped offsite must be at least 75% of the total incoming material on a quarterly basis, or more frequently if applicable regulations are more stringent;</u> d. <u>The types of material tracking methods and recordkeeping to be employed to demonstrate compliance with applicable recycling thresholds. Records must be kept in accordance with regulatory standards. A daily record of incoming/ outgoing material or waste must be kept and reported no less than quarterly to the Champaign County Recycling Coordinator or designee. All records must be maintained by the operator at the CDDR FACILITY for a period of at least three years or longer in the event of a dispute. The operator must allow reasonable access to inspect the CDDR FACILITY during operating hours for compliance with applicable approvals, permits and regulations;</u> e. <u>The procedures by which all non-recyclable general construction or demolition debris will be removed and disposed within 72 hours of receipt. Describe the method and equipment used to load recyclable and non-recyclable general construction or demolition material prior to shipment from the CDDR FACILITY;</u> f. <u>The end-use markets for separated general construction or demolition debris to demonstrate compliance with meeting applicable recycling thresholds;</u> g. <u>A closure plan for the CDDR FACILITY;</u> h. <u>The maximum number of vehicles (by vehicle type) proposed to utilize the CDDR FACILITY on a daily basis;</u> i. <u>All processing equipment proposed to be utilized to prepare the recyclable general construction or demolition debris</u>

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
						MAJOR	COLLECTOR	MINOR			
		<p>for stockpiling or shipment and the location and design of any noise-buffering elements, sheltering and operating controls to minimize noise impacts;</p> <p>j. <u>Operating methods employed to control odor, accidental combustion of materials, vectors, dust, and litter. Any and all air permits from the IEPA, USEPA, or other applicable regulatory authorities must be obtained as necessary;</u></p> <p>k. <u>The method and equipment utilized to load recyclable and non-recyclable general construction or demolition for shipment from the CDDR FACILITY; and</u></p> <p>l. <u>Typical and maximum anticipated height of stockpiled recyclable GENERAL CONSTRUCTION OR DEMOLITION DEBRIS for each recyclable material by type. Identification of the buffering and/or screening measures employed to minimize the visual impact of the proposed stockpiles from surrounding land USES.</u></p> <p>12. <u>The SPECIAL USE Permit will become effective upon receipt of a permit from the Illinois Environmental Protection Agency in accordance with Section 22.38 of the Illinois Environmental Protection Act ("The IEPA Act"). It must be a condition of the SPECIAL USE Permit that the CDDR FACILITY continues to operate in accordance with Section 22.38 of the IEPA Act and all other regulations and applicable permits.</u></p>									
PERMANENT COMPOSTABLE WASTE COLLECTION POINT	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
		<p>1. <u>All provisions of Subsection (d-6) of Section 22.55 of the Illinois Environmental Protection Act shall be met (415 ILCS 5/22.55). These include:</u></p> <ol style="list-style-type: none"> 1. <u>Waste accepted at the collection point must be limited to the types of compostable waste authorized to be accepted under the approval.</u> 2. <u>Information promoting the collection point and signs at the collection point must clearly indicate the types of compostable waste approved for collection. To discourage the receipt of other waste, information promoting the collection point and signs at the collection point must also include (A) examples of compostable waste being collected and (B) examples of waste that is not being collected.</u> 3. <u>Compostable waste must be accepted only from private individuals. It may not be accepted from other persons, including, but not limited to, owners and operators of rented or leased residences where it was generated, commercial haulers, and other commercial, industrial, agricultural, and government operations or entities.</u> 4. <u>Compostable waste must be managed in a manner that protects against releases of the waste, prevents nuisances, and otherwise protects human health and the environment. Compostable waste must be properly secured to prevent it from being accessed by the public at any time, including, but not limited to, during the collection point's non-operating hours. Permanent compostable waste collection points must be adequately supervised during their operating hours.</u> 5. <u>Compostable waste must be secured in non-porous, rigid, leak-proof containers that:</u> <ol style="list-style-type: none"> a. <u>Are no larger than 10 cubic yards in size;</u> b. <u>Are covered, except when the compostable waste is being added to or removed from the container or it is otherwise necessary to access the compostable waste;</u> c. <u>Prevent precipitation from draining through the compostable waste;</u> d. <u>Prevent dispersion of the compostable waste by wind;</u> e. <u>Contain spills or releases that could create nuisances or otherwise harm human health or the environment;</u> f. <u>Limit access to the compostable waste by vectors;</u> g. <u>Control odors and other nuisances; and</u> h. <u>Provide for storage, removal, and off-site transfer of the compostable waste in a manner that protects its ability to be composted.</u> 6. <u>No more than a total of 10 cubic yards of compostable waste shall be located at the permanent compostable waste collection site at any one time.</u> 7. <u>Management of the compostable waste must be limited to the following: (A) acceptance, (B) temporary storage before transfer, and (C) off-site transfer.</u> 8. <u>All compostable waste received at the permanent compostable waste collection point must be transferred off-site to a permitted compost facility not less frequently than once every 7 days.</u> 9. <u>If a permanent compostable waste collection point receives waste other than compostable waste, then that waste must be disposed of not less frequently than once every 7 days.</u> 									

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				
LANDSCAPE WASTE COMPOST FACILITY, or LANDSCAPE WASTE PROCESSING FACILITY	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
<p>The operation of a LANDSCAPE WASTE DISPOSAL FACILITY COMPOST FACILITY or a LANDSCAPE WASTE PROCESSING FACILITY shall not be allowed unless all permits required by the Illinois Environmental Protection Agency have been obtained, and copies of the state permits and state permit applications are submitted.</p> <p>The location of any portion of the site where composting of the landscape waste is taking place shall be:</p> <ol style="list-style-type: none"> 1) located a minimum of 500 feet from any existing residence or residential DISTRICT; 2) located a minimum of 200 feet from any potable water supply well; 3) operated to control runoff from the site and collect and manage any leachate that is generated on the site. <p>The location of the portion of any site where composting of the landscape waste is taking place and any area where landscape waste is stored or stockpiled shall be located outside the boundary of the 100-year floodplain or floodproofed pursuant to the requirements of Ordinance No. 209, <i>An Ordinance Regulating Development in Special Flood Hazard Areas</i> as amended.</p> <p>The operation of the facility shall include appropriate dust, odor and noise control measures, and shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830.</p> <ul style="list-style-type: none"> • Section 830.202 Minimum Performance Standards and Reporting Requirements for Landscape Waste Compost Facilities; • Section 830.203 Location Standards for landscape Waste Compost Facilities; • Section 830.204 Additional Stormwater and Landscape Waste Leachate Controls at Permitted Landscape Waste Compost Facilities; and • Section 830.205 Additional Operating Standards for Permitted Landscape Waste Compost Facilities; • 												
LANDSCAPE WASTE PROCESSING FACILITY	<p>The location of any portion of the site where processing of the landscape waste is taking place shall be as follows:</p> <ol style="list-style-type: none"> 1) located a minimum of 500 feet from any existing residence or residential DISTRICT; 2) not located below the base flood elevation in the Special Flood Hazard Area (100-year floodplain); 3) the operation of the facility shall be consistent with all applicable requirements of 35 Ill. Adm. Code Part 830. 											

6) Remove Standard Conditions to Section 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES

- a. Remove the ‘Public or Commercial SANITARY LANDFILL’ standard conditions.

7) Amend Section 7.1.2 RURAL HOME OCCUPATION HOME Standards

- a. Revise Item 3 under Paragraph J to provide that JUNK YARD or AUTOMOBILE SALVAGE are prohibited as STORAGE or OPERATIONS for a RURAL HOME OCCUPATION.