



## APPENDIX 2 COUNTY LAND USE POLICIES

Appendix 2 Contents	Appendix 2 Pages
Part 1 <i>Champaign County Land Use Goals and Policies, adopted November 29, 1977</i>	A2-1 through A2-9
Part 2 <i>Champaign County Land Use Regulatory Policies, as amended November 20, 2001</i>	A2-10 through A2-16
Part 3 <i>Champaign County Land Use Regulatory Policies, as amended September 22, 2005</i>	A2-17 through A2-24
Part 4 Summary: How LURP 2005 differ from previous LURP 2001, Excerpt from Staff Memo to ELUC dated September 15, 2005	A2-25

### **PART 1: CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES Adopted November 29, 1977**

**INTRODUCTION** The preparation of this Plan is in response to the request of the Champaign County Board’s Environment and Land Use Committee and the Zoning Board of Appeals for a land use plan to assist them in the making of day-to-day land use and zoning decisions. This Plan should be regarded as a Policy Plan. By that, we mean that it contains a number of goals and policy statements which serve as the under-pinning for major planning decisions with regard to land use and zoning.

As with most plans, neither long-range nor short-range plans should be considered immutable. Rather, they are guides. They should be referred to as the basis for making decisions. When and if they cease to serve in such a capacity, they should be officially modified to express changing conditions or new policies. This Plan, and the policies contained herein, constitutes an advisory document, not an ordinance, and is subject to change when circumstances arise.

As an example, development proposals should be reviewed within the context of the policies in this Plan. If there is a need, based on the review of the proposal, to alter a land use policy, then a plan amendment is in order. This is the fashion in which the Plan serves as a guide, a benchmark, to be used to mark the progress and the manner in which future development occurs in Champaign County.

**LAND USE GOALS AND POLICIES** Statements of goals and policies are generally designed to provide a framework for decision-making. Within the context of this Land Use Plan, they serve to frame decisions to be made over the next few years concerning land use in Champaign County. Specifically, goals and policies are stated here to guide decisions concerning land use through the application of the zoning and subdivision processes of Champaign County.

Goals may be defined as broad statements of long-range community aspirations. They are reflective of the directions the community will take with regard to new land use development. Policies describe the course and manner of action to be taken to reach an objective.

The following statement of goals and policies are presented as the policy framework of the County Land Use Plan. Adoption of these policies by the County Board provides the Zoning Board of Appeals, the Environment and Land Use Committee and the local plan commissions with official guidelines for the review of specific development proposals.

Overall land use goals and policies serve to establish the principles of land use development. A more specific level of guidance is provided by the statements of policies as they relate to types of land use or to the functional elements of development represented by utilities and transportation. These policy statements are not specific and must be applied to individual situations with varying degrees of interpretation. Governmental reviewing bodies must exercise judgment in the application of a policy of policies. In doing so, the goals of the Plan will be reached, and therefore, the purpose of the Plan will be fulfilled.

**PART 1: CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES** Adopted November 29, 1977***GENERAL LAND USE GOALS AND POLICIES***Goals:

- Promotion and protection of the health, safety, economy, convenience, appearance and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process.
- Provision of a sufficient and adequate amount of land designated by type of uses, to serve the needs of Champaign County for the period covered by this Short Range Plan.
- Land uses appropriately located in terms of utilities, public facilities, site characteristics and public services.
- Arrangement of land use patterns designed to promote mutual compatibility.
- Establishment of processes of development to encourage the development of the types and uses of land that is in agreement with the Goals and Policies of this Land Use Plan.

Policies:

- The County Board, the Environment and Land Use Committee and the Zoning Board of Appeals will follow the policies and encouraging new development in and near urban and village centers to preserve agricultural land and open space; optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.
- The County Board, the Environment and Land Use Committee and the Board of Appeals will establish communication and coordination processes among local units of government in order to address and resolve similar or overlapping development problems.

**1. Agricultural Land Use**Goals:

- Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.
- Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

Policies:

- 1.1 The Environment and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural use, only, while other districts would permit limited non-agricultural uses.
- 1.2 The Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or those areas served by adequate utilities, transportation facilities and commercial services or those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

- 1.3 The Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
- 1.4 The Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications that encourage non-agricultural uses to agricultural classifications which encourage productive farming.
- 1.5 The Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.
- 1.6 The Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.

## **2. Residential Land Use**

### Goals:

- Residential neighborhoods which provide adequate housing to meet the needs of future residents of Champaign County, adequate recreation and open space, access to utilities, access to commercial and employment centers and other community support services.
- An ample supply of housing with a variety of types and cost levels to meet the demand of Champaign County residents for the planning period, and to accommodate the needs of families of various sizes and with various occupations and incomes both for permanent and transient residents.
- Residential development procedures which will promote the production of an adequate housing supply in a manner compatible with the goals and policies of this Land Use Plan.

### Policies:

- 2.1 The Environment and Land Use Committee, in cooperation with municipal plan commissions, will examine current provisions of zoning and subdivision ordinances for the purposes of increasing the flexibility of regulations to encourage a greater range of site designs and housing types.
- 2.2 The Environment and Land Use Committee will work with municipal plan commissions to review existing zoning patterns and regulations within urban areas and initiate proposals to encourage development and redevelopment of “in-town” areas.
- 2.3 The County Board will encourage new residential development in areas where public or private sewer and water utility systems are, or easily can be, provided and where police and fire protection are available. The County Board will permit new residential development in areas without access to public sewer and water utilities only if it can be determined that the use of individual septic systems will not cause contamination of aquifers and groundwater and will not cause health hazards.

- 2.3A New subdivisions and zoning changes should meet these (2.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- 2.4 The Environment and Land Use Committee will examine undeveloped areas zoned residential to determine probability of development within the period covered by this Plan and the Committee will undertake study of possible alternative uses of the land.
- 2.5 The Zoning Board of Appeals, the Environment and Land Use Committee and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.
- 2.6 The County Board will work for the maintenance of sound housing and the improvement, replacement or elimination of deteriorating housing in the County.
- 2.7 Where housing is greater density than one or two-family units is planned, the Zoning Board of Appeals and the Environment and Land Use Committee and the County Board will encourage the provision of underground or under-building parking to provide the maximum amount of useable space around the building.

### **3. Commercial Land Use**

#### Goals:

- Provision of a sufficient amount of land designated for various types of commercial land use to serve the needs of the residents of the County.
- Location of commercial uses with ready accessibility to sewer, water and other utilities as well as adequate streets and highways. Adequate public transit will also be considered.
- Commercial areas designed to promote compatibility with non-commercial uses and at the same time provide ease of access.
- Establishment of development procedures to promote appropriate justification for new commercial development.

#### Policies:

- 3.1 The County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.
- 3.2 The County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.
- 3.3 The Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.
- 3.4 The County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.

- 3.5 The County Board will not encourage major new commercial development except in those areas which can be adequately served by public mass transit.
- 3.6 The County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.
- 3.7 The County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment of maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

#### **4. Industrial Land Use**

##### Goals:

- Location of industrial development in areas served by utilities and transportation facilities as well as close to a local labor market throughout the County.
- Location and design of industrial development in a manner compatible with nearby non-industrial uses.
- Industrial development controls that will maintain the existing environmental quality and be sufficiently flexible to encourage types of industrial uses that will meet the needs of the labor market located in Champaign County.

##### Policies:

- 4.1 The Environment and Land Use Committee will encourage the development of industrial uses consistent with job objective goals based on existing and projected labor force surpluses.
- 4.2 The Environment and Land Use Committee will review those existing undeveloped areas zoned industrial to determine the probability of development within the next five years and recommend appropriate zoning actions to the County Board.
- 4.3 The County Board and the Environment and Land Use Committee will encourage the development of new industrial sites only in those areas having access to sewer, water, gas and electric utilities, adequate fire protection and to paved roads or major arterials, and rail lines, if necessary. Mass transit facilities will also be considered.
- 4.4 The Environment and Land Use Committee will urge the County Board to discourage new industrial development from intruding into productive agricultural areas.
- 4.5 The County Board will discourage development of new industrial uses where such development will overburden existing sewer or water facilities.
- 4.6 The Environment and Land Use Committee will examine the use of zoning techniques such as special use permits and planned industrial development to permit and regulate new development. The Environment and Land Use Committee will examine existing lands zoned for industrial uses to determine the desirability of retaining such industrial zoning.

- 4.7 The Environment and Land Use Committee will actively seek involvement of all units of government with zoning and comprehensive planning jurisdiction in a process of industrial site review and recommend appropriate amendments to the Zoning Ordinance maps.

## **5. Conservation of Natural Resources, Clean Air and Water, Open space, Recreation and Historical Preservation**

### Goals:

- Protection and conservation of publicly designated environmental and natural resources and historical sites through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.
- Provision of sufficient recreational facilities for both active and passive recreation, based on standards recommended by the Champaign County Forest Preserve, local park districts, the State of Illinois Department of conservation and the Federal Bureau of Outdoor Recreation.
- Development and/or preservation of greenbelts (including agricultural uses), scenic areas and open space corridors both public and private throughout the County.
- Preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- Establishment of a process for assisting local governments in the development of parks and recreational areas through the zoning and subdivision ordinances, and capital improvements programs.
- Development of taxing policies at the state level which will facilitate the conservation of natural resources, open space, parks and recreation and historical preservation.

### Policies:

- 5.1 The Environment and Land Use Committee will review the provisions of the Conservation-Recreation District of the County Zoning Ordinance for determination of the adequacy of protection of natural resource areas, and make appropriate recommendations to the County Board.
- 5.2 The Environment and Land Use Committee and the County Board will work with the County Forest Preserve and local park districts to advise and/or review with them their efforts to program capital expenditures to acquire land or easements for parks and open space areas.
- 5.3 The Environment and Land Use Committee and the County Board will work with the County Highway Department and Township Road Officials, the State and Federal Highway Departments and the Bureau of Outdoor Recreation to develop scenic areas along transportation routes as identified in the Open Space and Recreation Plan and Program.
- 5.4 The Environment and Land Use Committee and the County Board will work with local governmental units for dedication of open space sufficient to meet any deficit of parks and recreational space in developed or developing areas with appropriate incentives to the developer.

- 5.5 The Environment and Land Use Committee will review County Zoning and Subdivision Ordinances to provide for reservation of open space in any commercial, industrial or large residential developments and make appropriate recommendations to the County Board.
- 5.6 The Environment and Land Use Committee and the County Board will encourage the identification and preservation of scenic and historical sites in their original state or in a way to retain their value as such sites.
- 5.7 The County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.
- 5.8 The County Board will encourage the development of tax exemption policies, development rights transfer, easements, and zoning to conserve identified natural resources.
- 5.9 The Environment and Land Use Committee will review existing standards for air and water quality, and will work to establish procedures for maintaining the quality of these natural resources, and the maintenance of water supplies for the general welfare of county residents.

## **6. Transportation Facilities**

### Goals:

- A transportation system developed as an integrated circulation network, including a variety of transportation modes, which will provide rapid, safe and economical movement of people and goods both within the County and throughout the region. Such a system should include pedestrian, bicycle, vehicular, mass transit, railroads and air transportation facilities adequate to meet the needs of Champaign County.
- A balance between the amount of newly developing land uses and available transportation facilities, i.e., roads and highways, mass transit routes and rail access to industrial areas.
- Provision and maintenance of adequate street and highway facilities to maintain service to existing land uses and desirable future land uses.
- Encourage a coordinated bikeway system linking the Champaign-Urbana area and a County-wide bikeway system utilizing existing right-of-way or public land where possible.
- Encourage development close to existing development in order to minimize the need for extension of mass transit routes and services.
- Continued communication between the Environment and Land Use Committee and the Policy and Technical Committees of the Champaign-Urbana Urbanized Area Transportation Study with regard to land use and land use controls.
- A continued, coordinated process for land use and transportation decisions based on inputs from transportation plans, zoning and subdivision ordinances and capital improvements programs.



### Policies:

- 6.1 The Environment and Land Use Committee will be involved with the review of proposals for street and highway projects for consistency with existing and future land use patterns and densities.
- 6.2 The Environment and Land Use Committee and the County Board will try to assure that all new commercial, industrial and high-density residential development is located with reasonable access to mass transit routes.
- 6.3 The Environment and Land Use Committee and the County Board will cooperate with the cities of Champaign, Urbana and Rantoul and the various street and highway departments in the development of a coordinated future County-wide bikeway system utilizing existing right-of-way and public land where possible.
- 6.4 The Environment and Land Use Committee will support and work for the provision of pedestrian circulation systems in development projects through the techniques of planned unit and cluster development. The Environment and Land Use Committee will encourage local governmental units to do the same.
- 6.5 The Environment and Land Use Committee and the County Board will cooperate with other local units of government in investigating the desirability of any proposed abandonment of rail lines and where such abandonment is undesirable, oppose it.
- 6.6 The Environment and Land Use Committee and the County Board will encourage the best use of the right-of-ways of abandoned rail lines consistent with the adjacent land uses with primary emphasis on agricultural and public use.
- 6.7 The Environment and Land Use Committee will work for the maintenance and improvement of existing County railroad system lines and services.
- 6.8 The County Board will encourage the designation of a major street or road system where arterials or major roads are no closer than one mile apart.
- 6.9 The County and the Environment and Land Use Committee will encourage the adequate maintenance of the present University of Illinois Willard Airport and improvements as they are needed for safety and service to the residents of Champaign County and nearby communities.
- 6.10 The Environment and Land Use Committee will encourage financing for the maintenance of existing roads as having priority over expenditures for new or additional roads.

## **7. Utilities**

### Goals:

- Encourage compact urban development to minimize the unnecessary extension of water, sewer and drainage utilities.
- Encourage the provision of utility systems in Champaign County adequate for existing development and for new development, consistent with the goals and policies of this Plan.



- Encourage non-agricultural development only where it will not have an adverse affect on proper drainage patterns of nearby agricultural lands and drainage systems.
- Encourage protection of proper drainage patterns in agricultural areas from excess run-off caused by improper urban development and encourage creation and improvement of drainage patterns.

Policies:

- 7.1 The County Board, the Environment and Land Use Committee and the Zoning Board of Appeals will coordinate changes in land use with public and private utility systems.
- 7.2 The County Board and the Environment and Land Use Committee will actively support non-agricultural development only where there can be reasonable assurance that aquifers and groundwater are protected from contamination.
- 7.3 The County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
- 7.3A New subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.
- 7.4 The County Board will discourage new development which would overburden existing water, sewer or drainage systems. The Board of Appeals and/or the Environment and Land Use Committee may use the following policies to determine the impact of new development on existing utilities:
- 7.4.1 In the case of water systems, adequate water supplies should be available for normal use\* and for fire protection.
- 7.4.2 In the case of sewer systems, the existing capacity of the collection network or the sewage treatment facility should govern the intensity of new development.
- 7.4.3 In the case of drainage, the primary systems should be designed for a minimum five year storm. Provisions should be made for retention of storm water to prevent excessive flows downstream resulting from new development.
- 7.5 The Environment and Land Use Committee and the County Board will cooperate with local units of government, sanitary districts, drainage districts and private utilities to coordinate the provision of utilities for future development.

---

\* Usually expressed in gallons per capita per day for domestic, industrial, commercial and public uses.

*The preceding goals and policies constitute the Champaign County Land Use Goals and Policies. They are to be used by the County Board, the Environment and Land Use Committee and the Zoning Board of Appeals as guidelines for making land use decisions. The policies, therefore, are advisory in nature and should not be construed as hard and fast rules. Rather, the goals and policies should be considered as flexible standards to assist in making land use and zoning decisions in Champaign County.*

**PART 2: CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES  
Amended November 20, 2001**

***EXECUTIVE SUMMARY: LAND USE REGULATORY POLICIES – RURAL DISTRICTS,  
Amended November 20, 2001***

Commercial agriculture is the highest and best use of the land in the rural areas of Champaign County that are suited to it <sup>(1.1)</sup> but all landowners will be guaranteed a basic development right proportionate to tract size and public health and safety and site development regulations. <sup>(1.3.3)</sup>

All landowners also can undertake development beyond the basic right provided that <sup>(1.3.3)</sup>

- all reasonable effort has been made to determine if especially sensitive and valuable environmental or cultural features are present and to minimize the disturbance of them or of wild life, natural areas, historic or archeological resources, County Forest Preserves or other parks and preserves <sup>(1.7.1, 1.7.2)</sup>;
- sites on the best prime farmland must be well suited for any proposed development <sup>(1.5.2)</sup> and must be used in the most efficient way <sup>(1.2)</sup>; but on less productive land, development will be allowed so long as the site is not “unsuited overall” <sup>(1.5.1)</sup>;
- existing public services and infrastructure and proposed improvements are adequate to support the development effectively and safely without undue public expense <sup>(1.5.3, 1.5.4)</sup>;
- agricultural activities and related infrastructure are not likely to be negatively effected and agricultural activities are not likely to have negative effects on the proposed development <sup>(1.4.1)</sup> ;
- non-residential development accords with other policies and is located in areas planned for such development, <sup>(1.6.3)</sup> or supports agriculture, or involves a product or service that is provided better in a rural setting than in an urban one. <sup>(1.6.1)</sup>
- non-residential development on the best prime farmland accords with other policies and either is appropriate in a rural area and is on a very well suited site, or services surrounding agriculture or an important public need and cannot be located elsewhere. <sup>(1.6.2)</sup>

A second dwelling on an individual lot may be allowed, but only for the limited purpose of providing housing to family members on a temporary basis. <sup>(1.9)</sup>

All farmers will be assured of receiving the State-mandated exemption from County zoning even if some non farmers also receive the same benefit. <sup>(1.8)</sup>

The Land Use Regulatory Policies will be coordinated with other County plans and as much as possible with municipal plans and policies. <sup>(0.1.1, 0.1.2, 0.2)</sup>

Notes: 1. Superscript numbers <sup>(n; n; n)</sup> refer to the number of the full policy statement (see attached).  
2. The Executive Summary is not part of the official policies and is provided only for convenience.

The *Land Use Regulatory Policies* are adopted as general statements to guide County staff, Zoning Board of Appeals and County Board in the review of proposed Zoning Ordinance amendments. These policies are not yet complete, but have been officially adopted and are in full force. The policies may be used, on an interim basis, to evaluate zoning cases involving discretionary decisions.

The County will add policies as needed in each phase of the *Comprehensive Zoning Review*. In Phase 7, where all previous changes are reconciled and harmonized, the County will review and revise the policies to provide continuing guidance for future zoning cases and ordinance amendments.

## CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES Amended November 20, 2001

### GENERAL POLICIES

#### 0.1 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES

**0.1.1** These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the *Land Use Regulatory Policies* will govern and the *Land Use Goals and Policies* will be revised accordingly.

**0.1.2** These regulatory policies include and will conform to the *U.S. Route 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

The Land Use Goals and Policies are more than 20 years old. The Land Use Regulatory Policies are more in keeping with current understanding and public values and so, supersede earlier efforts.

The County will honor plans and policies adopted in other settings unless the parties agree to amend them.

#### 0.2 COORDINATING COUNTY ZONING WITH MUNICIPAL AND OTHER OFFICIAL PLANS AND POLICIES

**Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other government agencies to the greatest extent possible consistent with these and other County policies and the adopted *Ordinance Objectives*.**

Eleven municipalities in Champaign County have adopted comprehensive plans. Under Illinois law these communities have jurisdiction over land use planning and land subdivision in the unincorporated area falling within 1-1/2 miles of their corporate limits.

Municipalities may also enter into annexation agreements in these areas that contain enforceable provisions relating to land use and development. The County, however, retains jurisdiction with respect to zoning, nuisance and floodplain regulation. Additionally, other public bodies such as the Urbana-Champaign Sanitary District, CUUATS, the Forest Preserve District, park districts, etc. have adopted plans and policies that bear, in part, on land use.

It is important that County, municipal and other land use policies be coordinated for the benefit of landowners and the general public interest.

Municipal and other plans vary in their level of detail, supporting analysis and currency. They may use dissimilar and even conflicting categories and terminology. For these reasons the County cannot automatically bind itself to every plan or policy and subsequent amendment adopted by every government entity. Within these limitations the County can and will work to harmonize the zoning ordinance with other plans and policies as much as possible, recognizing that in some instances the ordinance will not necessarily directly reflect every policy of every government.

## CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES, Amended November 20, 2001

### RURAL LAND USE POLICIES

#### 1.1. HIGHEST AND BEST USE OF RURAL LAND

**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. Other land uses can be accommodated in those areas provided that:**

- a. the conversion of prime farmland is minimized;**
- b. the disturbance of natural areas is minimized;**
- c. the sites are suitable for the proposed use;**
- d. infrastructure and public services are adequate for the proposed use; and**
- e. the potential for conflicts with agriculture is minimized.**

The soils, landscape, climate and location of Champaign County constitute a uniquely productive setting for producing row crops. The County takes seriously its stewardship over more than a half million acres of the most productive farmland in the world. The County places a very high value on the economic contribution of farming and on farming as a way of life.

As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible. Under the proper conditions, rural development can be permitted without unduly sacrificing our soil resources or interfering with agricultural practices.

#### 1.2. PRESERVING UNIQUE SOIL RESOURCES

**On the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.**

For purposes of these policies, the "best" prime farmland is that made up of soils in Agricultural Value Groups one through four. These are generally tracts of land with a Land Evaluation score of 85 or better on the County's *Land Evaluation and Site Assessment System*, that are large enough to be farmed economically. Small and irregular tracts are not included.

Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, with a relatively small amount resulting from development in the County's rural zoning districts.

The conversion of best prime farmland can be minimized by ensuring that it is used efficiently. This means using few acres as possible for each dwelling or other unit of development that is provided. Inefficient large-lot or "farmette" type development will not be permitted on the best prime farmland.

The County also finds that it is not in the public interest to compromise its other policies on the best prime farmland. Standards for site suitability, adequacy of infrastructure and compatibility with agriculture will be higher for development on the best prime farmland than for less productive land (See Policies 1.5.1 and 1.5.2).

#### 1.3 PROTECTION OF PROPERTY RIGHTS

**1.3.1 All landowners will be guaranteed a minimum basic development right subject only to public health, safety and site development regulations.**

For purposes of this policy, “development” excludes the division of land into tracts above a certain size. This minimum size is intended to provide tracts large enough to be farmed economically. In addition, this minimum size is such that permitted land uses can be assumed to generate traffic within the capacity of rural roads and to have only negligible impacts on sensitive natural areas and features. Creating tracts above this threshold may, therefore, be exempted from limits on development rights. Creating tracts below the threshold is subject to limitations on development rights. The “minimum basic development right” refers to the right to create such smaller lots and is in addition to the right to divide land into large exempt tracts.

The County recognizes that most land owners legitimately expect to be able to sell some part of their land for development. Limited development opportunities will be permitted as of right, but not necessarily in the same form in all locations. In some areas development rights may provide for commercial uses in lieu of residential development, consistent with other policies.

The scope of the basic development right is limited by concerns for public health and safety. It is not intended to allow the creation of lots subject to extreme flood hazard or in locations that are otherwise hazardous or incapable of providing a reasonably healthy and safe environment. Legitimate development expectations do not necessarily apply to areas with severe health or safety concerns.

Basic development rights do not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site.

**1.3.2 Landowners’ minimum basic development rights are proportionate to tract size. The division of smaller tracts of land will not be permitted if it would overburden existing infrastructure or create other problems.**

The basic development right is intended to allow limited development located in such a way that the County can be reasonably certain that it will not overburden existing infrastructure or violate other County policies. The basic development right is related to acreage in common ownership to ensure that concentrations of new lots do not create problems when the same right is accorded to all landowners.

Basic development rights will not necessarily apply to small tracts of land previously divided to create house lots or for other purposes such as small woodlots. In areas where there are concentrations of smaller tracts, further development could overburden existing infrastructure or violate other County policies if similar development occurs on other tracts in the vicinity.

On larger tracts, the basic development right is also subject to an overall cap. The cap defines the greatest number of lots that can be permitted as of right with reasonable assurance that the immediate impacts of the development will be acceptable. Above this cap, projects require site specific reviews of drainage, traffic and other impacts to ensure that County policies are met. Special consideration will be given, however, to small irregular or isolated tracts that cannot be farmed economically.

**1.3.3 Development beyond the basic right will be permitted if the use, design, site and location are consistent with County Policy regarding:**

- a. The efficient use of prime farmland;**
- b. Minimizing the disturbance of natural areas;**
- c. Suitability of the site for the proposed use;**
- d. Adequacy of infrastructure and public services for the proposed use; and,**
- e. Minimizing conflict with agriculture.**

Development beyond the basic development right will not be automatically restricted, but it will be limited to further the County’s other policies.

Development beyond the basic development right is not guaranteed. Such development will be subject to site and project specific reviews to ensure that it conforms to other County policies.

## **1.4 COMPATIBILITY WITH AGRICULTURE**

### **1.4.1 Non-agricultural land uses will not be permitted unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.**

Development in rural areas can be negatively affected by agriculture. Newcomers to rural areas often fail to understand the customary side effects of agriculture and so conflicts with farmers can result. It is the duty of those proposing rural development to avoid such conflicts as much as possible by proper choice of location and good site design.

### **1.4.2 Non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.**

Non-farm land uses in rural areas can have serious detrimental impacts on farming in a variety of ways. Although other land uses can be accommodated in rural areas, agriculture is the preferred land use and will be protected.

Rural developments will be scrutinized carefully for impacts they may have on agricultural operations including the impacts of additional similar development in the area. If the impacts are significant, development will be limited or disallowed.

## **1.5. SITE SUITABILITY FOR DEVELOPMENT**

### **1.5.1 On less productive farmland, development will not be permitted if the site is unsuited, overall, for the proposed land use.**

### **1.5.2 On the best prime farmland, development will not be permitted unless the site is well suited, overall, for the proposed land use.**

Ample sites that are well suited to residential and other development are available in rural Champaign County. It is not necessary, and the County will not permit, development on sites that are not well suited to it.

A site is considered well suited if development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public. A site is well suited overall only if it is reasonably well suited in all respects and has no major defects.

A site is unsuited for development if its features or location would detract from the proposed use. A site is also unsuitable if development there would create a risk to the health, safety or property of the occupants, the neighbors or the general public. A site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.

### **1.5.3 Development will not be permitted if existing infrastructure, together with the proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.**

A site may unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.

Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

**1.5.4 Development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.**

Public services, such as police, fire protection and ambulance service, in the rural areas of the County are provided on a more limited basis and with a narrower financial base than those in municipalities. Rural taxing bodies have a tax base that is heavily dependant on farmland than those in urbanized areas. The County will carefully weigh the ability of rural public service agencies to meet the demands posed by rural development. Developments will be expected to bear the full cost of providing services to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.

**1.6 BUSINESS AND NONRESIDENTIAL USES**

**1.6.1 In all rural areas, businesses and other non-residential uses will be permitted if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.**

Significant demand exists to site private and public uses in rural locations where land can be obtained more cheaply. This accounts for a significant fraction of the farmland converted by rural development.

Uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income or they involve products or services that can be provided better in a rural setting than in an urban one. Uses that have significant utility demands or which require access to urban services or which pose significant environmental or other impacts in a rural setting will be restricted to areas that have the necessary urban infrastructure and services.

**1.6.2 On the best prime farmland, businesses and other non-residential uses will not be permitted if they take any best prime farmland out of production unless:**

- **they also serve surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or,**
- **the uses are otherwise appropriate in a rural area and the site is very well suited to them.**

Accommodating non-residential land uses in rural areas can conflict with the County's policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be permitted if they minimize the conversion of the best prime farmland and it is not feasible to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc.

**1.6.3 In rural areas that are expected to be developed as non-residential land use, business and other uses will be permitted if they are consistent with other County policies and with the anticipated long-term use in the area.**

It is inappropriate to allow residential development in areas that will ultimately be developed for business or industrial use where residences would be undesirable. These areas may be designated in plans or may



otherwise be designated for business or industrial use. It is also inappropriate to allow intensive development in such areas before urban utilities and services are available. In the mean time, the interests of landowners must be respected and so a wider array of non-residential land uses will be permitted in lieu of residential development rights.

## **1.7 CONSERVATION OF NATURAL AREAS**

### **1.7.1. Non agricultural land uses will be permitted in or near known natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are located so as to minimize disturbance of wildlife, natural features, historic or archeological resources or park and preserve resources..**

Almost all natural areas in the County have been developed for agricultural and other uses or have been seriously disturbed by past land use. The resources to acquire, develop and manage parks and preserves are limited so the public and private investment in the existing sites merits protection. The County will not restrict development for this purpose beyond the limits that apply in agricultural areas but its location will be subject to special standards to minimize impacts on these resources.

### **1.7.2 Development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.**

High quality natural areas, endangered species and historic and archeological sites are rare in Champaign County. Development that may affect them will be permitted only if appropriate measures are taken to avoid harm to these resources.

## **1.8 IMPLEMENTING THE “AGRICULTURAL PURPOSES” EXEMPTION**

**All full and part-time farmers and retired farmers will be assured of receiving the benefits of the agriculture exemption even if some non-farmers receive the same benefits.**

The State of Illinois exempts land and buildings used for agricultural purposes from County zoning jurisdiction except for certain requirements such as minimum lot size. The County's rural land use policies will not be undermined by the exemption. Champaign County concurs with the agricultural exemption policy and will ensure that all qualifying projects receive the benefits of this policy even if a small number of non-farmers also benefit incidentally.

## **1.9 ACCESSORY DWELLINGS IN RURAL AREAS**

**Accessory dwellings will be permitted for the limited purpose of providing housing to family members on a temporary basis so long as site development standards and the public health and safety are not compromised.**

A significant demand exists to provide for housing for family members on the same lot with another single-family dwelling. Permitting second dwellings on lots without limits would undermine the County's other policies regarding rural development. The County wishes to assist families in providing for the needs of family members. With special controls, the potential impacts of accessory dwellings are reasonable given the public purpose served.

**PART 3: CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES  
Amended September 22, 2005**

***EXECUTIVE SUMMARY: LAND USE REGULATORY POLICIES – RURAL DISTRICTS  
As Amended September 22, 2005***

Commercial agriculture is the highest and best use of land in the rural areas of Champaign County that are suited to it, but non-agricultural land uses will be allowed on all rural land to a very limited extent that will not interfere with the pursuit of commercial agriculture nor waste the land resource. <sup>(1.1.1-1.1.4)</sup>

Champaign County will not allow significant non-agricultural development in rural areas not served by a sewer system. <sup>(1.1.1)</sup>

All tracts of record that are 40 acres or larger may be developed as-of-right under a development allowance of one single-family residence per 40 acres. In areas that are best prime farmland, this as-of-right allowance for development will be the only residential development that will be authorized. <sup>(1.2, 1.3.1-1.3.5)</sup> However, all existing lawfully created lots that are ‘good’ zoning lots will remain good zoning lots and one single-family residence may be constructed on any such lot that is vacant. <sup>(1.3.3)</sup>

Development under the as-of-right allowance that is in or near to known natural areas, sites of historic or archaeological significance, County forest preserves, or other parks and preserves must be located so as to minimize disturbance of such areas. <sup>(1.7.1)</sup>

Non-agricultural development may be authorized at a somewhat higher intensity in areas that are not best prime farmland and specific uses on best prime farmland may be authorized provided that:

- all reasonable effort has been made to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent minimize disturbance of natural areas, protection of endangered species and protection of historical and archeological resources, County Forest Preserves or other parks and preserves; <sup>(1.7.2)</sup>
- sites on the best prime farmland must be well suited overall <sup>(1.5)</sup> and must be used in the most efficient way. <sup>(1.2)</sup>
- the existing infrastructure and the improvements proposed are adequate to support the proposed development effectively and safely without undue public expense; <sup>(1.5.3)</sup>
- the available public services are adequate to support the proposed development effectively and safely without undue public expense; <sup>(1.5.4)</sup>
- non-residential development accords with other policies and is located in areas planned for such development, <sup>(1.6.3)</sup> or supports agriculture, or involves a product or service that is provided better in a rural setting than in an urban one. <sup>(1.6.1)</sup>
- non-residential development accords with other policies and either is appropriate in a rural area and is on a very well suited site, or services surrounding agriculture or an important public need and cannot be located elsewhere. <sup>(1.6.2)</sup>

A second dwelling on an individual lot may be allowed, but only for the limited purpose of providing housing to family members on a temporary basis. <sup>(1.9)</sup>

All farmers will be assured of receiving the State-mandated exemption from County zoning even if some non farmers also receive the same benefit. <sup>(1.8)</sup>

The Land Use Regulatory Policies will be coordinated with other County plans as much as possible with municipal plans and policies. <sup>(0.1.1, 0.1.2, 0.2)</sup>

Notes: Superscript numbers <sup>(n; n; n)</sup> refer to the number of the full policy statement (see attached). The Executive Summary is not part of the official policies and is provided only for convenience. The *Land Use Regulatory Policies* are adopted as general statements to guide County staff, Zoning Board of Appeals and County Board in the review of proposed Zoning Ordinance amendments. These policies are not yet complete, but have been officially adopted and are in full force. The policies may be used on an interim basis to evaluate zoning cases involving discretionary decisions. The County will add policies as needed in each phase of the *Comprehensive Zoning Review*. In Phase 7, where all previous changes are reconciled and harmonized, the County will review and revise the policies to provide continuing guidance for future zoning cases and ordinance amendments.

## CHAMPAIGN COUNTY LAND USE REGULATORY POLICIES, Amended September 22, 2005

### GENERAL POLICIES

#### 0.2 COORDINATING REGULATORY POLICIES WITH OTHER COUNTY POLICIES

**0.2.1** These regulatory policies will be coordinated with the *Champaign County Land Use Goals and Policies*. Where they conflict, the *Land Use Regulatory Policies* will govern and the *Land Use Goals and Policies* will be revised accordingly.

**0.2.2** These regulatory policies include and will conform to the *U.S. Route 150 Corridor Plan* and any other intergovernmental plan or program to which the County is a party.

*The Land Use Goals and Policies are more than 20 years old. The Land Use Regulatory Policies are more in keeping with current understanding and public values and so, supersede earlier efforts.*

*The County will honor plans and policies adopted in other settings unless the parties agree to amend them.*

#### 0.2 COORDINATING COUNTY ZONING WITH MUNICIPAL AND OTHER OFFICIAL PLANS AND POLICIES

**Champaign County will endeavor to coordinate its zoning ordinance with municipal comprehensive plans, annexation agreements and the plans of other government agencies to the greatest extent possible consistent with these and other County policies and the adopted *Ordinance Objectives*.**

*Eleven municipalities in Champaign County have adopted comprehensive plans. Under Illinois law these communities have jurisdiction over land use planning and land subdivision in the unincorporated area falling within 1-1/2 miles of their corporate limits.*

*Municipalities may also enter into annexation agreements in these areas that contain enforceable provisions relating to land use and development. The County, however, retains jurisdiction with respect to zoning, nuisance and floodplain regulation. Additionally, other public bodies such as the Urbana-Champaign Sanitary District, CUUATS, the Forest Preserve District, park districts, etc. have adopted plans and policies that bear, in part, on land use.*

*It is important that County, municipal and other land use policies be coordinated for the benefit of landowners and the general public interest.*

*Municipal and other plans vary in their level of detail, supporting analysis and currency. They may use dissimilar and even conflicting categories and terminology. For these reasons the County cannot automatically bind itself to every plan or policy and subsequent amendment adopted by every government entity. Within these limitations the County can and will work to harmonize the zoning ordinance with other plans and policies as much as possible, recognizing that in some instances the ordinance will not necessarily directly reflect every policy of every government.*

### RURAL LAND USE POLICIES

#### 1.1 HIGHEST AND BEST USE OF RURAL LAND

- 1.1.1. The unincorporated areas of Champaign County fall into two broad classes: urban land which is served by a sanitary sewer system and rural land which is not. Champaign County will allow only low intensity uses under restricted conditions on appropriate rural sites that are not served by sanitary sewer systems.**
- 1.1.2. 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. Other land uses will not be accommodated except under very restricted conditions or in areas of less productive soils.**
- 1.1.3. Residential development beyond that allowed as-of-right will be prohibited on land consisting of best prime farmland, but may be allowed elsewhere if:**
- a. conversion of farmland is minimized;**
  - b. potential for conflicts with agriculture is minimized;**
  - c. disturbance of natural areas, rivers, or waterways is minimized;**
  - d. sites are suitable for the proposed use; and**
  - e. infrastructure and public services are adequate for the proposed use.**
- 1.1.4. Non-residential land uses will not be allowed on rural land except when:**
- a. conversion of farmland is minimized;**
  - b. potential for conflicts with agriculture is minimized;**
  - c. disturbance of natural areas, rivers, or waterways is minimized;**
  - d. sites are suitable for the proposed use; and**
  - e. infrastructure and public services are adequate for the proposed use.**

*The preservation of prime farmland and minimization of disturbance to natural areas requires that land in the County be used efficiently. Efficient use of land requires that the vast majority of development be at urban densities and supported by the provision of sanitary sewer service. Only low intensity uses can be allowed on appropriate sites and under restricted conditions on rural sites that are not served by sanitary sewer systems.*

*The soils, landscape, climate and location of Champaign County constitute a uniquely productive setting for producing row crops. The County takes seriously its stewardship over more than a half million acres of the most productive farmland in the world. The County places a very high value on the economic contribution of farming and on farming as a way of life.*

*As important as agriculture is, the County finds that accommodating other land uses in rural areas is possible on a limited basis. It is, however, neither necessary nor appropriate to authorize residential development beyond that allowed as-of-right on land consisting of the best prime farmland.*

*Under the proper conditions, rural development can be authorized without unduly sacrificing our soil resources or interfering with agricultural practices. For example, certain types of non-residential uses may be allowed to operate on a site, effectively re-using an existing rural structure provided that specific conditions are met with regard to minimizing impacts to surrounding agricultural operations.*

## **1.2 PRESERVING UNIQUE SOIL RESOURCES**

**The best prime farmland will be preserved for agricultural use. Other land uses on best prime farmland will not be authorized except on a strictly restricted basis. On best prime farmland, residential land use is limited to an as-of-right allowance and the amount of farmland conversion is restricted. On best prime farmland, non-residential land uses will not be allowed unless the land is used in the most efficient way consistent with other County policies.**

*For purposes of these policies, the 'best' prime farmland is that made up of soils in Agricultural Value Groups One through Four. These are, generally, tracts of land with a Land Evaluation score of 85 or better on the County's Land Evaluation and Site Assessment System.*

*Champaign County recognizes the unique value of the soil found here and the need to preserve this resource for future generations. The County also recognizes that population and economic growth cannot be accommodated here without some conversion of the best prime farmland. Most farmland conversion occurs in the form of urban development, and as a result of annexation to one of the municipal entities.*

*The conversion of best prime farmland can be further minimized by ensuring that it is used efficiently. This means using as few acres as possible for each single-family residence or other form of development that is provided. Inefficient large-lot or 'farmette' type development will not be allowed on the best prime farmland.*

*Under limited circumstances, a single-family residence may be allowed to be located on a small tract of best prime farmland separated from a larger tract by an existing stream, ditch, street, or railroad.*

### **1.3 PROTECTION OF PROPERTY RIGHTS**

#### **1.3.1 All landowners are guaranteed an as-of-right allowance to establish a non-agricultural use, subject only to public health, safety and site development regulations.**

*The as-of-right allowance refers to the right to establish a land use or create lots that will generate traffic within the capacity of rural roads and have only negligible impacts on sensitive natural areas and features.*

*The County recognizes that most landowners legitimately expect to be able to sell some part of their land for development. Limited development opportunities will be allowed as-of-right, subject to conditions and not necessarily in the same form in all locations. In some areas development rights may provide for commercial uses in lieu of residential development, consistent with other policies.*

*The scope of the as-of-right allowance is limited by concerns for public health and safety. It is not intended to allow the creation of lots subject to extreme flood hazard or in locations that are otherwise hazardous or incapable of providing a reasonably healthy and safe environment. Legitimate development expectations do not necessarily apply to areas with severe health or safety concerns.*

*The as-of-right allowance does not override the need for reasonable site development regulations. Development rights are not guaranteed where site development regulations cannot be met, provided that the existing tract has a reasonable economic use such as an existing home site or agricultural endeavors.*

#### **1.3.2 The as-of-right allowance is intended to ensure a legitimate economic use of all property. Champaign County finds that continued agriculture use alone constitutes a reasonable economic use of the best prime farmland and fairness to landowners does not require accommodating non-farm development on such land.**

*Landowners are entitled to an economic return on investments in land consistent with reasonable expectations. This does not guarantee the greatest possible profit. Reasonable expectations are those that reflect public policy, respect long-standing use of neighboring land, account for the agricultural value and natural conditions found on the land, are consistent with the development suitability of the land and avoid interference with the use of other lands. Non-agricultural development is not a reasonable expectation on best prime farmland. Development that would significantly impair the ecological integrity of natural areas is not a reasonable expectation.*

#### **1.3.3 Landowners of one or more lawfully created lots that are recorded or lawfully conveyed and are considered a 'good zoning lot' (i.e., a lot that meets all County zoning requirements in effect at the time the lot is created) are guaranteed the as-of-right allowance to establish a single-family residence on each such lot.**

*The County recognizes that some landowners lawfully created, acquired, or may wish to sell lots that met the necessary zoning requirements in effect at the time the lot was created, but that presently do not conform to zoning requirements. Such lots are considered 'good zoning lots'.*

*Landowners can be assured that the establishment of a single-family residence will be allowed on 'good zoning lots' provided that such lots have been lawfully created and recorded or otherwise lawfully conveyed.*

**1.3.4 Landowners as-of-right allowance is generally proportionate to tract size, with one single-family residence allowed per 40 acres. The right to construct a single-family residence on vacant lawfully created tracts of land less than 40 acres is also part of the as-of-right allowance.**

*The as-of-right allowance is intended to allow limited residential development and at the same time minimize the conversion of farmland, minimize disturbance of natural areas, avoid overburdening existing infrastructure and violation of other County policies.*

**1.3.5 Residential development beyond the as-of-right allowance is not authorized on best prime farmland. Residential development beyond the as-of-right allowance may be allowed on tracts consisting of other than best prime farmland if the use, design, site and location are consistent with County policies regarding:**

- a. suitability of the site for the proposed use;**
- b. adequacy of infrastructure and public services for the proposed use;**
- c. minimizing conflict with agriculture;**
- d. minimizing the conversion of farmland; and**
- e. minimizing the disturbance of natural areas.**

*Consistent with County Land Use Regulatory Policies 1.1 and 1.2, the development of rural residential subdivisions on the best prime farmland is prohibited.*

*Residential development beyond the as-of-right allowance on prime or other farmland (defined as tracts with a Land Evaluation score of less than 85 based on the County's Land Evaluation and Site Assessment System) is not guaranteed. Such development will be subject to site and project-specific reviews to ensure that it conforms to other County policies.*

**1.4 COMPATIBILITY WITH AGRICULTURE**

**1.4.1 Non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative affect caused by agricultural activities.**

*Development in rural areas can be negatively affected by agriculture. Newcomers to rural areas often fail to understand the customary side effects of agriculture and so conflicts with farmers can result. It is the duty of those proposing rural development to avoid such conflicts as much as possible by proper choice of location and good site design.*

**1.4.2 Non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.**

*Non-farm land uses in rural areas can have serious detrimental impacts on farming in a variety of ways. Although other land uses can be accommodated in rural areas, agriculture is the preferred land use and will be protected.*

*Rural developments will be scrutinized carefully for impacts they may have on agricultural operations including the impacts of additional similar development in the area. If the impacts are significant development will be limited or disallowed.*



**1.5. SITE SUITABILITY FOR DEVELOPMENT THAT REQUIRES DISCRETIONARY REVIEW \***

*\* Note: ‘Discretionary Review’ is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.*

**1.5.1 Development that requires discretionary review will not be allowed on other than best prime farmland if the site is unsuited, overall, for the proposed land use.**

**1.5.2 Development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.**

*Ample sites that are well suited to development are available in rural Champaign County. It is not necessary, and the County will not allow development on sites that are not well suited to it.*

*A site is considered well suited if development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public. A site is well suited overall only if it is reasonably well suited in all respects and has no major defects.*

*A site is unsuited for development if its features or location would detract from the proposed use. A site is also unsuitable if development there would create a risk to the health, safety or property of the occupants, the neighbors or the general public. A site may be unsuited overall if it is clearly inadequate in one respect even if it is acceptable in other respects.*

**1.5.3 Development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.**

*A site may be unsuitable even if its physical characteristics will support development if the necessary infrastructure is not in place or provided by the development. Drainage systems, roads or other infrastructure are inadequate if they cannot meet the demands of the development without creating a risk of harm to the environment, private property or public health and safety.*

*Infrastructure is also inadequate if safety or the prevention of harm requires new public investments or increased maintenance expenses that are not paid for by the development itself. Developments will be expected to bear the full cost of providing infrastructure improvements to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.*

**1.5.4 Development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.**

*Public services, such as police, fire protection and ambulance service, in the rural areas of the County are provided on a more limited basis and with a narrower financial base than those in municipalities. Rural taxing bodies have a tax base that is heavily dependant on farmland than those in urbanized areas. The County will carefully weigh the ability of rural public service agencies to meet the demands posed by rural development. Developments will be expected to bear the full cost of providing services to the extent that the need for them is specifically and uniquely attributable to the development. Developments will not be approved if they impose disproportionate fiscal burdens on rural taxing bodies.*



## 1.6 BUSINESS AND NONRESIDENTIAL USES

### 1.6.1 In all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

*Significant demand exists to site private and public uses in rural locations where land can be obtained more cheaply. This accounts for a significant fraction of the farmland converted by rural development.*

*Uses can and should be accommodated in rural areas if they compliment agriculture, or supplement farm income or they involve products or services that can be provided better in a rural setting than in an urban one. Uses that have significant utility demands or which require access to urban services or which pose significant environmental or other impacts in a rural setting will be restricted to areas that have the necessary urban infrastructure and services.*

### 1.6.2 On the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless:

- a) they also serve 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 uses are otherwise appropriate in a rural area and the site is very well suited to them.

*Accommodating non-residential land uses in rural areas can conflict with the County's policy regarding preservation of the best prime farmland. Uses that directly serve agriculture or an important public purpose may be allowed if they minimize the conversion of the best prime farmland and it is not feasible to locate them on less productive farmland. Sites may also be developed for appropriate uses if they are very well suited to non-residential land use in terms of site suitability, access, visibility, infrastructure, public services, etc.*

### 1.6.3 In rural areas that are expected to be developed as a non-residential land use, business and other uses will be allowed if they are consistent with other County policies and with the anticipated long-term use in the area.

*It is inappropriate to allow residential development in areas that will ultimately be developed for business or industrial use where residences would be undesirable. These areas may be designated in plans or may otherwise be designated for business or industrial use. It is also inappropriate to allow intensive development in such areas before urban utilities and services are available. In the meantime the interests of landowners must be respected and so a wider array of non-residential land uses will be authorized in lieu of residential development rights.*

## 1.7 CONSERVATION OF NATURAL AREAS

### 1.7.1 Development authorized By-Right or as a Conditional Use will be allowed in or near known natural areas, sites of historic or archeological significance, County Forest Preserves, or other parks and preserves, only if they are located so as to minimize disturbance of such areas.

*Almost all natural areas in the County have been developed for agricultural and other uses or have been seriously disturbed by past land use. The resources to acquire, develop and manage parks and preserves are limited so the public and private investment in the existing sites merits protection. The County will not restrict development for this purpose beyond the limits that apply in agricultural areas but its location will be subject to special standards to minimize impacts on these resources.*

### 1.7.2 Development that requires discretionary review will be allowed only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to minimize disturbance of natural areas, protection of endangered species and protection of historical and archeological sites.

*\* Note: 'Discretionary Review' is a process by which the Zoning Board of Appeals and/or County Board considers the approval of a request for a Special Use or a Zoning Map Amendment after a public hearing. The ZBA and/or County Board reviews such requests based on specific criteria and, at their discretion, may or may not choose to approve the request.*

*Natural areas, endangered species and historic and archeological sites are rare in Champaign County. In the absence of alternative economic uses such as agriculture, fairness requires recognition of the reasonableness of the expectation of some degree of non-agricultural development. Development in these areas, however, may only proceed within strict limits, subject to close scrutiny and will be allowed only if appropriate measures are taken to minimize harm to these resources.*

## **1.8 IMPLEMENTING THE 'AGRICULTURAL PURPOSES' EXEMPTION**

**Subject to applicable statutory and constitutional restrictions, all full and part-time farmers and retired farmers will be assured of receiving the benefits of the agriculture exemption even if some non-farmers receive the same benefits.**

*The State of Illinois exempts land and buildings used for agricultural purposes from County zoning jurisdiction except for certain requirements such as minimum lot size. The County's rural land use policies will not be undermined by the exemption. Champaign County concurs with the agricultural exemption policy and will ensure that all qualifying projects receive the benefits of this policy even if a small number of non-farmers also benefit incidentally.*

## **1.9 ACCESSORY DWELLINGS IN RURAL AREAS**

**Accessory dwellings will be authorized for the limited purpose of providing housing to family members on a temporary basis so long as site development standards and the public health and safety are not compromised.**

*A significant demand exists to provide for housing for family members on the same lot with another single-family dwelling. Permitting second dwellings on lots without limits would undermine the County's other policies regarding rural development. The County wishes to assist families in providing for the needs of family members. With special controls, the potential impacts of accessory dwellings are reasonable given the public purpose served.*

## **Part 4: Summary: How LURP 2005 Differ from Previous LURP 2001 Excerpt from Staff Memo to ELUC dated September 15, 2005**

### ***OVERVIEW OF REVISIONS***

The major revisions to the *Champaign County Land Use Regulatory Policies – Rural Districts* [as amended September 22, 2005] are:

- 1) Formally establishes a policy specifying that only low-intensity uses will be allowed under restricted conditions in rural areas that are not served by sanitary sewers. *POLICY 1.1.1*
- 2) Prohibits large rural subdivisions on best prime farmland, which is about 90% of the rural area. *(Under the existing LURP, large rural subdivisions are permitted on some best prime farmland, but are required to meet a higher standard of suitability than those on non-best prime farmland.) POLICY 1.2*
- 3) Formally establishes a policy ensuring that lots which are good zoning lots when they are created will remain good zoning lots. *POLICY 1.3.3*
- 4) Establishes a specific numerical limit on the number of dwellings that may occur ‘as of right’ in rural areas of one house per 40 acres and does not allow for the division of additional residential lots to occur ‘as of right’ on tracts less than 40 acres. *(The existing LURP refer to a ‘minimum development right’ but do not specify a numerical limit.) POLICY 1.3.4*

All remaining revisions provide clarification to the existing LURP – Rural Districts to make them more easily understandable.