



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

FILED

Filing Fee: 04 2013

Gordy Hulten
CHAMPAIGN COUNTY CLERK

Per Year (or fraction thereof):
Per Single-day Event:
Clerk's Filing Fee:

\$ 100.00

\$ 10.00

\$ 4.00

For Office Use Only

License No.

2013-ENT-21

Date(s) of Event(s)

7-19-27, 2013

Business Name:

Champ Co Fair Assoc

License Fee:

\$ 100.00

Filing Fee:

\$ 4.00

TOTAL FEE:

\$ 104.00

Checker's Signature: _____

Checks Must Be Made Payable To: Gordy Hulten, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: Champaign County Fair Association
2. Location of Business for which application is made: 1302 N. Cole Ave
Urbana IL 61801 (mailing: P.O. Box 544 Urbana IL 61803-0544)
3. Business address of Business for which application is made: _____
P.O. Box 544 Urbana IL 61803-0544
4. Zoning Classification of Property: _____
5. Date the Business covered by Ordinance No. 55 began at this location: _____
6. Nature of Business normally conducted at this location: _____
County Fair
7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): Carnival / Fair / BAND CONCERT
8. Term for which License is sought (specifically beginning & ending dates): _____
July 19-27, 2013

(NOTE: All annual licenses expire on December 31st of each year)

9. Do you own the building or property for which this license is sought? YES
10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: _____
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT

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- B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: Cheryl Smith Date of Birth: _____
Place of Birth: Champaign Social Security No.: _____
Residence Address: 108 North St. Fisher IL 61843
Citizenship: yes If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): _____
Date of Birth: _____ Place of Birth: _____
Social Security Number: _____ Citizenship: _____
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: _____

3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: _____

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered:
Champaign County Fair Association
2. Date of Incorporation: Feb 28 1910 State wherein incorporated: Illinois

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3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Mike Kubel Title: President
Date elected or appointed: 12/6/10 Social Security No.: _____
Date of Birth: _____ Place of Birth: Urbana IL 61801
Citizenship: _____
If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: 1408 E. University Ave
Urbana IL 61801

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

Crash Rescue Coordinator, University of IL
Urbana + Champaign IL

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

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3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Kent Weeks Title: Vice - President
Date elected or appointed: 12/6/10 Social Security No.: _____
Date of Birth: _____ Place of Birth: Urbana IL 61821
Citizenship: _____
If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years:

Business	<u>3310 N. Mattis Ave</u>	<u>2105 Belmont Park</u>
Address	<u>Champaign IL 61822</u>	<u>Champaign IL 61822</u>

Business, occupation, or employment for four (4) years preceding date of application for this license: owner Champaign IL DBA Chambana Sales Co

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Edgar Busboom Title: 2nd Vice President

Date elected or appointed: Nov 2012 Social Security No.: _____

Date of Birth: _____ Place of Birth: Champaign County

Citizenship: _____

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

2106 CR 2500 N
Thomasboro IL 61878

Business, occupation, or employment for four (4) years preceding date of application for this license: Self employed Farmer

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

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3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Larry Buhrmester Title: Treasurer

Date elected or appointed: 11/1/10 Social Security No.: _____

Date of Birth: _____ Place of Birth: Watska IL

Citizenship: USA

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

202 W. Springfield Ave
Champaign IL 61820

Business, occupation, or employment for four (4) years preceding date of application for this license: Accountant

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

5. Objects of Corporation, as set forth in charter: _____

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: John Bell Title: Secretary

Date elected or appointed: Nov 2011 Social Security No.: 0

Date of Birth: _____ Place of Birth: Urbana IL

Citizenship: yes

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: _____

1614 W. Park Av
Champaign IL 61821

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

AFFIDAVIT
(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

AFFIDAVIT

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

Signature of President

Signature of Secretary

Signature of Manager or Agent

Subscribed and sworn to before me this 4th day of June, 2013.



Notary Public

This **COMPLETED** application along with the appropriate amount of cash, or certified check made payable to GORDY HULTEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included.

**Champaign County Fair Association
2013 Board of Directors**

William F. Alagna
PO Box 70
Seymour IL 61875

John D. Bell - Secretary
1614 W Park Ave
Champaign IL 61821

Edgar Busboom – 2nd vice - President
2106 CR 2500 N
Thomasboro IL 61878

Larry Buhrmester - Treasurer
41 Lange
Savoy IL 61874

Mike Kobel - President
1408 E Florida Ave
Urbana IL 61801

Jacqueline Maret
1145 Bel Air Dr
Rantoul IL 61866

Karen Duffin
PO Box 226
Paxton IL 60957

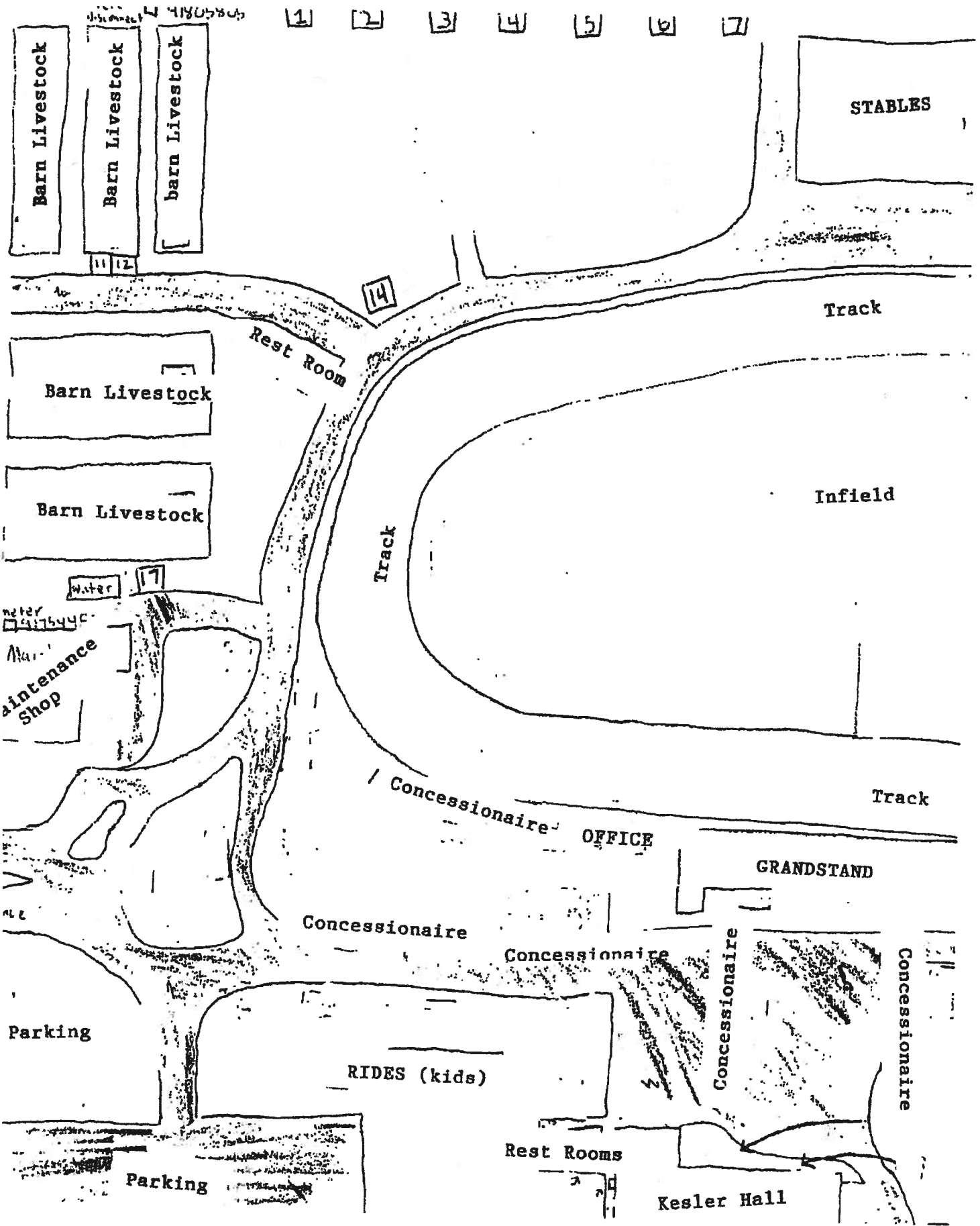
Kent Weeks – 1st vice - President
3310 N Mattis Ave
Champaign IL 61822

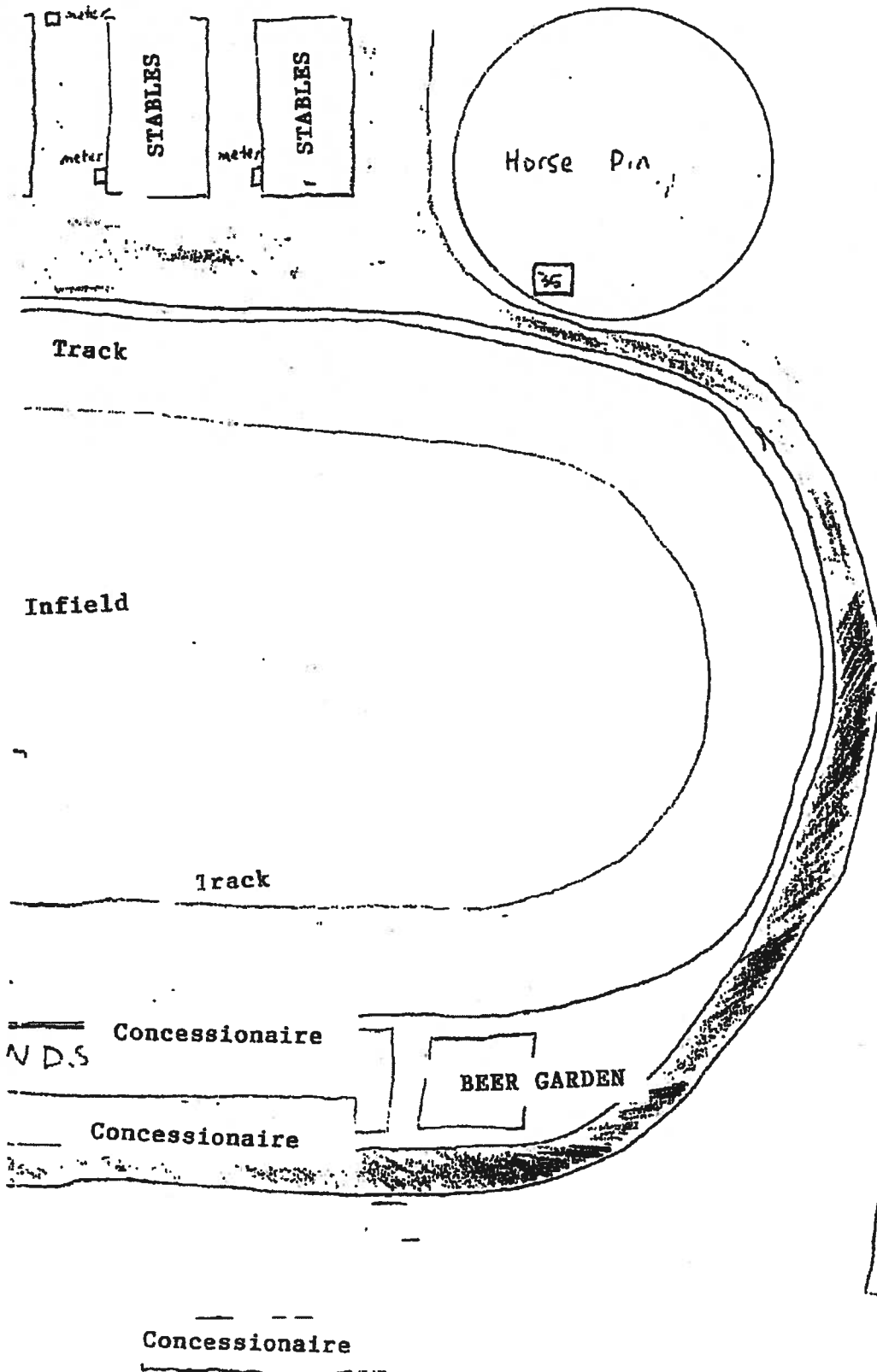
Kerry Weeks
700 Schlutter St
Thomasboro IL 61878

Jarod Little
1321 Cobble Stone Way
Champaign IL 61822

Robert I Williams
409 S Bourne St
Tolono IL 61880

Pam Barham
2451 Clayton Blvd
Champaign IL 61822

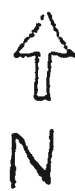




parking

Rides Adult

CARNIVAL



SITE MAP
CHAMPAIGN
COUNTY
FAIRGROUNDS

RESOLUTION NO. ____

**AUTHORIZING OPPOSITION OF WATER WITHDRAWAL
FROM THE SALT FORK OF VERMILION RIVER IN CHAMPAIGN COUNTY
FOR COAL MINE USE IN VERMILION AND CHAMPAIGN COUNTIES**

WHEREAS, coal mining interests have been securing mineral rights located within Vermilion and Champaign Counties, Illinois, have applied for a state mining permit and have secured a potable water supply in order to place an underground mine operation within the confines of Vermilion and Champaign Counties, Illinois; and

WHEREAS, coal mining interests have sought approximately 750,000 to 1,008,000 gallons per day raw water supply for onsite mining operations, including washing coal, from the Salt Fork of the Vermilion River in Champaign County and will discharge as much as 10% of the water withdrawn from the Salt Fork of the Vermilion River back to the river system laden with salts, heavy metals and suspended solids after use in coal washing operations and to suppress dust at the mine site; and

WHEREAS, the Salt Fork of the Vermilion River has many existing uses that rely on clean and abundant water, including 1) support of rare, threatened, and endangered species of mussels and fish, 2) downstream water withdrawals for the drinking water supply for the Village of Oakwood, 3) recreation including swimming, paddling, angling, etc.; and

WHEREAS, the Salt Fork of the Vermilion River is considered impaired per the Illinois Environmental Protection Agency due to excessive levels of pollutants and removing water from the Salt Fork of the Vermilion River will likely exacerbate existing water quality impairments and threaten existing uses; and

WHEREAS, Champaign County has adopted a ~~comprehensive~~ Land Resource Management Plan that heretofore places an emphasis on the protection of natural resources and the environment of the County; and

WHEREAS, performance criteria, as utilized by both state and federal mining law address concerns in the areas of mine site conformance to the County's ~~Comprehensive Land Use Resource Management Plan, Conservation Lands Systems and~~ other related conservation plans, prevention of water quality and quantity impacts, concurrent reclamation and visual impacts; and

WHEREAS, both state and federal law will be required to take into account consistency with local land use and development plans, which in this case is the Champaign County ~~Comprehensive Land Resource Management Use~~ Plan; and

WHEREAS, typical legacy impacts including depleted resources, degraded infrastructure, and land and water pollution left behind from prior and existing mines may place undue costs and adverse impacts on the tax payers of Champaign and Vermilion Counties with few local tax benefits, and is therefore unacceptable, and

WHEREAS, water quality impacts from underground mines are consistently underestimated and therefore the mitigation is consistently inadequate; and

WHEREAS, the practice of underground mining and the associated subsidence typically ~~had~~ have a serious effect on area geology, particularly on flat surface lands, and that remediation of the subsidence has proven to be detrimental to the land; and

WHEREAS, the information coal mining interests has provided ~~the County~~ to date leaves many questions unanswered and is insufficient to determine if and how ~~Champaign County a coal mine~~ would be able to meet any relevant environmental performance criteria outlined by ~~the County~~ both state and federal mining law to address the negative impacts associated with surface water withdrawals.

NOW, THEREFORE BE IT RESOLVED that:

1. The Champaign County Board opposes water withdrawals from the Salt Fork of the Vermilion River in Champaign County for coal mine use in Vermilion and Champaign Counties.
2. Champaign County will continue to actively comment on any future plans of operations regarding water withdrawals and water discharges submitted on any such mine, including during any formal review by agencies and offices of the Federal and State Governments.
3. The Champaign County Zoning Administrator is hereby directed to immediately forward a copy of this Resolution to the following agencies and individuals:
 - a. Illinois Department of Natural Resources
Office of Resource Conservation
Attn: Director James Herkert
One Natural Resources Way
Springfield, IL 62702-1271
 - b. Illinois Department of Natural Resources
Office of Mines and Minerals
Attn: Director Michael Woods
One Natural Resources Way
Springfield, IL 62702-1271

- c. Village of Homer
Attn: Mayor Ray Cunningham
500 E Second St.
Homer, IL 61849

- d. Village of Oakwood
Attn: Village President Bob Jennings
106 S Scott St.
Oakwood, IL 61858

- e. Sunrise Coal Company, LLC
Attn: Brent Bilsland
1183 E Canvasback Dr.
Terre Haute, IN 47802

PRESENTED, PASSED, APPROVED, AND RECORDED this 20th day of June, A.D. 2013.

SIGNED:

ATTEST:

Alan Kurtz, Chair
Champaign County Board
Champaign, Illinois

Gordy Hulten,
County Clerk and *Ex Officio* Clerk of the
Champaign County Board

Illinois Nature Preserves Commission

One Natural Resources Way
Springfield, IL 62702-1271
217/785-8686

May 30, 2013

Mr. Ralph Langenheim, Chair
Champaign County Board Environment and Land Use Committee
County Board Office
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

RE: Potential withdrawal of water from the Salt Fork of the Vermilion River for coal mine uses

Dear Mr. Langenheim,

The Illinois Nature Preserves Commission (INPC) is concerned about potential impacts to the Salt Fork of the Vermilion River that may result from the expressed need for sizable quantities of raw water for a proposed coal mine southeast of Homer. The INPC is statutorily obligated to protect natural areas such as the Salt Fork of the Vermilion River under the Illinois Natural Areas Preservation Act [525 ILCS 30/] (Act). Specifically, the alteration of natural water levels within dedicated nature preserves and registered land and water reserves is prohibited under Illinois' Administrative Code [pursuant to 17 Ill. Adm. Code 4000.440 and 17 Ill. Adm. Code 4010.240(b), respectively], and adverse impacts to these protected habitats and the species they support is prohibited by law. Two registered land and water reserves harboring sensitive species occur along the Salt Fork northeast of Homer and downstream of the proposed withdrawal.

The Salt Fork of the Vermilion River is recognized on the Illinois Natural Areas Inventory as a high-quality stream within Vermilion County and the eastern part of Champaign County. The Salt Fork is home to a wide variety of native Illinois animals including several State-listed threatened or endangered mussels and fish. These animals need clean and ample water in the stream to thrive.

The Champaign County Board has placed an emphasis on the protection of the natural resources and the environment of the County as expressed in the Champaign County Land Resource Management Plan, and the INPC encourages the County Board to carefully consider potential negative impacts of withdrawal of large quantities of water from the Salt Fork for coal mine use. Before any approvals are granted for water withdrawal from this high-quality stream system, the

Mr. Langenheim

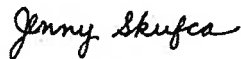
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May 30, 2013

INPC recommends the initiation of a research study by the Illinois State Water Survey to support a scientific determination for what amount of water during what seasons and under what flow regimes may be withdrawn to avoid adverse impacts. The INPC is concerned that any withdrawal during periods of low flow could impact sensitive natural areas and species. The maintenance of a base flow supportive of aquatic life is paramount. Furthermore, the INPC respectfully requests that the County Board or the Urbana and Champaign Sanitary District engage in formal consultation through the Illinois Department of Natural Resources' Ecological Compliance Assessment Tool (EcoCAT), if the Board or District authorize or perform actions that result in water withdrawal from the Salt Fork of the Vermilion River for coal mine use. Local governments who authorize, fund, or perform actions that may result in a change to existing environmental conditions or that may affect State-listed threatened or endangered species or their essential habitat or natural areas shall engage in consultation pursuant to Illinois Administrative Code 1075.40.

Thank you in advance for your attention to this matter.

Sincerely,



Jenny Skufca

Natural Areas Defense Specialist

cc: James Smith – Landowner, Edgewood Farm Land and Water Reserve
R. Weldon and Rick Larimore – Landowners, Larimore's Salt Fork of the Vermilion
River Land and Water Reserve
Aaron Esry - Champaign County Board Environment and Land Use Committee (ELUC)
Vice-Chair
Astrid Berkson – ELUC
Stanley Harper – ELUC
Alan Kurtz – ELUC
Patti Petrie – ELUC
Jonathan Schroeder – ELUC
Kevin Green – Vermilion County Board
Rick Manner – Urbana and Champaign Sanitary District
John Hall – Director, Champaign County Department of Planning and Zoning
Raymond Cunningham – Mayor of Homer
Susan Forsyth – Homer Village Board Trustee
Traci Barkley – Prairie Rivers Network
Jamalyn Sarver – Sunrise Coal LLC
Eric Smith, Karen Miller, Pat Malone, Trent Thomas – Illinois Department of Natural Resources
Mary Kay Solecki, Randy Heidorn – INPC

John Hall

From: Chris Todd [cmtodd@comcast.net]
Sent: Friday, May 17, 2013 9:27 AM
To: John Hall
Subject: Water withdrawals from Salt Fork River

PLEASE FORWARD TO MEMBERS OF THE ENVIRONMENT AND LAND USE COMMITTEE

I appreciate the opportunity to provide input concerning the possible withdrawal of water from the Salt Fork River by the Sunrise Coal mine and their request for treated water from the Urbana-Champaign Sanitary District. A viable community requires balancing the needs of business, residents and nature. Water-dependent industries take an inordinate amount of our precious water resource, limiting what is available to other businesses, residents and nature. Some industries, such as the proposed Homer mine, also will pollute the water they use. While I am sympathetic to the need for expanded commerce, a community cannot accept those businesses that result in a community-wide decline of the environment and quality of life.

Moreover, the need for water will only escalate in the future due to population growth and climate change. The local drought last year attests to the problems we face in the future. I can speak first hand about the challenges brought on by drought. We lived in Athens, Georgia during a multi-year drought that resulted in increasingly severe water bans. In the end, we spent many months under a total outdoor watering ban. Atlanta and northeast Georgia were within months of having no water at all. Some smaller towns had to truck in drinking water and plans were being made to do so for Atlanta and Athens. The water ban resulted in the collapse of the green industries. Our local nursery was forced to close because no one could water new plants. Lawn services closed or laid off employees because grass didn't grow in the summer heat without water.

Recreation industries also experienced substantial declines as lakes and rivers dried up. Residents were also forced to take extreme measures. Every drop of water was saved--used to flush toilets, which was done only once or twice a day by emptying the saved water into our toilet bowl (the adage "if it's yellow let it mellow if its brown flush it down" was promoted by our local officials as our guide). We took military showers and only a few of those at that. We ran our washers and dishwashers as little as possible. Our lawns, gardens and the surrounding countryside withered and died from the heat and lack of water, adding to the psychological stress. Many trees died. The quality of drinking water declined as community water treatment plants were forced to go closer to the bottom to take out the water that remained. Moreover, decisions on water use by communities up river greatly impacted communities located down-river.

I urge you to deny water requests by water-dependent industries in general and by Hallador in particular, due to the additional risk of environmental pollution from the proposed mine. We simply do not have sufficient water in Urbana-Champaign to be able to meet the demands of water-dependent industries and we cannot risk the possibility of polluting our existing water and land resources.

Chris Todd
1806 Barrington Dr.
Champaign, IL 61821

Champaign County
Department of



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

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

To: **Environmental and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**
Andy Kass, Associate Planner

Date: **June 6, 2013**

RE: **Zoning Ordinance Text Amendment Case 743-AT-13**

Request: **Request Final Recommendation to County Board to Amend the Zoning Ordinance to allow for a County Board approved variance when the requirement for annexation is a requirement for plat approval by a municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities.**

Petitioner: **Zoning Administrator**

STATUS

The status of municipal protests is summarized below.

MUNICIPAL PROTEST UPDATE

The Urbana City Council voted against a Resolution of Protest (voted to **not protest**) at their meeting on June 3, 2013.

A protest has been received from the Village of Mahomet and is included as Attachment A. Thus, the supermajority requirement applies and 17 affirmative votes will be required for the County Board to override the municipal protest.

The City of Champaign Plan Commission was supposed to review this Case at their June 5, 2013, meeting but there was no quorum and this case was continued to the Plan Commission meeting on June 19, 2013, and is expected to be at the City Council meeting on July 2, 2013. The Report to Plan Commission is included as Attachment C and includes a staff recommendation for a protest.

ATTACHMENTS

- A Protest by the Village of Mahomet received May 31, 2013 (included separately)
- B Letter dated June 4, 2013, from the Sangamon Valley Public Water District (included separately)
- C City of Champaign Plan Commission Plan Report on Case No. PL13-0014



REPORT TO PLAN COMMISSION

FROM: Bruce A. Knight, FAICP, Planning Director

DATE: May 31, 2013

SUBJECT: CASE No. PL13-0014 **CHAMPAIGN COUNTY ZONING
ORDINANCE TEXT AMENDMENTS CASE
CCZBA-743-AT-13 A REQUEST BY THE
CHAMPAIGN COUNTY ZONING
ADMINISTRATOR TO AMEND SECTIONS
9.1.9, 9.2.2, AND 13 OF THE CHAMPAIGN
COUNTY ZONING ORDINANCE
REGARDING RURAL WATER DISTRICT
TREATMENT FACILITIES IN A
MUNICIPALITIES ETJ**

A. Introduction: The Plan Commission is requested to consider a written protest against Case 743-AT-13, a text amendment to the Champaign County's Codes to allow Champaign County to issue permits to rural water districts located in municipalities ETJ, which have not met the municipality's requirements for subdivision or annexation.

B. Recommended Action: Staff recommends that Plan Commission forward the proposed County Zoning Text Amendment to the City Council with a recommendation to protest the amendment.

C. Prior Council Action: The City Council has not taken previous action regarding this case. However, the City Council has considered several County text amendment cases over the years to ensure consistency with City codes and policies as they impact the one-and-a-half mile extraterritorial jurisdictional area.

D. Summary:

- Under state law, the City has the ability to protest proposed text amendments to the Champaign County Zoning Ordinance. A protest from any municipality would force a 2/3 majority vote of the County Board for approval of the text amendment.
- Champaign County Planning and Zoning Department is proposing a text amendment to the Champaign Zoning Ordinance which would allow the Department to issue a zoning use permit to a rural water district when it is not meeting the regulations of the municipality's Extra-Territorial Jurisdictional Area (ETJA).

- This county text amendment will not apply to the City of Champaign because it only applies to non-home rule units. The City of Champaign is a home rule unit.
- The text amendment will allow the county to issue a permit for the construction of a building, even though the lot does not meet the subdivision regulations for the ETJA it is located in. The subdivision regulations require infrastructure to be built including roads, sidewalks, street lights, sanitary sewers, curb and gutter, street trees, etc.
- If property owners do not construct infrastructure at the time they develop a property, it is time consuming and costly for a municipality to force them to retroactively construct the required infrastructure.
- City Staff is recommending protesting the text amendment because - even though it does not apply to the City of Champaign – it sets a precedent, that the county can approve permits that do not comply with other governing agency’s regulations.

E. Background:

1. City’s Right On County’s Actions: Under state law, home-rule municipalities can officially protest County Zoning Ordinance Text Amendments and Rezoning. Champaign County Planning and Zoning sends all of the proposed text amendments to municipalities that have these rights. The municipalities have the ability to make comments, support, or protest each text amendment. If a municipality chooses to protest the text amendments, it forces a two-thirds majority vote of the County Board to ultimately approve it. If there are no protests, it would require a simple majority approval. Similar to other zoning actions, the City’s process for considering a protest is first with the Plan Commission and ultimately with City Council.

2. Text Amendment. The text amendment that is being proposed would allow the County Planning and Zoning Department to approve and issue Zoning Use Permits to rural water districts even though the rural water district has not met the subdivision requirements of the municipality that has governing authority. These subdivision requirements include the construction of infrastructure like sidewalks, road improvements, curb and gutter, street lights, street trees, the extension of sanitary sewer lines, and/or the construction of storm water management systems. The text amendment would allow the County to issue a permit for development with understanding that the property owner is not in compliance with the subdivision requirements of the municipality with jurisdiction for subdivisions. The proposed text amendment has two different parts that are in separate locations of the Champaign County Zoning Ordinance. They are:

A. Make changes to 13.2.1 A.4.a, which states,

4. The SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:

a. CONSTRUCTION or change of USE to establish or enlarge a water treatment plant or related facilities owned and operated by a predominately rural water district when such improvements are deemed necessary to serve the public health, safety, and well being of the residents of Champaign County when that

CONSTRUCTION or change of USE is required to comply with municipal SUBDIVISION regulations including the requirement for annexation to a municipality and that municipality is a non-home rule municipality and has its own water treatment plant and related facilities. The GOVERNING BODY may authorize a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations if the municipality will not consider plat approval without the requirement for annexation provided as follows:

(1) In addition to all other requirements of Section 9.1.9 the water district shall include with the application for VARIANCE a copy of a SUBDIVISION Plat for the subject property that has been prepared by a Licensed Illinois Surveyor in compliance with the technical platting requirements of the relevant municipal SUBDIVISION requirements but perfect compliance with the technical platting requirements shall not be required for the VARIANCE.

(2) The recommendation by the BOARD and the action by the GOVERNING BODY shall include a special condition that the VARIANCE shall not confer GOVERNING BODY approval or support for violation of the technical platting requirements of the relevant municipal SUBDIVISION requirements.

(3) The Zoning Administrator shall provide notice to the relevant municipality of the public hearing and the final determination for the VARIANCE and copies of any related Zoning Use Permit or Zoning Compliance Certificate that are authorized.

3. City Staff Position. The nature of this case involves the Sangamon Water District wishing to construct a facility in the ETJ jurisdiction of Mahomet and not wanting to annex or comply with applicable subdivision requirements. While the specific case does not implicate the City of Champaign, it is proposed to be handled with a text amendment to the Zoning Ordinance which covers the County as a whole, including Champaign's 1.5-mile extraterritorial jurisdictional area. While it is believed this text amendment will not have an immediate negative impact on the City of Champaign Planning Staff is recommending opposing this County ZBA Text Amendment for the following reasons.

1. **Precedent.** Staff has concerns over the precedent that this text amendment would be setting for developments in other municipality's extra territorial jurisdiction. The current proposal is only for land owned by a rural water district, and it is only for a non-home rule unit. However, future text amendments may include other property owners, and they may include home rule units. Additionally, regardless of who owns the property, private or public entity, when properties expand and subdivide, that is the most appropriate time to install public infrastructure as required by municipal regulations. If they are not constructed at the time of development, the burden often falls on the tax payers of the community. There are many public agencies that provide essential services to

communities; however, as they develop, expand, and build new facilities, they also need to provide the required infrastructure that a municipality requires.

2. **Potential Legal Conflict.** The proposed text amendment will allow the County to knowingly issue permits to a property owner to expand their use, even though the property does not meet the subdivision regulations of the adjacent municipality. This scenario creates an automatic violation and enforcement issue between the municipality and the property owner. Any permit issued by the County does not relieve the property owner of any requirements of the adjacent municipality. The text amendment is counter to the coordinated approach City and County Staff has taken in the past to ensure development proceeds consistent with both County and Municipal regulations.

F. Alternatives:

1. Forward Case PL13-0014 to the City Council with a recommendation for protest, which would recommend protesting Case CCZBA-743-AT-13, a text amendment to allow the County to issue permits to Rural Water Districts that do not meet the subdivision or annexation requirements of the governing municipal agency that it is located in.
2. Forward Case PL13-0014 to the City Council with a recommendation of no protest, which would recommend supporting County Zoning Case CCZBA-743-AT-13.

G. Discussion of Alternatives:

Alternative 1 will recommend the case be forwarded to City Council and authorize a written protest against Case CCZBA-743-AT-13, a text amendment to allow the County to issue permits to rural water districts that do not meet the subdivision or annexation requirements of the governing municipal agency that it is located in.

a. Advantages

- Does not set a precedent for property owners to not meet the regulations of the governing agency that they are located in.
- Does not create a code enforcement issue for a property owner or the municipality.

b. Disadvantages

- None.

Alternative 2 will recommend the Case be forwarded to City Council and not protest the proposed text amendment. The Council should choose this Alternative if it finds that the proposed text amendment is an appropriate amendment for the County Regulations.

a. Advantages

- None.

b. Disadvantages

- Creates a precedent for property owners to not meet the regulations of the governing agency that they are located in.
- Creates a code enforcement issue for a property owner and the municipality.

H. Community Input: Champaign County is required to issue public notice of the text amendment. The City does not hold a public hearing for the consideration of County text amendments to the Zoning Ordinance. The City Plan Commission and City Council meetings will provide opportunities for input, as will any meetings held by the County

I. Budget Impact: There are no budget impacts to protest the text amendment.

J. Staffing Impact: There will be no City staffing impact, as a result of this County text amendment. Staff spent approximately 2 hours reviewing the text amendment, and preparing the report.

Prepared by:

Reviewed by:

Jeff Marino, AICP
Planner II

Rob Kowalski, AICP
Assistant Planning Director

Attachment: County Report to the Environment and Land Use Committee.

G:\County Zoning Ordinance\Rural Water Districts in a Municipalities ETJ PC.doc

CASE NO. 743-AT-13

SUPPLEMENTAL MEMORANDUM

March 28, 2013

Petitioner: Zoning Administrator

Prepared by: Andy Kass, Associate Planner
John Hall, Zoning Administrator

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise Section 9.1.9 as follows:

1. Authorize County Board approved variances as authorized in Section 13
2. Require Findings for County Board approved variances
3. Authorize conditions for County Board approved variances
4. Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

Part B. Revise Section 13 as follows:

1. Add "or the Governing Body" after each use of "Board"
2. Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

STATUS

This is the first hearing for this case. Proposed revisions to paragraph 13.2.1A.4.a. are included below.

PROPOSED REVISIONS TO PARAGRAPH 13.2.1A.4.a.

The BOARD or the GOVERNING BODY shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when:

A. The CONSTRUCTION or USE would violate:...

4. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
 - a. CONSTRUCTION or change of USE to establish or enlarge a water treatment plant or related facilities owned and operated by a predominately rural water district or CONSTRUCTION or change of USE to establish or enlarge a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when that CONSTRUCTION or change of USE is required to comply with municipal SUBDIVISION regulations including the requirement for annexation to a municipality and that municipality has its own water treatment plant and related facilities. The GOVERNING BODY may consider a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations if the municipality will not consider plat approval without the requirement for annexation.

CASE NO. 743-AT-13

PRELIMINARY MEMORANDUM

March 22, 2013

Petitioner: **Zoning Administrator**

Prepared by: **Andy Kass, Associate Planner**
John Hall, Zoning Administrator

Champaign
County
Department of

PLANNING &
ZONING

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

(217) 384-3708

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise Section 9.1.9 as follows:

1. **Authorize County Board approved variances as authorized in Section 13**
2. **Require Findings for County Board approved variances**
3. **Authorize conditions for County Board approved variances**
4. **Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.**

Part B. Revise Section 13 as follows:

1. **Add "or the Governing Body" after each use of "Board"**
2. **Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.**

Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

BACKGROUND

For background information please see Attachment A.

ATTACHMENTS

- A Memo to the Environmental and Land Use Committee dated February 26, 2013, with attachments:
 - A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance
 - B Proposed Amendment to Section 13 of the Zoning Ordinance
 - C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance
- B LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- C Draft Finding of Fact and Final Determination (included separately)

Champaign County
Department of

PLANNING &
ZONING

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802
(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

To: **Environment and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**

Date: **February 26, 2013**

Request: **Request approval to proceed with a public hearing for a Zoning Ordinance Text Amendment to Allow Variances from Municipal Subdivision Regulations for Rural Water District Water Treatment Plant and Related Facilities**

BACKGROUND

The Board recently approved map amendment Case 717-AM-12 authorizing an expansion of the AG-2 Agriculture Zoning District to allow for the expansion of the Sangamon Valley Public Water District treatment plant located at 709 North Prairieview Road, Mahomet. The Board approved that map amendment even though the Village of Mahomet had made a formal protest.

Based on testimony and other evidence in Case 717-AM-12 and the related Cases 718-S-12 and 717-V-12, the Village required annexation as part of the plat approval for the property and the Water District was opposed to annexation because it feared that annexation could eventually result in the Water District being dissolved and its facilities taken into the Village water services. The Water District was very clear that it was not opposed in principal to plat approval.

During the consideration of Case 717-AM-12 and the related zoning cases it was made clear that Section 13 of the Zoning Ordinance required compliance with municipal subdivision regulations and paragraph 9.1.9 B. of the Ordinance prohibited any variance from that requirement.

Today the Water District and the Village appear no closer to a compromise regarding annexation and the deadline nears for the Water District expansion.

This amendment proposes to authorize the County Board to approve a variance from the requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality in exactly similar instances but only if the municipality will not consider plat approval without the requirement for annexation.

If the amendment is adopted and if the Water District would apply for and be granted such a variance, the amendment would allow a Zoning Use Permit to be approved for construction of the new plant. The Water District could then construct the plant expansion in full conformance with the County Zoning Ordinance and the Village would have the right to pursue enforcement of its subdivision regulations.

The effect of the amendment is to relieve the County of municipal subdivision regulation enforcement responsibilities but only in very limited cases:

Zoning Administrator
FEBRUARY 26, 2013

- (1) only in cases involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district; and
- (2) only when the requirement for annexation is a requirement for plat approval by a municipality that has its own water treatment plant and related facilities; and
- (3) only when no plat approval shall be considered without the requirement for annexation.

OVERVIEW OF PROPOSED AMENDMENT

The amendment directly affects Section 9.1.9 and Section 13 of the Zoning Ordinance as follows:

1. Section 9.1.9 is proposed to be amended to allow for County Board (the Ordinance already defines "Governing Body" as the Champaign County Board) approval of this specific kind of variance as follows (see Attachment A):
 - a. "GOVERNING BODY" is added to paragraphs 9.1.9 A., C., D, and E.
 - b. A new paragraph 9.1.9 F. is added that provides for protest of a County Board approved variance by any township with a planning commission, as authorized by state law.
2. Section 13 of the Zoning Ordinance is proposed to be amended by adding this specific exception to subparagraph 13.2.1A.4.a. (see Attachment B).

The proposed amendment also includes a long overdue amendment to Section 9.2.2 explaining the effect of township protest rights on map amendments for townships with planning commissions (see Attachment C). This part of the amendment is long overdue.

MUNICIPAL PROTESTS LIKELY

This proposed amendment is likely to be protested by all County municipalities but a protest from even one municipality will trigger the supermajority requirement for approval.

NO STATE'S ATTORNEY REVIEW YET

Because of the deadline faced by Sangamon Valley Public Water District related to the Water Treatment Plant expansion and other zoning related issues that the State's Attorney has been working on, this proposed amendment has been forwarded to ELUC without the benefit of prior State's Attorney review. If the proposed amendment is authorized to proceed to a public hearing there will be State's Attorney review in as timely a manner as possible.

ATTACHMENTS

- A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**
- B Proposed Amendment to Section 13 of the Zoning Ordinance**
- C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance**

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

9.1.9 VARIANCES

A. Table of VARIANCE Classifications and Presiding Authority

VARIANCE Classification	Presiding Authority
ADMINISTRATIVE VARIANCE: Deviation of 10 percent or less from regulation or standard of this ordinance related to the location of STRUCTURES or to bulk requirements	May be authorized by the Zoning Administrator in accordance with Section 9.1.10
Minor VARIANCE: Contested ADMINISTRATIVE VARIANCE Deviation of 10 percent or less from numerical regulations or standard of this ordinance not related to the location of STRUCTURES or to bulk requirements Deviation of more than 10 percent but not exceeding 25 percent from numerical regulation or standard of this ordinance	May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5B and the requirements of this Section.
Major VARIANCE: Deviation exceeding 25 percent from numerical regulation or standard of this ordinance. Waiver from nonnumerical regulation or standard of this ordinance. Deviation from numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i> . Waiver from nonnumerical regulations or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i> .	May be granted by the BOARD in accordance with the requirements of this Section.
<u>County Board VARIANCE:</u> <u>Any VARIANCE authorized by Section 13.</u>	<u>May be granted by the GOVERNING BODY in accordance with the requirements of this Section.</u>

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

B. Prohibited VARIANCES

At no time shall the BOARD, or the Hearing Office or the GOVERNING BODY grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance except as authorized in Section 13.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section ~~14.2.1~~ 13.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD, or the Hearing Officer or the GOVERNING BODY unless a written application for a VARIANCE is submitted demonstrating all of the following:
 - a. that special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same zoning DISTRICT;
 - b. that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted USE of the land or STRUCTURES or CONSTRUCTION on the LOT;

Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance

- c. that the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
- d. that the granting of the VARIANCE is in harmony with the general purpose and intent of this ordinance;
- e. that the granting of the VARIANCE will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

- 2. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.

D. Findings

- 1. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
- 2. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.

E. Conditions

- 1. In granting any VARIANCE, the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

F. Action of the GOVERNING BODY

- 1. In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

Attachment B Proposed Amendment to Section 13 of the Zoning Ordinance

**SECTION 13 NON-INTERFERENCE WITH GREATER RESTRICTIONS
OTHERWISE IMPOSED**

- 13.1 It is not intended by this ordinance to interfere with, or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby. Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided shall remain in full force and effect except that where this ordinance imposes a greater restriction upon the USE of land or STRUCTURES, or upon the HEIGHT of STRUCTURES, or BUFFER STRIPS, COURTS, LOT AREA, LOT AREA per DWELLING UNIT or LODGING UNIT, BUILDING AREA, LOT COVERAGE, PARKING SPACES, SETBACK LINE, LOT width, or LOT depth, or any similar restrictions, than are required by or imposed by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.
- 13.2.1 The BOARD or the GOVERNING BODY shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when:
- A. The CONSTRUCTION or USE would violate:
1. the *Champaign County Special Flood Hazard Area Development Ordinance* (Ord. No 209, as amended);
 2. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
 3. the *Champaign County Subdivision Regulations* (Ord. No. 44, as amended);
 4. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
 - a. The requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities or a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when the municipality has it's own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

Attachment B Proposed Amendment to Section 13 of the Zoning Ordinance

5. the *Champaign County Health Ordinance* (Ord. No. 573);
 6. the *Champaign County Public Nuisance Ordinance* (Ord. No. 468, as amended); or
 7. any license ordinance of Champaign County.
- B. The CONSTRUCTION or USE is located on a LOT or LOTS created in violation of said *Illinois Plat Act*, *Champaign County Subdivision Regulations* or municipal SUBDIVISION regulations except as provided for in 13.2.1A.4.a.
- C. An outstanding violation of the *Zoning Ordinance* or any regulation listed in Section 13.2.1A exists on the LOT except when:
1. the Zoning Use Permit or Zoning Compliance Certificate is the sole impediment to correcting the violation;
 2. the BOARD finds that granting a VARIANCE or SPECIAL USE Permit will facilitate correction of any non-*Zoning Ordinance* violations;
 3. the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Compliance Certificate is required to effect any stipulation, agreement or court order resolving the violation; or
 4. a municipality or the Champaign County Health Department has the legal authority to waive compliance with a regulation and stipulates in writing that it has no objection to issuing the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate.
- 13.2.2 The above provisions notwithstanding, no VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate shall be denied for USE or CONSTRUCTION on LOTS created prior to May 21, 1991 solely because such LOTS were created in violation of the *Illinois Plat Act* or *Champaign County Subdivision Regulations* provided that such LOTS conform to all other applicable regulations and standards of this ordinance and the creation of such LOTS did not violate any applicable municipal SUBDIVISION ordinance in effect at the time such LOTS were created.

RECEIVED

MAY 31 2013

RESOLUTION 13-05-03

CHAMPAIGN CO. P & Z DEPARTMENT

RESOLUTION CONCERNING A VILLAGE OF MAHOMET PROTEST FOR CHAMPAIGN COUNTY ZONING BOARD OF APPEALS CASE NO. 743-AT-13

WHEREAS, the County Board of Champaign County, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures for the use of land and zoning within the jurisdiction of Champaign County, Illinois; and

WHEREAS, the Board of Trustees of the Village of Mahomet, pursuant to the authority conferred by the Statutes of the State of Illinois, has established certain standards and procedures, including Comprehensive Plan designations and policies, for the use of land within one and one-half mile extra-territorial jurisdiction of the Village of Mahomet, Illinois, and does have the right to "PROTEST" land use and zoning actions taken by Champaign County in this area; and,

WHEREAS, the Champaign County Zoning Administrator has initiated Zoning Text Amendments for Section 9.1.9 (Variances), Section 13 (Non-Interference with Greater Restrictions Otherwise Imposed) and Section 9.2.2 (Action of the Governing Body) of the Champaign County Zoning Ordinance; and,

WHEREAS, a Public Hearing concerning the proposed Zoning Text Amendments was held on March 28, 2013 before the Champaign County Zoning Board of Appeals to solicit evidence and testimony from the public; and,

WHEREAS, the proposed Zoning Text Amendments for Section 9.1.9 (Variances) and Section 9.2.2 (Action of the Governing Body) of the Champaign County Zoning Ordinance appear to be administrative in nature; and,

WHEREAS, the proposed Zoning Text Amendments for Section 13 (Non-Interference with Greater Restrictions Otherwise Imposed) of the Champaign County Zoning Ordinance would relieve the County of municipal subdivision enforcement responsibilities currently required by the Champaign County Zoning Ordinance; and,

WHEREAS, the proposed Zoning Text Amendments for Section 13 (Non-Interference with Greater Restrictions Otherwise Imposed) of the Champaign County Zoning Ordinance are not in keeping with sound land use planning and enforcement practices; and,

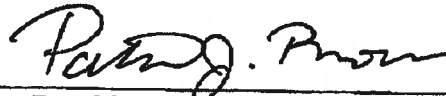
WHEREAS, the Village Staff have provided the Village Board of Trustees with technical background information regarding the proposed Zoning Text Amendment; and,

WHEREAS, the Board of Trustees of the Village of Mahomet has reviewed the evidence and testimony submitted thus far and has considered all of the available factual evidence concerning the requested action.

BE IT THEREFORE RESOLVED this 28th day of May 2013 by the Board of Trustees of the Village of Mahomet, Illinois, that:

Resolution for Board of Trustees
Resolution of Protest – Champaign County ZBA Case No. 743-AT-13
Page 2 of 2

A. The Village of Mahomet does hereby **PROTEST** the requested Zoning Text Amendment related to Section 13 (Non-Interference with Greater Restrictions Otherwise Imposed) included within Zoning Board of Appeals Case No. 743-AT-13, and does hereby notify the Champaign County Board of this Resolution.



President, Board of Trustees
Village of Mahomet

RECEIVED

MAY 31 2013

CHAMPAIGN CO. P & Z DEPARTMENT



Sangamon Valley Public Water District

709 N. Prairieview Road, P.O. Box 285, Mahomet, Illinois 61853-0285

Phone: (217) 586-2534 Fax: (217) 586-4926 E-mail: kgifford@svpwd.com

O.G. Parkhill, Jr., Board Chairman

RECEIVED

Kerry Gifford, General Manager

JUN 04 2013

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Mr. Hall:

Thank you for providing a copy of a letter addressed to you from Mel Smigielski, Village Administrator for Mahomet. In his letter, Mr. Smigielski indicates that representatives of the Sangamon Valley Public Water District [SVPWD] have "misrepresented" the facts by claiming "that the Village of Mahomet subdivision Ordinance requires annexation of any land parcel contiguous to the Village as a condition precedent to being subdivided." He further indicates "[t]hat impression is inaccurate in that annexation is strongly encouraged by Village policy, but is not required by any applicable Statute or Village Ordinance."

Mr. Smigielski's statements do not comport with the plain language of the applicable Village Ordinances. The relevant portions of the Village Subdivision Ordinance read as follows [emphases added]:

**§ 154.015 DEFINITIONS.

MINOR SUBDIVISION. A subdivision of land into four or fewer lots which do not require the design or construction of any major public improvements and which meet all of the requirements for a minor subdivision set forth in § 154.051.

§ 154.051 PROCEDURES FOR A MINOR SUBDIVISION.

(B) Eligibility criteria. A minor subdivision is a subdivision of land into four or fewer lots which meets the following eligibility criteria:

(5) Is located within the village or is otherwise the subject of an annexation agreement which requires and sets forth the condition of it's [sic] future annexation to the village, and



Sangamon Valley Public Water District

709 N. Prairieview Road, P.O. Box 285, Mahomet, Illinois 61853-0285

Phone: (217) 586-2534 Fax: (217) 586-4926 E-mail: kgifford@svpwd.com

O G. Parkhill, Jr., Board Chairman

Kerry Gifford, General Manager

(D) Approval procedure. All required documents must be submitted to the Village Administrator who will distribute the documents to the Administrative Review Committee. The review and approval decision shall be completed no later than 25 calendar days after submission of a complete application in full satisfaction of the provisions of division (C) above. Unanimous approval must be given by the Administrative Review Committee. Each member of the Administrative Review Committee shall sign the plat indicating approval. Failure of any of these signatures to appear on the face of the plat shall constitute plat denial. Approval must include affirmative findings that:

(1) ***

(6) The proposed subdivision meets the criteria established for designation as a "minor" subdivision, including agreement to annex to the village at such time as the property becomes contiguous to the corporate limits."

On several occasions, Village spokesmen have made clear that annexation is the sticking point in the Village's dealings with the SVPWD. Following is an excerpt from an article appearing last October in the local newspaper, reporting on the discussions between the Village and SVPWD:

"Annexation is at the heart of the issue. Village Planner Bob Mahrt said that the Village's policies for growth occurring contiguous to its limits triggers automatic annexation of the site, whether the zoning moves forward through County or Village channels." [**Mahomet trustees to consider zoning issue**], By Amelia Benner, Mahomet Citizen

In short, SVPWD adamantly denies that it has misrepresented the Village's requirements as to annexation. Those requirements were embodied in the Village's Subdivision Ordinance before discussions with SVPWD began, and they remain in place to this day. Despite its occasional suggestion that annexation is not a requirement, annexation has been and continues to be a cornerstone of Village policy in its discussions with SVPWD; the Village not only refused to engage in discussions with the SVPWD in an effort to negotiate an Intergovernmental Agreement that would NOT include annexation, but also protested SVPWD's attempts to obtain zoning approval from the County Board, which necessitated a $\frac{3}{4}$ vote of the County Board in 717-AM-12. Notably, the Village's



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O.G. Parkhill, Jr., Board Chairman

Kerry Gifford, General Manager

October 23, 2012 Resolution of Protest included the following statement, which appears premised solely on its annexation policy:

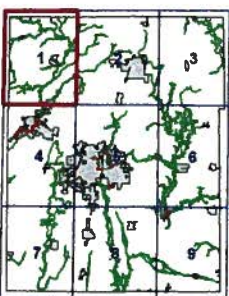
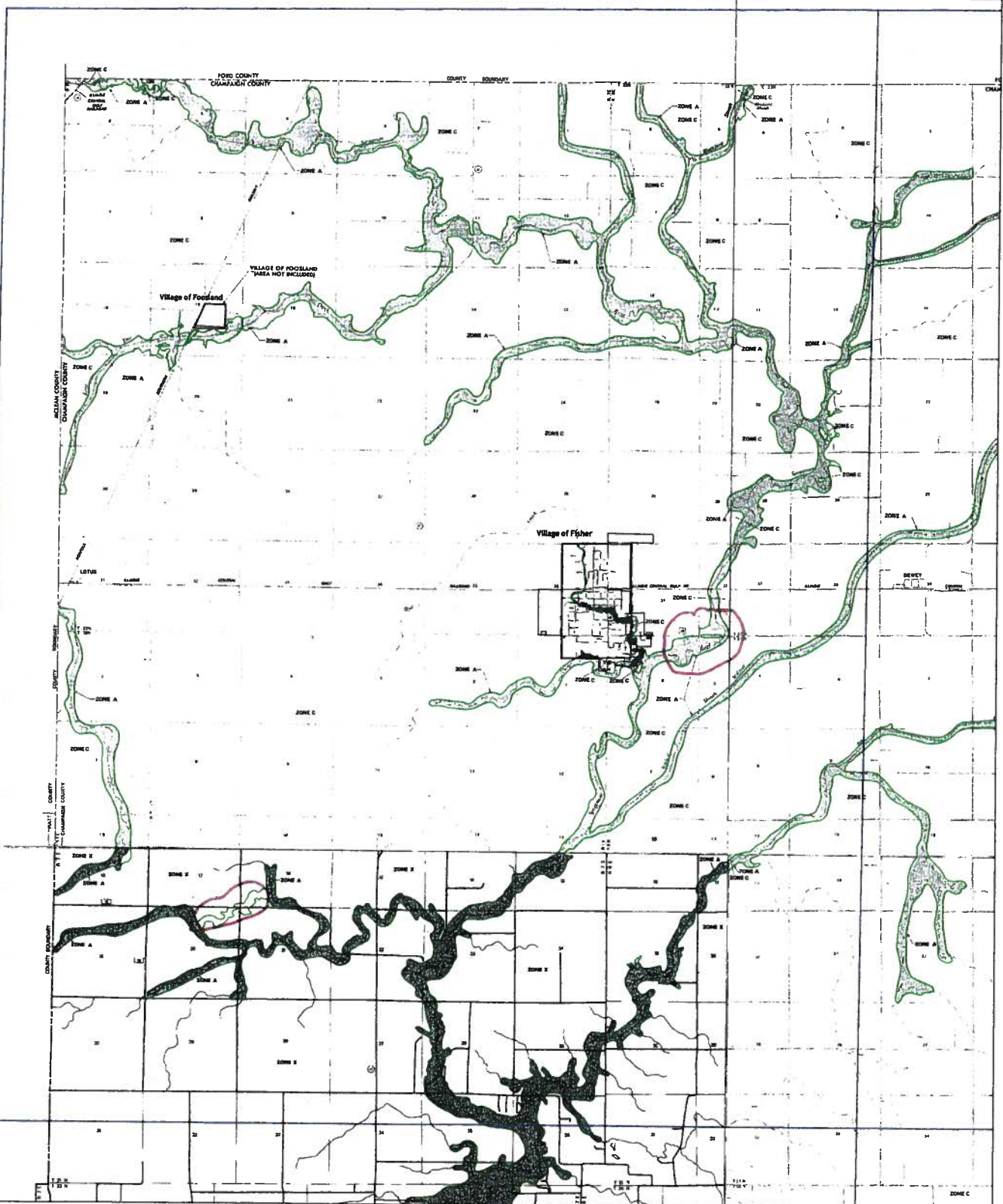
“22. The proposed zoning WILL constitute an entering wedge affecting the use or development of adjacent property.”

The Board of the SVPWD believes that annexation by the Village is incompatible with the District's fundamental purposes and prerogatives as a Unit of Local Government in assuring a clean and adequate supply of potable water for the citizens of the District. To date, the Village's opposition to SVPWD's expansion project has unnecessarily frustrated the District in achieving its lawful mission, placing in peril the health and safety of the District's citizens. Such an expansion is not only necessary to ensure a reasonable level of reserve capacity for fire protection purposes, but to avoid being placed on Restricted Status by the Illinois Environmental Protection Agency. In addition, the delays occasioned by the Village have threatened the availability of grant funding which would substantially reduce the cost of the project to District taxpayers.

Finally, the SVPWD is aware that while no formal protest has been received by your office to date from the City of Urbana, the City of Champaign or the Village of Mahomet, a staff recommendation favorable to the instant variance proposal was not well received by a majority of those present at the latest meeting of the Plan Commission of the City of Urbana, which lacked a quorum at the time. The District understands that some Plan Commission members expressed concern about possibly setting an undesirable precedent. The Board of the SVPWD frankly believes that there is no such 'slippery slope' problem posed by the instant variance. Rural public water districts are both uniquely limited in function and few in number. Illinois law already expressly prohibits a rural water district from providing services in areas already served by a municipal water supply, except with the municipality's permission. Moreover, as a matter of geography with respect to both of the cities, there is no practical possibility that SVPWD or any other rural public water district could encroach on either of them: the service areas of both the private water supplier [Illinois-American Water Company] and the public sanitary district [Urbana Champaign Sanitary District] serving both cities extend well beyond either city's extraterritorial jurisdiction and present an absolute bar to encroachment by a rural water district. Nevertheless, if deemed expedient, the District would not object to the addition of language exempting Home Rule units from the coverage of the requested variance.

We look forward to additional discussions with you concerning these matters. Please don't hesitate to contact me if you have any questions or suggestions.

Sincerely,



Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



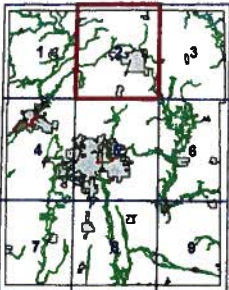
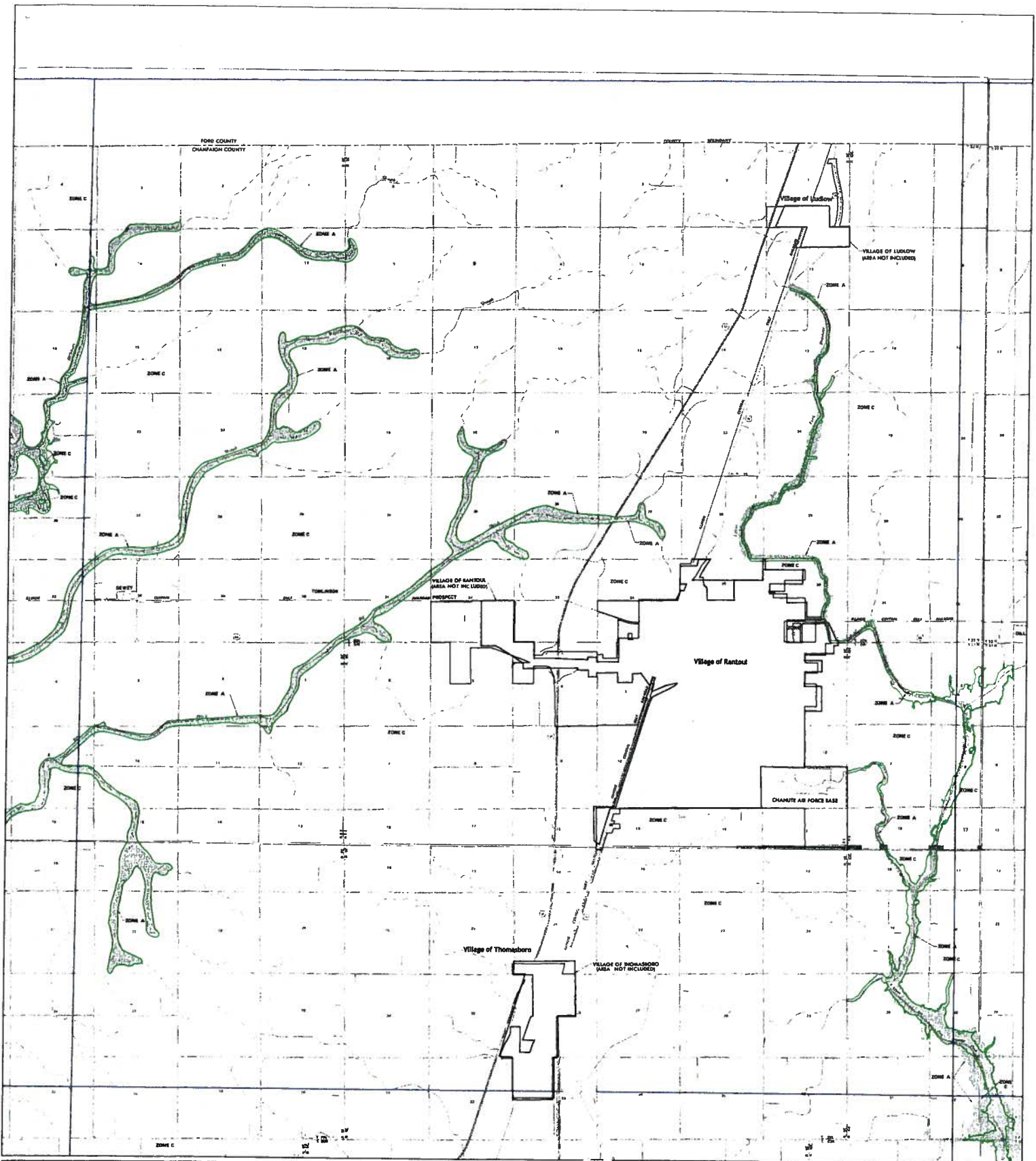
The FIRM layer is comprised of scanned images of reflective paper map panels that have been edge-matched. The image has been georeferenced to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.






Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 864,250.0000
 False Northing: 0.0000
 Central Meridian: -89.3333
 Scale Factor: 1.0000
 Latitude of Origin: 36.9887
 Units: Feet US

Panel Number: 1
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

-  Letter of Map Change (LOMR)
-  Municipalities
- Proposed Flood Boundaries**
-  FLOODWAY
-  1 PCT ANNUAL CHANCE FLOOD HAZARD
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD



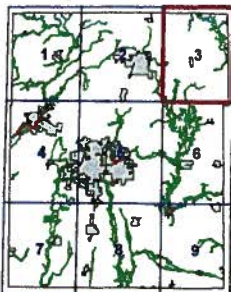
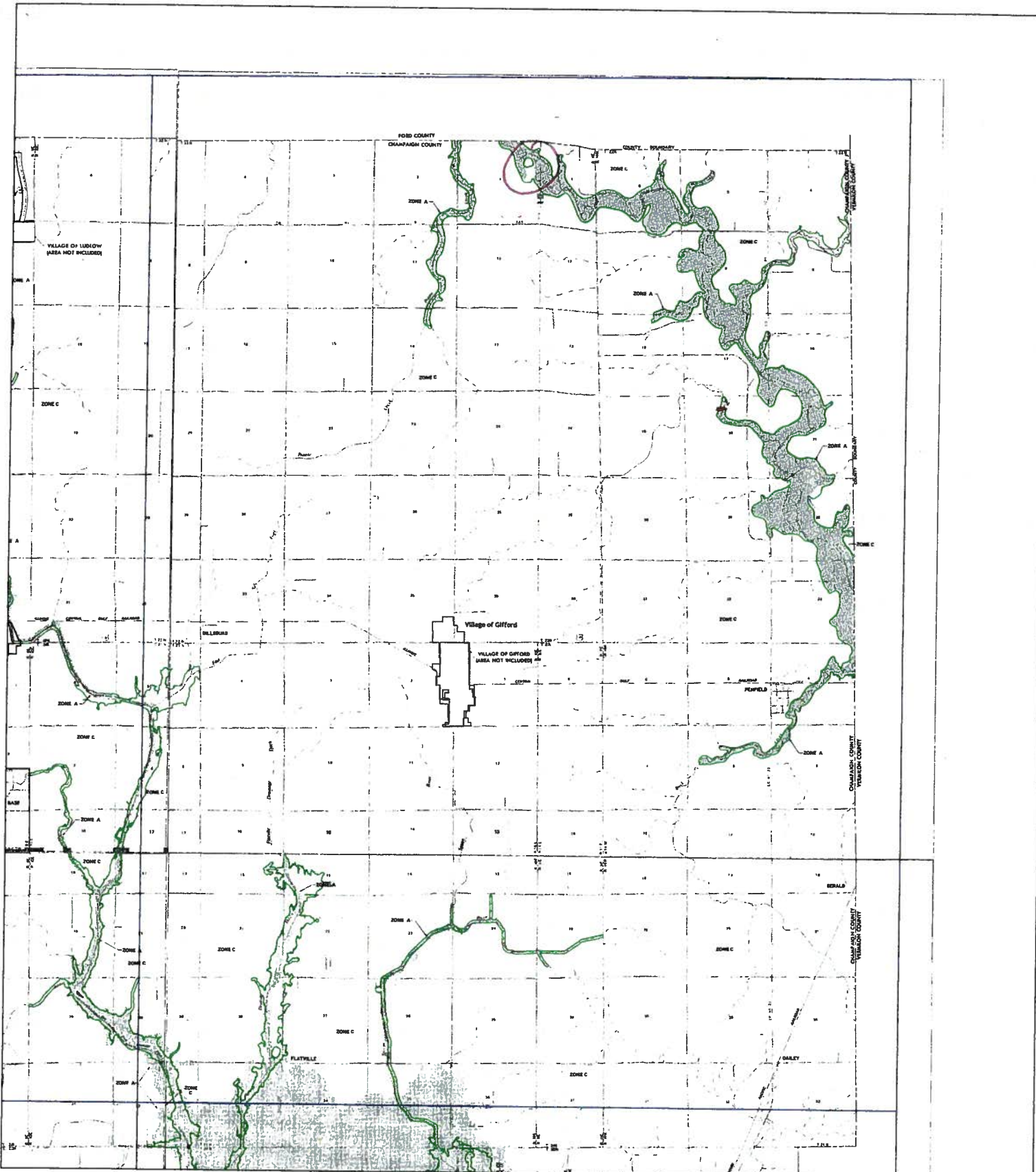
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that fits better with newer, more accurate ground information. Location of features shown in the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.

Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
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 False Northing: 0 0000
 Central Meridian: -88 2333
 Scale Factor: 1.0000
 Latitude Of Origin: 36 8867
 Units: Feet US

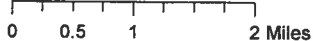
Panel Number: 2
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



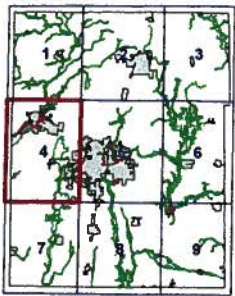
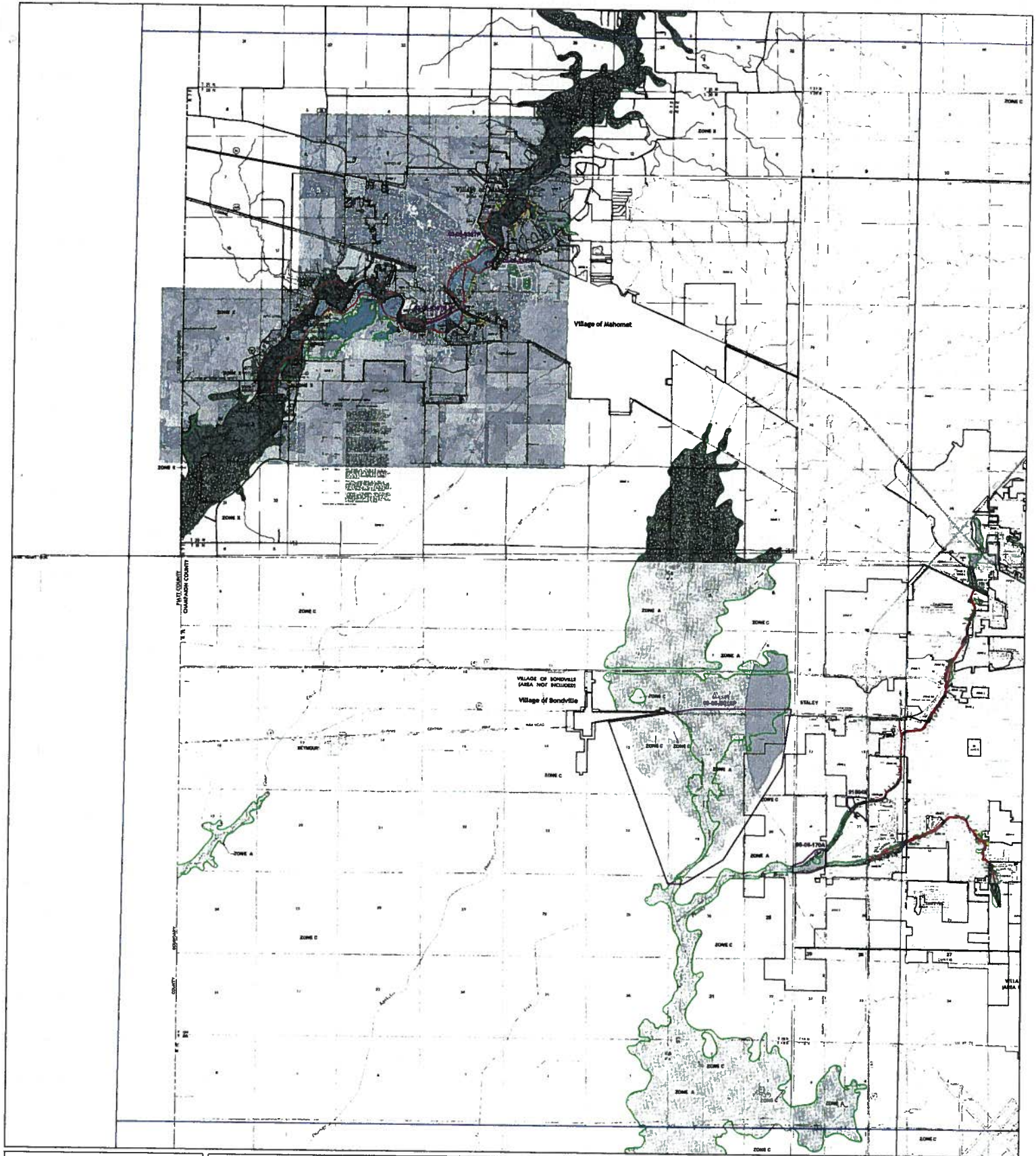
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The map has been standardized to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

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Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 864,250.0000
 False Northing: 0.0000
 Central Meridian: -88.3333
 Scale Factor: 1.0000
 Latitude Of Origin: 38.8987
 Unit: Foot US

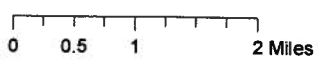
Panel Number: 3
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



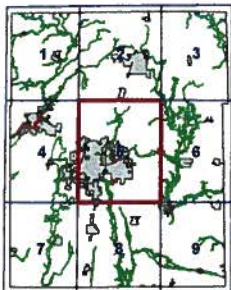
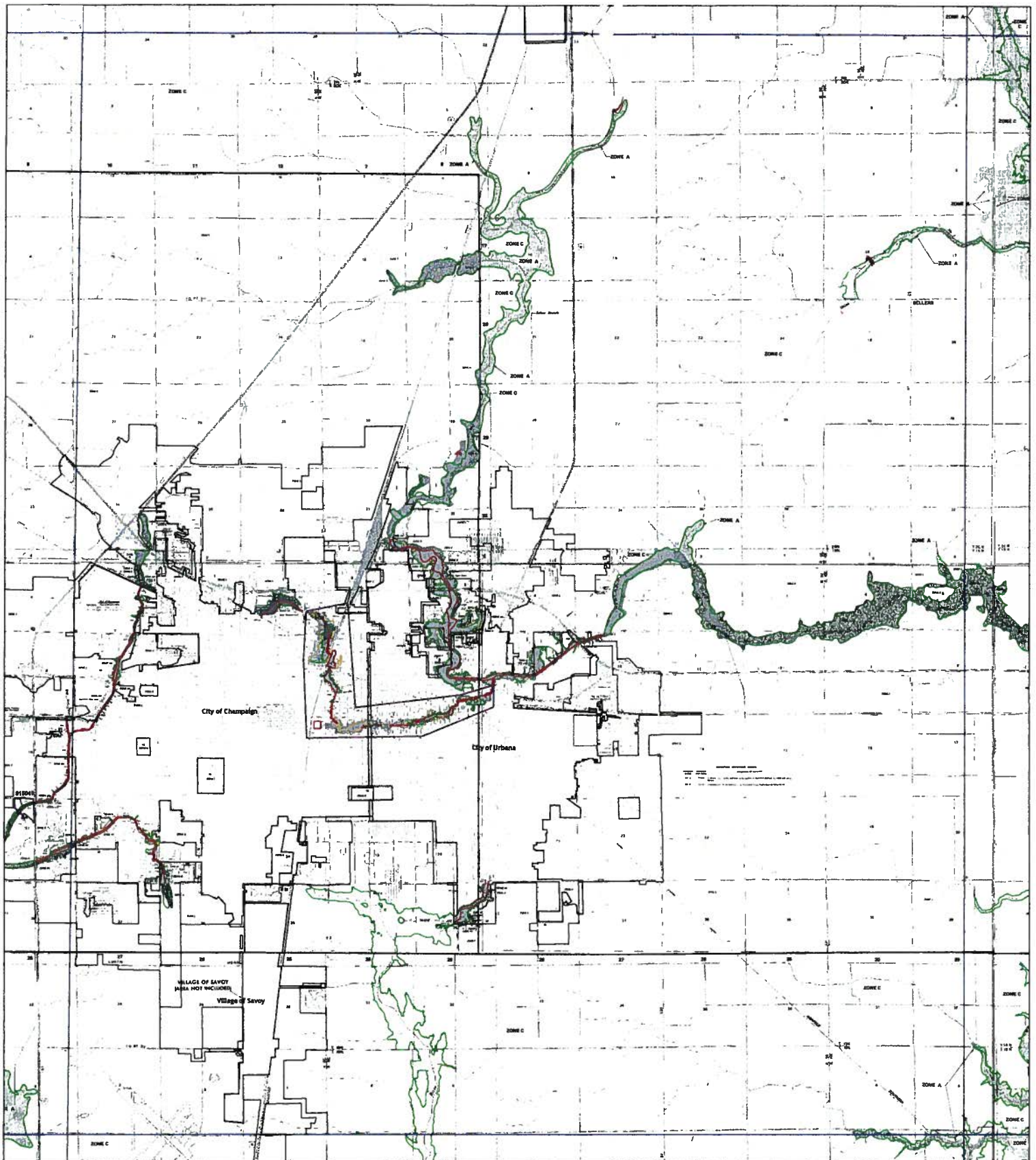
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on the map should not be used for regulatory purposes.

Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 Prime Meridian: 98.250 0000
 False Northing: 0.0000
 Central Meridian: -88.3333
 Scale Factor: 1.0000
 Latitude Of Origin: 38.4887
 Units: Feet US

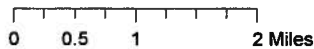
Panel Number: 4
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on the map should not be used for regulatory purposes.

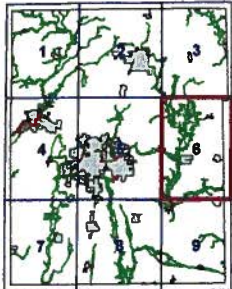
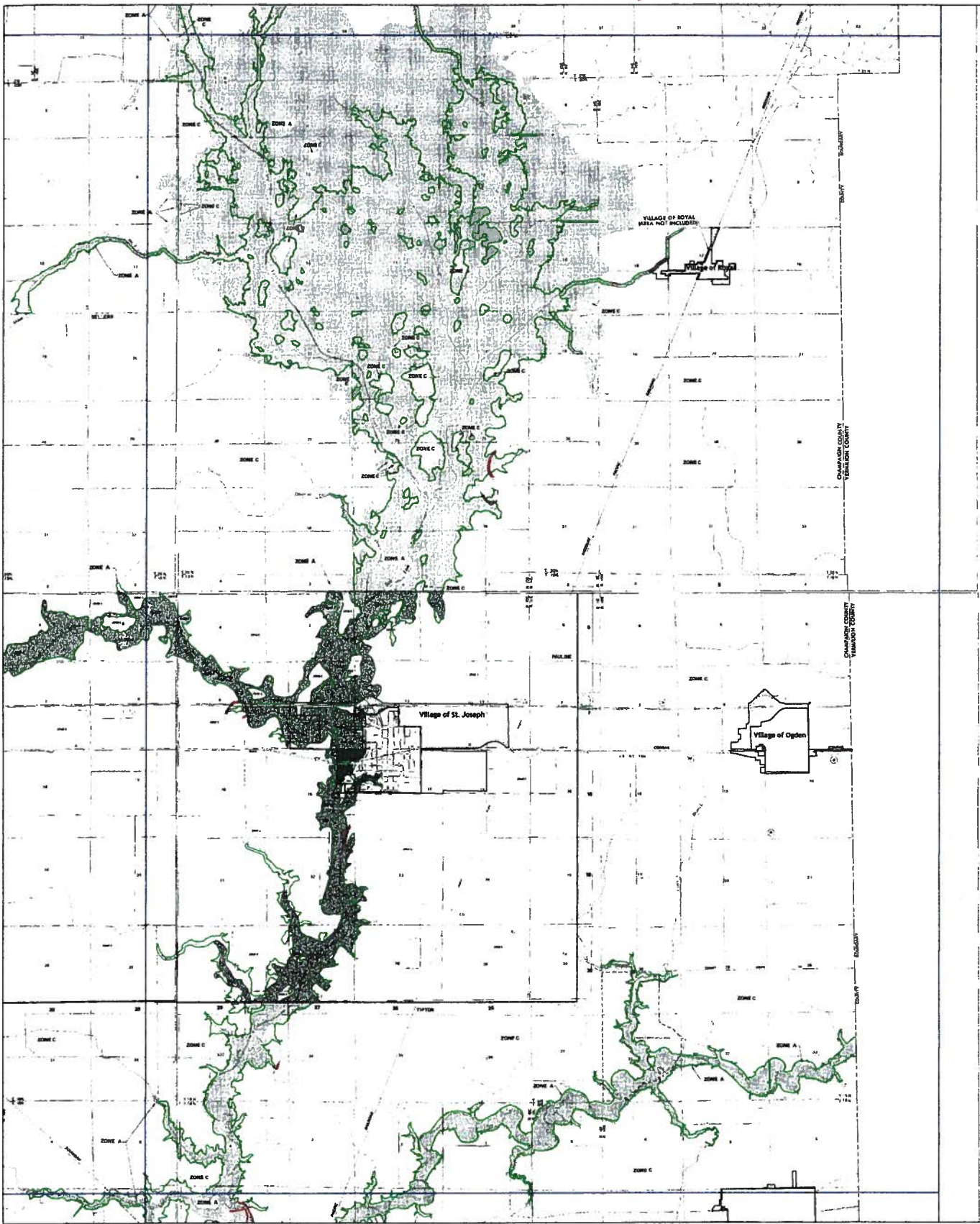
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 Projection: Transverse Mercator
 Datum: North American 1983
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 False Northing: 0.0000
 Central Meridian: -88.2333
 Scale Factor: 1.0000
 Latitude Of Origin: 38.9887
 Units: Foot US

Panel Number: 5
 1:30,000
 1" = 2,500'



ILLINOIS





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



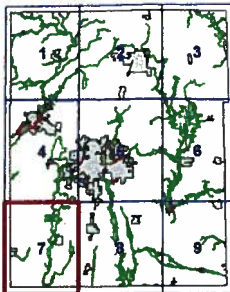
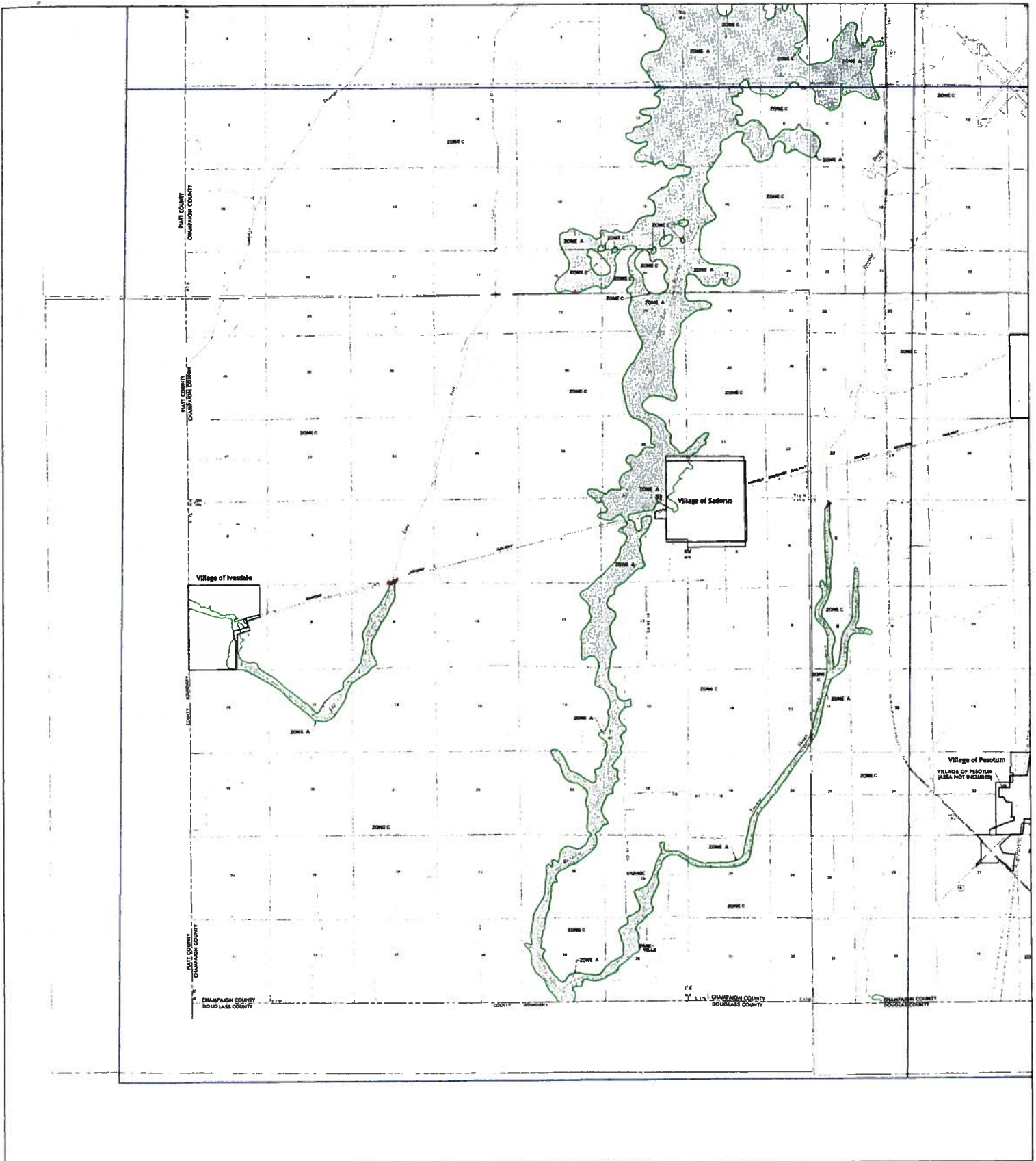
The FIRM layer is composed of scanned images of reflective paper map sheets that have been edge-matched. The image has been manipulated to create an overlay that aligns better with aerial, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.

Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 Plane Searing: 864,250 0000
 False Northing: 0 0000
 Central Meridian: -88.3333
 Scale Factor: 1 0000
 Latitude Of Origin: 36 5887
 Units: Feet US

Panel Number: 6
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



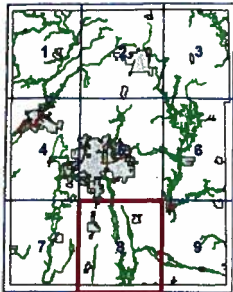
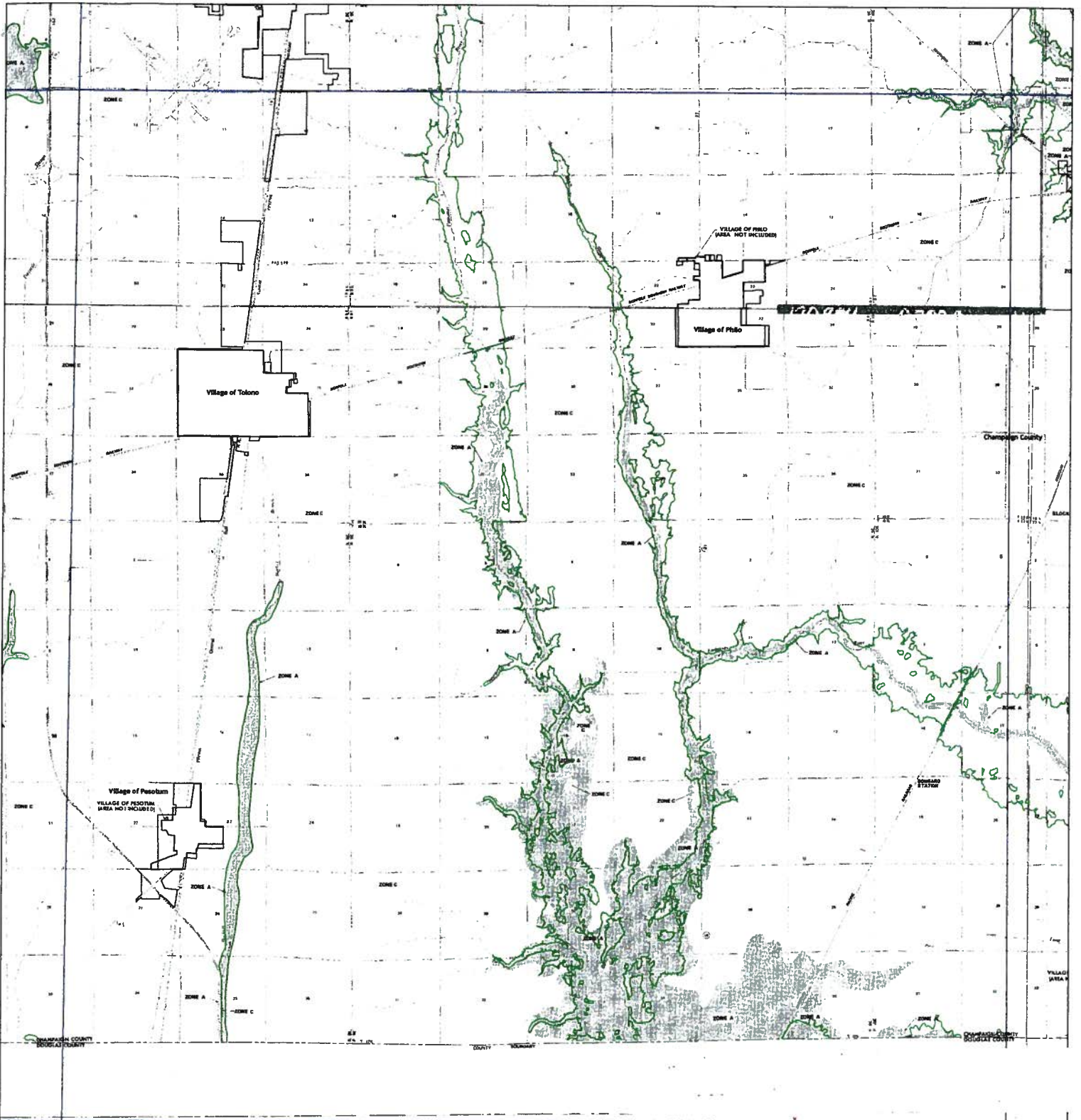
The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with newer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.

Coordinates: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
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 Units: Feet US

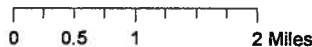
Panel Number: 7
 1:30,000
 1" = 2,500'





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



The FIRM layer is comprised of scanned images of effective paper map panels that have been edge-matched. The image has been manipulated to create an overlay that aligns better with sewer, more accurate ground information. Location of features shown on the FIRM layer is only approximate.

The floodplain boundaries depicted on this map should not be used for regulatory purposes.

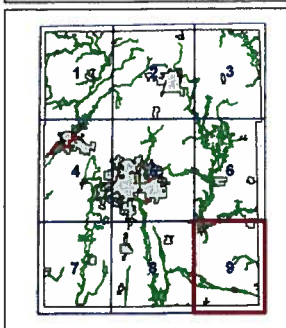
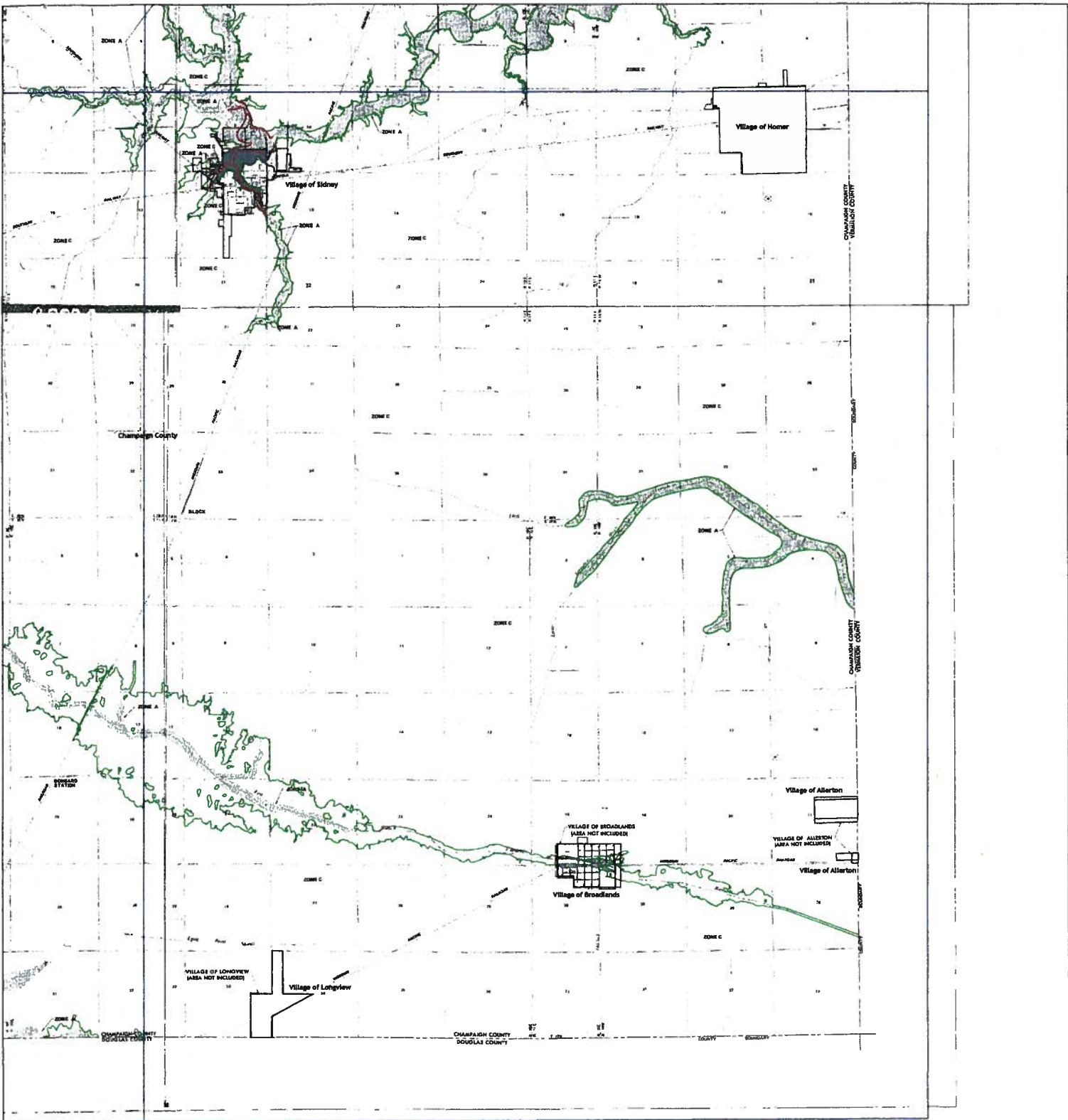
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 Projection: Transverse Mercator
 Datum: North American 1983
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 False Northing: 0.0000
 Central Meridian: -88.3333
 Scale Factor: 1.0000
 Latitude Of Origin: 36.6667
 Units: Feet US

Panel Number: 8
 1:30,000
 1" = 2,500'



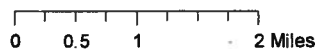
ILLINOIS





Champaign County Changes Since Last FIRM (CSLF)

- Letter of Map Change (LOMR)
- Municipalities
- Proposed Flood Boundaries**
- FLOODWAY
- 1 PCT ANNUAL CHANCE FLOOD HAZARD
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD



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Coordinate System: NAD 1983 StatePlane Illinois East FIPS 1201 Feet
 Projection: Transverse Mercator
 Datum: North American 1983
 False Easting: 984,250.0000
 False Northing: 0.0000
 Central Meridian: -88.3333
 Scale Factor: 1.0000
 Latitude Of Origin: 36.8667
 Units: Feet US

Panel Number: 9
 1:30,000
 1" = 2,500'

