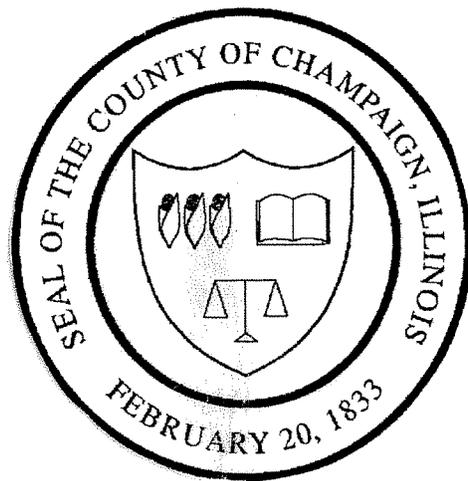


*Environment
& Land Use
Committee Agenda*

February 13, 2006

7:00 p.m.



*Lyle Shields Meeting Room
(Meeting Room 1)
Brookens Administrative Center
1776 East Washington, Urbana, IL 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Patricia Busboom, Chris Doenitz,
Tony Fabri, Nancy Greenwalt (VC), Ralph
Langenheim (C), Brendan McGinty, Steve Moser,
Jon Schroeder*

Date: ***February 13, 2006***

Time: ***7:00 p.m.***

Place: ***Lyle Shields Meeting Room
(Meeting Room 1)
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois***

Phone: ***(217) 384-3708***

AGENDA

Old Business shown in Italics

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (Nov. 02, 2004; Dec. 12, 2005; and Dec. 20, 2005) 1 thru 17
4. Public Participation
5. Correspondence
6. County Board Chair's Report
7. Joint Champaign County-City of Champaign Enterprise Zone 18 thru 20
8. CDAP Loan Request for ABC Learning Center (Carol Kelly) 21 thru 22
9. CDAP Loan Request for Alliance Resources, LLC 23 thru 25
10. CDAP Loan Request for Concrete Supply, Inc. (Kerry & Becky Grove) 26 thru 27
11. Discussion regarding building codes and regulation of rental housing
12. Discussion regarding burning in the unincorporated areas of the County
13. Update regarding affects of the Illinois Supreme Court decision in Village of Chatham vs. Sangamon County 28 thru 35
14. Monthly Reports for December, 2005 and January, 2006 36 thru 44
15. Request fee waivers for Special Use Permits for two METCAD towers 45
16. *Comprehensive Zoning Review Update*
17. Other Business
18. Determination of Items to be placed on the County Board Consent Agenda
19. Adjournment

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MINUTES OF SPECIAL STUDY SESSION

Champaign County Environment & Land Use Committee	DATE:	November 02, 2005
Champaign County Brookens Administrative Center	TIME:	7:00 p.m.
Urbana, IL 61802	PLACE:	Meeting Room 1 Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802

MEMBERS PRESENT: Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

MEMBERS ABSENT: None

OTHER COUNTY BOARD

MEMBERS PRESENT: Barb Wysocki, Claudia Gross, C. Pius Weibel

STAFF PRESENT: John Hall, Lori Busboom, Susan Monte, Frank DiNovo, Deb Busey, Joel Fletcher

OTHERS PRESENT: Bruce Stickers, Eric Thorsland, Christine desGarennnes, Hal Barnhart

1. Call to Order, Roll Call

The meeting was called to order at 7:00 p.m.

2. Public Participation

None

3. Review of Proposed Draft Zoning Ordinance (Public Review Draft 3) as part of the Comprehensive Zoning Review

Ms. Monte gave a Power Point presentation. She said that Public Review Draft 3 includes text amendments only and not map amendments. She indicated that no response has yet been received from the Attorney General's office regarding the State's Attorney inquiry forwarded in January, 2005. She said that the Committee has chosen to move forward the proposal which includes text amendments only. She distributed a document titled, "Comparison of Zoning Ordinance Proposals," for the Committee's review. She said that some of the proposed Phase One zoning provisions will be applicable in all zoning districts; some will apply only in the rural districts; and some will only apply in the CR District.

1 Beginning with those proposed Phase One amendments to apply in all districts, she said that a
2 'minimum buildable area' will be required which, in the rural districts, will total and area of 30,000
3 square feet with a minimum average width of 150 feet. In all other districts the buildable area
4 requirement is proposed to consist of 75% of the minimum lot area with a minimum average width of
5 75% average lot width. She said that the proposed minimum buildable area standards would apply to all
6 lots created after the effective date. She said that in all districts a Drainageway Setback of 75 feet is
7 proposed. She said the purpose of the Drainageway Setback is to prevent obstruction of surface
8 drainage. She said that a Drainageway Tile Setback of 25 feet is proposed to protect function of surface
9 and drain tile systems. She said that these proposed setbacks would allow for maintenance to occur along
10 the drainageways and will prevent structures from being constructed right up to a drainageway. She said
11 that lots created prior to the effective date without minimum buildable area outside Drainageway
12 Setback or Drain Tile Setback limits and lots on which buildings, structures, or uses lawfully established
13 within limits of Drainageway Setback or a Drain Tile Setback prior to effective date would be exempt
14 from these provisions.

15
16 She said that in all districts, a Public Resource Protection Buffer of 250 feet in width is proposed around
17 the periphery of public resource areas such as County Forest Preserve District properties or University
18 research tracts. She said that there are two restrictions within the 250 foot buffer: structures or uses that
19 require a Zoning Use Permit are prohibited, and direct lighting shining onto a public resource area. She
20 said that lots created prior to effective date without a minimum buildable area outside of a Public
21 Resource Area Buffer and lots with a building, structures, or use lawfully established within the limits of
22 a Public Resource Area Buffer prior to the effective date are exempt. She said that the following types
23 of accessory uses or structures would be allowable within the Public Resource Protection Buffer:
24 swimming pools, gardens/hobbies; lighted tennis courts; sheds < 150 feet in area; outdoor storage;
25 driveway/parking; security lighting; or decks/patios.

26
27 Ms. Greenwalt asked if someone could farm within the 250 foot buffer.

28
29 Ms. Monte said that all agricultural activities are exempt from zoning provisions. She said that drainage
30 district activities are also exempt.

31
32 Ms. Monte said that an existing zoning provision that is presently an interim provision subject to a
33 sunset clause is the 'maximum lot size' requirement. She said that on Best Prime Farmland with an LE
34 Score of 85 or more the maximum lot size limit is 3 acres. She said that 81% of all soils in
35 unincorporated Champaign County are Best Prime Farmland therefore the maximum lot size restriction
36 of 3 acres will go a long way toward the reducing the consumption of Best Prime Farmland.

37
38 She noted the distinction between "by-right" development, which occurs simply with the over-the-
39 counter issuance of a Zoning Use Permit by the Zoning Administrator and the type of proposed
40 development which must undergo a 'discretionary review' process, such as a Special Use which requires
41 the approval from the Zoning Board of Appeals or a rezoning which requires County Board approval.
42

1 Ms. Monte reviewed the Phase One proposal which limits the number of single family residences
2 allowed 'By Right'. She said that the existing interim *Zoning Ordinance* restricts 'by right' construction
3 of single family homes to one on a lot or parcel less than 5 acres in area; and 3 to 4 single family homes
4 allowed on lots larger than 5 acres, depending on the size of the parcel. She said that there is no limit on
5 the number of lots 35 acres or larger that have a single family residence. She said that the Phase One
6 proposal will allow one single family residence on lots 40 acres or less unless a single family residence
7 already exists on the parcel. She said that on parcels larger than 40 acres, one single family residence
8 will be allowed per 40 acres in addition to one existing single family residence, up to a maximum limit
9 of four single family residences. She said that farm dwellings and other agricultural activities that are
10 accessory to the farm operation are exempt from the zoning provisions.

11
12 Mr. Pius Weibel asked if the homes could be located anywhere on the 40 acres or is clustering required.

13
14 Ms. Monte stated that, presently, during the subdivision review process, the County will encourage that
15 the lots be clustered and be designed with lot access to minimize the impacts to adjacent agricultural
16 activities.

17
18 Mr. Weibel asked if the homes could be placed in separate corners of the acreage.

19
20 Mr. Hall stated that this would require a waiver of the minimum Subdivision Standards.

21
22 Mr. John Schroeder requested clarification regarding whether existing farmsteads are counted as a single
23 family dwelling..

24
25 Ms. Monte stated that both the existing *Ordinance* and the proposed Phase One limits on 'by right'
26 construction of single family residences do not include existing farmsteads if they are accessory to a
27 farming operation on the site.

28
29 Ms. Claudia Gross asked if the provisions would affect areas around the cities and villages.

30
31 Ms. Monte stated that division of land around incorporated cities and villages would be subject to the
32 city or village's subdivision regulations. She said that unless an area is annexed to a city or village, then
33 the land is concurrently under the jurisdiction of the County with regard to zoning and a landowner
34 would be subject to the County's zoning regulations.

35
36 Mr. DiNovo stated that the main distinction when land division occurs within a municipality's one and
37 one-half mile extra territorial jurisdiction is if a connection is available for public sanitary sewer. If a
38 connection is available, then a landowner could propose to rezone to a residential classification which
39 would allow more development. He said that normally if the land is contiguous to the municipality, the
40 land would be annexed.

1 Ms. Monte stated that a proposed Phase One provision which will only apply in the CR, Conservation-
2 Recreation District is the Stream Protection Buffer. She said that buffers are one of the most proven
3 effective methods in restoring and preserving natural resources, improving water quality, protecting
4 properties and assuring public welfare. She said that they are located typically adjacent to perennial and
5 intermittent streams, woodlands, floodplains, forests preserves and around sites with archeological and
6 historical significance. She said that the buffers function as a transition zone to these designated,
7 sensitive areas absorbing and withstanding damaging impacts from nearby human activity. She said that
8 consequently buffers play an important role in both local and regional resource management plans. She
9 said that within the CR District, the proposed Stream Protection Buffer of 150 feet from the centerline of
10 non-intermittent streams will apply to areas that are not located within a drainage district jurisdiction and
11 where 50% of the total buffer area on a lot is covered by a tree canopy, based on Year 2005 digital ortho
12 photos. She said that this provision is directed primarily towards new development and lots created
13 prior to the effective date of this ordinance without a minimum buildable area outside of the Stream
14 Protection Buffer will be exempt. She said that lots on which building structures or uses were lawfully
15 established within the limits of a Stream Protection Buffer prior to the effective date will be exempt.
16

17 Ms. Wysocki asked whether everything which is out there now would basically be “grand-fathered.”
18

19 Ms. Monte stated yes, if it is within 150 feet of the centerline of the stream in the CR District. She said
20 that most of the County is covered by the jurisdiction of a drainage district. She explained that there are
21 a few areas along the Sangamon River, most of the Middle Fork and a significant portion of the Salt
22 Fork which are not within the jurisdiction of a drainage district and these areas would be affected by the
23 Stream Protection Buffer requirement and all other areas would be exempt.
24

25 Ms. Greenwalt stated that she has heard rumors that people will be encouraged to cut down their trees.
26

27 Mr. Langenheim stated that if the trees existed when the 2005 ortho photos were taken then further tree
28 removal is prohibited.
29

30 Ms. Monte stated that the Phase One proposal allows for the removal of 3 mature trees, or mature trees
31 that are fallen or a safety hazard. She said that a tree removal permit is required for the additional
32 removal of mature trees, and that a tree removal permit likely be issued for diseased trees or a limited
33 amount of additional mature trees.
34

35 Mr. Fabri asked if any of the Zoning Ordinance regulations apply within a drainage district.
36

37 Mr. DiNovo stated that the County cannot regulate the activities of a drainage district, but that the
38 zoning regulations apply even within the territory of a drainage district, with the exception of the Stream
39 Protection Buffer. He said that the Stream Protection Buffer is the only provision that by definition only
40 applies if there is no drainage district in the area. He said that the areas which the County are greatly
41 concerned about are those areas not within an established drainage district. He said that for the most part
42 the waterways which are within drainage districts are ditches which are maintained for agricultural

1 drainage and it is not the intent to apply these rules to the agricultural drainage systems only intended to
2 apply to the natural streams that happen to not be in drainage districts.
3

4 Mr. Weibel asked if the allowance of cutting three mature trees is per acre or overall.
5

6 Ms. Monte stated that the limit of three mature trees applies on each lot meeting the criteria for Stream
7 Protection Buffer requirements. She said that the tree removal permit procedure has been proposed so
8 that the landowner can request up to 10% tree removal without obtaining a Variance. She said that there
9 are restrictions proposed for the replacement of surface vegetation within the 150 foot buffer such as not
10 introducing exotic species which are listed by the Illinois Department of Agriculture or the Illinois
11 Department of Resources as an invasive species.
12

13 Mr. DiNovo stated that no one imagines that the County is going to consult with every landowner before
14 they take a saw into the woods. He said that this is no different than any other zoning provisions because
15 there are a lot of buildings which people begin building in the County without permits and the only way
16 that we can enforce our regulations is to go out and sanction these people and hope that the neighbors
17 learn from their example and do not make the same mistake.
18

19 Ms. Monte stated that the Rural Planned Development provisions are similar to those proposed during
20 2004 with one major difference. She said that the density limit has been halved. She said that it was
21 previously one lot per 5 acres and now it is one lot per 10 acres. She said that Rural Planned
22 Development would not be allowed on Best Prime Farmland. She said that some of the municipal
23 comprehensive plans allow for rural residential development in their ETJ as a future land use
24 designation and this Phase One proposal will be counter to their more liberal comprehensive plan. She
25 said that this is more restrictive and the Zoning Ordinance would not consider a Rural Planned
26 Development on Best Prime Farmland.
27

28 Mr. DiNovo added that these are areas without sanitary sewer. He said that there are a couple of
29 municipalities which contemplate residential development without sanitary sewer in their comprehensive
30 plans and the Phase One proposal would not allow it.
31

32 Ms. Monte stated that the Phase One proposal requires a minimum area of 20 acres for a Rural Planned
33 Development with a maximum intensity of development of 1 lot per 10 acres with transfer of potential
34 dwelling units from another lot and that could be increased all the way up to one lot per 5 acres. She
35 said that this is only provided that the transfer goes through the County Board approval process and is
36 approved.
37

38 Ms. Greenwalt questioned if 1 lot per 10 acres is appropriate.
39

40 Ms. Monte said that the proposed Phase One provisions for a Rural Planned Development include some
41 incentives to encourage smaller lot sizes as a possible additional means of designing home lots off of
42 Best Prime Farmland.

1 Mr. DiNovo stated that as the *Ordinance* stands now there is no maximum lot size on land that is not
2 Best Prime Farmland. He said that the criteria for evaluating the Phase One proposal regarding
3 maximum lot size on Best Prime Farmland is to give weight to efficiency and use of the land.
4

5 Ms. Monte explained the transfer of potential dwelling numbers.
6

7 Mr. Moser asked how far south is the Sangamon River drainage districts.
8

9 Ms. Monte stated that approximately 85% of the Sangamon River is outside of drainage districts and is
10 subject to the proposed Stream Protection Buffer. She said that approximately 85-90% of the Middle
11 Fork is outside of drainage districts and that approximately 50-60% of the Salt Fork is outside of
12 drainage districts.
13

14 Mr. Moser stated that he believes approximately 9 miles of the Salt Fork River is not in a drainage
15 district.
16

17 Ms. Monte stated that the proposed Phase One text amendments will be considered at the November 14,
18 2005, ELUC meeting. She said that the Committee has received some information from Joel Fletcher,
19 Senior Assistant State's Attorney indicating his concerns about the Stream Protection Buffer provisions.
20 She said that since distribution of this memo, staff has worked with Mr. Fletcher and addressed several
21 of his concerns. She said that Mr. Fletcher pointed out that agriculture is exempt and so are drainage
22 districts.
23

24 Mr. Langenheim asked the Committee if Ms. Monte's presentation satisfies any reservations that the
25 Committee had about the Draft Ordinance.
26

27 Mr. Moser stated that most of the drainage ditches which flow into the Salt Fork, Sangamon or any of
28 the other rivers end 300 feet from the main drainage outlet. He said that this was done to prevent paying
29 maintenance on the main ditches and asked if that 300 feet will be considered in this buffer area or will it
30 be exempt.
31

32 Ms. Monte stated that if the 300 feet meets the outlined criteria then it will be included. She said that if
33 it has a minimum of 50% tree canopy coverage, non-intermittent stream then it will be considered.
34

35 Mr. Moser stated that he cannot buy into this. He said that most of the drainage districts do
36 maintenance work to the big ditch and if this gets obstructed then he cannot support this provision.
37

38 Mr. DiNovo stated that any activity conducted by a drainage district, County or township would be
39 exempt, even if it is not within the district. He said that the intent is not to regulate ditch maintenance
40 but to regulate development on the adjacent land.
41

42 Mr. Moser asked if an inactive drainage district is exempt.

1 Mr. DiNovo stated that there is a geographic description of the kinds of areas that are included and those
2 are only areas which are not in drainage districts. He said that there is the exemption which goes to the
3 activities of drainage districts. He said that if a district is inactive but still exists, it still forms the
4 boundary of the area which the County is concerned about.

5
6 Ms. Monte stated there are important exemptions to the proposed Stream Protection Buffer requirements
7 that allow for activities such as stabilization and repair of a drainageway to preserve its function or
8 prevent erosion. These activities would be allowed, as well as construction or restoration of natural
9 functions of any kind restoration of wetlands is allowed within a Stream Protection Buffer district.

10
11 Mr. Langenheim asked Mr. Fletcher what is the legal status of an inactive drainage district.

12
13 Mr. Fletcher stated that he is not prepared to answer Mr. Langenheim's question regarding inactive
14 drainage districts at this time.

15
16 Mr. Moser explained the procedure for activating an inactive drainage district. He said that an inactive
17 drainage district is a legal entity which exists without a commissioner and no one pays taxes towards it.

18
19 Mr. Langenheim asked how far downstream from the outlet of a tile system would the drainage district
20 intervene to clear the stream. He asked if it could go all the way to the county line.

21
22 Mr. Moser stated that he was unsure how far downstream the drainage district could intervene to clear
23 the stream.

24
25 Mr. Langenheim reviewed Items #1-9, of the October 26, 2005, memorandum with the Committee.

26
27 Mr. DiNovo referred to Item #4, and stated that earlier language exempted upland sites from the Stream
28 Protection Buffer although that has been eliminated. He said that the Stream Protection Buffer now
29 applies in upland areas on top of bluffs which are within 150 feet of a stream centerline.

30
31 Mr. Fletcher stated that he has a concern with this proposal. He said that this proposal includes a verbal
32 description of areas to be affected by this Stream Protection Buffer therefore there may be legal
33 ambiguity as to whether this is an actual text amendment or should be regarded as a map amendment.

34
35 Ms. Busboom asked if landowners which own land in the buffer zone will be compensated.

36
37 Mr. Fletcher stated that one of the questions which have arisen due to this proposal is whether or not it
38 could be consider a "taking." He said that the argument that this is a "taking" would be very difficult to
39 make.

40
41 Mr. McGinty referred to Item #6, and asked the procedure for removal of a mature tree when it poses a
42 safety hazard.

1 Mr. DiNovo stated that the County does not want anyone to have to wait to obtain a permit to remove a
2 mature tree if it is an imminent hazard to property to obtain a permit. He said that this could be abused
3 and if the County could prove that the claim was false then enforcement action could begin but again it
4 would be very hard to prove.

5
6 Mr. Weibel asked if nuisance trees could be removed or if someone had to wait until they were 6 inches
7 in diameter.

8
9 Mr. Fletcher stated someone does not have to wait until they are 6 inches in diameter before they could
10 remove those nuisance trees and then hope that the County agrees with their decision.

11
12 Mr. DiNovo stated that the County cannot control every action that a person takes therefore a judgement
13 has to be made whether providing the sense of approval in dealing with a safety hazard is worth it. He
14 said that the Committee may decide to take this provision out of the proposal.

15
16 Mr. McGinty stated that he could see leaving the provision in but the concept of asking for forgiveness
17 rather than permission is a question of delicate balance. He said that this could prevent the sacrifice of
18 important resources and may better guide the public in their determination of whether or not a tree is
19 actually a safety hazard.

20
21 Mr. DiNovo stated that this would be a tool which would be effective for continuous violators and not
22 used on people who cut down a single tree. He said that once people realize that there is a rule then
23 perhaps they will exercise some caution and discretion and perhaps even good judgement.

24
25 Ms. Busboom asked what the fee would be for a tree removal permit and how many trees would this
26 permit include.

27
28 Ms. Monte stated that the lowest possible rate has been selected which is \$33.00. She said that if a
29 Zoning Use Permit is being applied for concurrently then there would be no charge for the tree removal
30 permit.

31
32 Mr. DiNovo stated that there would be one permit for as many mature trees that are allowed to be
33 removed but the limit is 10% of the coverage. He said that the first three mature trees can be removed
34 without applying for a permit.

35
36 Ms. Gross asked if the tree removal permit will be required in all districts or just in the Stream
37 Protection Buffer district.

38
39 Ms. Monte stated that the tree removal permit will only be required in the CR, Conservation District and
40 only in those areas outside of the drainage districts which has more than 50% of that 150 foot strip
41 already wooded.

42

1 Ms. Gross asked how long it will take to obtain a tree removal permit.
2

3 Ms. Monte stated that usually during the busy season of permit issuance it would normally take 10 days.
4 Mr. Moser stated that there should be a blanket exemption for anyone who wants to cut down a mulberry
5 tree.
6

7 Ms. Monte stated that mulberry trees are listed as invasive species and are aggressive and, if a mature
8 tree, those would be approved for removal with a tree removal permit.
9

10 Mr. Fletcher recommended that there is an acceptance of allowing construction if there is no buildable
11 area outside of the Stream Protection Buffer and would recommend that the acceptance be extended to
12 allow removal of trees and disturbance of vegetation in to the area where construction is allowed.
13

14 **The consensus of the Committee was to extend the language as suggested by Mr. Fletcher.**
15

16 Mr. Fletcher stated that he does have some concerns regarding the proposal and is awaiting an opinion
17 from the Attorney General's Office.
18

19 Mr. Weibel asked if any answers have been received from the Attorney General's Office.
20

21 Mr. Fletcher stated no. He said that in January, 2005, he sent 10 questions to the Attorney General's
22 Office and is still awaiting an answer.
23

24 Mr. DiNovo stated that these were very difficult questions and will be very hard for the Attorney
25 General's Office to give a simple answer therefore it is very reasonable to expect the amount of time for
26 a response.
27

28 Ms. Wysocki asked if the *Zoning Ordinance* could move ahead and then modify those items when the
29 Attorney General's office opinion is received.
30

31 Mr. Fletcher stated that the biggest concern that he would have relates to the entire proposal and whether
32 it should be considered a text amendment or a map amendment and if the Attorney General's Office
33 issues an opinion which suggests that this should be a map amendment and not a text amendment then
34 the entire process will have to start over.
35

36 Mr. DiNovo stated that this is a risk that applies to the Stream Protection Buffer and the Resource
37 Protection Buffer. He said that these are the provisions which are most likely to be viewed as map
38 amendments rather than text amendments.
39

40 Mr. Weibel asked Mr. Fletcher to define the terms, "Map Amendment" and "Text Amendment."
41

42 Mr. Fletcher stated that this is the problem and which term does this provision apply to.

1 Mr. DiNovo stated that the Committee could move forward with these provisions and treat them as
2 though they were map amendments and eliminate any issues. He said that the issue is procedural. He
3 said that to his knowledge there has been County zoning since the 1930's, and there has been a
4 comparable challenge made to a zoning ordinance.

5
6 Mr. McGinty asked what the County's basic legal risk tolerance is if this is moved forward and an
7 opinion should be received from the Attorney General's Office.

8
9 Mr. Fletcher stated that he has several procedural questions for the Attorney General. He said that as to
10 whether this should be considered a map amendment or a text amendment is a significant legal risk and
11 there is also a risk in going forward without having the Attorney General's opinion. He said that he
12 personally would not recommend moving forward with those given risks although it is not his decision
13 to make.

14
15 Mr. Moser asked Mr. Fletcher if it would be safe to do the farmland sections of the proposal and leave
16 the rest of it until the Attorney General's opinion is received.

17
18 Mr. Langenheim stated that at the current rate for receipt of opinions from the Attorney General the
19 Board could wait a very long time.

20
21 Mr. Fletcher noted that the Committee can pass a zoning amendment conditioned upon receipt of a
22 favorable opinion from the Attorney General's office, but the County Board cannot pass a zoning
23 amendment with this condition.

24
25 Mr. DiNovo stated that we could go forward with the entire package and if parts of it were deemed
26 improper then they would not be effective.

27
28
29 **4. Other Business**

30
31 None

32
33 **5. Adjournment**

34
35 The meeting adjourned at 8:32 p.m.

36
37 Respectfully submitted,

38
39
40
41 Secretary to the Environment and Land Use Committee

42

1
2 **Administrative Agreement between Champaign County and county municipalities regarding the**
3 **affects of the Illinois Supreme Court decision in *Village of Chatham vs. Sangamon County*.**
4

5 Mr. Fletcher stated that the Illinois Supreme Court Decision regarding the *Village of Chatham vs. Sangamon*
6 *County* indicates that areas subject to an annexation agreement with a municipality are subject to the
7 building and zoning codes of that municipality even if the areas are not contiguous with the city. Mr.
8 Fletcher went on to say he met with the municipal attorneys for the Cities of Champaign and Urbana
9 regarding this issue. He stated that after meeting with the attorneys the statutory language relied upon by the
10 Supreme Court is broad and it's unclear as to how the decision will be implemented. Mr Fletcher stated that
11 zoning, building codes, and subdivision authority will be the jurisdiction of the annexing municipality. He
12 also stated that such properties would not be subject to the liquor ordinance, property tax, or public health
13 jurisdiction of the annexing municipality. He said that an administrative agreement may be needed to point
14 people to the right office when they come for permits but this agreement would not be enforceable.
15

16 Mr. Doenitz asked whether an annexation agreement was already in place would the municipality issue the
17 permits.
18

19 Mr. Fletcher answered yes.
20

21 Mr. Hall stated that before the issuance of a permit, the municipality will designate the zoning and this is not
22 limited to just the mile and a half of an extraterritorial jurisdiction area of a municipality.
23

24 Ms. Busboom stated that the residents should be informed by public notice so they know where to go to
25 obtain their permit.
26

27 Mr. Fletcher stated that we should wait until an operational understanding is made with the two cities so that
28 everyone is on the same page.
29

30 Mr. Doenitz asked if this will impact the road districts.
31

32 Mr. Fletcher stated that it is unknown to date.
33

34 Mr. Schroeder asked what affect this would have if the county had a building code.
35

36 Mr. Fletcher stated that the building code would come under the annexing municipality.
37

38 Mr. Doenitz asked if there was a limit as to how far a municipality can go with a pre-annexation agreement.
39

40 Mr. Fletcher stated that there are no limits at this time but there may be other factors involved that may limit
41 them.

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Mr. Hall stated that he had contacted Peoria, McLean, and Sangamon Counties and they have not had time to address this issue. He said that he contacted the City of Champaign and they indicated that the Illinois Municipal League stated it has been standard practice for over a decade.

Ms. Greenwalt asked Mr. Fletcher if any of our legislators had been contacted.

Mr. Fletcher answered no but will do so if directed by the committee.

Mr. McGinty moved, seconded by Mr Doenitz to direct Mr. Fletcher to prepare an Administrative Agreement between Champaign County and county municipalities regarding the affects of the Illinois Supreme Court Decision in Village of Chatham vs. Sangamon County and draft correspondence to legislators. The motion carried by voice vote.

Mr. Hall stated that development is proposed within one and one half mile of the City of Champaign and Village of Savoy and will not be annexable and will go under the new decision.

Ms. Busboom stated that with the changes this may help lower the case load of the Zoning Office.

Mr. Hall agreed and stated that the County may not have any more Rural Residential Overlay cases.

5. Correspondence

Mahomet Aquifer Consortium Meeting No. 44, November 15, 2005 Agenda

The Consensus of the Committee was to place the Mahomet Aquifer Consortium Meeting No. 44, November 15, 2005 minutes on file.

Mahomet Aquifer Consortium Meeting No. 43, September 27, 2005 Minutes

The Consensus of the Committee was to place the Mahomet Aquifer minutes Meeting No. 45 September 27, 2005 on file.

6 County Board Chair’s Report

None

7. Recreation and Entertainment License: Alto Vineyards Champaign, 4210 N. Duncan Rd., Champaign, IL. January 1, 2006 through December 31, 2006

1 **Mr. Doenitz moved, seconded by Ms Busboom to approve the Recreation and Entertainment License**
2 **for Alto Vineyards located at 410 N. Duncan Rd Champaign, IL. January 1, 2006 through December**
3 **31, 2006. The motion carried by voice vote.**

4
5 **8. Subdivision Case 185-05: Wolken Subdivision. Plat approval for a one-lot minor subdivision in**
6 **the AG-1 Zoning District in Section 35 in Rantoul Township.**

7
8 **Mr. Doenitz moved, seconded by Mr McGinty for to recommend approval of Subdivision Case 185-05**
9 **Wolken Subdivision. The motion carried by voice vote.**

10
11 Mr. Hall recommended approval with two waivers and one condition. He said that a revised plat will be
12 submitted to the office due to an error in the present plat submitted by the surveyor.

13
14 Mr. Doenitz and Mr. McGinty acknowledged amendment to their motion as friendly.

15
16 Mr. Doenitz Moved, Seconded by Mr. McGinty to recommend approval of Subdivision Case 185-05:
17 Wolken Subdivision with two waivers and one condition. The motion carried by voice vote.

18
19 **9. Subdivision Case 186-05: McFarland Meadows Subdivision. Plat**
20 **approval for a one-lot minor subdivision in the Ag-1 Zoning District in 34 of Pesotum**
21 **Township**

22
23 **Mr. Schroeder moved, seconded by Ms. Anderson to recommend approval of Subdivision Case 186-**
24 **05: McFarland Meadows Subdivision with two waivers. The motion carried by voice vote.**

25
26 **10. Case 521-AT-05: Zoning Administrator Extension of interim amendments regarding**
27 **A. Exemptions from the requirements for establishment of a Rural Residential Overlay**
28 **District in the CR, AG-1 and AG-2 Districts.**
29 **B. Maximum lot size in CR, AG-1 and AG-2 Districts.**

30
31 **Mr. Doenitz moved, seconded by Ms. Anderson to recommend to the County Board approval of Case**
32 **521-AT-05 Part A & B. The motion carried by voice vote.**

33
34 **11. Approval of 2006 Champaign County Zoning Calendar**

35
36 **Mr. McGinty moved seconded by Mr. Doenitz to approve the 2006 Champaign County Zoning**
37 **Calendar as submitted. The motion carried by voice vote.**

38
39 **12. Staff Report**

1 Mr. Hall distributed the Zoning Monthly Report to the committee for review.

2

3 **13. Other Business**

4

5 Ms. Greenwalt stated that prior to the County Board meeting on December 20, 2005 a Special
6 ELUC meeting will be scheduled at 6:45pm, in meeting room 2.

7

8 **14. Determination of items to be placed on County Board Consent Agenda**

9

10 The consensus of the Committee was to place items #8, #9 and #10 on the County Board Consent Agenda.

11

12 **15. Closed session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation,
13 discipline, performance, or dismissal of an employee**

14

15 **Mr. McGinty moved to enter into Closed session pursuant to 5 ILCS 120/2 (c) 1 to consider the
16 employment, compensation, discipline, performance, or dismissal of an employee. The roll was called:**

17

18 Ms. Anderson-yes,	Mr. Doenitz-yes, Mr.	McGinty-yes,
19 Mr. Shroeder-yes	Ms. Busboom-yes	Ms. Greenwalt-yes
20 Mr. Langenheim-absent	Mr. Fabri-absent	Mr. Moser-absent

21

22 The meeting entered closed session at 7:30pm.
23 The meeting adjourned closed session at 8:30pm.

24

25 The meeting resumed open session at 8:35pm.

26

27 **16. Adjournment**

28

29 Ms. Greenwalt declared the meeting adjourned at. 8:40pm.

30

31

32 Respectfully submitted,

33

34

35 Secretary to the Environment and Land Use Committee

36

37 eluc\minutes\minutes.fm

1 **MINUTES OF SPECIAL MEETING**

3 **Champaign County Environment** **DATE:** **December 20, 2005**
4 **& Land Use Committee** **TIME:** **6:45 p.m.**
5 **Champaign County Brookens** **PLACE:** **Meeting Room 2**
6 **Administrative Center** **Brookens Administrative Center**
7 **Urbana, IL 61802** **1776 E. Washington Street**
8 **Urbana, IL 61802**

10
11
12 **MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, Chris Doenitz, Nancy Greenwalt (VC),
13 Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

14
15
16 **MEMBERS ABSENT:** Toni Fabri

17
18 **STAFF PRESENT:** John Hall, Deb Busey (County Co-Administrator)

19
20 **OTHERS PRESENT:** None

21
22
23
24 **1. Call to Order, Roll Call**

25
26 The meeting was called to order at 6:47 p.m.

27
28 **2. Public Participation**

29
30 None

31
32 **3. Resolution Appointing John Hall as Director of Champaign County Zoning and Enforcement**
33 **Department**

34
35 **Mr. Moser moved, seconded by Ms. Greenwalt to recommend approval of Resolution No. 5202,**
36 **Appointing John Hall as Director of Champaign County Zoning and Enforcement Department. The**
37 **motion carried by voice vote.**

38
39
40 **4. Resolution Authorizing Extended Leave of Absence**

41
42 **Mr. Schroeder moved, seconded by Ms. Greenwalt to recommend approval of Resolution No. 5203,**
43 **Authorizing Extended Leave of Absence. The motion carried by voice vote.**

44
45 **5. Adjournment**

46
47 The meeting adjourned at 6:53 p.m.

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Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm



TO: Environment & Land Use Committee

FROM: Casey Rooney

DATE: February 13, 2006

RE: Joint Champaign County-City of Champaign Enterprise Zone

REQUESTED ACTION: Recommend Amendment to Enterprise Zone Ordinance (No. 255) to provide full Enterprise Zone incentives to projects creating or retaining at least twenty (20) jobs.

STAFF RECOMMENDATION: Staff recommends approval of this ordinance

A. Background:

1. Industrial Enterprise Zone Program. The joint City of Champaign/Champaign County Enterprise Zone (EZ) can provide a sales tax exemption on building materials and an abatement of City, County and Park District real estate taxes on any increased EAV (1/3 of market value) created by a building project. The project must be located within the Enterprise Zone, which includes most of Champaign's commercial and industrial areas. Industrial projects receive a 50 percent abatement of the increased real estate tax bill for 10 years unless:

- The project results in the creation of 20 or more new full-time or full-time equivalent (FTE) jobs (in which case it receives a 100 percent abatement for 10 years); or
- The project results in the creation of some number of full-time jobs less than 20 (in which case the percentage awarded is based on the number of full-time jobs created as a percentage of the company's total full-time or FTE employment)

The only way for an industrial company to be awarded the full 100 percent abatement for 10 years is to create 20 or more full-time jobs or to be new to the Zone and create any number of jobs.

2. Importance of Job Retention to the Community. The County, City and the Champaign County Economic Development Corporation partner in attraction, expansion and retention efforts. Job retention and expansion are the keys to long-term economic growth in our community. Efforts to retain and grow our local employers are more likely to be fruitful than efforts to land a new company from outside the area. One industry standard states that 70% of job growth is generated by growing existing companies. Many companies that were started locally have grown to become major employers, such

as Hobbico and Volition. The employees of these companies are involved in the local community, and it is in the best interest of the County to retain these individuals and their employers.

3. Weaknesses in Current Industrial Incentives. The current industrial incentives do not place an emphasis on job retention. The Enterprise Zone currently offers only a 50 percent abatement of City, County and Park District real estate taxes for job retention projects. On a \$10 million project, the total ten-year real estate tax abatement for a project that creates 20 jobs would be approximately \$1.2 million. The same project that retains 20 jobs would only receive approximately \$750,000. The difference of \$450,000 is substantial for a company who may be considering relocating the jobs to an area that offers full EZ benefits.

4. Proposed Industrial Enterprise Zone Amendments. Staff believe the reduced benefits offered to retention projects under the existing Industrial Enterprise Zone hinder our retention efforts. Many other Illinois communities offer full Enterprise Zone incentives without a job retention or job creation requirement. In order to remain competitive with other communities, staff proposes amendments to the Enterprise Zone that would allow the same benefits for job retention and creation projects. If an industrial project creates or retains at least 20 jobs, a 100 percent abatement of City, County, and Park District real estate taxes is proposed. For any job retention amount less than 20, the current calculation used for job creation would apply to retention. Staff proposes that any EZ application received on or after January 1, 2006 would be eligible for the new job retention benefits.

A company that is not constructing improvements would not receive any Enterprise Zone benefits. Real estate tax benefits are only granted on the increased taxes generated by an improvement project. In addition, the EZ application requires information on the number of jobs retained, along with supporting documentation. These requirements will ensure that EZ incentives are not abused by companies who have no intention of improving their facility and are not at risk of leaving the community.

B. Alternatives:

1. Approve County Ordinance, adopting the Enterprise Zone amendments.
2. Do not approve the County Ordinance and provide alternate direction to staff.

C. Discussion of Alternatives:

Alternative 1 would approve the County Ordinance, adopting the Enterprise Zone amendments.

a. Advantages

- Enterprise Zone will continue to require that a project be constructed in order for incentives to be granted
- Provides a new tool to encourage job retention projects
- More jobs in the community will generate more residential property tax and sales tax revenues
- Does not use incentives to compete with other Champaign County municipalities
- Program parameters are clearly outlined

b. Disadvantages

- The County will forgo a larger portion of property taxes on job retention projects

Alternative 2 would not approve the County Ordinance and provide alternate direction to staff.

a. Advantages

- The County will not forgo a larger portion of property taxes on job retention projects

b. Disadvantages

- Does not respond to the need for programs to encourage job retention
- May limit the County's economic growth

D. Community Input: The public had an opportunity to provide input on the proposed Enterprise Zone amendments at the January 10, 2006 Study Session and at the January 17, 2006 Public Hearing. Staff obtained developer and Economic Development Corporation input.

E. Budget Impact: The proposed changes to the Enterprise Zone Program should have minimal impact to the current budget. The County will forgo future, unbudgeted revenues to encourage development. The long-term financial impact of this change is likely positive (the net increase in residential property tax, sales tax and state income tax will offset the loss of real estate taxes).

F. Staffing Impact: Staff devoted approximately 20 hours to drafting changes to the Enterprise Zone Program. It is estimated that the processing of Enterprise Zone amendments will require an additional 40 hours of staff time.



To: Environmental Land Use Committee
From: Brent Rose
Re: Loan request for ABC Learning Center (Carol Kelly)
Date: February 13, 2006

Loan Request

The ABC Learning Center is requesting \$15,000 in financing. This money will be used for working capital.

Sources and Uses of Funds

The project has a total cost of \$15,000: Financing consists of a (1) \$15,000 CDAP Loan.

	Uses	Sources	%
Working Capital Expenses	\$15,000		
CDAP Loan		\$15,000	100%
Totals	\$15,000	\$15,000	100%

Collateral Coverage

Collateral for the CDAP loan will be a second mortgage on the Kelly’s personal residence. The residence, located at 202 West Graham Drive, Savoy, was appraised by Peter O’Brien in June 2005 at \$145,000. Busey Bank mortgages total \$87,226. The Bank of Ogden has a mortgage on this residence as well to further secure its mortgage loan on the business property. However, The Bank of Ogden is willing to subordinate its position to accommodate this CDAP financing since it will receive a past due loan payment from the CDAP loan proceeds. Therefore, approximately \$57,000 of equity exists to secure this \$15,000 loan.

Jobs Created

As a result of the CDAP assistance, this project will retain at least 1 full-time job.

Rate and Term of CSBG loan

A loan of \$15,000 at 6 % for ten years, which yields monthly payments of \$166.53, and a 1% closing fee.

Staff Recommendation

Payment history at Busey Bank is acceptable. There is also a CSBG loan with the Regional Planning Commission that is current with payments. Future cash flow and debt service coverage should be sufficient for all bills and loan payments for the remainder of 2006.

Staff recommends approval of: \$15,000 at 6% for ten years.



To: Environmental Land Use Committee
From: Brent Rose
Re: Loan request from Alliance Resources, LLC
Date: February 13, 2005

This is a request for \$420,000 in Community Development Assistance Program (CDAP) assistance.

Background

Alliance Resources, LLC, located at 906 Eagle Drive in Rantoul, engages in the business of warehousing, repacking, and the sale of industrial packaging supplies. The company began as Alliance Resources, Inc. Alliance Resources, Inc. was formed in 1993 by Ronald Schiff and Richard Tharp. The main business of this corporation was the sales of industrial packaging supplies, with a lesser emphasis on warehousing. In 2003, Ronald Schiff purchased the entire corporation through Alliance Resources of Illinois, Inc. During this time, the company reduced its sales of packaging materials, while continually increasing its warehousing operations. It has also expanded into the re-packaging field. The most rapidly growing aspect of the company's warehousing is the repackaging of products. The company's warehousing operations utilize cutting-edge technology to provide customers with accurate information. New software is currently being installed to allow customers real-time access to track exact location of product in the warehouse.

Two new entities are being formed to acquire the assets and operations of Alliance Resources of Illinois, Inc. One of the new entities, **Alliance Resources, LLC**, will own the real estate relating to the new warehouse facility being constructed. The other entity, **Alliance Resources, Inc.**, will own the assets and assume the operating liabilities, exclusive of bank debt and related party debt, of Alliance Resources of Illinois, Inc. Alliance Resources of Illinois, Inc. will liquidate after its assets are sold to Alliance Resources, Inc.

Ownership of the two entities will be identical, and will be as follows:

John Clifford III	(4/9 ownership interest)
Ronald Schiff	(3/9 ownership interest)
Craig Bush	(1/9 ownership interest)
Brian Schurter	(1/9 ownership interest)

Loan Request

Alliance Resources, LLC is requesting financing of \$420,000 for the purchase and construction of a new warehouse facility located on Route 136, west of Rantoul.

Sources and Uses of Funds

Please see attached sheet

Debt Service Coverage

Debt service coverage is sufficient

Collateral Coverage

Collateral for the CDAP loan consists of a second mortgage on the warehouse facility and a second position on 181 acres of land, which appraised for \$7,000/acre.

Jobs Created

As a result of the CDAP assistance, this project will create 15 and retain 12 Full-Time Equivalent jobs.

Rate and Term of CDAP loan

Up to \$420,000 for 20 years at a 6.0% fixed interest rate for first 10 years, maximum rate of 8% for years 11-20. There will be a rate review during the tenth year to determine actual rate. There will be a 1% closing fee and monthly payments of \$3,009.01.

Staff Recommendation

Debt Service is sufficient. Collateral coverage is acceptable.

Staff recommends approval of up to \$420,000 for 20 years with a rate review after 10 years, a 6.0% fixed interest rate for the first 10 years and a maximum rate of 8% for years 11-20, and a monthly payment of \$3,009.01; also, the personal guaranty's of Ronald Schiff, Craig Bush, Brian Schurter and John Clifford III, and a 1% fee at closing.

Sources & Uses of Funds

<u>Uses of Funds</u>		<u>Sources of Funds</u>	
<u>Alliance Resources, LLC</u>		<u>Alliance Resources, LLC</u>	
Land	\$970,000	Proposed USDA B&I Loan	\$5,000,000 (72.3%)
Infrastructure	200,000	Proposed Regional Planning Loan	538,328 (7.8%)
Building Construction	4,900,000	Owners' Contributions – Land	720,000 (10.4%)
Costs To Address Soil Issues	300,000 (a)	Owners' Contributions – Cash	260,000 (3.7%)
Capitalized Interest	128,328	Owners' Contributions – Borrowings	400,000 (5.8%)
Est. Fees (Bank & Other)	120,000	Total Sources of Funds – LLC	\$6,918,328 (100.0%)
Contingency	300,000		
Total Uses of Funds – LLC	\$6,918,328		
<u>Alliance Resources, Inc.</u>		<u>Alliance Resources, Inc.</u>	
Equipment	1,955,000	Capital Leases – Equipment	1,955,000 (68.6%)
Accounts Receivable	281,500	Proposed Busey Loan	801,672 (28.1%)
Inventory	123,000	Proposed Busey Operating Line (b)	22,728 (0.8%)
Leasehold Improvements	115,000	Accounts Payable	70,000 (2.5%)
Furniture & Equipment	25,000	Owners' Contributions – Cash	100 (0.0%)
Cash	50,000	Total Sources of Funds – Inc.	\$2,849,500 (100.0%)
Goodwill	300,000		
Total Uses of Funds – Inc.	\$2,849,500		
Grand Total Uses of Funds	\$9,767,828	Grand Total Sources of Funds	\$9,767,828
<u>Recap of Grand Total Sources of Funds</u>			
		Total Debt	\$8,387,728 (85.9%)
		Total Owners' Contributions	1,380,100 (14.1%)
		Grand Total Sources of Funds	\$9,767,828 (100.0%)



To: Environmental Land Use Committee
From: Brent Rose
Re: Concrete Supply, Inc. (Kerry & Becky Grove)
Date: February 13, 2006

Loan Request

Mr. & Mrs. Grove are requesting \$50,000 in CDAP financing. This money will be used for the start-up of the new ready mix concrete business in rural Tolono including purchase/construction of real estate and the purchase of trucks.

Sources and Uses of Funds

<u>Sources:</u>		<u>Uses:</u>	
CDAP Loan	\$50,000	Revolving Line	\$100,000
Busey Bank SBA	\$310,000	Real Estate	\$275,375
Busey Bank SBA	\$100,000	Concrete Trucks	\$100,000
Cash	\$23,125	Initial W/C	<u>\$24,625</u>
<u>Land Deposit</u>	<u>\$16,875</u>		
Total	\$500,000	Total	\$500,000

Debt Service Coverage

Projected debt service is adequate.

Collateral Coverage

A personal guaranty signed by Kerry Grove and Becky Grove; Life insurance policy on Kerry Grove in the amount of \$50,000.

Jobs Created

As a result of the CDAP assistance, the project will create 5 full-time equivalent jobs within Champaign County.

Rate and Term of CSBG loan

A loan of \$50,000 at 6% for ten years, which yields monthly payments of \$555.10, and a 1% closing fee.

Staff Recommendation

Mr. Grove will leave his current employment with Blager Concrete to oversee the daily operation and management of Concrete Supply, Inc. He has over 20 years of experience in the ready mix concrete business. Cash flow projections show debt service coverage of 145% even if revenue projections fall 30% short. The location of this concrete business will provide access to the greater Champaign-Urbana area, with an emphasis on the Route 45 corridor in Champaign/Savoy.

Staff recommends approval.

HINSHAW

& CULBERTSON LLP

February 3, 2006

Mr. Joel Fletcher
Champaign County States Attorney's Office
1776 East Washington Street
Urbana, IL 61802

Re: Chatham v. Sangamon County

ATTORNEYS AT LAW

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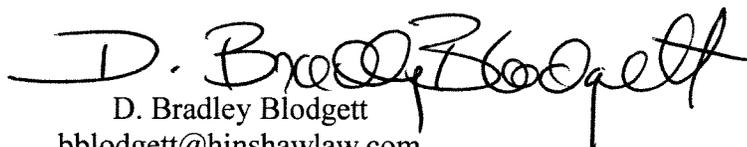
Dear Sir:

I apologize profusely for being so slow in getting the information requested to you. I enclose herewith copies of the bills that were introduced, not in this session, but in the last session, to try to amend the statutes in question to solve some of the problems created by the legislation and the Supreme Court's approval of it. I spoke to Representative Pritchard at the time and he indicated that he eventually withdrew his bill after encountering some opposition from the Municipal League, and that he might introduce the bill this session. I also spoke to Senator Crotty who indicated that the Senate leadership had asked her to sponsor what is called a shell bill. The shell bill simply preserved the potential for the Senate leadership to take some action to amend the statute, but apparently that never happened.

The Illinois Association of County Board Members and Commissioners has a legislative committee which is interested in either sponsoring or supporting legislation to amend the statute. Our local Zoning Administrator, Mr. Randy Armstrong, is in the process of attempting to contact the lobbyist for the Illinois Association of County Board Members and Commissioners to determine the status of action by the committee. I am also going to ask Mr. Armstrong to contact Representative Pritchard and Senator Crotty to determine if they have any new bills this session relating to the legislation. If I receive any new information of importance, I will send it to you. If in the meantime I can be of any further help, please let me know.

Very truly yours,

HINSHAW & CULBERTSON LLP


D. Bradley Blodgett
bblodgett@hinshawlaw.com

DBB:bb
Enc.

Full Text of HB1389

Local Government Committee**Filed: 3/2/2005**

09400HB1389ham001

LRB094 07871 LCB 42833 a

1 AMENDMENT TO HOUSE BILL 1389

2 AMENDMENT NO. _____. Amend House Bill 1389 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-15.1-2.1 as follows:

6 (65 ILCS 5/11-15.1-2.1) (from Ch. 24, par. 11-15.1-2.1)

7 Sec. 11-15.1-2.1. Annexation agreement; municipal
8 jurisdiction.

9 (a) Property that is the subject of an annexation agreement
10 adopted under this Division is subject to the police power,
11 land use and other ordinances, control, and jurisdiction of the
12 annexing municipality in all respects the same as property that
13 lies within the annexing municipality's corporate limits. The
14 ordinances, control, and jurisdiction of the annexing
15 municipality shall divest those of other units of government
16 having or claiming prior jurisdiction.

17 (b) This Section shall not apply in (i) a county with a
18 population of more than 3,000,000, (ii) a county that borders a
19 county with a population of more than 3,000,000 or (iii) a
20 county with a population of more than 246,000 ~~according to the~~
21 ~~1990 federal census~~ and bordered by the Mississippi River,

22 unless the parties to the annexation agreement have, at the
23 time the agreement is signed, ownership or control of all
24 property that would make the property that is the subject of

09400HB1389ham001

- 2 -

LRB094 07871 LCB 42833 a

1 the agreement contiguous to the annexing municipality, in which
2 case the property that is the subject of the annexation
3 agreement is subject to the police power, land use and other
4 ordinances, control, and jurisdiction of the municipality in
5 all respects the same as property owned by the municipality
6 that lies within its corporate limits.

7 (c) This Section shall not apply to areas that are not
8 contiguous to the annexing municipality unless (i) the annexing
9 municipality serves the area with at least one
10 municipally-owned utility or the annexation agreement binds
11 the annexing municipality to serve, and the municipality does
12 serve, the area with at least one municipally-owned utility
13 within 12 months of the execution of the agreement, and the
14 area is not more than 5 miles from the nearest corporate
15 boundary of the annexing municipality or (ii) the area is
16 within one mile of the nearest corporate boundary of the
17 annexing municipality.

18 For purposes of this Section, a "municipally-owned
19 utility" means a municipally-owned gas, water, or electric
20 service provider.

21 (d) This amendatory Act of the 94th General Assembly
22 applies to all existing annexation agreements, subject to the
23 vested rights of parties to existing annexation agreements.

24 (Source: P.A. 87-1137.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law."

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State Legislation - Illinois

LOC GOVT-ANNEX AGRMT

Bill #: HB1389

Year: 2005

Take Action Now
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Bill Summary:

 Amends the Illinois Municipal Code. Requires that the parties to an annexation agreement in any county own or control all property that would make the property that is the subject of the agreement contiguous to the annexing municipality in order for the annexed property to be subject to the ordinances, control, and jurisdiction of the municipality (now, this requirement applies only to certain counties). Effective immediately.

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[Current description](#) of HB1389 from the Illinois Legislature.

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Representative Robert W. Pritchard (R) 70th District



Springfield Office:

212-N Stratton Building
Springfield, IL 62706
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2600 DeKalb Avenue, Suite C
Sycamore, IL 60178
(815) 748-3494
(815) 748-4630 FAX
DeKalb County

Years served: 2003 to Present

Legislative assignments: Committees on Agriculture & Conservation; Appropriations-Higher Education; Computer Technology; Higher Education; Elementary & Secondary Education; School Code Waivers, Subcommittee; Energy Management, Subcommittee.

Biography: Agriculture businessman; born Feb. 2, 1945, in Aurora; B.S. and Masters in Communication, University of Illinois; farmer and former Executive Director of Illinois Ag Leadership Foundation, seed marketer and public affairs, University Extension Communicator and County Ag Advisor, and Radio - TV reporter; served as County Board member and Chair, School Board member and a leader in community groups; married (wife, Mary) has two sons.

748-815-3494

Associated Senator(s):

J. Bradley Burzynski

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Bill Status of HB1389 94th General Assembly

Short Description: LOC GOVT-ANNEX AGRMT

House Sponsors
Rep. Robert W. Pritchard

Last Action

Date	Chamber	Action
3/3/2005	House	Placed on Calendar 2nd Reading - Short Debate

Statutes Amended In Order of Appearance

65 ILCS 5/11-15.1-2.1 from Ch. 24, par. 11-15.1-2.1

Synopsis As Introduced

Amends the Illinois Municipal Code. Requires that the parties to an annexation agreement in any county own or control all property that would make the property that is the subject of the agreement contiguous to the annexing municipality in order for the annexed property to be subject to the ordinances, control, and jurisdiction of the municipality (now, this requirement applies only to certain counties). Effective immediately.

House Amendment No. 1

Deletes everything. Amends the Illinois Municipal Code. Provides that property subject to an annexation agreement is subject to the police power, land use and other ordinances, control, and jurisdiction of the annexing municipality and that the ordinances, control, and jurisdiction of the annexing municipality divest those of other units of government claiming prior jurisdiction. Provides that the Section does not apply to areas not contiguous to the annexing municipality unless (i) the annexing municipality serves the area with at least one municipally-owned utility and the area is not more than 5 miles from the nearest corporate boundary of the annexing municipality or (ii) the area is within one mile of the nearest corporate boundary of the annexing municipality. Defines a "municipally-owned utility". Provides that the amendatory changes apply to all existing agreements subject to the vested rights of parties to those agreements. Makes other changes. Effective immediately.

Actions

Date	Chamber	Action
2/9/2005	House	Filed with the Clerk by <u>Rep. Robert W. Pritchard</u>
2/9/2005	House	First Reading
2/9/2005	House	Referred to <u>Rules Committee</u>
2/10/2005	House	Assigned to <u>Local Government Committee</u>
3/2/2005	House	House Amendment No. 1 Filed with Clerk by <u>Local Government Committee</u>
3/2/2005	House	House Amendment No. 1 Adopted in <u>Local Government Committee</u> ; by Voice Vote
3/2/2005	House	Do Pass as Amended / Short Debate <u>Local Government Committee</u> ; 008-003-000
3/3/2005	House	Placed on Calendar 2nd Reading - Short Debate

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2005 Illinois Senate Bill No. 834, Illinois 94th General Assembly (FULL TEXT - STATE NET)

ILLINOIS BILL TEXT

VERSION: Introduced
February 18, 2005
Crotty

AN ACT concerning local government.

TEXT:

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Illinois Municipal Code is amended by changing **Section 11-15.1-1** as follows:

(65 ILCS 5/11-15.1-1)(from Ch. 24, par. 11-15.1-1)

Sec. 11-15.1-1. ~~The~~ corporate authorities of any municipality may enter into an annexation agreement with one or more of the owners of record of land in unincorporated territory. That land may be annexed to the municipality in the manner provided in Article 7 at the time the land is or becomes contiguous to the municipality. The agreement shall be valid and binding for a period of not to exceed 20 years from the date of its execution.

Lack of contiguity to the municipality of property that is the subject of an annexation agreement does not affect the validity of the agreement whether approved by the corporate authorities before or after the effective date of this amendatory Act of 1990.

This amendatory Act of 1990 is declarative of existing law and does not change the substantive operation of this Section. (Source: P.A. 86-1169; 87- 1137.)

2005 IL S.B. 834 (SN)

END OF DOCUMENT

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State Senator, District 19

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By County**

Provisional Ballots

M. Maggie Crotty

Democrat

crotty@senatedem.state.il.us

311 Capitol Bldg.
Springfield, IL 62706
Phone: 217/782-9595
Fax: 217/782-3213

15028 S. Cicero Avenue
Unit A
Oak Forest, IL 60452
Phone: 708-687-9696
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MONTHLY REPORT for DECEMBER 2005

Zoning Cases

Champaign
County
Department of

**PLANNING &
ZONING**

The distribution of cases filed, completed, and pending is detailed in Table 1. Four zoning cases were filed in December compared to six cases that were filed in December 2004 and one case that was filed in December 1999. The five-year average for cases filed in December is 5.6, including multiple related cases.

A total of 42 cases were been filed in 2005 compared to 52 cases that were filed in 2004 and 51 cases that were filed in 1999. The five-year average for total cases filed by the end of December is 44.4.

Only one ZBA meeting was held in December. There was no case finalized in December compared to one case finalized in December 2004 and three cases that were finalized in December 1999. The five-year average for cases finalized in December is 0.8.

TABLE 1. ZONING CASE SUMMARY
DECEMBER 2005

Type of Case	December 2005 1 non-CZR ZBA meeting		December 2004 2 non-CZR ZBA meetings		December 1999 2 non-CZR ZBA meeting	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	2	0	5*	1	1	1
SFHA Variance	0	0	0	0	0	0
Special Use	1	0	1	0	0	2
Map Amendment	1	0	0	0	0	0
Text Amendment	0	0	0	0	0	0
Change of Non-conform. Use	0	0	0	0	0	0
Administrative Variance	0	0	0	0	0	0
Interpretation / Appeal	0	0	0	0	0	0
TOTALS	4	0	6	1	1	3
Total cases filed (year to date)	42 cases		52 cases		51 cases	
Cases pending**	28 cases		29 cases		15 cases	
NOTES						
* Includes 3 variance cases for the same applicant						
**Cases pending includes all cases continued and new cases filed.						

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

(217) 384-3708
FAX (217) 328-2426

At the end of December there were 28 cases pending before the ZBA compared to 29 cases pending at the end of December 2004 and 15 cases pending at the end of December 1999.

In total, there were 30 cases finalized in 20 non-CZR meetings in 2005 and 31 case cases finalized in 19 non-CZR meetings in 2004. The five-year average for total cases finalized is 33.4 per year and about 1.6 per non-CZR meeting.

Subdivisions

There were two subdivision approvals in December and no new plat applications.

The one major subdivision with public improvements (Nature's Landing, Case 174-04) remains under construction. One reduction in the Letter of Credit was authorized in December to reflect recent progress on completion of the public improvements.

Zoning Use Permits

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in December can be summarized as follows:

- There were 21 permits for 18 structures in December compared to 14 permits for 14 structures in December 2004. The five year average for permits in the month of December is 21.0.
- The reported value for construction authorized in permits for December was \$2,533,300 compared to \$1,245,684 in December of 2004. The five year average reported value for authorized construction is \$3,691,040.
- The County collected \$5,917 in fees for December compared to \$4,323 in December 2004. The five year average for fees collected in December is \$9,502.

Non-residential permits require much more effort, in general, than residential permits. Three non-residential permits were authorized in December (other than signs) as follows:

- a small addition to the Kraft plant
- a small addition to the UPS facility on North Lincoln Avenue;
- a new swimming pool for the Pine Tree Subdivision.

No Floodplain Development Permits were reviewed or approved in December:

Zoning and Nuisance Enforcement

Staff illness, vacations, and holidays reduced the hours available for enforcement in December 2005. Table 3 contains the detailed breakdown of enforcement activity for December and is summarized as follows:

- There were two new complaints received in December. A total of 91 complaints were received in 2005.
- Two inspections were conducted in December. One was for a case that had previously been referred to the State's Attorney. There were 112 inspections in 2005.
- Two first notices were issued in December and one final notice was issued. For the entire year there 34 first notices issued and 11 final notices
- There were no new cases were referred to the State's Attorney in December and no cases were resolved. A total of six cases were referred to the State's Attorney in 2005 and 64 cases were resolved.
- December ended with a total of 338 open cases.

APPENDICES

A Zoning Use Permits Authorized in December 2005

TABLE 2. PERMIT ACTIVITY December, 2005

PERMITS	CURRENT MONTH			YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL: Residential	1	N.A.	200,000	5	N.A.	853,000
Other	2	N.A.	102,500	19	N.A.	669,164
SINGLE FAMILY Residential:						
New - Site Built	6	3,378	1,283,500	92	50,975	19,378,870
Manufactured				8	2,355	557,000
Additions	2	578	125,000	53	8,181	1,912,480
Accessory to Residential	6	1,061	247,300	70	14,684	1,294,579
TWO-FAMILY Residential				3	2,043	760,000
Average turn-around for residential permits			11.8 days			
MULTI - FAMILY Residential						
HOME OCCUPATION: Rural	2	66	0	4	132	0
Neighborhood		N.A.		5	N.A.	0
COMMERCIAL: New				4	3,862	1,725,000
Other				1	560	10,000
INDUSTRIAL: New						
Other	2	834	575,000	6	5,238	2,651,475
OTHER USES: New						
Other				2	3,033	5,200,000
SIGNS				4	1,176	20,700
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS				11	1,544	132,150
TOTAL	21/18	\$5,917	\$2,533,300	287/266	\$93,783	\$3,5164,418

*21 permits were issued for 18 structures during December, 2005

◇287 permits have been issued for 266 structures since January, 2005

NOTE: Home occupations and other permits (commercial, temporary use) total 20 since January, 2005, (this number is not included in the total permits).

TABLE 3. ENFORCEMENT ACTIVITY FOR PERIOD 01/01/05 TO 12/31/05

	2004 Enforcement	Jan. 2005	Feb. 2005	Mar. 2005	Apr. 2005	May 2005	June 2005	July 2005	Aug. 2005	Sept. 2005	Oct. 2005	Nov. 2005	Dec. 2005	TOTALS for 2005
Complaints Received	76	12	8	10	10	8	9	11	8	4	5	4	2	91
Inspections	82	34	3	4/5◇	17	2	26	13	1	2	1	2◆	2☆	112
1 st Notices Issued	25	7	5	4	5	1	6	1	1	1	1	0	2	34
Final Notices Issued	1	1	0	4	1	1	2	0	0	0	1	0	1	11
Agreements to Abate	0	0	0	2	0	0	0	0	0	0	0	0	0	2▲
Referrals to Other Agencies	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Referrals to State's Attorney's Office	2	0	0	0	0	0	1	4	0	0	1	0	0	6
TOTAL CASES INCLUDING PREVIOUS YEARS														
Cases Resolved ¹	51	13	3	10#	11#	5	17	4	0	1	0	0	0	64
Open Cases ²	312	311	316	316	315	318	309	316	324	327	332	336	338	338*/**

¹Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.

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²Open cases are unresolved cases, and include any cases referred to the State's Attorney's Office and cases in which compliance agreements have been made but have not yet been resolved (agreement deadline has not elapsed), or new complaints not yet investigated.

#This number is the number of properties inspected prior to sending out the first notice, and the second number is the number of properties inspected prior to sending out a final notice.

#This number includes 0 cases from prior to 1999, and 11 cases after 1999.

◆This number is for two inspections that were performed for cases that have been referred to the Champaign County State's Attorney's Office for further action, and not related to new enforcement issues.

☆This number includes one inspection that was performed for a case that had been referred to the Champaign County State's Attorney's Office for further action and one case that required a final inspection.

▲As of June 13, 2005, by direction of ELUC, the staff of the Planning and Zoning Department can no longer make agreements to abate nuisance violations.

*Open cases include the previous number of open cases plus the number of new complaints received in the current month less the number of cases resolved in the same month.

**The 338 open cases include 27 cases that have been referred to the State's Attorney's Office, 15 cases that involve properties where kennels are being operated and will be addressed in the Zoning Ordinance revision process, and 9 cases that involve floodplain matters which brings the total of open cases to 287.

APPENDIX ZONING USE PERMITS AUTHORIZED DURING DECEMBER, 2005

<u>NUMBER</u>	<u>LOCATION</u>	<u>NAME</u>	<u>DATE IN/ DATE OUT</u>	<u>PROJECT</u>
11-05-01	Pending Special Use Permit			
111-05-02	Pending resolution of violation			
173-05-01	Voided			
199-05-01	Pending Subdivision with Champaign			
221-05-01	Pending resolution of violation			
RHO				
235-05-01	Pending Special Use Permit			
RHO				
236-05-04	A 94 acre tract of land located in the NW 1/4 of Section 11, Champaign Township; 1701 W. Bradley Avenue, Champaign, Illinois PIN: 03-20-11-101-002	Kraft Foods	08/23/05 09/09/05	construct an addition to an existing industrial building
265-05-01	Pending Variances and Map Amendment			
293-05-01	A tract of land located in the NW 1/4 of Fractional Section 1, Hensley Township; 1129 CR 2400N, Thomasboro, IL PIN: 12-14-01-100-004	Andrew and Anne Brenner	10/20/05 12/21/05	establish a Rural Home Occupation, Boles to Boards LLC
RHO				
297-05-02	Under review			
299-05-02	Pending subdivision with Champaign			
312-05-01	Part of Lot 5 and Lot 6 of Illinois Central Railroad Company Survey of Part of the E ½ of Section 31 and W ½ of the SW 1/4 of Section 32, Somer Township; 2809 N. Lincoln Avenue, Urbana, Illinois PIN: 25-15-31-400-018	United Parcel Service	11/08/05 12/13/05	construct an addition to an existing warehouse/distribution center

APPENDIX ZONING USE PERMITS AUTHORIZED DURING DECEMBER, 2005

312-05-02	Lot 123, Wiltshire Estates 8 th Subdivision, Section 13, St. Joseph Township; 1505 Nottingham, St. Joseph, Illinois PIN: 28-22-13-329-006	Robin Gray Construction, Inc.	11/08/05 12/06/05	construct a single family home with attached garage
314-05-01	Lot 91, Wiltshire Estates 6 th Subdivision, Section 13, St. Joseph Township; 611 Country Acres Road, St. Joseph, Illinois PIN: 28-22-13-327-010	Mike and Lisa Wallace	11/10/05 12/06/05	construct a detached garage
318-05-01	A tract of land located in the NW 1/4 of Fractional Section 2, Somer Township; 2370 CR 1600E, Thomasboro, IL PIN: 25-15-02-300-004	Ronald L. Raup	11/14/05 12/06/05	construct a building for a riding arena
318-05-02	Lot 62, Pinetree 4 th Subdivision, Section 29, Mahomet Township; 135 Woodlake Road, Seymour, Illinois PIN: 15-13-29-329-011	Pinetree Association	11/14/05 12/29/05	replace an existing in-ground swimming pool and construct an addition to an existing bath house
319-05-01	Under review			
319-05-02	Voided			
321-05-01	Two tracts of land comprising five acres located in the E ½ of Section 31, Newcomb Township; 77 CR 2500N, Mahomet, IL PIN: Pt. of 16-07-31-200-002	Jeff and Paula Jarrett	11/17/05 12/15/05	construct a single family home with attached garage

APPENDIX ZONING USE PERMITS AUTHORIZED DURING DECEMBER, 2005

321-05-02 RHO	Two tracts of land comprising five acres located in the E ½ of Section 31, Newcomb Township; 77 CR 2500N, Mahomet, IL PIN: Pt. of 16-07-31-200-002	Jeff and Paula Jarrett	11/17/05 12/15/05	establish a Rural Home Occupation, Jarrett Construction
327-05-01	Lot 8, Nature's Landing Subdivision, Section 25, Newcomb Township; 562F CR 2550N, Mahomet, Illinois PIN: Pt. of 16-07-25-200-007	Classic Homes	11/23/05 12/15/05	construct a single family home with attached garage
332-05-01	Pending Variance			
332-05-02	A tract of land located in the NE 1/4 of Section 19, Ogden Township; 1495 CR 2500E, Ogden, IL PIN: 17-23-19-200-002	Dennis and Margaret Appl	11/28/05 12/16/05	construct a single family home with attached garage
332-05-03	A tract of land being the NE 1/4 of Section 34, Sadorus Township; 91 CR 400E, Sadorus, IL PIN: 22-31-34-200-001	Joseph and Vicki Goodmann	11/28/05 12/16/05	construct a single family home with attached garage and detached agriculture storage shed
335-05-01	Lot 36, Twin Oaks 3 rd , Section 11, Mahomet Township; 1710 Lakeshore Drive, Mahomet, Illinois PIN: 15-13-11-226-004	Robert J. Smith, Jr.	12/01/05 12/22/05	construct a detached garage and move a detached storage shed

APPENDIX ZONING USE PERMITS AUTHORIZED DURING DECEMBER, 2005

336-05-01	A tract of land being part of the SE 1/4 of the NE 1/4 of Section 34, Stanton Township, lying East and North of the centerline of Stanton Special Drainage Ditch; 1873 CR 2200E, St. Joseph, Illinois PIN: 27-16-34-200-008	Clifford McDuffie	12/06/05 12/16/05	construct a detached garage
341-05-01	Lot 2, Adams Acres Subdivision, Section 25, Mahomet Township; 522 CR 1900N, Champaign, Illinois PIN: 15-13-25-351-005	Tom Harpst	12/07/05 12/16/05	construct a single family home with attached garage and detached garage
346-05-01	A tract of land located in the E 1/2 of the E 1/2 of the NE 1/4 of Section 9, Sidney Township; 2099 CR 1100N, Sidney, IL PIN: 24-28-09-200-020	Tom Schaeffges / Harriett Weatherford	12/12/05 12/21/05	construct two additions to an existing single family home
347-05-01	A tract of land located in the SE 1/4 of the W 1/2 of the NE 1/4 of Section 26, St. Joseph Township; 1359 CR 2250E, St. Joseph, Illinois PIN: 28-22-26-200-011	Philip L. Rogers	12/13/05 12/21/05	construct a detached accessory building
348-05-01	Lot 1, Tower Fields Subdivision, Section 31, Stanton Township; 1806 CR 1850N, Urbana, IL PIN: 27-16-31-151-001	Steve Aschenbrenner	12/14/05 12/21/05	construct a single family home with attached garage
354-05-01	Under review			
356-05-01	A tract of land located in the SE Corner of the NE 1/4, Section 10, East Bend Township; 3453 CR 1000E, Paxton, IL PIN: 10-02-10-200-006	William Gollihur	12/22/05 12/28/05	construct an addition to an existing single family home
362-05-01	Under review			



METCAD

Public Safety Through Quality Service

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CHAMPAIGN CO. P & Z DEPARTMENT

February 8, 2006

Mr. Ralph Langenheim
Chairman
Environment and Land Use Committee
c/o Champaign County Planning and Zoning Department
1776 E. Washington Street
Urbana, Illinois 61802

Dear Mr. Langenheim:

METCAD is in the process of constructing a new county-wide public safety radio network to support emergency communications between police, fire and emergency medical responders. A critical component of this project is the construction of two new communications towers, one located near Sidney and the other located near Thomasboro.

As a department of the City of Champaign and an agency created by Intergovernmental agreement with Champaign County, the City of Urbana and the University of Illinois, METCAD is requesting that the Environmental and Land Use Committee waive the fee for the Special Use Permit applications.

Thank you for your consideration of our request. Please contact me if you have any questions regarding this project. I can be reached at 217/333-9889 or via e-mail at abbott@metcad911.org.

Sincerely,

Gregory T. Abbott
METCAD 9-1-1

Cc: Rick Kallmayer, METCAD Director

1905 East Main Street, Urbana, Illinois 61802 (217) 333-4348
FAX (217) 384-7003
www.metcad911.org

