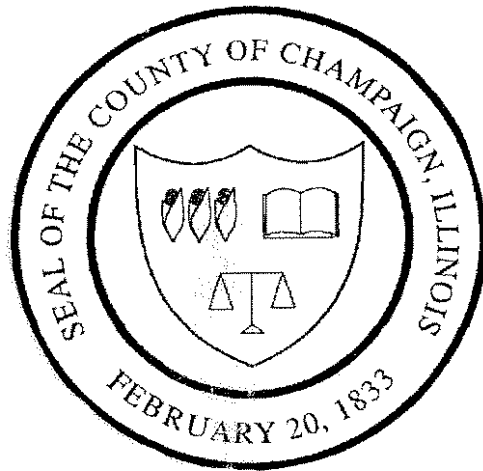


*Environment  
& Land Use Committee*

*Special Meeting Agenda*

*April 19, 2007*



*6:00 p.m.*

*Meeting Room 3  
Brookens Administrative Center  
1776 East Washington, Urbana, IL 61802  
(217) 384-3708*



# ***SPECIAL MEETING AGENDA***

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

*Jan Anderson, Chris Doenitz, Matthew Gladney,  
Brad Jones, Ralph Langenheim, Carrie Melin, Steve  
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

***Date:*** *April 19, 2007*

***Time:*** *6:00 p.m.*

***Place:*** *Meeting Room 3  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois*

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

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## **AGENDA**

***Old Business shown in Italics***

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1. Call to Order
2. Approval of Agenda
3. Public Participation
4. Resolution requesting that Champaign County be added to HB3597 affecting municipal jurisdiction over parcels subject to annexation agreements 1 thru 10
5. Resolution of Support of HB1134 providing funds for regional planning 11 thru 12
6. Other Business
7. Adjournment

Champaign  
County  
Department of



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

(217) 384-3708

FAX (217) 328-2426

TO: **Environment and Land Use Committee**  
FROM: **John Hall, Zoning Administrator**  
DATE: **April 13, 2007**  
RE: **Resolution requesting that Champaign County be added to HB3597 affecting municipal jurisdiction over properties subject to annexation agreement**

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### REQUESTED ACTION

The County Board has an opportunity to request local representatives to add Champaign County to a proposed list of counties that may be exempt from provisions of the Municipal Code affecting municipal jurisdiction over properties subject to annexation agreement

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### BACKGROUND

The decision by the Illinois Supreme Court in the case known generally as *Village of Chatham v. Sangamon County* determined that the Illinois Municipal Code (65 ILCS 5/11-15.1-2.1) provides that property that is the subject of an annexation agreement with a municipality is subject to the ordinances, control, and jurisdiction of the municipality and not subject to those of the county even though the property is not actually annexed. Thus, property located in the County zoning jurisdiction would be removed from the County jurisdiction if the landowner would sign an annexation agreement with a municipality. The annexation agreement does not have to be within one-and-one-half miles of the municipality and the property never actually has to be annexed.

The *Chatham* decision resulted in a very significant reduction of county zoning and subdivision jurisdiction in the unincorporated areas because it does not in any way restrict the ability of municipalities and villages to enter into annexation agreements. County Board members received a confidential memorandum from the Champaign County State's Attorney regarding the *Chatham* decision in December 2005.

### LEGISLATIVE COMMISSION ESTABLISHED

There was enough statewide concern about the Chatham decision that the State Legislature appointed a Legislative Commission to recommend an amendment to the Municipal Code. However, the Legislative Commission has never met and a proposed development in Ogle County has resulted in HB3597 which is a proposed amendment to the Municipal Code. See the attached article

### HB3597 AS AMENDED

Cook County and the counties that border it have always been exempt from this provision of the Illinois Municipal Code. Those counties retain full jurisdiction on properties subject to annexation agreements. HB3597 (see attached) has been proposed to provide a partial exemption for counties that border counties that border Cook County. The partial exemption is not an ideal solution but does solve most of the problems. An amendment to HB3597 actually lists the specific counties. The County Board could request that Champaign County be added to that list.

### DRAFT RESOLUTION


A Draft Resolution is attached that makes it clear that Champaign County should be added to the list of counties in HB3597 as amended and directs the County Administrator to provide copies of the Resolution to all of the legislators that represent any part of Champaign County in either house of the State Legislature.


The Draft Resolution also recommends that the Legislative Commission continue working to develop a rational and equitable resolution to the issues raised in *Chatham*.

**ATTACHMENTS**

- A Article from March 1, 2007, Rockford Register Star
- B HB3597 (as amended first on 3/14/07)
- C HB3597 (second amendment on 3/19/07)
- D Draft Resolution

# Rockford Register Star rrstar.com

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Published: March 1, 2007

Local News: Cherry Valley

## Stillman Valley next in developer's search The proposal has caused concern in Cherry Valley and Belvidere.

By Bridget Tharp

ROCKFORD REGISTER STAR

[Click here for more information about Bridget Tharp](#)

STILLMAN VALLEY — Neither Belvidere nor Cherry Valley has opened doors for developer Gary Erb to build the 1,800-home subdivision he's proposed in Boone County. But he's prepared to keep knocking, even if that means traveling 20 miles or more somewhere else.

Wednesday he approached Stillman Valley to annex the project — a town 20 miles and a county away from the project. The Ogle County village called a special meeting to accommodate Erb, who told its board that he's already talked to 16 other municipalities about the project.

"We'll go anywhere," Erb's attorney Dave McArdle told the board. "We'll go to southern Illinois if we have to."

### Related Content

- [Cherry Valley, Belvidere resurrect talks about borders \(2/23/07\)](#)
- [Sod farm could sprout 1,800 homes \(2/4/07\)](#)
- [Zone board rejects subdivision plan \(2/1/07\)](#)

Legally, it appears it's possible for any Illinois municipality to annex the 1,300-acre project. A 2005 state Supreme Court decision, Village of Chatham v. County of Sangamon, made it easier for municipalities to annex land outside of — even far away from — city limits.

This week state Rep. Robert Pritchard, R-Hinckley, introduced House Bill 3597, which would stop municipalities from annexing property disconnected from city limits. Under Pritchard's rules, counties would have to request to be covered by such rules.

### STORYCHAT

[Post a Comment](#)

This article does not have any comments associated with it.

Pritchard's bill is in committee and won't likely move forward quickly enough to affect the situation in Stillman Valley.

"I could see that (court decision) was setting the stage for one community reaching well beyond that county," Pritchard said. "That's not good because someone should control the land in their (own) backyard."

### Cherry Valley concern

One Cherry Valley resident showed up to ask the Stillman Valley board to communicate with officials in his village before deciding the issue.

"If it were someone else coming out and making a stake in your ground, you'd want to have a say in it, too," said Scott Kramer.

The Stillman Valley board voted to consider the annexation, on the condition that Erb put \$20,000 into an escrow fund to cover attorney and engineering costs. As part of the deal, Erb will indemnify the village should a lawsuit come out of this," Stillman Valley attorney Doug Henry said.

Erb is turning to the Ogle County community after Belvidere and Cherry Valley snubbed the massive housing project, which could house about 6,000 people in the area south of Interstate 90 between Cherry Valley and Irene roads.

The subdivision — which Erb said he'd call Stillman Meadows — would include about 300 acres of green

space, walking paths and 40 acres set aside for two future schools. The project also includes about 115 acres marked for retail shopping. It would be built over 15 years.

Belvidere Mayor Fred Brereton said he hadn't heard about Erb's efforts to woo Stillman Valley.

Belvidere told Erb it wasn't interested in the housing project last summer, because Boone County and the city have earmarked that area for high-rise office and retail development. Planning officials want an extension of the Metra rail system, but worry that Erb's housing development could undermine those efforts.

### **Belvidere schools affected**

Erb tried to get into Cherry Valley in January. Village officials and residents have since spoken out against the project. The village board hasn't voted on the project, but the zoning board voted against it in January.

Erb was set to present the project to the planning and development committee in Cherry Valley Tuesday, but withdrew his presentation from the agenda.

Cherry Valley has contacted a consulting attorney in Chicago to research the matter.

Meanwhile, Erb told Stillman Valley it has nothing to lose financially through the proposed annexation because the subdivision would be financially independent. Homeowner fees would support the cost of building utilities or new schools.


The project would fall into the Belvidere School District, no matter who annexes the land. Belvidere School District officials have said they can't afford to build new schools. Erb said homeowner fees would pay for such improvements.

In addition, a special service tax of \$100 per living unit would mean revenue for Stillman Valley, Erb said.

It would be foolish on our part not to consider it, at least, said John Russell, a Stillman Valley trustee.

Staff writer Bridget Tharp can be reached at 815-987-1354 or [btharp@rrstar.com](mailto:btharp@rrstar.com).

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**Rockford Register Star**  **rrstar.com**

**Full Text of HB3597**

**Local Government Committee**

**Adopted in House Comm. on Mar 14, 2007**

09500HB3597ham001

LRB095 11437 HLH 33104 a

1 AMENDMENT TO HOUSE BILL 3597

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3597 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by adding Section  
5 5-1129 as follows:

6 (55 ILCS 5/5-1129 new)

7 Sec. 5-1129. Annexation agreements. The county board of a  
8 county referenced in subsection (c) of Section 11-15.1-2.1 of  
9 the Illinois Municipal Code may, in accordance with subsection  
10 (c) of Section 11-15.1-2.1 of the Illinois Municipal Code,  
11 retain jurisdiction over land that is the subject of an  
12 annexation agreement and is located more than 1.5 miles from  
13 the corporate boundaries of the municipality.

14 Section 10. The Illinois Municipal Code is amended by

09500HB3597ham001

- 2 -

LRB095 11437 HLH 33104 a

1 changing Section 11-15.1-2.1 as follows:



2 (65 ILCS 5/11-15.1-2.1) (from Ch. 24, par. 11-15.1-2.1)  
3 Sec. 11-15.1-2.1. Annexation agreement; municipal  
4 jurisdiction.

5 (a) Except as provided in subsections (b) and (c), property  
6 Property that is the subject of an annexation agreement adopted  
7 under this Division is subject to the ordinances, control, and  
8 jurisdiction of the annexing municipality in all respects the  
9 same as property that lies within the annexing municipality's  
10 corporate limits.

11 (b) This Section shall not apply in (i) a county with a  
12 population of more than 3,000,000, (ii) a county that borders a  
13 county with a population of more than 3,000,000 or (iii) a  
14 county with a population of more than 246,000 according to the  
15 1990 federal census and bordered by the Mississippi River,  
16 unless the parties to the annexation agreement have, at the  
17 time the agreement is signed, ownership or control of all  
18 property that would make the property that is the subject of  
19 the agreement contiguous to the annexing municipality, in which  
20 case the property that is the subject of the annexation  
21 agreement is subject to the ordinances, control, and  
22 jurisdiction of the municipality in all respects the same as  
23 property owned by the municipality that lies within its  
24 corporate limits.

25 (c) In the case of property that is located in a county

09500HB3597ham001

- 3 -

LRB095 11437 HLH 33104 a

1 that borders a county referenced in item (ii) of subsection (b)  
2 of this Section, if the property that is the subject of an  
3 annexation agreement is located within 1.5 miles of the  
4 corporate boundaries of the municipality, that property is  
5 subject to the ordinances, control, and jurisdiction of the  
6 annexing municipality. If the property is located more than 1.5  
7 miles from the corporate boundaries of the annexing  
8 municipality, that property is subject to the ordinances,  
9 control, and jurisdiction of the annexing municipality unless

10 the county board retains jurisdiction by the affirmative vote  
11 of two-thirds of its members.

12 (d) If the county board retains jurisdiction under  
13 subsection (c) of this Section, the annexing municipality may  
14 file a request for jurisdiction with the county board on a case  
15 by case basis. If the county board agrees by the affirmative  
16 vote of a majority of its members, then the property covered by  
17 the annexation agreement shall be subject to the ordinances,  
18 control, and jurisdiction of the annexing municipality.

19 (Source: P.A. 87-1137.)".

**Full Text of HB3597**

**Rep. Robert W. Pritchard**

**Filed: 3/19/2007**

09500HB3597ham002

LRB095 11437 HLH 33846 a

1 AMENDMENT TO HOUSE BILL 3597

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3597, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, by replacing line 25 on page 2 through line 2 on page 3 with  
5 the following:

6 "(c) In the case of property that is located in Boone,  
7 DeKalb, Grundy, Kankakee, Kendall, LaSalle, Ogle, or Winnebago  
8 County, if the property that is the subject of an".

**RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION REQUESTING THAT CHAMPAIGN COUNTY BE ADDED TO**  
**HB3597 AS AMENDED AFFECTING MUNICIPAL JURISDICTION OVER PARCELS**  
**SUBJECT TO ANNEXATION AGREEMENTS**

WHEREAS, the Illinois Supreme Court has determined in *Village of Chatham v. Sangamon County* that the Illinois Municipal Code does provide that property subject to an annexation agreement with a municipality is thereafter subject to the ordinances, control, and jurisdiction of the municipality and not those of the county even though the property is not actually annexed; and

WHEREAS, the Illinois House of Representatives by resolution established a Legislative Commission to deal with statewide concerns arising from the *Chatham* decision but that Legislative Commission has never met and has not proposed a comprehensive amendment to this part of the Illinois Municipal Code; and

WHEREAS, HB3597 as amended has been proposed to restrict that provision of the Illinois Municipal Code in certain listed counties in which the county board will have the option to retain jurisdiction over properties located more than one-and-one-half miles from municipalities; and

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare that Champaign County should have the right to decide whether or not property that is more than one-and-one-half miles from a municipality and subject to an annexation agreement should also be subject to municipal zoning, building codes, and subdivision jurisdiction or be subject to those of the County; and

NOW, THEREFORE, BE IT RESOLVED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. The Legislative Commission should continue working and should propose a comprehensive amendment to the Illinois Municipal Code that will ensure a rational and equitable resolution to the issues raised in the *Chatham* decision.
2. If adopted, the provisions of HB3597 as amended should apply to all counties that have adopted a Zoning Ordinance pursuant to 55 ILCS 5/5-12001 *et seq* and that are not otherwise exempt from the provisions of 65 ILCS 5/11-15.1-2.1 (a).
3. If HB3597 as amended cannot be made to apply to all counties that have adopted a Zoning Ordinance pursuant to 55 ILCS 5/5-12001 *et seq* and that are not otherwise exempt from the provisions of 65 ILCS 5/11-15.1-2.1(a), HB3597 should be amended by including a list of specific counties that may be exempted from the provisions of 65 ILCS 5/11-15.1-2.1(a) and Champaign County should be included in that list of counties that may be exempt.

4. The County Administrator is hereby directed to provide copies of this Resolution to all of the legislators that represent any part of Champaign County in either house of the State Legislature and the bill's sponsors.

PRESENTED, PASSED, APPROVED AND RECORDED this 19<sup>th</sup> day of April, A.D. 2007.

SIGNED:

ATTEST:

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C. Pius Weibel, Chair  
Champaign County Board

Mark Shelden, County Clerk &  
*ex officio* Clerk of the County Board



# REGIONAL PLANNING COMMISSION

**TO:** Environment & Land Use Committee  
**FROM:** Frank DiNovo, Director of Planning & Community Development  
**DATE:** April 12, 2007  
**RE:** Illinois House Bill HB 1134  
**REQUESTED ACTION:** Recommend adoption of resolution conditionally supporting passage of HB 1134  
**STAFF RECOMMENDATION:** Recommend attached resolution.

## Background

Although the RPC is tasked with undertaking countywide planning it has been severely hampered in meeting that obligation by a lack of financial resources. The RPC can do planning only in the context of a technical service contracts funded by other agencies.

All regional planning agencies in Illinois are in the same position in this regard including the newly created Chicago Metropolitan Agency for Planning (CMAP).

Illinois House Bill 1134 (Bassi, Hamos, Ryg) would address this lack by devoting a small portion (1/2 of one percent) of the state's "capital appropriations for transportation" to regional planning. The bill also makes other provisions relating only to CMAP.

HB 1134 would direct 30% of the funds raised in this way to metropolitan planning organizations (MPO) in areas outside of the Chicago area. MPOs are organizations designated to receive federal funds for transportation planning in urbanized areas. The Champaign County Regional Planning Commission is the MPO for the Champaign-Urbana-Savoy-Bondville urbanized area. It stands to receive as much as \$300,000 (or more) annually in funds that can be used for regional planning and transportation planning.

At present there is no mechanism to pay for transportation planning outside of the urbanized area. Development of a county transportation plan is one of 35 objectives laid out the County's vision, **our future here**, recently rolled out the **big.small.all** Champaign County project.

## Issues

The bill would amend the *Regional Planning Act* (70 ILCS 1707/). The funding mechanism appears in a new Section 62 proposed to be added to the act. It reads in relevant part:

"...additional funding shall be raised in the following manner:

The capital element of any highway appropriation passed by the State of Illinois shall allocate 1/2 of 1% of those capital expenditures for comprehensive planning. These funds shall be deposited into the State metropolitan planning appropriation for use by metropolitan and rural areas in Illinois to undertake comprehensive planning activities. The funding allocation shall be 60% for CMAP, 30% for other metropolitan planning organizations, and 10% for non-urbanized areas."

The bill's authors (CMAP staffers) indicate that the "highway appropriation" reference was intended to refer the State Road Fund, money's generally used directly by IDOT and would not include the Motor Fuel Tax allocations that go directly to local governments. The language of the bill is not precise in this regard and the authors could not provide assurances that it would have no affect on local MFT allocations.

## Recommendation

This is the best opportunity to establish a funding base for regional planning that has appeared in some time. With appropriate assurances that the flow of MFT funds to local agencies would not be impacted this could finance much important work in the County that we now have no means to finance including: a countywide transportation plan, extension of the CUUATS transportation model throughout the county and development of a comprehensive regional plan.

Staff recommends adoption of a resolution supporting HB 1134 contingent upon local MFT allocations being protected as laid out in the attached draft resolution.

## Attachments

Draft Resolution Conditionally Supporting HB1134 Establishing a Means to Fund Regional Planning Functions in Illinois.

**DRAFT RESOLUTION NO. \_\_\_\_\_**  
**RESOLUTION CONDITIONALLY SUPPORTING HB1134 ESTABLISHING A MEANS  
TO FUND REGIONAL PLANNING FUNCTIONS IN ILLINOIS**

WHEREAS, the State of Illinois has created an agency, the Chicago Metropolitan Agency for Planning that combines regional and transportation functions for Northeast Illinois and now proposes in HB1134 to provide a new mechanism for funding transportation and regional planning there and throughout the state;

WHEREAS, HB1134 would allocate one half of one percent of the "capital element of any highway appropriation passed by the State of Illinois" for such purposes and would reserve 30% of such funds for metropolitan planning organizations outside of the Chicago area;

WHEREAS, the Champaign County Regional Planning Commission is the designated metropolitan planning organization in Champaign County and stands to receive annually as much as \$300,000, or more, from these funds to support regional and transportation planning functions;

WHEREAS, the Champaign County Regional Planning Commission is charged by County Board Resolution No. 4249 with developing "an advisory plan for the region" but has been hampered in discharging this responsibility by a lack of financial resources, and the mechanism proposed in HB1134 would provide the needed resources; and

WHEREAS, the language of HB1134 does not explicitly bar the possibility that the funding mechanism could divert funds from the allocation of Motor Fuel Tax revenues to the Bridge Fund or to the County Highway Department, municipalities or road districts;

NOW, THEREFORE, BE IT RESOLVED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. The Champaign County Board supports the underlying goals and general approach of HB1134 but does not support diverting funds from Motor Fuel Tax allocations to local highway authorities or to the Bridge Fund.
2. The Champaign County Board does support the passage of HB1134 if it is amended to ensure that Motor Fuel Tax allocations to local highway authorities and to the Bridge Fund are not affected.
3. That the County Administrator is hereby directed to provide copies of this resolution to all of the legislators that represent any part of Champaign County in either house of the State Legislature and to the bill's sponsors.

PRESENTED, PASSED, APPROVED AND RECORDED this 19<sup>th</sup> day of April, A.D. 2007.

SIGNED:

ATTEST:

\_\_\_\_\_  
C. Pius Weibel, Chair  
Champaign County Board

\_\_\_\_\_  
Mark Shelden, County Clerk and,  
*ex officio*, Clerk of the County Board

