

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: May 23, 2013

TIME: 7:30 P.M.

PLACE: Urbana City Building
City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock

MEMBERS ABSENT: Carey Hawkins-Ash, Lew Hopkins, Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager

OTHERS PRESENT: None

1. CALL TO ORDER, ROLL CALL AND DECLARATION OF QUORUM

Chair Pollock called the meeting to order at 7:35 p.m. The roll was called, and he declared that there was not a quorum of the members present. Mr. Pollock stated that because there was no quorum, the Commissioners present could offer comments to the City Council on the one agenda item but that no formal vote or action could be taken.

2. CHANGES TO THE AGENDA

There were none.

3. APPROVAL OF MINUTES

The approval of the minutes of the May 9, 2013 regular Plan Commission meeting was continued to the next scheduled meeting due to the lack of a quorum.

4. COMMUNICATIONS

There were none.

5. CONTINUED PUBLIC HEARINGS

There were none.

6. OLD BUSINESS

Case No. CCZBA-743-AT-13: A request by the Champaign County Zoning Administrator to amend Sections 9.1.9, 9.2.2, and 13 of the Champaign County Zoning Ordinance regarding rural water district treatment facilities.

Robert Myers, Planning Manager, summarized this case. He has spoken with The Champaign County Zoning Administrator, the Village of Mahomet's Community Development Director, and has reviewed the video of the last Plan Commission meeting where the Sangamon Valley Public Water District officials provided input. As a matter of course, the Village of Mahomet, in approving subdivision of land outside the Village, requires a stipulation in the Owners Certificate binding future property owners to annex into Mahomet once the Village boundaries reach the property. That's the "hook" they use to insure that development outside of the Village made possible by the rural water and sewer district doesn't block the Village's future growth and development. In the City of Urbana's case, we have an agreement with the Urbana-Champaign Sanitary District that they won't allow connection into the sewer system without annexation into Urbana or at least an annexation agreement with the City. But the Village of Mahomet does not have this capability because water/sewer services are provided to property owners both inside and outside the Village by the Sangamon Valley Public Water District.

The Sangamon Valley Public Water District provides both water and sewer to several thousand customers both inside and outside the Village. Water is both for household needs and firefighting purposes. The drought last summer brought high demand for water, and the District sought and was approved by the Illinois Environmental Protection Agency for approval and a loan to expand their water facilities. Coincidentally the facilities expansion will also require a subdivision plat approved by the Village of Mahomet. The District does not want to agree to annex their water facility because it would ultimately go against their mission if forced to merge with Mahomet's own public water supply system. And actually the District even disputes that they are required to submit a plat. As a result, there is an intergovernmental disagreement between the two governmental entities.

Champaign County has already approved a Special Use Permit for the water plant to expand but can't issue a zoning use permit because under their own regulations the Zoning Administrator is not authorized to do so if the project would violate a municipal subdivision ordinance. The County sees this as a special case because while two governmental entities are in disagreement, several thousand District customers are missing out on enhanced water service for household and firefighting purposes. The County Zoning Administrator is proposing in this case to amend the County Zoning Ordinance to allow the County permit approvals to be decoupled from those of the Village. After the previous Plan Commission meeting, City staff worked to amend the proposed County text amendment language to insure that the amendment could not impact Urbana at some future point. Now the proposed amendment would not pertain to home rule municipalities such as Urbana and Champaign.

Mr. Fell stated that his concern is that even with improved language, it is a bad precedent to set. He believes that the text amendment is being proposed so that Champaign County does not look to be the bad guy, so instead of proposing the text amendment why doesn't the County approve the zoning use permit with the condition that the facility plan must also receive any necessary subdivision approval from the Village of Mahomet? That way they could issue the permit

without trying to circumvent Mahomet's approval. Chair Pollock stated that the proposed text amendment allows Champaign County to ultimately make the final decision. If the County approves the text amendment, then the Water District will be allowed to expand their facility without agreeing to an annexation agreement with the Village of Mahomet.

Chair Pollock stated that the City of Urbana's interest should lie with the Village of Mahomet in protecting the extra-territorial jurisdiction (ETJ) area. He perceives the proposed text amendment to be narrowly written so that it would not set a precedent.

Mr. Otto stated that he has previously helped create a rural water district so understands their needs. But he also sees that integrated water systems make more sense than having several parallel systems. There are good reasons why the Champaign County Zoning Ordinance is written the way it is. Creating a loophole for one particular instance sets a bad precedent. Chair Pollock summarized Mr. Otto's concerns as being like "spot zoning" in zoning map amendments.

Mr. Fitch stated that the proposed text amendment is considered to be special legislation because it involves one entity in one situation. He would support a resolution of protest because it sets a bad precedent. Specifically, Mr. Fitch He disagreed with the need to add "*...such improvements are necessary to serve the public health, safety, and wellbeing of County residents;*" as that's already necessary for any variance application. Mr. Fitch also does not like the new language "...perfect compliance with the technical platting requirements...". He understands this to allow the Public Water District to build their expansion as long as it meets the Village of Mahomet's subdivision requirements, but not perfectly. What does this mean? Who makes the decision? He believes the language is too vague and will set a precedent. Today it's water treatment plants in Mahomet's ETJ, but tomorrow it could be some other use in Urbana's ETJ.

Chair Pollock stated that he is on the fence about the proposed text amendment. However, it is clear that if the Plan Commission would vote on this case, it would be to protest the proposed text amendment.

Mr. Otto stated that Point 2 on Page 3 of the written staff report dated May 17, 2013 indicates that what they are doing should not be interpreted that they are approving or supporting the violation, but obviously, it is. This type of approach is bad policy.

Chair Pollock said that since the Plan Commission cannot take a vote on the case due to the lack of a quorum, they want to unofficially indicate that they have concerns about the proposed text amendment and feel it does present some possibilities of a down-side for the City of Urbana at some point and in some way.

Mr. Fell asked if the Water District was in place before the Village of Mahomet had all of its rules in place. Did the Water District know that if they wanted to expand, then they would need to agree to an annexation agreement? Mr. Myers did not know whether the Village or the District formed first, but he understood that at many years ago the Village of Mahomet had an opportunity to serve all of the residents within the Village limits with water and sewer service but that they had declined.

Mr. Otto felt that although it is assumed the Village of Mahomet will protest the proposed text amendment triggering a two-thirds majority vote by the Champaign County Board, it would be useful for the City of Urbana to go on record protesting the amendment as well. That would help the Urbana representatives on the County Board understand the City's position. He believes that there is a solution without changing the County Zoning Ordinance.

7. NEW PUBLIC HEARINGS

There were none.

8. NEW BUSINESS

There was none.

9. AUDIENCE PARTICIPATION

There were none.

10. STAFF REPORT

There was none.

11. STUDY SESSION

There was none.

12. ADJOURNMENT OF MEETING

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Robert Myers, AICP, Secretary
Urbana Plan Commission