

RESOLUTION NO. 9-86

TO: Richard Austin, Sangamon County Board, Chairman  
Frank Pickett, Sangamon County Zoning Administrator  
Gary Tumulty, Sangamon County Clerk

PETITION FOR THE IMPOSITION OF CONDITIONS AND  
RESTRICTIONS, PURSUANT TO SECTION VII, SUBSECTION H,  
PARAGRAPH 5 OF THE SANGAMON COUNTY ZONING ORDINANCE OF 1969  
AS AMENDED, UPON CONSTRUCTION, OPERATION, MAINTENANCE,  
AND RESTORATION, IF CONDITIONAL PERMITTED USE  
AS A DISPOSAL SITE IS GRANTED TO CERTAIN AGRICULTURAL LANDS

WHEREAS, the Village of Chatham is a municipal corporation situated in the County of Sangamon, in the State of Illinois;

WHEREAS, the City of Springfield, a municipal corporation, has acquired by purchase approximately 470 acres of farmland situated in Ball Township, (parts of Sections 4, 5, 8, and 9 in Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois), some 70 acres of which is in the corporate limits of the Village of Chatham, and the remaining 400 acres, more or less, of which is immediately adjacent to the Village of Chatham;

WHEREAS, the City of Springfield has filed a Petition with the Sangamon County Board seeking authority under the Sangamon County Zoning Ordinance for permission to establish and operate a disposal area on that property, which conditional permitted use, subject to certain conditions and restrictions, has been recommended by the Sangamon County Zoning Board of Appeals;

WHEREAS, the 400 acres, more or less, which are not within the corporate limits of the Village of Chatham and therefore not subject to the Zoning Ordinance of the Village

of Chatham, but rather subject to the Zoning Ordinance of Sangamon County, are contiguous to the corporate limits of the Village of Chatham, all within one and a half miles of said Village, and are adjacent to or in close proximity to subdivisions of the Village of Chatham known as Willow Glen, Country Valley, King's Point, Glenwood Park and Ivy Glen;

WHEREAS, at a public hearing held before the Sangamon County Zoning Board of Appeals on May 22, 1986, testimony offered by the Petitioner City of Springfield was to the effect that the nature and purpose of the proposed disposal site would be to deposit water, silt and materials contained therein to be dredged by hydraulic methods from Lake Springfield; testimony was further that said dredging and disposal project would likely continue for as long as ten or twelve years;

WHEREAS, there is serious concern with the accumulation of chemical substances from farm insecticides, herbicides and fertilizers which have been deposited in the Lake for many years as a result of the very soil erosion which is said to necessitate the dredging, many of which chemicals heretofore used have been removed from the market and their use forbidden, thereby invoking serious concern for the health, safety and welfare of the citizens of the Village of Chatham in the course of the removing, transporting, and redepositing such wastes, concentrated in the disposal area;

WHEREAS, there is concern that the deposits of mud, decaying vegetable matter and other wastes from the bottom of

Lake Springfield may emit offensive odor, become a breeding ground for insects, become overgrown with weeds and brush, and once a disposal site is established it may be used by the City of Springfield and third parties as a dumping ground for other waste and debris;

WHEREAS, there is concern, from the description of the hydraulic dredging process, that there will be considerable noise from the pumps and other equipment;

WHEREAS, there is concern that for all of the foregoing reasons, the establishment, operation, and maintenance of the disposal site will seriously endanger not only the health, safety and welfare of the residents of Chatham, but adversely affect the property values of the developed and yet developing subdivisions in the Village of Chatham;

WHEREAS, notwithstanding the manner in which the dump is operated, the mere establishment, operation, use, and maintenance of a disposal site and its designation as such, included on plats, maps, and other printed matter, will have an adverse effect on the property values of the surrounding area;

WHEREAS, from the circumstances of other properties acquired by the City of Springfield purportedly for water supply improvements, and in particular lands acquired more than a decade ago for the proposed Lake II, it is feared that once such a disposal area is established, by reason of political considerations, economic conditions, different administrators or officials assuming office, or other changes

in circumstances, causing the priorities of the City of Springfield to change from time to time, and particularly when the City proposed to finance the dredging project from current income as such income permits that without restrictions and constraints being imposed on the conditional permitted use from the outset, the project may be left for long periods of time in a semi-abandoned state with little or no use, and by the nature of the silt and debris to be deposited may rapidly become, in essence, a man-made swamp or marsh, thereby further compounding the concern about diminishing property values, not only by reason of the appearance of the area, but also for lack of certainty as to when, if ever, the area will be restored;

WHEREAS, the Sangamon County Zoning Ordinance expressly provides authority to the Sangamon County Board to impose restrictions upon any conditional use.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, ILLINOIS, as follows:

A. That should the Sangamon County Board determine to grant the conditional permitted use requested by the City of Springfield, it is respectfully urged that the following restrictions and conditions be imposed, none of which would preclude or hinder the proper deposit of silt removed from Lake Springfield, but would safeguard the health, safety, and welfare of the nearby residents, and at

least diminish the adverse effects on surrounding property values:

1. That the use of the disposal area be absolutely restricted to the disposal of water and sediment removed from Lake Springfield, and no other debris, trash or waste of any nature from any source be permitted to be deposited there by the City of Springfield or any third party.

2. That the conditional permitted use of the disposal area be "personal" to the City of Springfield, and not applicable to any Grantee, Licensee, Lessee, or Successor in interest of the City of Springfield.

3. That construction and operation of the proposed disposal area not commence until the City of Springfield has affirmed by such written reports, tests, and opinions as deemed necessary, that appropriate sampling and testing of the sediment to be taken from the bottom of Lake Springfield (as opposed to the mere testing of water) is completed to determine that the levels of agricultural chemicals such as Dieldrin, Chlordane and any other substances contained in agricultural herbicides, pesticides, and fertilizers, do not constitute hazardous materials as defined by the statutes which the Illinois Environmental Protection Agency are charged with enforcing, and any

regulations of that Agency promulgated pursuant thereto.

4. That the construction and operation of the proposed disposal site be conditioned upon acquisition of all necessary permits from the United States Government, the State of Illinois, and agencies of each, including but not limited to, U.S. Army Corps of Engineers, the Illinois Environmental Protection Agency, the Department of Agriculture, the Department of Water Resources, and the Department of Conservation.

5. That any operations proposed to be conducted be conditioned upon operation in such manner as not to violate any laws or regulations governing the emission of noise in residential areas.

6. That complete and permanent fence and other screening be installed so that the operating area of the site is not a blight on the esthetics of the community or an attractive nuisance to children.

7. That construction be conditioned on adequate alternative surface water drainage being assured to all areas to the West and Southwest which may be adversely affected by the construction and operation of the proposed holding pits or lagoons;

8. That the operation be conditioned upon noise, odor, and insect control programs being developed prior to the commencement of such operation.

B. That in addition to and regardless of, the proper construction and initial operation of the disposal site in accordance with all laws, regulations, and the foregoing conditions and any other conditions that the Sangamon County Board may see fit to impose, it is necessary that the duration of the existence of the disposal facility not be unlimited, and that the restoration of the disposal area be assured upon substantial completion of the dredging of those areas of Lake Springfield intended to utilize the disposal area, or upon earlier termination of the dredging program, so that the disposal site not be abandoned to become a permanent marsh, swamp, or wilderness; and therefore, that the following conditions be imposed by the Sangamon County Board:

1. That the permitted conditional use be limited to twelve (12) years with any extension thereto requiring action of the Sangamon County Board as if it were an application for a new conditional permitted use.

2. That upon expiration of the term of the conditional permitted use, or upon the passing of any continuous twelve-month period without substantial use of the area for the disposal of sediment,

whichever shall occur first, the City of Springfield be required, within six (6) months, to cease using the area as a disposal site, grade and level the berms of the disposal pits, and return the area either to farmland, or to the then highest and best use consistent with the residential and recreational area in which it is situated.

3. That to assure compliance with the foregoing requirements, conditions on the conditional permitted use be imposed, similar in nature to those of The Surface Coal Mining Land Conservation and Reclamation Act, including the posting of a bond, or, in the alternative, the establishment of a sinking fund to be held in escrow and invested with all interest earned thereon accumulated to assure compliance with the requirements for restoration, both by providing the funds with which to restore the area, and to provide incentive to the City of Springfield to complete the conditional use and restore the area at the earliest practical time.



PASSED by the President and Board of Trustees of the Village of Chatham, Illinois on the 10th day of June, 1986.

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Barbara Buckhaus  
Village Clerk of the  
Village of Chatham, Illinois

APPROVED by the President of the Village of Chatham, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 1986.

W.E. Moore  
President of the  
Village of Chatham, Illinois

ATTEST:

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Village Clerk of the  
Village of Chatham, Illinois