

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on October 3, 2002 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rodman, Bostic, Hoselton, Nuckolls

Members Absent: Member Segobiano

Staff Present: Mr. John M. Zeunik, County Administrator; Ms. Martha B. Ross, County Administrator's Assistant

Department Heads/  
Elected Officials

Present: Mr. Phil Dick, Director, Building and Zoning;  
Mr. Mike Behary, County Planner, Building and Zoning

Others Present: Mr. Larry Bielfeldt, Developer, applicant; Dr. James Seehafer, applicant

Chairman Gordon called the meeting to order at 5:31 p.m. Chairman Gordon asked whether there were any additions or corrections to the minutes of September 5, 2002. Hearing none, the minutes of the September 5, 2002 Committee meeting were approved as submitted.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land  and Development Committee by the County Auditor.

Motion by Nuckolls/Bostic to recommend approval of the bills as presented by the County Auditor. Motion carried.

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Chairman Gordon announced that there are two (2) public hearings scheduled, with matters for the Committee's consideration. Building and Zoning staff provided materials for the Committee to assist the members in reviewing each applicant's request.

Chairman Gordon declared the first Public Hearing open at 5:33 p.m. He stated that the hearing was called to consider a request by Valerie Seehafer to vacate utility easements on Lots 19 and 20 in the Sherwood Subdivision, File Number S-02-16.

Chairman Gordon invited Mr. Phil Dick, Director, Building and Zoning Department, to present exhibits to the Committee.

Mr. Dick stated that the lots in question are located in Old Town Township. He explained that the applicant wanted to vacate a utility easement that is located between the two lots, both of which are owned by the applicant. He stated that the public utilities in the area have consented to the easement vacation, as have the County's Health Department and Highway Department.

Mr. Hoselton asked whether approving the applicant's request would set a precedent for other such request within Sherwood Subdivision. Mr. Dick commented that the developer of the subdivision provided more utility easements than were necessary. He noted that his office had previously tried to caution the developer against such action, but was not successful. However, vacation of the easements on Lots 19 and 20 would not present a problem within the development, as there are still sufficient easements to accomplish their purpose.

Mr. Dick noted that the vacation of the easements on Lots 19 and 20 will not affect the drain tile easement on the other part of the lot. He stated that County staff recommend approval of the applicant's request.

Chairman Gordon asked whether Mr. Dick had any further information to present. Hearing none, he stated that there would be a question and answer opportunity for the Committee at a later point in the hearing.

Chairman Gordon called the applicant or his representative to make a statement regarding the application. Dr. Jim R. Seehafer, 1903 Woodfield, Bloomington, Illinois addressed the Committee. He stated that he and his wife purchased the two (2) lots with the intent to build a home which straddled the two lots, while preserving the majority of the trees in the area. By placing the structure in the center of the two lots, and having a setback of approximately 120 feet, he explained that most of the surrounding large oak trees could be retained. He further explained that the proposed structure would be placed sufficiently forward on the lots so as not to alter or interfere with any of the drainage structures located at the rear of the lots.

Chairman Gordon asked whether any County staff members would like to state any additional information for the benefit of the Committee. Hearing none, he stated that the questions and comments from the Committee are now in order.

Mr. Hoselton stated that he would like to call for the question. Chairman Gordon remarked that prior to that action, the Committee would like to provide an opportunity for anyone else to speak. Chairman Gordon called for any further questions to be directed to the applicant. Hearing none, he asked whether there was any other party present, with an interest in the case, who wished to be heard before the Committee. Hearing no response, Chairman Gordon asked for any further comments or questions. Hearing none, he declared the public hearing to be closed at 5:37 p.m.

Chairman Gordon asked for any further comments or questions. There were no further questions or comments offered.

Motion by Hoselton/Rodman to recommend approval of the request by Valerie Seehafer to vacate utility easements on Lots 19 and 20 in the Sherwood Subdivision, File number S-02-16.

Chairman Gordon asked for further discussion by the Committee. Hearing none, Chairman Gordon called for a vote on the motion and stated that the Chairman would vote.

Motion carried unanimously.

The second Public Hearing was called by Chairman Gordon, who declared the hearing open at 5:39 p.m. Chairman Gordon announced the matter to be heard as a request by Larry Bielfeldt and Randy Peifer to vacate utility easements on Lots 2, 3, 4, 5, 11, 29, 33, 34, 35 & 36 in the Sherwood Subdivision, File Number S-02-17. He invited Mr. Dick to present the exhibits for this matter.

Mr. Dick distributed copies of the plat of the Sherwood Subdivision to the Committee members. He stated that his department accomplished timely publication of the notice of public hearing in The Pantagraph, as required by law, and fielded questions by many neighbors and near-by property owners regarding the drainage to the lots in question. He stated that since there are so many easements being vacated within one subdivision, the Department of Building and Zoning requests that the applicants file a revised final plat, for its future reference.

Mr. Dick noted that there is a drain tile easement in the area where the utility easements are proposed to be vacated. He further noted that the drain tile easement will not be

affected by the vacation of the utility easements. Mr. Dick stated that both the County's Health Department and Highway Department have consented to the vacation of the easements.

Mr. Dick commented that Lot 11 is owned by Mr. Randy Peifer, while the other lots are owned by Mr. Larry Bielfeldt. He explained that Mr. Bielfeldt, a real estate developer, has sold most of the lots in this subdivision, and therefore will probably not return to the Committee with further requests to vacate easements.

Mr. Rodman asked whether the easements on the lots in question run along the front portion of the property. Mr. Dick responded affirmatively.

Chairman Gordon called Mr. Larry Bielfeldt to address the Committee. Mr. Bielfeldt stated that the objective of the request to vacate the easements is to preserve as many trees as possible. He further stated that the drain tile system that runs through the properties is the subject of some confusion among four (4) attorneys with whom he has consulted.

Mr. Bielfeldt noted that whenever he installs a drain tile easement in an area which he is developing, he preserves his right for the pipe to be placed in that location. He doesn't preclude anything else from being there. However, the Health Department has stated that nothing else may occupy that space. Therein lies the confusion, with some of the attorneys agreeing with the Health Department and some agreeing with Mr. Bielfeldt.

Mr. Bielfeldt explained that, regardless of the status of the drain tile easement, the vacation of the utility easements will benefit the property owners by providing them with more room to place their septic tanks and sand filters on their lots.

Mr. Hoselton asked Mr. Dick for an explanation of Mr. Bielfeldt's rationale. Mr. Dick explained that part of what is considered with this request is running part of the septic systems for the lots into the utility easements. The Health Department does not approve of running any part of the septic system into the utility easement. He explained that their concern centers around lines or tanks that could be partially placed within the easement, which might be damaged by equipment during a repair process. In the event of such action, the Health Department might incur a liability with regard to septic conditions. By vacating the easement, property owners will have more flexibility in this regard.

Chairman Gordon asked whether there were any further questions from the Committee. Hearing none, he asked for any further staff comments. Hearing none, he asked whether the Committee was in agreement with the provision requested by the Building and

Zoning Department requiring the submission of a final plat by the developer following vacation of the utility easements, and showing the existing drain tile easements. Mr. Bielfeldt responded that his understanding of Building and Zoning's request is that the developer's engineer should update the plat of the subdivision, showing that the easements are no longer depicted on that map. He stated that he did not object to that provision.

Chairman Gordon asked whether any of the Committee members had further questions for either Mr. Dick or Mr. Bielfeldt. Hearing none, Chairman Gordon asked whether Mr. Bielfeldt had any further comments. Mr. Bielfeldt declined to comment further.

Chairman Gordon declared the public hearing closed at 5:47 p.m. He noted that further discussion could now proceed.

Motion by Rodman/Nuckolls to recommend approval of the request by Larry Bielfeldt and Randy Peifer to vacate utility easements on Lots 2, 3, 4, 5, 11, 29, 33, 34, 35 & 36 in the Sherwood Subdivision, File Number S-02-17, contingent upon having the final plat updated.

Chairman Gordon asked whether there is any further discussion. Hearing none, he called for the vote on the motion and declared that the Chairman would vote.

Motion carried unanimously.

Chairman Gordon presented the proposal to participate in a Resource Conservation and Development Area ("RC&D"). He updated the Committee by explaining that the proposal was first discussed in early April 2002. Since that time, there have been a number of meetings wherein the Committee has heard more information regarding McLean County's participation in an RC & D.

A seven (7) member Ad Hoc committee, composed of Land Use and Development Committee Chairman Gordon; Member Diane Bostic; Building and Zoning Director Phil Dick; County Administrator John Zeunik; Mike Kelly, Board Chairman, Soil and Water Conservation District; Kent Bohnhoff, District Conservationist, Natural Resources Conservation Service, United States Department of Agriculture ("USDA"); Paul Russell, Executive Director, Regional Planning Commission; and, Jim Rutherford, Watershed Conservationist, Soil and Water Conservation District.

Chairman Gordon explained that some members of the Ad Hoc Committee traveled to Henry, Illinois to meet with representatives of the Board of the Prairie Rivers RC & D. Prairie Rivers is a well-established existing RC & D, which includes but is not limited to

Bureau, LaSalle, Tazewell, Peoria, and Woodford Counties. It is headquartered in Henry, Illinois, and the participating counties are located north and northwest of McLean County.

Chairman Gordon remarked that the members of the Ad Hoc Committee were at one time in favor of exploring the possibility of McLean County's affiliation with an existing RC & D which began operations in November, 1989. Another possibility was to join with six (6) counties located to the south and southwest of McLean County in the formation of a new RC & D. That proposed six county group would include Sangamon County. However, the six county group declined to include McLean County at the time of its formation.

Chairman Gordon explained that a third possibility for affiliation was to align with a five (5) county group, located due south and southeast of McLean County, which was exploring the possibility of forming an RC & D. Those counties included: DeWitt; Piatt; Macon; Moultrie; and, Shelby. It was determined that a contingent from McLean County, composed of members of the Ad Hoc Committee, would visit a planning group session of the five county group, which took place in Monticello, Illinois. The Ad Hoc contingent brought back information which seemed to indicate that McLean County's joining a newly-forming RC & D, as opposed to entering an established group, might be preferable.

The most recent meeting of the Ad Hoc Committee, in late September, 2002, addressed options for McLean County: should McLean County try to affiliate with an existing RC & D; should the County try to affiliate with a newly-forming RC & D; or, should McLean remain independent and not join an RC & D at this time. The consensus was that the County should try to affiliate with an RC & D. The potential advantages far outweigh the minimal costs.

Which RC & D to approach to discuss affiliation presented a problem for the Ad Hoc Committee. Advantages of joining an existing and well-established group, versus joining a newly-formed group, were considered. The proposal to the Land Use and Development Committee from the Ad Hoc Committee, following extensive discussion, is that of approaching the five (5) county group to the south and southeast of McLean County. This group is not yet an established RC & D, but is currently preparing an application for submission to the USDA for admission as an RC & D.

Chairman Gordon remarked that the Land Use Committee would first need to approve this request, followed by the Executive Committee. The full County Board would then consider the question. If approved by the full Board, the five county group would be approached for their approval and invitation to join in their application process.

Chairman Gordon noted that the initial invitation to consider membership in an RC & D came from the Prairie Rivers RC & D. He stated that this option should be considered in the Committee's discussions, as well as the proposal to affiliate with a newly-formed group.

Mr. Rodman asked what the primary reasons were for the Ad Hoc Committee to select the new group, as opposed to the Prairie Rivers group. Chairman Gordon responded that the Prairie Rivers RC & D has been established for 13 years, and has accomplished a number of good things in its area. However, it is thought that the group may have reached a plateau in its development and is looking for an infusion of new energy and inspiration. McLean County may have been viewed by the existing RC & D as the incarnation of that new energy.

Woodford County has recently joined Prairie Rivers as its 9<sup>th</sup> county. McLean County would become the 10<sup>th</sup> county in this RC & D, should it decide to affiliate. The Ad Hoc Committee expressed concern over whether the size of the established group would be prohibitive. However, joining a new group, which is not yet firmly established could afford McLean County the opportunity to play an active and influential role in the formation and direction of that new group.

Ms. Bostic stated that the smaller, five county group viewed McLean County as a driving force with both population and influential political representation. She noted that McLean County was enthusiastically invited to join with them. She stated that a steering committee is being formed and a place for representatives from McLean County is being held in anticipation of the County's participation.

Mr. Rodman asked who from McLean County would be eligible to serve on the steering committee. Ms. Bostic responded that one County Board member, and one Soil and Water Conservator would be desirable. Additionally, participants could be selected from fire district representatives, community college board members, managers from the Clinton Power Plant, or Army Corps of Engineers members from Lake Shelbyville. The objective is to provide a cross section of knowledgeable people in the general area.

Mr. Dick explained that it is up to each RC & D to determine which County participants would be needed on the steering committee. He noted that Prairie Rivers utilized two representatives from each participating county. Chairman Gordon stated that if McLean County were to join with the five county group, an 18 member steering committee would be expected, with three (3) representatives from each county.

Mr. Hoselton stated that the average RC & D is comprised of seven counties. If McLean County were to join with Prairie Rivers, it would become the 10<sup>th</sup> county in that RC & D. Chairman Gordon noted that in the new group, McLean County would become the 6<sup>th</sup> county.

Mr. Hoselton asked whether a new RC & D would achieve greater recognition faster, which would be more advantageous to McLean County. Chairman Gordon responded that, according to the records filed by the Prairie Rivers RC & D, the aggregate value of all of their completed projects, including cash, services and in-kind contributions total slightly in excess of \$30 million. This would seem to indicate that they have been very active in the past, but may now have accomplished the majority of their initial goals, and are looking for revitalization.

Mr. Hoselton noted that some of the counties in the Prairie Rivers RC & D group are river counties, where McLean County does not border the Illinois River. He stated that he would prefer to affiliate with the group that could provide the most advantages for the greatest number of people.

Ms. Bostic remarked that at the meeting in Monticello, the group focused on exploring the details of completing the RC & D application, which would be forwarded to the USDA. That application is due on October 1<sup>st</sup>, so there is approximately 11 months to work on the application process. She explained that a part of the application process is to write a proposal or draft a plan for water management.

Mr. Nuckolls asked whether the Committee is proposing starting a new RC & D. Chairman Gordon responded that what has been proposed is that McLean County join with Piatt, DeWitt, Moultrie, Macon, and Shelby to form a new RC & D. Mr. Dick remarked that the Sangamon County group rejected McLean County's inquiry to join with them because their application has already been submitted and would have to be amended to include another county. They declined to enter into such an amendment.

Mr. Nuckolls asked what start up costs would be assessed to establish an RC & D. Ms. Bostic remarked that an annual \$200.00 fee is assessed. Mr. Rodman asked whether there is a separate application fee. Ms. Bostic stated that there was not an additional fee due at the time of application.

Ms. Bostic explained that the application should reflect 2-3 projects that are established and operating. In the interim phase following the filing of the application, the Natural Resource Conservation Service of the USDA provides an office facility, a vehicle, telephone service, and temporary personnel while the application is under consideration.

Ms. Bostic stated that approximately \$16 billion is allocated for grants and special use funds. The proposal, if accepted, would be funded from this allocation.

Chairman Gordon remarked that there is now time to carefully consider options before making a decision. The five county group will meet again on Tuesday evening, October 15<sup>th</sup>. Work on the application will be done at that meeting. He noted that there is no pressure to make a decision before that meeting. However, the general timing for participation in an RC & D is advantageous now.

Mr. Rodman asked what would happen when funding is exhausted. He asked whether McLean County have to contribute a substantially larger share of funds to maintain the RC & D in which it participates. Chairman Gordon responded that the USDA began the RC & D program approximately 40 years ago. Ms. Bostic noted that in the present political climate, conservation is highly valued. Therefore, funding of this historically long-term program should be fairly reliable.

Mr. Dick noted that the defining characteristic of an RC & D is that it coordinates both the urban and rural elements of the County. In this way, it is differentiated from other types of regional cooperation. He explained that the RC & D office is supported and maintained by funding from the USDA. Project funding must be raised, although the funding is by grants, which are project driven. No local government funds are utilized.

Motion by Hoselton/Bostic to recommend McLean County's participation in the five county group to the south and southeast which has been formed to apply for status as a Resource Conservation and Development Area.

Mr. Rodman asked when McLean County can join the five county group. Chairman Gordon responded that McLean County will be welcomed into the group when invited to do so by the group. However, the application is due October 1, 2003. He noted that a decision from the five county group could potentially come to McLean County as early as November 19, 2003.

Chairman Gordon remarked that there is one point that has not been raised. He stated that it is possible for a county to remove itself from an RC & D once it has affiliated.

Chairman Gordon asked whether there were any further questions. Hearing none, the Chairman called for a vote on the motion. He announced that the Chairman would vote.

Motion carried unanimously.

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Mr. Dick presented the September Permit Report. He noted that there has been little significant change in revenue from permits over the September 2001 report, despite the fact that the number of permits increased. He further noted that the water treatment plant accounted for an increase this year.

Chairman Gordon asked what constitutes a non-residential building. Mr. Dick responded that they are usually detached residential structures.

Chairman Gordon stated that he has received high praise for the Office of Building and Zoning. He stated that Mr. Dick and his staff are to be commended for their fine work. Mr. Zeunik stated that he would place a copy of the specific complimentary communication in the County Board's October packet.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:31 p.m.

Respectfully submitted,

Martha B. Ross  
Recording Secretary