

## Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on August 1, 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

Members Absent: Members Segobiano, Nuckolls

Staff Present: Mr. John Zeunik, County Administrator; Mr. Terry Lindberg, Assistant 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: Ms. Jennifer Sicks, Transportation Planner, McLean County Regional Planning Commission; Mr. Frank Miles, Attorney; Dr. Bruce Anderson

Chairman Gordon called the meeting to order at 5:33 p.m. Chairman Gordon asked whether there were any additions or corrections to the minutes of July 11, 2002. Hearing none, the minutes of the July 11, 2002 Committee meeting were approved as submitted.

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

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

Chairman Gordon introduced a request by Gerald S. Milton and John A. Milton to approve a waiver of a preliminary plan and a two lot subdivision final plat for the David Milton Subdivision. He stated that the case is file number S-02-12.

Minutes of the Land Use and Development Committee Meeting  
August 1, 2002  
Page Two

Mr. Phil Dick, Director, Building and Zoning, stated that the request is for a two lot subdivision. Both lots contain buildings, and the building on lot 2, which is a shed, would be converted to a single family dwelling. They have also obtained a variance to allow a smaller single family dwelling on this property in case number 02-15B, which was approved by the Zoning Board of Appeals. Mr. Dick remarked that the property is located in Randolph Township.

Mr. Dick provided an aerial photograph to the Committee and showed on the photograph where the lots are located. The farmhouse located on one of the lots was formerly owned by Gerald Milton. It is now owned by his son, John Milton. Gerald Milton will reside in one of the other buildings located on the property.

Mr. Dick commented that the Highway Department has reviewed the request and approved it. The Miltons have an entrance permit from the Township Road Commissioner, and lot two has been verified as approved by the Health Department for the septic system. He noted that septic confirmation for lot one has not yet been approved.

Mr. Dick stated that his department recommends approval of this request, pending approval for the septic system on lot one. He noted that attorney Frank Miles is present at the meeting to answer any questions posed by the Committee.

Chairman Gordon remarked that the last sentence on the Staff Recommendation sheet for Case Number S-02-12 states that approval is recommended pending approval of the septic system on lot two. Chairman Gordon noted that this should be lot one.

Mr. Rodman asked whether the building would remain on the property and be converted into housing. Mr. Dick explained that the building will be mainly a machine shed for the owner's farming operation. However, the north segment will be used as a dwelling.

Motion by Hoselton/Rodman to accept the recommendation of the Building and Zoning staff to approve the request by Gerald S. Milton and John A. Milton to grant a waiver of a preliminary plan and a two lot subdivision final plat for the David Milton Subdivision, File Number S-02-12, contingent upon the Health Department's approval of the septic system on lot one.

Mr. Rodman asked whether there had been any comments from neighbors.

Mr. Dick responded that there have been no comments. Ms. Bostic asked whether the lots subject to the subdivision were wholly surrounded by farmland. Mr. Dick stated that the surrounding land is family-owned farmland, owned by relatives of the applicants.

Chairman Gordon asked for any further questions or discussion. Hearing none, a vote on the motion was taken.

Motion carried.

Chairman Gordon presented a request by the McLean County Regional Planning Commission to approve a service agreement for the fiscal year July 1, 2002 through June 30, 2003 (FY 2003) for \$36,269.00. He stated that the total for last year's contract was \$35,118.50 (FY 2002). The total for the year before was \$38,987.00 (FY 2001).

Chairman Gordon noted that Ms. Jennifer Sicks, Transportation Planner, McLean County Regional Planning Commission, is present at the meeting to address any questions posed by the Committee. He further noted that a letter from Mr. Paul Russell, Executive Director, Regional Planning Commission, accompanied the copy of the service agreement for the Committee's review.

Motion by Rodman/Hoselton to recommend approval of the Regional Planning Service Agreement between McLean County and the McLean County Regional Planning Commission.

Ms. Bostic asked how the monetary amount was determined. Ms. Jennifer Sicks responded that all of the Regional Planning Commission's funding sources for the upcoming fiscal year were examined. The principal funding source for planning operations, separate from the fund for GIS operations, is the Illinois Department of Transportation ("IDOT"). She explained that in order to receive such funding, IDOT requires a 20% match from local governments. The figure presented in the agreement represents the 20% amount, divided among the three (3) participating local entities in McLean County: the County; the City of Bloomington; and, the Town of Normal. Additionally, the figure encompasses equal shares of other planning projects that are not funded by IDOT.

Ms. Sicks explained that some of Regional Planning's projects are not funded by IDOT. Depending on the nature of the intergovernmental agreement that controls any given project, those funds are divided among the participants. The Regional Planning Commission also provides administrative support on projects that are funded individually. Ms. Sicks stated that the amount is subject to ongoing calculation and

changes each year. Ms. Sicks commented that Regional Planning has tried to remain within the County's requested budget limits.

Mr. Hoselton asked whether the smaller communities in the County are included in the service agreement. Ms. Sicks responded that the smaller communities are included. She noted that Lexington, LeRoy and the Village of Carlock are currently involved in discussions for projects.

Mr. Rodman stated that he recalled the presentation of the service agreement for Fiscal Year 2002 and the requested amount was lower than the previous year. He stated that the Committee questioned the Commission about the reduction, and the response was that the requested amount was what was needed. He noted that he appreciated the modest increase that the Commission is requesting for Fiscal Year 2003.

Ms. Bostic remarked that she was gratified to discover that the Regional Planning Commission had adhered closely to suggested budget guidelines. She noted that the Commission is very efficient and service-oriented.

Chairman Gordon asked whether the State of Illinois' fiscal problems have impacted Regional Planning's monetary request. Ms. Sicks responded that the State's fiscal struggles have had an impact on the Regional Planning Commission. However, at this time, IDOT has not been heavily impacted by the State's budget problems. Much of the negotiations with IDOT in terms of their contributions to Regional Planning's programs took place ten months ago. Therefore, Regional Planning knew well in advance how much funding they could expect from IDOT and where they would need to go to obtain funds for a local match. She noted that in the upcoming year, obtaining funding would not be quite so easy.

Chairman Gordon asked whether there were any further questions from the Committee. Hearing none, Chairman Gordon called for a vote on the motion.

Motion carried.

Chairman Gordon requested that Mr. Dick present the July 2002 Permit Activity Report. Mr. Dick remarked that the Declared Value of Construction chart shows a large increase in the 2001 Year-To-Date figure for Non-Resident Buildings. He stated that the increase was due to the addition of \$36,267,000 for the Waste Water Treatment Plant. All other values are commensurate with the previous year's figures. He noted that more permits were issued in July 2002 than in July 2001.

Mr. Dick remarked that the big item on the Declared Value of Construction chart under Non-Residential Buildings for the current month, pertains to the construction of a school facility worth \$4 million, located on Ireland Grove Road. It is the Cornerstone Christian Academy.

Chairman Gordon noted that if the Waste Water Treatment Plant amount of \$36,267,000 was removed from the statistics, the 2001 Year to Date figure would have been approximately \$2.5 million.

Chairman Gordon asked whether there were any questions regarding the Declared Value of Construction and Construction Permit Activity statistics. Hearing none, he advised the Committee that questions would be entertained if any surfaced prior to the adjournment of the meeting.

Chairman Gordon stated that the remaining information items pertain to three dates in August and one in September. He explained that within the past two months, the Committee heard a presentation on the Resource Conservation and Development District (the "RC & D"). He stated that on Monday, August 5, 2002, representatives from McLean County will travel to Henry, Illinois to learn more about McLean County's possible affiliation with an existing RC & D, or beginning one of its own. Attending from McLean County will be: Ms. Bostic; Phil Dick; Paul Russell; and, Chairman Gordon. He stated that the attendees will transmit information from that meeting to the members of the Land Use and Development Committee.

Mr. Dick stated that Mr. Kent Bonhoff, Mr. Mike Kelly and Mr. Jim Rutherford will also attend that meeting. They are from the Soil and Water Conservation Office.

Chairman Gordon noted that on Monday, August 12, 2002, a public hearing will be conducted in the Osborn Room at Bloomington Police Department. Time for the meeting to convene will be 6:30 p.m. The hearing will be conducted by the Illinois Environmental Protection Agency. Chairman Gordon further noted that the hearing is a part of the permitting process for the proposed Sherwood Lakes Subdivision. That subdivision was previously approved by the County Board, contingent upon the issuance of the permit that will be the subject of the public hearing. All Land Use Committee members are urged to attend the public hearing.

On Friday, August 23, 2002, the Illinois Association of County Zoning Officials is holding its 2002 Zoning Seminar. The seminar will be held from 8:30 a.m. to 4:00 p.m. at the Starved Rock Lodge and Conference Center near Utica, Illinois. Chairman Gordon stated that McLean County will be well-represented at the seminar. Speakers from McLean County include: Mr. Steve Mahrt, Corporation Counsel, Town of Normal;

Mr. Brian Hug, McLean County Civil Assistant State's Attorney; and, Mr. Phil Dick, Director, McLean County Building and Zoning Department. Mr. Hug and Mr. Dick will co-conduct one of the sessions. Land Use and Development Committee members are cordially invited to attend. Brochures are available from Mr. Dick, who can also facilitate registration for any Committee members who wish to attend.

Chairman Gordon asked Mr. Dick to explain the significance of the next date to be noted. Mr. Dick stated that the Illinois Section of the American Planning Association (the "APA") asked him to help coordinate a planning commissioner/zoning board/land use committee workshop. It would be partially subsidized by the American Planning Association. Planning officials within a radius of 100 miles are invited to attend.

The date for the workshop is Friday, September 27, 2002. The time is 9:00 a.m. to 3:00 p.m. The location, which has not been finalized at this time, is expected to be either at the Central Illinois Regional Airport or the Normal Theatre. He noted that all Land Use and Development Committee members are invited to attend.

Mr. Dick commented that this workshop is not specifically designed for Zoning Board and Land Use Committee members. He stated that it is designed for staff who work on zoning issues, and is particularly pertinent to County zoning personnel. He stated that there will most likely be more urban planning officials present than rural planning officials. However, both groups would be represented.

Chairman Gordon noted that the seminar at Starved Rock is more intended to cover rural issues, while the APA workshop on September 27<sup>th</sup> will focus more on urban issues.

Chairman Gordon asked whether there was any further business to come before the Committee at this time.

Mr. Rodman noted that the public hearing set for August 12, 2002 will address the issue of wastewater disposal in the proposed Sherwood Lakes subdivision. He asked whether local regulations regarding wastewater disposal are being examined with regard to this issue surfacing again in the future. Chairman Gordon responded that he has made some inquiries, both inside and outside of McLean County government, in an attempt to clarify the legal authority that McLean County has with regard to future subdivision proposals. He explained that the Health Department, planners and state government officials are all interested in this subject. State Representative Dan Brady is also interested in this subject and has offered to discuss it further. Chairman Gordon noted that he has not received further information from Representative Brady.

Mr. Dick commented that what is on the cutting edge of this process is the type of wastewater treatment system that Sherwood Lakes is proposing. That type of system, as well as the one utilized by the Bloomington-Normal Water Reclamation District ("BNWRD"), is regulated by the Environmental Protection Agency (the "EPA"). He explained that when a system becomes a certain size, then the EPA regulates it. The effluent is then subject to EPA's authority as to whether it meets clean water standards.

Chairman Gordon noted that there are technical items that still need to be addressed with regard to this issue. He remarked that modification of the subdivision ordinance could be considered by the County Board.

Mr. Hoselton asked whether the design of a wastewater system is the main concern, or whether topography is the main issue. Mr. Dick responded that he is not certain whether there is a problem with the Sherwood Lakes facility. He stated that because of the requests for information and the scheduling of a public hearing, the approval process has been extended past what it would be normally. He stated that the type of system that is being proposed is the type of system that the Illinois Environmental Protection Agency (the "IEPA") thinks works very well.

Mr. Rodman asked whether this is the same system that was debated at the last public hearing. Mr. Dick responded that it is the same type of system. Ms. Bostic commented that the demand on the system may be smaller than the demand that is placed on the system in the Prairieland Subdivision.

Mr. Dick stated that the system is some type of recirculating system. Mr. Hoselton commented that it is a digester, and it is approved by the State of Illinois.

Chairman Gordon reminded the Committee members that the public hearing will be Monday, August 12 at 6:30 p.m. in the Osborn Room, Bloomington Police Department.

He urged the Committee members to attend if possible.

Chairman Gordon asked whether the Committee had any further questions on any of the items presented at the meeting. Hearing none, he stated that the meeting would be adjourned.

Minutes of the Land Use and Development Committee Meeting  
August 1, 2002  
Page Eight

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 6:02 p.m.

Respectfully submitted,

Martha B. Ross  
Recording Secretary