

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday, October 4, 2001 at 5:30 p.m. in Room 700, Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Rodman and Hoselton

Members Absent: Member Segobiano, Bostic and Nuckolls

Other Members

Present: County Board Chairman Sweeney

Staff Present: Mr. John Zeunik, County Administrator, Mr. Terry Lindberg, Assistant County Administrator; Ms. Lucretia A. Wood, Human Resources Assistant, County Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Phil Dick, Director Building and Zoning;
Mr. Tom Anderson, Health Department

Others Present: Ms. Christine Brauer

Chairman Gordon called the meeting to order at 5:50 p.m. Hearing no objections, the minutes of the September 6, 2001 Land Use and Development Committee meeting were approved and placed on file as presented.

Chairman Gordon presented the bills, which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. These bills are for August 2001.

Motion by Rodman/Hoselton to recommended approval of the bills as presented by the County Auditor. Motion carried.

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Mr. Gordon reopened the public hearing continued from September 27, 2001 on the request of TimCom Inc. to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township. The Applicant is requesting to continue this hearing due to a family medical problem.

Mr. Sweeney informed the Committee that Ms. Eckols father passed away a week ago.

Motion by Hoselton/Rodman to continue the public hearing for a request of TimCom Inc. to vacate a portion of Cloverhill Circle, Clover Hills Subdivision, Dry Grove Township until 5:30 p.m., Thursday, November 8, 2001. Motion carried.

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Mr. Phil Dick, Director of Building and Zoning, presented a request for a waiver of preliminary plan requirements for a one-lot subdivision for the Knapp Farms Subdivision. This is file number S-01-14. This is a farmstead, on which the owner's son plans to build a new house on the property. Mr. Mike Knapp, son of Larry Knapp, who is the owner of the Subdivision, is present. Mr. Rodman stated that he is glad to see someone rebuild on the property.

Motion by Hoselton/Rodman to recommend approval of a request for a waiver of preliminary plan requirements for a one-lot subdivision for the Knapp Farms Subdivision. Motion carried.

Mr. John Zeunik presented the Fiscal Year 2002 Recommended Budget for Building and Zoning, which can be found on pages 104 to 108 of the Recommended Budget Book for Fiscal Year 2002. All Revenue line item accounts have been budgeted at the same level as in the FY'2001 Adopted Budget.

The Occasional/Seasonal position of Intern has been reduced from 0.50 FTE in the FY'2001 Adopted Budget to 0.26 FTE in the FY'2002 Recommended Budget.

The Occasional/Seasonal position of Office Support Specialist I at 0.10 FTE has been deleted.

In the FY'2002 Recommended Budget, the employer's cost for health insurance has been increased from \$2100 to \$2300 per FTE.

The Operational Supplies line item account has been decreased from \$1500 in the FY'2001 Adopted Budget to \$1000 in the FY'2002 Recommended Budget. This decrease is based on a review of the last three years' actual spending for operational supplies and the year

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to date expenses as of the date the Recommended Budget was prepared.

Line item 706.0001-Contract Services should be budgeted at \$1500 in the FY'2002 Recommended Budget. This expense covers the annual cost for the update and preparation of the Sidwell aerial photo maps. During the process of advancing the departmental budget request to the Administrator's budget level, this expense was deleted. As a result of a budget amendment presented to the Justice Committee, sufficient funds are available to fund this expense.

The Regional Planning Services Agreement line item account has been decreased from the FY'2001 Adopted Budget amount of \$39,375 to \$35,188 in the FY'2002 Recommended Budget.

The Telephone Expense line item account has been increased from \$2700 in the FY'2001 Adopted Budget to \$3300 in the FY'2002 Recommended Budget. This increase is attributable to the addition of a cellular phone for use by the Field Inspector and Enforcement Officer.

Mr. Dick stated that the Department understands the tight budget restrictions this year and is not making any additional requests.

Motion by Hoselton/Rodman to tentatively approve and recommend the amended Fiscal Year 2002 Recommended Budget for the Department of Building and Zoning.

Chairman Gordon asked why the amendment under contractual services was presented to the Justice Committee. Mr. Zeunik replied that there is an amendment pending before the Justice Committee that provided for an interfund transfer to cover an expense that was to be funded by fees, as opposed to the General Fund. The transfer

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of money will allow for the expense of Sidwell map to be covered. The transfer will also lower the tax levy per the budget policy.

Mr. Sweeney asked how many maps are updated by Sidwell for the expense of \$1,500.00. Mr. Dick replied that the budgeted amount will cover all changes made to last year's maps. The Sidwell maps are the aerial photographs taken of the County to reflect changes that have occurred. Mr. Dick stated that any amount left over would be returned to the General Fund. Mr. Zeunik noted that the costs of the map for last year was under \$1,000.00. Pursuant to the agreement with Sidwell, Sidwell has the right to sell copies of the aerial photographic maps created for McLean County. The County receives a commission from the revenue Sidwell earns from the sell of the maps.

Mr. Dick stated that in the next few years, Sidwell maps will not be used within the County. Geographic Information System (GIS) digital maps will be used, which will show the parcel line much more accurately. Some areas of the County have already been completed.

Chairman Gordon asked if the Committee members had any additional questions. Hearing none, Chairman Gordon announced that he would vote and call for the question.

Motion carried.

Mr. Zeunik presented the Recommended Budget for Solid Waste Management Fund. The Waste Tipping Fee revenue line item account has been increased from \$25,000 in the FY'2001 Adopted Budget to \$170,000 in the FY'2002 Recommended Budget. This increase reflects the decision of American Disposal Services to re-open the landfill.

The Contract Services line item account has been increased from \$25,000 in the FY'2001 Adopted Budget to \$170,000.00 in the FY'2002 Minutes of the Land Use and Development meeting

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Recommended Budget. This amount will fund the County's share of the Intergovernmental Solid Waste Program approved by the County Board, the City of Bloomington, the Town of Normal, and the Regional Planning Commission. At the last Solid Waste Management Technical Advisory Committee meeting, the Committee agreed to defer action on increasing the dollar amount of the contract with the Ecology Action Center or adding new programs and services. The Committee would like to review the Waste Tipping Fee revenue generated over one full year prior to making any recommendations for changing or enhancing the Solid Waste Management Program.

Motion by Rodman/Hoselton to tentatively accept and recommend the Fiscal Year 2002 Recommend Budget for Solid Waste Management.

Chairman Gordon asked the Committee members had any additional questions. Hearing none, Chairman Gordon announced that he would vote and called the question.

Motion carried.

Mr. Dick presented the Building and Zoning Monthly Activity Report. Mr. Dick noted that last year, there was a \$13,000.00 permit fee for Calvary United Methodist Church. This year the Declared Value of Construction is high due to the \$36 million for the Bloomington Reclamation Water District.

Mr. Tom Anderson, Environmental Health Program Supervisor, Health Department presented information to the Committee about septic systems. The County's authority extends to septic systems up to 1500 gallons under State statute. Mr. Anderson passed out a definition of private sewer disposal systems. This definition is from

the Illinois State Statutes. The Illinois Department of Public Health defines a population equivalent to being one person using 100 Gallons per day. Minutes of the Land Use and Development meeting October 4, 2001
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gallons per day. For every one bedroom, the septic system has to be sized for 200 gallons per day. Under the code, the septic system for a seven-bedroom house would be sized for 1,400 gallons a day. If the house has eight bedrooms, the septic system would have to be sized to 1,600 gallons, which would put the septic system over the statutory limitation. In addition, the Private Sewer Disposal Licensing Act and Code, under general requirements, requires that when the sewage flow exceeds 1,500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency (IEPA). This requirement is confusing to the developers, who work closely with engineers. Engineers look at the IEPA requirements. The IEPA formula for 1,500 gallons a day is reached differently than the Illinois Department of Public Health. The Illinois Environmental Protection Agency has a population equivalent of 350 gallons per household. When applying for a National Pollution Discharge Elimination Systems Permit (NPDES), there is a black hole. When seven bedrooms is reached, whether in one or more houses, the County no longer has the authority to permit the system. The developer must require a NPDES Permit from the Illinois Environmental Protection Agency.

Mr. Sweeney asked if Mr. Anderson could make a chart showing the difference between the County's Authority and the Illinois Environmental Protection Agency. Mr. Anderson replied that he could. Mr. Sweeney stated that after the comparison is made, the Board could decide how to resolve the gap. Mr. Anderson replied that the County might not have the authority to resolve the gap.

Chairman Gordon asked Mr. Anderson to explain the importance of the IEPA using 350 gallons per day guideline. Mr. Anderson explained that the IEPA has to oversize the septic systems to support the septic system, rainwater and storm water. If an individual is

connected to a city sewer, the city sewer only takes the wastewater generated by the house. The IEPA can more accurately judge the Minutes of the Land Use and Development meeting

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amount of waste being taken to the treatment center. The average household discharge based on the Nationwide population census is 350 gallons per day. At the local level, water records have been used to size septic systems. Water usage may be as low as 100 gallons per day for a single person or up to 500 gallons per day.

Chairman Gordon asked if IEPA was able to monitor waste water treatment plants, and the treated effluent. Mr. Anderson replied that IEPA is a regulatory agency. They do not have the authority to take anyone to court. The IEPA has to turn all violations over to the Attorney General's Office. The IEPA starts the regulatory process as soon as a discharge is coming out of a permitted designated pipe. The Home Owners Association or Municipality that is responsible for the discharge pipe has to show that a qualified waste water treatment operator has been hired to maintain the system before a permit will be issued. The Treatment Operator is responsible for collecting the monthly samples of the discharge. The Treatment Operator sends the sample to the lab. The lab sends the results to the Treatment Operator and the IEPA. The IEPA reviews the contaminate levels and determines whether or not the sample is in compliance of the NPDS permit. Mr. Anderson gave the Committee copies of the NDPS permits for Deer Ridge and Sherwood subdivisions for review.

Mr. Hoselton asked if Deer Ridge is North of Sherwood.

Mr. Anderson replied that Deer Ridge Subdivision is on route 9 West of Bloomington. Sherwood is in Old Town Township.

Mr. Sweeney noted the year 2000 date on the permit for Deer Ridge.

Mr. Sweeney asked if the Original permit is different. Mr. Anderson replied that there are no differences. This permit shows 6 different discharge pipes. The highlighted parameters show the Carbonation

Biological Oxygen Demand (CBOD) as a measurement of how much oxygen is used in the water by chemical contaminants. Mr. Hoselton
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asked if the system uses sprays or a lagoon systems. Mr. Anderson replied that for Deer Ridge, Lagoon Systems are used. Mr. Anderson continued to review the NPDS permit. Suspended solids are particle matter, such as dirt or leaves that may be found in water. Fecal coli form is limited to 400 colonies to 100 ml of water. Chlorine residual has to be removed if chlorination is occurring. Ammonia Nitrogen is a difficult contaminate to deal with for the IEPA. The IEPA looks at all of these contaminate levels before issuing a permit. The Deer Ridge permit shows a variation in numbers. The reason for the variations is because of the discharge points. The IEPA reviewed the permit request before issuing the permit. All the information collected is entered into a computer, which calculates the level of contaminants allowed.

Mr. Rodman stated that in an email received about Deer Ridge it states that Deer Ridge is not complying with requirements. He asked if IEPA is responsible for notifying the Attorney General. Mr. Anderson replied that is correct. Mr. Rodman asked if the County can act as an interested party and work with the IEPA and the Attorney General. Mr. Anderson replied that the County can make public comment to the IEPA. The IEPA has a strict process in which the IEPA has to follow to refer violations to the Attorney General's office. The Attorney General's Office has to give the violator the opportunity to conform to the permit before the Attorney General can take them to court.

Mr. Hoselton asked if the County responds to complaints about high effluent contaminate levels. Mr. Anderson replied that an inspector can go out, but the County does not have the resources to test the water. The CBOD tests cost up to \$1,500.00 and take 7 days to run. Mr. Hoselton asked what test the University of Illinois conducts.

Mr. Anderson replied that he does not know what the U of I limitations are. Mr. Hoselton stated that Chenoa tests the water

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every month. Mr. Anderson explained that Chenoa does a spot check, but that is not definitive.

Chairman Gordon asked where testing results can be submitted. Mr. Anderson replied that the Bloomington-Normal Water Reclamation District can do their own testing. In rare cases, the Illinois Department of Public Health will allow the County to send samples for testing to them. However, the Illinois Department of Public Health does not do CBOD tests.

Mr. Rodman asked what are the requirements for the IEPA to file a complaint with the Attorney General's Office. Mr. Anderson replied that he does not know the IEPA requirements.

Mr. Hoselton stated that the County approves the subdivisions. He asked how the County can be brought back into the process. He asked if the County can contact the engineers to make the corrections. Chairman Gordon replied that the County's approval is contingent on the developers meeting IEPA standards.

Mr. Hoselton stated that even though the County does not have the authority to approve certain systems, the problems that exist are problems for the County. The County should be in a position to push for corrections. Mr. Anderson stated that the speed at which the IEPA can respond is the problem.

Mr. Rodman asked what is the IEPA doing to correct the problem in Deer Ridge Subdivision. Mr. Anderson replied that the IEPA has contacted with Homeowners Association. Tertiary treatments have been added on to some of the outfalls to remove pollutants. Some of

the pollutants are being treated, but other contaminants are not being treated.

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Mr. Anderson stated that he spoke to IEPA. The IEPA is sending out an inspector. However, no date for the inspection has been set. The inspection will be done this year. There are only three inspectors for the entire State. Mr. Hoselton asked if the developer could be required to retest the water after 6 months.

Mr. Dick stated that the IEPA is not incompetent. There are a lot of hoops to jump through. The IEPA forced developers at Deer Ridge to provide easements on different lots for tertiary treatments. The IEPA created a system to monitor the effluent to the extent that the IEPA knew if and when the contaminants reached excessive levels. The IEPA is working on enforcement. The Deer Ridge subdivision has had to follow strict guidelines. The guidelines in new subdivision are improved over older subdivisions. Information on common collector tile systems was never gathered by any State Agency. The County does not know if there have been any injuries caused. The County has to rely on the IEPA. There are systems in the County that have raw sewage going into field tiles.

Mr. Anderson stated that the County is limited by statute as to what action the Health Department can take. Mr. Brian Hug added that the County only has the authority granted to it by State statutes. The statutes on septic and sewer state the County's authority is derived from the Illinois Department of Public Health. The IEPA has extensive regulations that the County can not invade. Deer Ridge is required to do continuous testing. The subdivision is trying to come into compliance. The IEPA is also working with the subdivision is Downs as well. Mr. Anderson stated that he is working with the IEPA and the Homeowners Association to gather information for the County. The IEPA's information is public information.

Mr. Sweeney suggested that the matter be sent to the Legislative Committee to work with the area's legislators to correct the gap in authority.

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Chairman Gordon read Mr. Keller's Email. Samples are required to be taken by IEPA licensed operators on a monthly basis. Chairman Gordon commented that what we do not know is the specific rationale used to select a specific criterion for a given system. Mr. Anderson stated that it is a very complex formula.

Mr. Sweeney noted that other counties must have the same problems. Mr. Anderson agreed.

Chairman Gordon reminded the Committee that the next Committee meeting is scheduled for Thursday, November 8, 2001.

There being nothing further to come before the Committee at this time, Chairman Gordon adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Lucretia A. Wood
Recording Secretary

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