

Minutes of the Land Use and Development Committee Meeting

The Land Use and Development Committee of the McLean County Board met on Thursday September 6, 2012 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members, Erickson, Segobiano, Soeldner and Wendt

Members Absent: Cavallini

Other Board Members Present:

Staff Present: Mr. Bill Wasson, County Administrator, Ms. Hannah Eisner, Assistant County Administrator

Department Heads/
Elected Officials
Present: Mr. Phil Dick, Director of Building and Zoning

Others Present: Ms. Robin Weaver, Director of Public Works, Town of Normal

Chairman Gordon called the meeting to order at 4:45 p.m. Chairman Gordon presented the Minutes of the August 2, 2012 Land Use and Development Committee Meeting for approval. He asked for any additions or corrections. Hearing none, he approved and placed the July 5, 2012 Land Use and Development Meeting minutes on file as submitted.

Chairman Gordon presented the bills from August 31, 2012 which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor. The prepaid total and fund total for July 31, 2012 is \$1,301.50.

Chairman Gordon also presented a Transfer requested by the Department of Building and Zoning in the amount of \$570.00; \$470.00 for an expert witness and \$100.00 for the transcript of testimony. He asked for a motion to approve the Transfer as presented by the County Auditor.

Motion by Segobiano/ Soeldner to recommend approval of the \$570.00 Building and Zoning Transfer.
Motion carried.

Minutes of the Land Use and Development Committee Meeting
September 6, 2012
Page Two

Chairman Gordon asked for a motion to approve the August 31, 2012 bills which have been reviewed and recommended for transmittal to the Land Use and Development Committee by the County Auditor.

Motion by Segobiano/Wendt to recommend approval of the August 31, 2012 bills as presented by the County Auditor.
Motion carried.

Chairman Gordon informed the Committee that the first action item on the Agenda is the Request by McLean County Solid Waste Management Technical committee to approve a resolution to fund \$2,450 for McLean County Small Municipality Recycling Grants.

Chairman Gordon asked Ms. Robin Weaver, Director of Public Works Department, Town of Normal to address the Committee.

Ms. Weaver stated that seven rural Communities applied for the \$500 grant to maintain recycling programs in their communities. Because of the reduced budget the recommended grant amounts are for \$350 for each Community for a total of \$2,450.

Ms. Weaver recommended the following grant applications be approved:

- Village of Downs \$350
- Village of Arrowsmith \$350
- Village of Carlock \$350
- Village of Heyworth \$350
- Village of Lexington \$350
- Village of Colfax \$350
- Village of Hudson \$350

Motion by Segobiano/Soeldner to recommend approval of the Request by McLean County Solid Waste Management Technical committee to approve a resolution to fund \$2,450 for McLean County Small Municipality Recycling Grants.
Motion carried.

Chairman Gordon continued with the request by the McLean County Solid Waste Management Technical Committee to approve a resolution to amend the McLean County Integrated Solid Waste Management Plan to include the 2012 Five-Year Plan Update.

Ms Weaver noted that the original McLean County Integrated Solid Waste Management Plan was adopted in 1999. The IEPA requires five year updates. The five recommendations that have been implemented are:

1. Develop a program for recycling gardening or nursery plastics
2. Develop a Compact Florescent Light recycling Program
3. Investigate the possibility of locating a permanent Household Hazardous waste drop-off facility in McLean County.
4. Complete community-wide recycling assessment to look for opportunities for recycling expansion.
5. Educated small and rural communities about proper disposal of building materials and encourage building materials reuse through cooperative programs.

In addition to these the following items were also completed:

- Thermostat Recycling Program
- ISU/Midwest Fiber Food Waste Composting Program
- Establishment of a new Construction and Demolition Recycling Facility
- Successful Battery Recycling Program

- Growth of Electronics Recycling Programs
- City of Bloomington Single Stream Recycling
- Successful Reuse Programs
- Commercial Recycling

The new recommendations with this plan include 8 new recommendations:

1. Promote the new automated single-stream curbside recycling programs adopted by the City of Bloomington and the Town of Normal
2. Investigate strategies to better serve residents of multi-family housing units with recycling services as they are not served by existing curbside programs
3. Research methods to provide food scrap composting services to community residents
4. Continue to investigate means to increase small business recycling
5. Promote Zero Waste community events
6. Work with area schools to increase recycling
7. Target recycling awareness campaigns to populations recognized as current not being reached – senior citizens, lower income households and non homeowners
8. Continue efforts to provide Household Hazardous Waste collections for area residents.

Chairman Gordon thanked Ms. Weaver and asked if the Committee had any questions.

Mr. Segobiano stated that the Town of Normal stopped collection at the West Market Street location. Is there any discussion of the City of Bloomington to restart the collection at this facility? Ms. Weaver responded that the matter has been discussed with the City of Bloomington and various other interested entities. The Town of Normal had 14 drop off centers. When the decision was made to go to an automated single stream curbside program, the drop off site in Bloomington was closed. This facility was heavily used. Pick up was twice a day every day. Bloomington does not have the physical equipment to handle the facility. People are encouraged to use other available sites.

Mr. Soeldner asked if the Town of Normal and City of Bloomington have acted on this plan. Mr. Dick, Director of Building and Zoning advised that it is not required that the City of Bloomington and the Town of Normal approve the 2012 Five Year Plan both the City of Bloomington and the Town of Normal are represented on the Technical Committee

Ms. Weaver distributed information on the Household Hazardous Waste event on September 29, 2012 at the Interstate Center from 8:00 a.m. – 2:00 p.m.

Motion by Segobiano/Wendt to recommend approval of the Request by the McLean County Solid Waste Management Technical Committee to amend the McLean County Integrated Solid Waste Management Plan to include the 2012 Five-Year Plan Update.
Motion carried.

Chairman Gordon stated that the next items to be presented to the Committee are Items of Information. The first informational item is the Ecology Action center Solid Waste and Recycling Education Quarterly Report for the second quarter of 2012.

Ms. Weaver reviewed the Ecology Action Center Solid Waste Quarterly Report. She stated that the report details efforts by the Ecology Action Center to provide solid waste and waste reduction services to residents of McLean County, the City of Bloomington and the Town of Normal from April, 2012 through June, 2012. The activities include events, educational programs, public presentations, small grant programs through the Solid Waste Technical Committee, operation of the information center 40 hours a week, and promotion of recycling programs throughout the county.

Chairman Gordon thanked Ms. Weaver.

Chairman Gordon acknowledged the members of the public attending for the information on the approval process for special uses and text amendments of the McLean County Zoning Ordinance and also Illinois Senate bill #380 regarding amending the Illinois Oil and Gas Act to add a section on the "Extraction of hydrocarbons from shale using hydraulic fracturing.

Mr. Phil Dick, Director of Building and Zoning, stated that at the August 2, 2012 Committee meeting information was presented on zoning regulations for oil and gas drilling that included the definitions, the districts in which drilling is allowed and how they are permitted. The County's jurisdiction which is mostly agricultural is in the unincorporated area of the County.

Mr. Dick explained the Special Use and Text Amendment process. The Special Use process is relevant to activities such as oil/gas drilling, gravel mining and wind farm construction. The Special Use minimum requirements include:

- Completion of the application
- Site plan showing how the property is proposed to be developed
- Building plans
- Legal description of the property
- Application fee

Mr. Dick noted that Staff will discuss with the applicant possible changes to mitigate negative impacts to neighboring property owners. A notice is sent to property owners 250 feet of the subject property. The Public Hearing notice is then published in the Pantagraph. He advised that staff prepares a report to the Zoning Board of Appeals recommending how the application compiles with each of the seven standards listed in the Zoning Ordinance for special use approval. The Public Hearing is held before the ZBA reviewing the application, testimony and information presented. The ZBA then votes on their findings of fact and a recommendation is made to the County Board. The County Board then votes on the findings of fact and the recommendation of the ZBA. The County Board may approve, deny, change, or send the case back to the ZBA for further information. The decision of the County Board is final. If the decision is appealed, it goes to the Circuit Court.

Mr. Dick presented the Text Amendment Approval pointing out the requirements:

- Completed application
- The proposed text of the McLean County Ordinance
- An Application fee

Mr. Dick advised that Staff will discuss the proposed text amendment. A notice of the text amendment is published in the Pantagraph. Staff prepares a report to present to the ZBA recommending whether or not the text amendment is in the public interest, will promote the health, safety, comfort, morals, and general welfare of the public, will promote building development to the best advantage of the entire County, and will conserve the value of property throughout the County.

The ZBA conducts the public hearing, reviews the staff report, and hears public testimony. The ZBA will discuss the case, review the application, and make any requests required by the board to reach a decision or make a recommendation to the County Board. The County then votes on the findings of fact and recommendation of the ZBA. The final decision is made by the County Board. The County Board may approve, deny, change or send the case back to the ZBA for further consideration.

Mr. Dick added that the information included in the packet is available to the public on the County website.

Chairman Gordon clarified that no action will be taken on the the items of information received by the Committee today. At the present time, the Committee believes this is the best approach that can be taken at this time. The County is a subdivision of State Government. It makes no sense for the County to act ahead of what the State might do. Senate Bill #3280 governing hydraulic fracturing was passed in the Senate but stalled in the House in the spring session. It appears that it is looking less likely that the legislature is going to come to any agreement with regards to the regulation of hydraulic

fracturing in the fall veto session. There is time to gather and review information. The County is not ready to take action.

Mr. Segobiano thanked Mr. Dick for the informative presentation. He pointed out the text amendment procedure. It is important to stay involved and contact your County Board representative. He noted that the County Board can "change" a ZBA recommended text amendment.

Mr. Soeldner asked how many text amendments have been handled in the recent past. Mr. Dick responded that Zoning was adopted in McLean County in 1966. The Zoning Ordinance was completely amended in 2000 with updates done in 2002, and 2008.

Mr. Wendt clarified that the discussion is on to different subjects. He noted that he originally brought up the subject of oil drilling. Two different companies have wanted to drill in McLean County. Because of the County's system, oil companies don't explore the possibility of oil in McLean County. This is missed opportunity for McLean County and County property owners. Drilling has nothing to do with hydraulic fracking. It is true that drilling in parts of McLean County may involve hydraulic fracking which is a totally different situation. He reiterated that the County needs a permit system that would not discourage oil drilling in McLean County. How the drilling is done is a totally different subject. Hydraulic fracking is being done all over the country with very few problems. A form of hydraulic fracking has been done in Illinois for years. Wells in Decatur are producing oil.

Mr. Segobiano agrees a system is need that is fair to everybody. He advised that he is in total support of a Special Use permit. This gives all the opportunity to voice their concerns and opinions. A gentleman wanting to drill in McLean County was told he needed a Special Use permit. He left McLean County not wanting to go through the process.

Chairman Gordon commented that a text amendment can be proposed by the Land Use and Development Committee, within the County Board in an addition to an organization or private citizen request.

Chairman Gordon asked if there were any further discussion on text amendments or Special Use permits. Hearing none he continued with information on Illinois State Senate Bill #3280 regarding amending the Illinois Oil and Gas Act to add a section on the "Extraction of hydrocarbons from shale using hydraulic fracturing."

Mr. Dick advised that Senate Bill #328 increases the safety of hydraulic fracturing by improving the testing and requiring the disclosure of chemicals put into the ground.

Some Environmental groups did support the amendment to the Statutes. It is likely that the bill will be significantly changed before it is approved.

Mr. Bill Wasson, County Administrator explained the information supplied by the County's Legislative Consultant, stated it is unlikely that this legislation will be successful or be introduced in the fall veto session. He noted that it may take some time to reach a compromise between the Senate and the House. It is more likely than not that Senate Bill #3280 will not be considered until the spring.

Mr. Wendt asked if, in the event the County does change the permitting system for drilling and the State does not act on Senate Bill #3280, can the County still adopt Senate Bill #3280's rules for oil drilling. Mr. Wasson responded that permits are still required through the State whether additional regulations are attached or not. Does the County have authority to regulate oil and gas drilling is a question that is open at this time. The County currently has the authority to regulate the siting through the Zoning process. Regulating what is done on the site is a much larger question.

Chairman Gordon added that Mr. Dick, Mr. Wasson, Ms. Eisner and himself had an informative conversation with the recently retired Senior Petroleum Geologist at the Illinois State Geological Survey. He asked if the Committee would have any objection to inviting this gentleman or his successor to speak to the Committee in October.

Mr. Soeldner agreed the information would be valuable.

Mr. Erickson agreed expressing that he would be concerned that information from the prior conversation not be consistent with the later presentation. Chairman Gordon responded that our purpose will be to have the same conversation, pointing towards the same citations, providing the same information from this gentleman or his successor.

Mr. Wendt stated that it is important to look at this from the standpoint that oil drilling is not discouraged in the County as long as drilling is safe and environmentally friendly.

Chairman Gordon reminded Mr. Wendt that there is uncertainty whether the County has legal authority to go beyond our authority for siting and into the area of regulating.

Chairman Gordon asked if it is the request of the Committee to request a legal opinion from Staff as to the present regulatory authority over oil/gas drilling. Mr. Wendt suggested the Committee wait until the current Senate Bill #3280 which the environmentalist and the industry agrees on, is acted on. If the State does not act on the Bill, the Committee should request a legal opinion.

Minutes of the Land Use and Development Committee Meeting
September 6, 2012
Page Nine

Chairman Gordon noted that Senate Bill #3280 was passed in the Senate and stalled in the House. In the State Senate, republicans and democrats cooperated. He noted that the same is true with the McLean County Board.

Chairman Gordon asked if there was any further discussion. Hearing none he thanked the public for their attendance. He continued with the Illinois American Planning Association Chapter Conference.

Mr. Dick reported that the Illinois American Planning Association Chapter Conference is in Champaign-Urbana on September 19-21, 2012. Planning commissioners and other elected and appointed officials will be on Thursday, September 20th. More information is available at www.ilapa.org.

Chairman Gordon advised that the next Land Use and Development Committee Meeting is October 4, 2012.

Chairman Gordon asked if there was any other information to come before the Committee.

Chairman Gordon adjourned the Committee Meeting at 5:45 p.m.

Respectfully Submitted,

Diana Hospelhorn
Recording Secretary