

Minutes of the Land Use and Development Committee

The Land Use and Development Committee of the McLean County Board met on Thursday July 1, 2010 at 4:45 p.m. in Room 400, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present: Chairman Gordon, Members Ahart, Segobiano and Soeldner

Members Absent: Members Cavallini and Rankin

Other Board Members Present: None

Staff Present: Mr. Terry Lindberg, County Administrator, Mr. Bill Wasson, Assistant County Administrator, Ms, Diana Hospelhorn, Recording Secretary

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

Others Present: Mr. Scott Hoeft, President, McLean County Farm Bureau, Mr. Paul Russell, Executive Director, Regional Planning Commission.

Chairman Gordon called the meeting to order at 4:45 p.m.

Chairman Gordon presented the Minutes of the June 3, 2010 Land Use and Development Meeting to the Committee for approval. He asked if there were any objections or corrections to the June 3, 2010 Land Use and Development Committee Minutes. Hearing none, Chairman Gordon declared the minutes approved.

Chairman Gordon presented the bills from June 30, 2010 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 June 30, 2010 is \$18,018.50. He asked for a motion to approve the bills as presented by the County Auditor.

Motion by Soeldner/Ahart to recommend approval of the June 30, 2010 bills as presented by the County Auditor.
Motion carried.

Chairman Gordon stated that the first item to be presented to the Committee is in the form of a Public Hearing continued from the June 3, 2010 Land Use and Development Committee Meeting.

Chairman Gordon called the Public Hearing to order at 4:48 p.m. He advised that the Public Hearing is for the Application of the Land Use and Development Committee to approve a text amendment in case S-10-06 to amend Chapter 36 of the McLean County Land Subdivision Ordinance to add a new section regulating stream buffers. He declared the hearing open and asked Mr. Phil Dick, Director of Building and Zoning, to update the Committee.

Mr. Dick stated that this month's documents reflect the comments from the McLean County Health Department. Mr. Anderson proposed some language changes found on page 15, section 7.07-5. He noted that Mr. Bill Wasson, Assistant County Administrator was involved with the language changes.

Mr. Dick referred to the letter in the packet from the McLean County Farm Bureau. He stated that he would respond to any questions or concerns the Committee may have concerning the correspondence.

Chairman Gordon asked if the Committee had any questions for Mr. Dick. Mr. Segobiano stated that the Text Amendment is being recommended by staff and

the Farm Bureau has submitted a letter expressing two concerns. Mr. Dick advised that this Text Amendment requires that a buffer on a property be maintained in a natural way so that less water leaves the property. The amendment is intended to have no impact on adjacent landowners. He pointed out that the Subdivision Ordinance limits the rate at which water can leave the site. In reference to the second concern, Mr. Dick stated that development on desirable farm ground is restricted by the County based on zoning. Property zoned for farming cannot be rezoned residential unless it is undesirable for farming. He noted that the City of Bloomington and the Town of Normal do not have this restriction. The County has a method of preserving farm ground apart from this Stream Buffer proposal.

Mr. Segobiano suggested that a response to the Farm Bureau concerns could have been included in the packet.

Mr. Soeldner asked if the seven standards required to be met by the Zoning Board of Appeals (ZBA) addresses the Farm Bureau's second concern that the buffer plan will increase developers' costs and shift development from less desirable farmland to prime farmland. Mr. Dick stated that the trend of development and the Comprehensive Plan along with the Land Evaluation and Site Assessment (LESA) are the methods used by the County to restrict development in the agriculture districts.

Ms. Ahart stated that her understanding is that the Stream Buffer Ordinance is decreasing the likelihood of additional water runoff for the adjacent landowners. The stream buffers would alleviate the problem rather than create one. She advised that the Farm Bureau correspondence addressed the rate of runoff rather than the number of days the water could remain. By using stream buffers to slow the rate of water runoff we have helped to stop the pooling of water. Ms. Ahart stated that the Stream Buffer Ordinance is addressing the Farm Bureau's concern rather than creating it.

Chairman Gordon asked Mr. Hoeft to elaborate on the Farm Bureau letter.

Mr. Hoeft stated that when this ordinance goes into effect, slowing the rate of water runoff onto downstream adjacent farms may or may not happen. When detention pools hold water back and allow the water to be released at the same rate as before, increased water runoff results in more days the water will actually run. Even though developers meet these standards, farm land is staying wetter longer than before development, creating difficulty getting into the fields. He noted that these issues are not addressed in the Stream Buffer Ordinance. He stated that Normal has addressed the issue in their Ordinance.

Mr. Dick noted that the proposed ordinance has nothing to do with how water is detained on the property. Mr. Hoeft stated that the ordinance seems to take care of the subdivision but does not address the concerns of the adjacent landowners after the subdivision is developed. Mr. Dick noted that another part of the

Subdivision Ordinance requires water to be detained so that it does not leave the property any faster than it did before it was developed.

Mr. Dick pointed out that this Public Hearing does not involve detention of water. The County has had requirements on water detention since the Subdivision Ordinance was adopted in 1970. Water detention requirements have not changed and this Text Amendment does not propose that it change. Mr. Hoeft noted that potential impact on adjacent landowners is a concern of the Farm Bureau and it may be in another area, but it needs to be addressed. Mr. Dick stated that if there is a part of the Subdivision Ordinance that the Farm Bureau would like to address the Committee would be happy to look at it, but this Text Amendment is totally different from water detention.

Mr. Hoeft noted that there are cases where development has caused damage to adjacent landowners and nothing is in place to correct this. As development continues so will these problems.

Ms. Ahart stated that maybe we are missing the point. As you develop land there is less places for water to be absorbed, increasing runoff. This is not what this Public Hearing is about. We are looking at Stream Buffers as a prevention of as much of this runoff as possible. She pointed out that we are trying to protect the wetlands in McLean County, they serve a purpose. Ms. Ahart advised that she understands that landowners are affected by development and the Committee needs to look at just what the County has in place to protect the landowner; however, we are not currently addressing that. Ms. Ahart stated that the Stream Buffer Ordinance is the first step in being responsible with water runoff. Mr. Soeldner agreed.

Mr. Hoeft referred to the map distributed at last month's Committee Meeting concerning stream orders. He pointed out that stream orders are going to push development towards prime farm land. He stated if we have to take farmland out of production, the less productive land should be developed first.

Ms. Ahart noted that it is the desire of the County Board to protect our agricultural land.

Mr. Hoeft thanked the Committee for their time and noted it is important for the Committee to know where the Farm Bureau stands on such issues.

Chairman Gordon noted that the Committee is receptive to hearing further from the Farm Bureau on any concerns they may have.

Chairman Gordon asked if there were any further comments from staff or the Committee. Hearing none he asked if there were any other interested parties who wish to be heard. Hearing none, he declared the Public Hearing closed at 5:15 p.m.

Ms. Ahart moved to recommend approval for the Application of the Land Use and Development Committee to approve a text amendment in case S-10-06 to amend Chapter 36 of the McLean County Land Subdivision Ordinance to add a new section regulating stream buffers. Mr. Soeldner seconded the motion.

Mr. Soeldner stated that his concern is to see that we are protecting the adjacent landowners through whatever means necessary. He noted that the Text Amendment does protect the soil and water quality of McLean County.

Mr. Segobiano stated that he is voting no on the Ordinance because it addresses the needs of Bloomington – Normal developers but does not take care of the adjacent property owners of McLean County.

Ms. Ahart asked Mr. Segobiano if stream buffers are really going to hurt the adjacent property owners. Mr. Segobiano responded that he is not an expert. The Farm Bureau represents rural McLean County and he trusts their input and concerns for adjacent property owners. He believes if these concerns have been addressed in other areas of the Zoning Ordinance, the Committee should have written documentation of the zoning requirements.

Ms. Ahart stated that the Committee is establishing a Stream Buffer Ordinances. She is not sure that this set of regulations is the place to address the concern of water runoff onto the adjacent properties.

Mr. Terry Lindberg, County Administrator stated that staff can draft a letter to Farm Bureau in response to their concerns.

Chairman Gordon asked Mr. Dick to prepare a letter in response to Mr. Hoefft issues. He asked if Mr. Dick would also send a copy of that letter to the Committee. Mr. Dick stated that he will respond to Farm Bureau with a letter. He advised that he would be happy to also meet with them personally. Mr. Dick pointed out that when there is a lot of rain the water has to go somewhere. With development less of the water goes into the ground. He stated that slowing it down causes the water to run for a longer period of time. These are variables we work with. The Stream Buffer Ordinance will lessen the amount of water leaving the site.

Motion by Ahart/Soeldner to recommend approval for the Application of the Land Use and Development Committee to approve a text amendment in case S-10-06 to amend Chapter 36 of the McLean County Land Subdivision Ordinance to add a new section regulating stream buffers.
Motion carried with Mr. Segobiano voting no.

Chairman Gordon stated that the next item for action is the request by the Mclean County Regional Planning Commission to approve a Regional Planning Service

Agreement for the fiscal year July1, 2010 through June 30, 2011. He noted that a letter from Mr. Paul Russell, Executive Director, McLean County Regional Planning Commission is included in the Committee packet.

Mr. Segobiano stated that he will be voting present. He has some questions on items (b)-3 and (b)-6 of the Regional Planning Service Agreement.

Chairman Gordon asked if this Service Agreement is a continuation of an existing agreement. Mr. Dick stated that the McLean County Region Planning Service Agreement is a continuing Service Agreement that is approved annually.

Mr. Soeldner asked if the cost listed is the usual costs. Mr. Dick stated that the cost shown is less than usual. Regional Planning actually went through one fiscal year not requesting any funds. He noted that the cost is typically \$39,000.

Motion by Soeldner/Ahart to recommend approval of the Regional Planning Service Agreement for the fiscal year July1, 2010 through June 30, 2011.
Motion carried with Mr. Segobiano voting Present.

Chairman Gordon asked if there were any other items of information to come before the Committee at this time.

Mr. Dick stated that the Illinois Chapter of American Planning Association is having a Conference at the Marriot Hotel in Normal, IL on September 22nd – 24th, 2010. He will email the information to the Committee.

Chairman Gordon stated that the next Land Use and Development Committee meeting will be on Thursday, August 5, 2010

Chairman Gordon asked if there were other items of information to come before the Committee. Hearing none, he adjourned the meeting at 5:32 p.m.

Respectfully Submitted

Diana Hospelhorn
Recording Secretary