

PUBLIC HEARING MINUTES
CONSERVATION, PLANNING, AND ZONING COMMITTEE
WOODFORD COUNTY, ILLINOIS
Tuesday, January 9, 2018
5:30 P.M.

1. Call to Order:

Mr. Kingdon called the Public Hearing to order at 5:32 pm

2. Roll Call: Duane Kingdon, Doug Huser, Blake Parsons, and Bryant Kempf were present. Excused: Andy Rokey

3. Public Input: The meeting was opened for public input throughout.

4. Unfinished Business:

5. New Business:

- Consideration of comprehensive changes to the Woodford County Subdivision Code

Mr. Kingdon asked the first group to speak:

Mr. John Nicolay, Mr. Dennis Perry and Mr. Tim Burch from the Illinois Professional Land Surveyors association come forward to discuss why they cannot comply with the proposed surveyor's signature signing off on minimum spacing requirements and site distances. Mr. Nicolay stated he represents the IPLSA he stated, they had a land attorney review the issue and they provided an opinion (see attached #1) that it is outside the scope of practice of land surveyors, he stated that would put their professional license and insurance in jeopardy. Mr. Burch stated he is a professional surveyor and is the Government Affairs Chair for the IPLSA and the Secretary for the National Association. He stated that while surveyors do measure distances, certifying them for site distance and spacing is outside their scope, and that this should be signed off by an engineer. Mr. Nicolay stated that they would be willing to assist with coming up with wording or direction that would work. Mr. Perry discussed that he worked at Peoria County Highway for years and in their case the Highway engineer would go out and verify entrances meet the requirements. He noted that if the county wants to have this sign off it will need to be accomplished by an engineer. If he as a surveyor signs off he would be disciplined by the professional organization and would lose his insurance. Mr. Nicolay discussed that they have spoken to Mr. Loy and they are happy to help develop something that will work for everyone. Mr. Minger stated that after reviewing everything we are requiring something that adds liability to them which is outside their practice. Mr. Huser discussed that they are trying to prevent land divisions being done with lots being created that have no access. Mr. Nicolay discussed that a drainage engineer signs off on the final plat. Mr. Huser asked if each lot in a subdivision is described. Ms. Jording explained that the subdivision is described but each individual lot is shown graphically but each is not individually described. Mr. Huser stated that there should be something showing that each lot has legal access and the surveyor should have some responsibility to make sure that an entrance exists. Ms. Jording discussed that if a division is an exception to the Plat Act then the County cannot force a plat to be prepared, the division can be done by deed which still places then entrance determination on the Highway or road commissioner. Mr. Huser stated that in cases where a plat is filed having the entrances certified would help take the burden off the road authority. Mr. Burch stated he was concerned that the Mr. Huser felt it should be the surveyors should be responsible for this requirement, he noted that the surveyor is doing what the land owner or developer instructed them to do and lay out the lots as directed. Mr. Kingdon stated they understand the problem, what is the solution. Mr. Perry stated in 101 other counties the County Engineer handles the issue. Mr. Loy stated engineer's certificate on the Plat is one option. He noted that there is no charge for the access permit, perhaps they should charge a fee to cover the cost.

Mr. Barry Logan came forward, he discussed that there are many issues he sees that needed addressed and he can see that the committee has spent a lot of time on it. His first concern is that it is not in compliance with the comprehensive plan, and that makes it illegal. He also noted that it requires the county board has to approve a plat, the way he understands it if the zoning officer approves it the county board must sign off. He stated he thought he was good with this until he dug into it more, initially his main concern was the removal of the four parcels on a shared drive, however after reviewing it he has more concerns. He noted an issue with the Road bond release amount, he noted that you cannot release 110% or the bond amount you can only release 100% of a bond, each release milestone should be 25%. Mr. Logan stated he had Mr. Janssen review the draft and they felt there were several issues. Mr. Logan asked if they intended to get rid of the comprehensive plan, Mr. Huser asked for a list where it is not in compliance. Mr. Logan discussed that in some places the references to the comprehensive plan were removed, in some locations it remains, it appears to be conflicting whether the plan is to be followed. Mr. Huser discussed that the comprehensive plan is not law but is intended as a guide. Mr. Logan discussed that he originally only had issue with the removal of the 4 parcels on a shared drive, he found other issues once he reviewed it more in depth. He briefly stated he had concerns about Dead end roads and emergency services access, and the need for an Attorney who specializes in zoning issues to review.

Mr. Kingdon stated there was a letter from Mr. Burditt which will be added to the minutes. (see attached #2) Ms. Jording stated she identified a few items that need correcting. Item 5.14 should add “B. *An exception in accordance with Illinois compiled statutes (765 ILCS 205 – Plat Act) and C. An Exception Plat. If an exception plat is prepared it must comply with article X*”

Item 7.60 and 7.61 are the same, only one is needed.

Item 10.1 should read “*It an exception plat is prepared it must comply with the provisions of the article*”

Items 10.23 and 10.53 are the same, only one is needed.

Item 10.52 and 10.53 should be under section 10.2 not 10.5

Mr. Mike Hinrichsen came forward to discuss his concern of how these changes will affect the village. His concern is that land within the 1.5 mile planning area would affect future annexation due to gravel roads with a large number of houses that would be looked at for annexation in the future.

Mr. Kingdon discussed that the reason for the changes is for better long term development and more organized lot development in the future. Mr. Hinrichsen asked if there is a 20 ft road there will be an easement for 60 ft width? Mr. Kingdon stated there will be 60 ft dedicated for the road use, the subdivision will be required to have a road maintenance agreement. While the physical road might only for 20 ft wide gravel the 60 ft of land is available for future development if the township or a municipality decides to take the road. Mr. Huser discussed that Mr. Burditt has been concerned over this issue and calling people about this issue. He discussed that 60 ft is now mandated for more than 3 lots or lots of 6 acres or more and they must have the cul-de-sac at the end. Mr. Huser discussed that right now you could have four houses on a mud driveway. He discussed that if the village annexes in the future now the 60 ft that is required will be available to have the proper road. He discussed that Nofsinger Rd would have been much cleaner with a single entrance for so many of those roads. He noted the Worth Township has 60-70 cul-de-sac all of which have to be plowed and maintained. Mr. Huser noted this is attempt to get an organized plan to develop the county and encourage younger people to come to the county. Mr. Parsons noted that a gravel lane with 15 houses on it is a worst case scenario. If you provide minimal development in a subdivision, you will get minimal results from the development. Mr. Kingdon discussed that every process has loopholes and as a result of not wanting to build a public road, developers built multiple four lot subdivision side by side. Enabling more homes on a drive would allow for more orderly development. Mr. Kingdon asked if the committee would like to look at changes tonight or if that needs to be postponed. Mr. Huser stated he still feels someone else needs to sign off on the access issue to take some burden off the road commissioners and Highway department. Mr. Minger stated he has a contact with a zoning attorney that he can speak to about reviewing this. Mr. Huser asked if there is any record of a public hearing being accomplished for the existing Subdivision Code. Ms. Jording stated that based on the notes from the previous administrator it does not appear there was.

Motion to postpone until a legal review is accomplished and the issues with the comprehensive plan is addressed made by Parsons, seconded by Kempf. *Motion Carried.*

6. Executive Session (if necessary): None

7. Any action coming out of Executive Session:

8. Adjournment:

Motion to adjourn made by Parsons at 6:52, seconded by Kempf. *Motion Carried.*

Lisa Jording, Secretary

Duane Kingdon, Chairman

Date