

**Alden Road: Charles Road to State Line Road
McHenry County**

**Stakeholders Meeting #3
NOTES**

**McHenry County Administration Building
Conference Rooms A and B
Monday, August 16, 2010, 6:30 P.M.**

Stakeholders:	Preston Rea	Alden Township Supervisor
	Evert Evertsen	Hartland Township Supervisor
	Kurt Beystehner	Alden Road Alliance Representative
	Alan Plane	Alden Road Alliance Representative
	Lori Plane	Hebron Post Office Representative
Staff:	Bob Ellinghausen	Environmental Defenders of McHenry County
	Wally Dittrich	McHenry County Division of Transportation
	Cha Lee	McHenry County Division of Transportation
	Jeff Young	McHenry County Division of Transportation
	Dennis Sandquist	McHenry Co. Dept. of Planning & Development
	Matt Hansel	McHenry Co. Dept. of Planning & Development
	Diane Lukas	HLR
	Amy McSwane	HLR
	Brien Funk	HLR

- All attendees introduced themselves and who they represent.
- The McHenry County Department of Planning and Development (P & D) representatives gave a presentation discussing the following:
 - Discussion of Zoning and Setback Issues
 - A non-conforming parcel or structure is one that was “legal” when it was created or built, but no longer meets the requirements for size or setback due to changes in right-of-way (ROW) or the zoning ordinance.
 - The zoning requirements for A-1 are 40 acres and 330 feet of frontage.
 - The setback requirements for A-1 are either 80 feet from the centerline of the road or 50 feet from the ROW line, whichever is greater.
 - The current McHenry County Zoning Ordinance was adopted in 2000.
 - Article Six, Nonconforming uses, lots and structures, was discussed.
 - For non-conforming lots, it is still permitted to construct new buildings, repair an existing building, and reconstruct an existing building given that the parcel meets the bulk requirements presented in Table Two of the McHenry County Zoning Ordinance.

- If a non-conforming structure is destroyed by more than 50%, the structure must be rebuilt in accordance with the zoning regulations of the zoning district in which it is located.
 - A change in ownership does not affect the zoning and setback conformity issues.
 - There is no “grandfather” clause. When a parcel or structure becomes non-conforming it either stays non-conforming or a variation is requested by the owner.
 - Article Seven, Variations, was discussed.
 - When a parcel or structure becomes non-conforming, the owner may request a variation in order to perform certain tasks such as add additions to structures or construction of new structures.
 - If a non-conforming structure is destroyed by more than 50%, the owner may request a variation to rebuild the structure on the same footprint.
 - All variation requests are at the owner’s expense.
 - Article Eight, Administration and Enforcement, was briefly discussed.
 - If a lot or structure is non-conforming, the owner may request a change in zoning district. A district with less strict area and setback requirements may eliminate non-conformance.
 - Change in zoning is generally more expensive than requesting a variation.
 - The McHenry County P & D representatives do not believe that the zoning district impacts property tax, rather the land use. It was suggested to contact the local tax assessor to confirm how a zoning change may affect taxes.
 - It was explained that many of the parcels and structures along Alden Road are already in a state of non-conformance.
 - Just because a parcel is non-conforming does not mean that the land use must change. If an A-1 parcel is below the minimum area requirements, the parcel may still be used as an agricultural lot.
 - The County re-confirmed that the Access Management Ordinance does not apply to existing properties and uses along this project.
- HLR presented a discussion of Crash Statistics.
 - A memo was passed out which discussed questions raised in the previous meeting about the crashes along Alden Road.
- Project Schedule
 - The next step in the process is to present the progress of the project to the Transportation Committee.
 - With the approval of the Transportation Committee, McDOT will schedule a Public Meeting in the next couple of months.
 - It is possible that another Stakeholder Meeting will be held following the Public Meeting.

- Questions – The following is a summary of questions asked by the stakeholders and audience members.

Question: Can an agreement be reached to waive or have McDOT pay for fees associated with variation requests?

Answer: There are several options that can be discussed on a case by case basis during land acquisition negotiations.

Question: What if there is not enough setback to a septic system?

Answer: If the road construction is to affect the septic system, it will be relocated at the county's expense. If there is only a setback issue, the Health Department offers a variance, should one be needed.

Question: Can individual letters be sent to property owners who will experience severe impacts prior to the Public Meeting?

Answer: McDOT will consider this.

Question: Will invitations to the Public Meeting be sent to all residents along Alden Road, regardless of their individual impacts?

Answer: Yes.

Question: If the road is rebuilt in its current footprint and no ROW is acquired, does this affect the setback?

Answer: This situation would not affect the setback of any structures.

Question: Is there any other ordinance, besides the Access Management Ordinance, which dictates how much ROW should be acquired?

Answer: No, ROW needed is based on the design and engineering requirements.

Question: Are the ROW requirements based on Average Daily Traffic (ADT)?

Answer: No.

Question: A previous report by HLR states that there is no impact to any 100 year floodplains. There are two near the project. Is this a mistake?

Answer: No, this project will not impact the flood plains. The culvert and flood plain impacts have been evaluated as part of Phase I and will be included in the final development report.

Question: Does this project have to comply with the Stormwater Ordinance?

Answer: Yes.

Question: What are prescriptive easements?

Answer: A prescriptive easement is a situation in which the property owner owns the land all the way up to the centerline of the road. The DOT has the rights to maintain or alter the road, but does not actually own the land.

Question: Does ROW acquisition affect a prescriptive easement?

Answer: This is handled on a case by case basis. It is favorable for the DOT to purchase all of the land from the centerline to the ROW line, and eliminate the prescriptive easement.

Question: Why is Alden Road a Principal Arterial?

Answer: The County classifies some roads as Principal Arterials for the Access Management Ordinance. Looking at the road network throughout the county, the intent is to create higher standards for possible future development along main routes. Alden Road is classified by the County as a Principal Arterial because it is a main north/south route in the county's roadway network.

Question: How will this project affect the passing zones on Alden Road?

Answer: This has not been determined at this time.

Question: Can the design and ROW requirements be made public before the Public Meeting?

Answer: The DOT would prefer to present all information at once at the Public Meeting to present the same message to everyone and avoid confusion.

Question: Why is the information on the Alden Road website show old figures?

Answer: Thank you for pointing this out, the website will be updated.

Question: Since Alden Road is classified as a Principal Arterial, aren't the setback requirements even larger?

Answer: This issue will be looked into further.

*Post meeting research has found that the setback requirements are larger for Strategic Regional Arterials, which Alden Road is not.

Question: The BLR manual only requires 1 foot paved shoulders, why is Alden designed for 8 foot?

Answer: The BLR manual requires 8 foot shoulders for a reconstruction project of this road type and ADT. The Design Criteria Table from Chapter 32 will accompany these meeting notes.

Question: Can the Public Meeting be held on two separate nights?

Answer: McDOT will consider this option.

Question: Has the county made a decision about the use of fly ash as a construction material?

Answer: At this time it is premature to include or exclude any specific types of construction methods or practices as the timing of construction and specific project segment details have yet to be established.