



MCHENRY COUNTY
PLANNING, ENVIRONMENT & DEVELOPMENT
AGENDA • AUGUST 17, 2017

Public Meeting

County Board Conference Room

8:30 AM

667 Ware Rd, Administration Building, Woodstock, IL 60098

1. CALL TO ORDER

Roll Call

2. MINUTES APPROVAL

1. Planning, Environment & Development - Public Meeting - Jul 20, 2017 8:30 AM
2. Planning, Environment & Development - Public Meeting - Aug 1, 2017 8:30 AM

3. PUBLIC COMMENT

4. MEMBERS' COMMENTS

5. PRESENTATION

6. NEW BUSINESS

7. OLD BUSINESS

A. Unified Development Ordinance Amendments - Review and Direction

8. REPORTS

1. *ZBA and Hearing Officer Reports*
2. *Chicago Metropolitan Agency for Planning*
3. *McHenry County Conservation District*
4. *Solid Waste*
5. *Historic Preservation Commission*

9. FUTURE TOPICS

10. EXECUTIVE SESSION (AS NECESSARY)

11. ADJOURNMENT

A. Unified Development Ordinance Amendments - Review and Direction

Mr. Smith explained to the Committee that he was changing the format for review of the amendments. He requested that a motion be made to allow for discussion on each revision.

Mr. Gottemoller made a motion, seconded by Ms. McCann, to approve the UDO section 14.4.D.

Mr. Nowak felt that 8 a.m. to 11 p.m. should be allowed for amplified music. Ms. Bates suggested starting at 10 a.m. on a weekend. Mr. Moore asked if they could consider adding variations for TUPs, and if they could add standards for TUPs. Ms. McCann noted that the liquor law states that the noise cannot leave the perimeter of the property. Mr. Gottemoller would like to see the times remain as proposed.

Mr. Nowak made an amendment to the motion, seconded by Ms. Bates, to propose the times for amplified music to be 8 a.m. to 9 p.m. Sunday through Thursday, and 8 a.m. through 11 p.m. Friday and Saturday. After discussion the motion was amended to a start time of 7 a.m.

Mr. Reinert was concerned with the morning time.

The motion on changing the morning time to 7 a.m. failed on a roll call vote with 4 ayes (Nowak, Smith, Bates, Gottemoller) and 2 nays (McCann, Reinert).

The motion on changing the evening times from 12 a.m. to 11 p.m. passed on a roll call vote with 5 ayes (McCann, Reinert, Nowak, Bates and Gottemoller) and 1 nay (Smith).

Mr. Gottemoller mentioned he was present when the 10 p.m. time was negotiated with respect to the motorsports. Mr. Moore reported that the fairgrounds has seven motocross events per year.

Ms. McCann amended the motion, seconded by Mr. Nowak, to change 9 p.m. to 10 p.m. on 14.4.D.6.b.

The motion passed on a roll call vote with 5 ayes (McCann, Reinert, Nowak, Smith and Gottemoller) and 1 nay (Bates).

Ms. McCann requested that the lighting be shielded in section 14.4.D.6.c. Mr. Gottemoller noted more concern with the time rather than shielding the light.

Motion by Mr. Nowak, seconded by Ms. McCann, to shield all lighting 14.4.D.6.c. After discussion on shielded lighting, Mr. Nowak retracted his motion and would leave the lighting as proposed. Ms. McCann retracted her second to the motion.

Mr. Nowak made a motion to change section 14.4.D.7.c from 300 feet to 50 feet. He retracted his motion.

Ms. McCann left the meeting at 9:40 AM.

Mr. Gottemoller made a motion, seconded by Ms. Bates, to amend the wording on 14.4.D.7.e to read, "Campfires and bonfires must be designated on the site plan and approved unless objected by the fire department having jurisdiction." The motion passed on a roll call vote with all members present voting aye.

Motion by Gottemoller, seconded by Nowak, to approve the original motion with all amendments previously discussed 14.4.D.6 through 14.4.D.7.e. The motion passed on a roll call vote with all

members present voting aye.

Ms. McCann returned to the meeting at 9:45 AM.

Mr. Nowak made a motion, second by Mr. Gottemoller, to approve 14.5.K.2.d as proposed. Mr. Moore noted that occupants may stay for one period up to 30 days and may not return for subsequent stays; it is one consecutive time. Ms. McCann stated that if this was on a half-acre or larger, a longer time could be allowed.

Mr. Gottemoller made an amendment to the motion seconded by Ms. McCann to change the 30 days to 60 days. The motion passed on a roll call vote with all members present voting aye on the amendment.

A vote on the motion to approve UDO sections 14.4D was passed on a unanimous roll call vote.

Mr. Gottemoller made a motion, seconded by Mr. Reinert to approve the Indoor Storage section as staff has recommended for 14.5.K.3. The motion passed on a roll call vote with all members present voting aye.

Motion by Bates, seconded by Mr. Nowak to approve 14.5.Q Outdoor Entertainment Area.

Ms. McCann left the meeting at 10:15 AM.

Ms. McCann returned at 10:18 AM.

Mr. Moore explained the areas of review and questioned if outside areas should be limited to the same area as the inside area of the business. This could be determined by the occupancy capacity.

Mr. Nowak left the meeting at 10:23 AM.

Mr. Nowak returned at 10:25 AM.

Mr. Sandquist noted that capacity could be doubled by using an outside area if you have septic capacity. He noted there are business owners with bars in the unincorporated area that would like to expand their area outside. He mentioned that currently staff have to make a judgment call as to what is a reasonable expansion.

Mr. Moore noted that he did not want the businesses to have the need for portable toilets and prefers a permanent solution. He noted the occupancy capacity could be reviewed through a site plan review. Mr. Sandquist noted that some items including non-privacy fence and paver patio, would not require a permit and the County would not know that the expansion has occurred if the site plan review is not required.

Motion by Mr. Smith, seconded by Mr. Gottemoller to accept 14.5.Q for Outdoor Entertainment Area to eliminate the wording "single patio or deck", change to less than twice the size of the principal building, and cannot exceed twice the occupancy load of the principal building, and remove wording of "when outside space exceeds 50 occupants" to twice the occupancy of the principal building.

Mr. Sandquist mentioned that the temporary use that is allowed four times per year is for the poker run or larger types of events. These types of events would be allowed under the temporary use provision.

Mr. Smith revised his motion, seconded by Mr. Gottemoller to leave the revisions to 14.5.1.a, 14.5.1

b, and 14.5.1.c as proposed by Mr. Smith and to strike 14.5.1.d.

Mr. Nowak asked if the building code was considered in this section with regard to codes. Mr. Moore suggested voting now on the motion and if there are concerns with building codes they will bring those back to the Committee.

A motion by Mr. Gottemoller, seconded by Mr. Nowak to strike A from section 14.5.1.a passed on a roll call vote with four ayes (Gottemoller, Bates, Reinert, Nowak) and two nays (Smith and McCann).

Motion by Mr. Gottemoller to delete the hours as proposed. Mr. Gottemoller withdrew his motion after discussion.

Ms. McCann made a motion, seconded by Ms. Bates to make outdoor entertainment allowed as defined in 14.4.D.6.b Sunday through Thursday until 9 p.m. and Friday and Saturday until 11 p.m. Mr. Smith felt that 11 p.m. would be too restrictive. Mr. Reinert agreed. Ms. Bates withdrew her motion noting the weekend should be until 12 p.m. Ms. McCann withdrew her motion.

Mr. Smith amended the motion and proposed Sunday through Thursday until 10 p.m. and Friday and Saturday until 12 p.m. The motion passed on a unanimous roll call vote.

There was a roll call vote on the motion to approve Section 14.5 as amended at this meeting. The motion passed on a roll call vote.

8. REPORTS

1. *ZBA and Hearing Officer Reports*

None.

2. *Chicago Metropolitan Agency for Planning*

None.

3. *McHenry County Conservation District*

None.

4. *Solid Waste*

None.

5. *Historic Preservation Commission*

None.

9. FUTURE TOPICS

The Committee requested that the UDO review be added to the next regular meeting of the Committee.

Mr. Sandquist informed the Committee that he will be requesting approval for fee waivers for any permits to repair flood damage at the next meeting.

10. EXECUTIVE SESSION (AS NECESSARY)

None.

11. ADJOURNMENT

Minutes Acceptance: Minutes of Jul 20, 2017 8:30 AM (Minutes Approval)



MCHENRY COUNTY
PLANNING, ENVIRONMENT & DEVELOPMENT
MINUTES • AUGUST 1, 2017

Public Meeting**County Board Conference Room****8:30 AM**

667 Ware Rd, Administration Building, Woodstock, IL 60098

1. CALL TO ORDER

Meeting called to order at: 8:30 AM by Larry W Smith.

PRESENT: Smith, Reinert, Nowak, Gottemoller, Yensen, McCann

ABSENT: Bates

Also present: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator-Finance; Dennis Sandquist, Darrell Moore, Joanna Colletti, Scott Kuykendall and Hans Mach, Planning and Development; and interested public.

2. MINUTES APPROVAL

None.

3. PUBLIC COMMENT

Dr. Dan Strelcheck, Woodstock, Illinois provided members with a handout summarizing his comments. Dr. Strelcheck stated he lives in the Austin Meadows subdivision in Woodstock which is in unincorporated McHenry County. He mentioned he was petitioning a consideration to amend Zoning Code Section 14.5.A.6 of the UDO (Unified Development Ordinance) which reads "accessory structures shall be separated a minimum of seven feet from other accessory and principal structures". He feels this wording causes unnecessary hardships for the homeowner by limiting the possible placement of new structures. Many times this forces homeowners into a "must ask for a variance" solution which may be costly and may have no guarantees to a homeowner. He feels that many times projects which would increase property values, and taxes, are squashed before they have an opportunity to get off the ground because of this. He feels the community's aesthetics, safety and access will not be affected negatively, but positively if Zoning Code Section 14.5.A.6 would omit or qualify the words "other accessory and" and leave "accessory structures shall be separated a minimum of seven feet from principal structures". He feels this would allow principal structures to maintain a seven foot distance from each other without causing a homeowner to be limited by existing stairs, pergolas, and gazebos as "other accessory structures". These accessory structures are commonly found on many properties which are innocent structures that are so inhibiting to homeowners' projects. He thanked committee members in advance for their consideration in assisting the taxpayers of McHenry County to gain revised regulations to help improve their properties responsibly. Dr. Strelcheck provided members with his contact phone number, and Chairman Smith mentioned he would contact him after this section of the UDO is discussed during a committee meeting.

Full comments can be heard on McHenry County's website audio of this meeting.

4. MEMBERS' COMMENTS

None.

5. PRESENTATION

None.

Minutes Acceptance: Minutes of Aug 1, 2017 8:30 AM (Minutes Approval)

6. NEW BUSINESS

1. 8:30 AM: Interview - McHenry County Conservation District Board of Trustees - Carolyn Campbell

Committee members introduced themselves and interviewed Carolyn Campbell for consideration for appointment to the McHenry County Conservation District (MCCD) Board of Trustees. It was noted that Ms. Campbell meets the requirements as a member of the MCCD Board of Trustees.

2. 8:45 AM: Interview - McHenry County Conservation District Board of Trustees - Michael Poper

Committee members introduced themselves and interviewed Michael Poper for consideration for appointment to the McHenry County Conservation District (MCCD) Board of Trustees. It was noted that Mr. Poper meets the requirements as a member of the MCCD Board of Trustees.

3. 9:00 AM: Interview - McHenry County Conservation District Board of Trustees - Elaine Ramesh

Committee members introduced themselves and interviewed Elaine Ramesh for consideration for appointment to the McHenry County Conservation District (MCCD) Board of Trustees. It was noted that Ms. Ramesh meets the requirements as a member of the MCCD Board of Trustees.

4. 9:15 AM: Interview via telephone - McHenry County Conservation District Board of Trustees - Ryan Pettit

Committee members interviewed Ryan Pettit, via telephone, for consideration for appointment to the McHenry County Conservation District (MCCD) Board of Trustees. It was noted that Mr. Pettit meets the requirements as a member for the MCCD Board of Trustees.

5. 9:30 AM: Interview - McHenry County Conservation District Board of Trustees - David Hallberg

Committee members introduced themselves and interviewed David Hallberg for consideration for appointment to the McHenry County Conservation District (MCCD) Board of Trustees. It was noted that Mr. Hallberg meets the requirements as a member for the MCCD Board of Trustees.

6. 9:45 AM: Interview - McHenry County Conservation District Board of Trustees - Thomas Daly

Chairman Smith informed members that Mr. Daly did not return telephone calls inviting him for an interview during today's meeting.

7. **Motion:** Deliberation and selection of up to one candidate for recommendation to the County Board Chairman for the McHenry County Conservation District Board of Trustees for one term expiring June 30,2020

Chairman Smith noted a typographical error on the agenda which states the term ends in 2020. The term for this appointment to the MCCD Board of Trustees is a five-year term with an expiration date of June 30, 2022.

Ms. McCann made a motion, seconded by Dr. Yensen, to recommend the appointment of Carolyn Campbell as a member of the McHenry County Conservation District Board of Trustees for a term expiring June 30, 2022.

Minutes Acceptance: Minutes of Aug 1, 2017 8:30 AM (Minutes Approval)

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| RESULT: | RECOMMENDED [4 TO 0] |
| MOVER: | Mary McCann |
| SECONDER: | Paula Yensen |
| AYES: | Smith, Nowak, Yensen, McCann |
| ABSTAIN: | Reinert, Gottemoller |
| ABSENT: | Bates |

8. FY17-18 Budget Review - Planning and Development Department

Ms. McCann made a motion, seconded by Dr. Yensen, to move agenda item No. 6.8 - FY17-18 Budget Review after agenda item No. 6.11. The motion passed with all members present voting aye on a voice vote (Reinert, Nowak, Gottemoller, Yensen, McCann and Smith). Absent was Bates.

After completion of reviewing/recommending agenda item No. 6.11, members returned to this agenda item.

At 10:08 a.m. Chairman Smith stated the committee will take a short break. At 10:15 a.m. members returned to the meeting and Chairman Smith called the meeting back to order.

Mr. Sandquist, Mr. Moore, Mr. Austin, Mr. Sarbaugh and Ms. Colletti joined committee members for presentation of the FY2018 Planning and Development Department budget. An overview of the Department and its functions was provided by Mr. Sandquist. 2017 highlights for the department were provided, along with 2018 goals, all of which are included in the meeting packet. Department staff levels for full-time equivalents were presented, along with the Department's organization chart. A chart showing performance indicators for 2016 (actual), 2017 (projected), 2017 (mid-year) and 2018 (projected) was reviewed with committee members. An outline of the Department's general fund accounts was provided and reviewed, and the revenues and expenditures for the general fund were reviewed. General fund expenditures were provided by Mr. Sandquist. Revenue and expenditures for the CDBG (Community Development Block Grant) fund, along with revenues and expenditures for the expedited permit fund were reviewed.

Mr. Gottemoller made a motion, seconded by Mr. Nowak, to move the FY2018 budget for the Planning and Development Department forward. The motion passed with all members present voting aye on a voice vote (Reinert, Nowak, Gottemoller, Yensen, McCann and Smith). Absent was Bates.

Full comments can be heard on McHenry County's website audio of this meeting.

Chairman Smith informed members the meeting will now proceed to agenda item No. 6.12.

9. Resolution Waiving Building and Stormwater Management Permit Fees for Repairing Flood Damaged Structures

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| RESULT: | RECOMMENDED [UNANIMOUS] |
| MOVER: | Joseph Gottemoller |
| SECONDER: | Paula Yensen |
| AYES: | Smith, Reinert, Nowak, Gottemoller, Yensen, McCann |
| ABSENT: | Bates |

10. Resolution Authorizing Acceptance of a ComEd Green Region Program Grant and an Emergency Appropriation to the Department of Planning and Development Fiscal Year 2017 Budget

Messrs. Sanquist and Kuykendall joined members, and committee members mentioned the xeriscape and rain garden projects are very nice additions for everyone to enjoy.

Minutes Acceptance: Minutes of Aug 1, 2017 8:30 AM (Minutes Approval)

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| RESULT: | RECOMMENDED [UNANIMOUS] |
| MOVER: | Mary McCann |
| SECONDER: | Robert Nowak |
| AYES: | Smith, Reinert, Nowak, Gottemoller, Yensen, McCann |
| ABSENT: | Bates |

11. Ordinance to Modify the Legal Description of the Mount Auburn Cemetery Landmark

Messrs. Sandquist, Moore and Foley joined committee members. Mr. Foley provided a background of the Mount Auburn Cemetery located in Harvard. The owners propose to modify the original legal description and remove ten acres of excess land which is not currently used for cemetery purposes, and the owners plan to sell these ten acres. A public hearing on this matter was held before the McHenry County Historic Preservation Commission in June 2017. This matter was reviewed and approved to move forward to this committee and the County Board by the Historic Preservation Commission.

Chairman Smith informed members the meeting will now proceed to agenda item No. 6.8.

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| RESULT: | RECOMMENDED [UNANIMOUS] |
| MOVER: | Joseph Gottemoller |
| SECONDER: | Paula Yensen |
| AYES: | Smith, Reinert, Nowak, Gottemoller, Yensen, McCann |
| ABSENT: | Bates |

12. Discussion of Audio Recording and Record-Keeping Procedures for Zoning Hearings

Messrs. Austin, Sandquist and Moore joined members to discuss this agenda item. Currently Zoning Board of Appeals (ZBA) zoning hearings and McHenry County Hearing Officer hearings are not recorded, streamed or archived on the County's website. It was noted that a court reporter is present at every hearing and a transcript of these proceedings is created. Mr. Moore informed members that the IT Department will be able to accommodate livestreaming of these hearings similar to other standing committee and County Board meetings, and there would be minor training for staff to work the equipment. Staff presented this concept to the ZBA members, and the members present felt the addition of audio streaming of hearings was a good idea, but all members present felt opposed to the idea of discontinuing court reporting services for several reasons which are listed in the meeting packet.

Mr. Moore provided information on what collar counties do for ZBA hearings such as livestreaming and/or court reporters and transcripts. Members were informed the current two-year contract for court reporting services for the ZBA and Hearing Officer hearings expires at the end of 2017, and there is an open bid for court reporting services. Members were questioned if hearings could be conducted with an audio recording which provides verbatim documentation of hearings, and staff would provide a minute taker to take minutes of the proceedings. Mr. Gottemoller mentioned that hearings which go to litigation will need a transcript of the proceedings ordered, and it will need to be transcribed. Litigants pay for the transcript.

Members agreed that livestreaming ZBA and Hearing Officer hearings would save petitioners money, but also acknowledged that petitioners would have to pay for a transcript of their proceeding if their case went to litigation.

It was the consensus of the members present to pursue livestreaming ZBA and Hearing Officer hearings, and have staff take minutes of the hearings.

Minutes Acceptance: Minutes of Aug 1, 2017 8:30 AM (Minutes Approval)

13. Water Resources Work Plan Status Report

Mr. Sandquist, Mr. Kuykendall and Ms. Colletti joined committee members. Mr. Kuykendall, the County's water resources specialist, summarized the Water Resource Division's work plan accomplishments from February 21 to July 21, 2017. One task was to assist the McHenry County Council of Governments' (MCCG) director to re-establish the MCCG Water Policy Task Force as the primary vehicle for coordinating countywide water resource protection and planning activities. He worked with MCCG staff to re-activate the Task Force, and the previous chairman for the Task Force was not re-elected, as well as other members. A MCCG member already participates in the NWPA (Northwest Water Planning Alliance) and it was the consensus at that time that it was redundant for both task forces. He mentioned staff plan to approach MCCG in the fall after the upcoming water forum. Ms. McCann suggested forming a working group.

Concerning the County's Water Resources Action Plan (WRAP), Mr. Kuykendall mentioned that a goal is to have municipalities adopt the Plan, or adopt modified portions of the Plan which are appropriate for their municipality. Staff will be reaching out and working with surrounding municipalities. He stated he will be pursuing grants in the upcoming year, and there are opportunities with the 319 Grant Program which is implemented through the IEPA and is primarily focused on water quality.

Mr. Kuykendall invited members to the Water Resource Forum scheduled for November 8, 2017.

7. OLD BUSINESS

1. Unified Development Ordinance Amendments - Review and Direction

Chairman Smith called a special committee meeting for Thursday, August 17, 2017 at 8:30 a.m. for the purpose of reviewing and recommending proposed changes to the UDO (Unified Development Ordinance).

8. REPORTS

1. *ZBA and Hearing Officer Reports*

None.

2. *Chicago Metropolitan Agency for Planning*

None.

3. *McHenry County Conservation District*

Mr. Nowak reported that Steve Barrett was recently re-elected as president of the MCCD Board of Trustees. He reported the Conservation District is working on a project concerning farmland located in Cary by The Hollows.

4. *Solid Waste*

None.

5. *Historic Preservation Commission*

None.

9. FUTURE TOPICS

Ms. McCann stated they need to work on correcting the idea that the McHenry County Blog is the best source of information, and she requested this be a part of the record.

10. EXECUTIVE SESSION (AS NECESSARY)

None.

11. ADJOURNMENT

Mr. Nowak made a motion, seconded by Mr. Gottemoller, to adjourn the meeting at 11:34 a.m. The motion passed with all members present voting aye on a voice vote.

Full comments can be heard on McHenry County's website audio of this meeting.