

**PLANNING AND DEVELOPMENT COMMITTEE**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road – Conference Room A**  
**Woodstock, IL 60098**

Minutes of Thursday, November 1, 2007

Barbara Wheeler, Chairman	
Randy Donley	Mary L. Donner
Jim Heisler	Peter Merkel
Marc Munaretto	Virginia Peschke

Chairman Wheeler called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Barbara Wheeler; Mary Donner; Jim Heisler; John Jung, Jr.; Randy Donley; Peter Merkel; and Marc Munaretto. Also in attendance: Planning and Development Department staff members; Peter Austin, County Administrator; Pat McNulty, Health Department; County Board members – Jim Kennedy, John Jung, Jr. and Mary McCann; interested public; and the press

MINUTE APPROVAL

Mr. Heisler made a motion, seconded by Mr. Munaretto, to approve the regular session minutes of the October 4, 2007 Planning and Development Committee meeting. Ms. Donner asked that the minutes be amended on the second page under old business to reflect that the sign “holder appeared more substantial and stronger than those envisioned by the members at the previous meeting.” The minutes were approved as amended with a unanimous voice vote.

PUBLIC COMMENT

Chairman Wheeler stated that anyone wishing to address the Committee during public comment would be allowed three minutes to make their comments.

Mr. Conner Brown of the McHenry County Realtors Association addressed the Committee and reviewed concerns that the Association has raised with the proposed Conservation Design Ordinance. He stated that some of the trigger items need further clarification and there is not enough room for flexibility. The tree protection program is on the rigid side and consideration should be given not to penalize an owner due to trees that may need to be removed because of practicable purposes of development. He noted that endowment funding can cause problems for the buyer in that it is not always clear who is to pay for it. He noted the importance of including a Public Notice of any SSA Conditions in addition to the covenant agreement. He raised concerns with the use of the word “forever” in the Open Space Management Section and recommended that a review process be included since purposes do change through the years. He also stated that the three year monitoring by a developer should be reconsidered as the developer should be able to be released from such bonding upon completion of a project. He stated that the Association supports the overall concept of the Ordinance and will forward written statement of their concerns for consideration.

Rita Unzner, with the Home Builders Association addressed the Committee and provided a letter from the Attainable Housing Alliance commending the work of the Task Force and supporting the Ordinance. She stated that comments and suggestions will be provided to Chairman Wheeler for consideration.

PRESENTATIONS: None

SUBDIVISIONS

*Manor Hill – Tentative Plat:* Ms. Ehardt reviewed the proposed Tentative Plat for Manor Hill Subdivision, Unit 2 located in Riley Township. This is a small development of approximately 2.62 acres that will be divided into two lots. Lot #1 will have access from State Route 23. Lot #2 will be accessed from Ratfield Road. All platting requirements have been met. Signatures of the City of Marengo are affixed to the Tentative Plat as required since the site is within 1.5 miles of the City. The Road Commissioner is in agreement and has signed said Plat. School Districts #18 and #154 will accept cash in lieu of land. There are no pipelines. After review, Mr. Donley made a

Approved: 12.6.07

motion, seconded by Ms. Donner, to approve the Tentative Plat for Manor Hill Subdivision, Unit 2 and authorize the Chairman to sign said plat. The motion carried with all members present voting aye on a voice vote.

*Yadgar – Tentative Plat:* Ms. Ehardt pulled this item from the agenda.

OLD BUSINESS: None

NEW BUSINESS

*ZBA Appointment:* Ms. Peschke made a motion, seconded by Mr. Heisler, to recommend the County Board approve a Resolution appointing Linnea Kooistra to the Zoning Board of Appeals (ZBA) for a five year term. The motion carried on a roll call vote of five ayes (Donley, Donner, Peschke, Heisler and Wheeler) and two nays (Munaretto and Merkel).

*Consideration of 2008 P & D Committee Meeting Dates/Times:* Mr. Munaretto made a motion, seconded by Ms. Peschke, to confirm that the P & D Committee meetings for 2008 will be held on the first Thursday of each month at 8:30 a.m. The motion carried with a unanimous voice vote of all ayes.

*Agritourism Taskforce Report:* This item was deferred to later in today's meeting.

*Fee Increase Ordinances FY 08:* Committee members reviewed and considered the following Ordinances: (1) An Ordinance adopting a fee schedule for McHenry County Subdivision Review; (2) an Ordinance adopting a Schedule of Fees to cover Motel Inspection/License costs; (3) An Ordinance Amending the fee Schedule for Petitions before the McHenry County Zoning Board of Appeals; and (4) An Ordinance amending the schedule of fees for providing building permits, inspections and code books. Ms. Ehardt reported that the fees reflect a 3% increase over the previous year with the exceptions of the following that have been increased to cover costs for at least one inspection: Siding – increased from \$62.00 to \$72; Wood Burning Supply – increased from \$56.00 to \$72.00; Wrecking – increased from \$56.00 to \$72.00. In addition, the sign fee has increased to \$75.00. Ms. Peschke questioned the fee for a conditional use permit and why there was a flat fee for the first 5 acres. Ms. Ehardt stated the flat fee is determined through the average costs of staff time and hearing per diems. The area is determined by the legal description provided in the conditional use application. Ms. Donner questioned fee distribution and the 20% that is held relative to the Subdivision Review Ordinance. Ms. Ehardt explained that the 20% is held to allow for funds to be available for inspections if necessary. She noted that such funds have a maximum limit of \$25,000. Mr. Donley questioned if the proposed fee increases would be sufficient. Ms. Ehardt stated that the proposed increases should cover costs. Mr. Munaretto asked if a tier structure for ZBA items had been considered, noting that it might make sense to add a cost for those appeals that go beyond the normal hearing process. Ms. Ehardt responded that there had been such discussions in the past and it was decided to have the applicant responsible for the payment of court transcripts instead of imposing a tier fee structure. Ms. Peschke made a motion, seconded by Mr. Merkel, to recommend the County Board approve the four Ordinances as submitted. Mr. Merkel questioned requests for variations and if it is necessary to bring these issues to the ZBA. Ms. Ehardt responded that variations are not taken to the ZBA, noting that such requests are taken to the hearing officer. She also stated that no applicant is required to have an attorney for a zoning request. She also pointed out that statutorily we do have the ability to do an administrative variance if there are no objections filed. Ms. Donner questioned the use of "...health, safety and welfare..." in the Motel Ordinance. Ms. Ehardt stated that the permitting is done through the P & D Department with a sign-off from the Health Department and Fire Protection District. With no further discussion, a roll call vote was called. The motion carried with all members present voting aye (Munaretto, Merkel, Heisler, Peschke, Donner, Donley and Wheeler).

*Resolution authorizing a budget line item transfer (LEAM):* Mr. Munaretto made a motion, seconded by Mr. Heisler, to recommend the County Board approve a Resolution authorizing a budget line item transfer in the Department of Planning and Development's FY 07 budget. The motion carried with all members present voting aye on a roll call vote (Munaretto, Merkel, Heisler, Peschke, Donner, Donley and Wheeler).

*City of McHenry Illinois Water Quality Management Plan:* It was noted that this item was for information and if there were any comments from the Committee to the proposed amendment, they should be submitted in writing by December 3, 2007.

*Conservation Design Ordinance:* Chairman Wheeler reviewed a proposed timeline for the Conservation Design Ordinance, stating she would like the County Board to consider putting this item up for a 30 day review on November 6<sup>th</sup>. Mr. Munaretto pointed out that the agenda for the November 6<sup>th</sup> meeting is already completed and questioned the “rush” to get this document completed. He stated that Committee has just received this and would need time to review and make comments. Chairman Wheeler responded that there is no rush, but there is no reason to lag in moving forward. Ms. Donner noted that the proposed Conservation Design Ordinance may impact other ordinances and it may be necessary to see how this will correlate with those ordinances. Ms. Ehardt pointed out that municipal ordinances are different than those of the County and that the 17 year old subdivision ordinance of the County was not necessarily a “bad” thing. Although certain things have changed, the process remains similar. Chairman Wheeler stated that some items were missing from the document including definitions, clarifications and Conservation Design Templates. These items are highlighted in yellow. Requests for some wording changes included deleting “In general” from the first paragraph under Applicability on Page 2. Deleting the word “However” and inserting “In addition” in the first paragraph/second sentence under Applicability – Page 2. Ms. Ehardt explained that some of the Automatic Triggers/Cumulative Triggers were also in the Stormwater Ordinance. Members discussed the proposed density bonus, noting that this is also included in the PD ordinance. Ms. Ehardt stated that definitions should match existing ordinances and staff will review these to make sure there are no conflicts with other ordinances. It was pointed out that there may be a conflict with Open space donated to the land conservation agency as it appears on Page 4 and this should be reviewed. It was also noted that the McHenry County Conservation District is not in the business of taking over open space in private areas and these issues need further clarification and definitions. Members also questioned the use of the word “cluster” in the General Standard section on Page 6. It was noted that this is commonly used language and is appropriate. Ms. Ehardt pointed out that there can be no conservation design without clustering. It was noted that the Road Commissioners had found the road widths as indicated on Page 7 to be acceptable. Members suggested getting an acknowledgement from the road commissioners on the proposed Street Standards section. On Page 9, members recommended the word “Suggested” be added to “Performance Standards for Residential Lots.” Acronyms also need to be clarified, such as DROS (Deed Restricted Open Space). Mr. Munaretto noted that the recommendation that lots be generally “rectangular” in shape raised concern as this may be too restrictive and not appropriate in this ordinance. He also commented that Items #2, 6 and 10 in the Performance Standards for Residential Lots should not be included in this Ordinance. He suggested that if these items are to be included the word “encourage” be added to the beginning of those items in that section. It was also noted that the table on Page 10 would be adjusted to reflect the Zoning Ordinance. On Page 12, members questioned the use of the phrase “To the extent practicable” in items 4, 5, and 6. After a discussion, members agreed to keep the wording as is in these sections on Page 12. Mr. Merkel commented on item 8 “Designated Open space areas shall not be enclosed with man-made fencing” noting that there are many types of man made fencing that would be appropriate such as “split rail fencing” and the ordinance should not restrict such types of fencing. Ms. Wheeler stated that the Committee would continue their discussion on this document at the next meeting. She asked that members review the remainder of the document and bring the document along with their comments to the next meeting. She noted the document would not be changed or revised until the Committee has concluded their discussion.

*Agritourism Taskforce Report:* Mr. Munaretto thanked staff for their work in supporting the Taskforce. He reported that the Taskforce considered two strategies: (1) continue to modifying existing ordinances to encourage agritourism; and (2) create a mechanism to certify an agritourism business. The certification could be done through the Planning and Development Department for a three year period. This would give the owner the opportunity to develop their business and avoid a commercial license for three years and a Conditional Use would not be necessary for that first three years. Ms. Peschke suggested having something even broader which would include some kind of percentage system for items other than ag related and gave the example of the woman who sells wildflower seeds and would like to add a book on wildflowers. Mr. Munaretto stated the recommendations do include up to 30% of sales as a threshold to items that can be sold. Mr. Donley stated he felt this entire idea was

“ridiculous.” He stated the fact that consideration would be given to a “three year trial period” for such businesses does not take into consideration the neighbors who may not want such a business in their area. He stated that there are rules already in place to start a farm related business and did not see the need to implement another type of mechanism. He asked that members look at both sides before making a decision and to keep in mind that the Taskforce was comprised of agritourism interested people. Mr. Munaretto stated he welcomed Mr. Donley’s comments noting it was important to look at all viewpoints. Mr. Donley stated if the County does this for agritourism type businesses why not for other new business owners and encouraged members to talk to other department heads and research this issue further as everything is currently in place to begin such a business.

REPORTS TO COMMITTEE, AS APPLICABLE:

*Stormwater:* The next meeting is scheduled in January.

*CMAP:* Nothing to report

*MCCD:* Will meet on November 10<sup>th</sup>. It was noted that the Trail of History was well attended. It was also suggested that consideration be given to having a classroom unit for the 5<sup>th</sup> graders.

*Planning Commission:* Progress continues. The next meeting of the Intergovernmental Coordination Subcommittee is scheduled on 11/14 and several municipalities will be attending. All townships have been invited to attend the November 8<sup>th</sup> Planning Commission meeting.

*Imagine McHenry County:* The group is at a point where a decision needs to be made as to whether the mission has been accomplished or if more needs to be done.

*Agritourism:* As discussed above.

MISCELLANEOUS: None

EXECUTIVE SESSION: None

ADJOURNMENT

Ms. Donner made a motion, seconded by Ms. Peschke, to adjourn at 11:42 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD ACTION:**

Resolution appointing Linnea Kooistra to the Zoning Board of Appeals (ZBA) for a five year term  
Resolution authorizing a budget line item transfer in the Department of Planning and Development’s FY 07 budget

**RECOMMENDED FOR 30 DAY REVIEW:**

Ordinance adopting a fee schedule for McHenry County Subdivision Review  
Ordinance adopting a Schedule of Fees to cover Motel Inspection/License costs  
Ordinance Amending the fee Schedule for Petitions before the McHenry County Zoning Board of Appeals  
Ordinance amending the Schedule of Fees for providing building permits, inspections and code books