

23rd / 12 / 06

**ZONING BOARD OF APPEALS REPORT
TO THE MCHENRY COUNTY BOARD**

PETITION #: 05-138

1. **Petitioner:** Ruth Investments, L.P. as Beneficiary of Amcore Investment Group Trust No. 1703
2. **Request:** Reclassification from the "A-1" Agriculture District to the "E-3" Estate District.
3. **Location & size of property in question:** The property consists of 19.605 acres and is located due North of the intersection of Church Road and Marengo-Huntley Road on the East side of Marengo-Huntley Road in Coral Township, McHenry County, Illinois.
4. **Date and time of hearing:** February 9, 2006 @ 1:30 PM
5. **Location of hearing and voting meeting:** McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098 Rm. #209J.
6. **Present at hearing:**
 - A. ZBA Members: Richard Kelly - Chairman, Erv Staveteig, Linnea Kooistra, Ed Haerter, Elizabeth Scherer, Neil Parker
 - B. Witnesses: Scott Ruth, Stephen Crede, Frank Harrison
 - C. Attorney: Thomas Zanck
 - D. Public: Marc McLaughlin- Staff
7. **Items of evidence:** Plat of Survey, aerial photograph, sketch plan, zoning map, Mark Saladin Affidavit
8. **SUMMARY OF TESTIMONY AT HEARING:**

Chairman Kelly called the meeting to order and indicated the Petitioners were before the Board requesting reclassification from the A-1 Agriculture District to the E-3 Estate District.

Tom Zanck, attorney for the petitioners, indicated that the property immediately north of the subject property was granted "E-3" zoning approximately a year ago. If the requested zoning is granted, the Petitioners intend to make one subdivision out of the combined parcels.

Mr. Zanck stated that the Village of Huntley was in support of the requested zoning and would be submitting an affidavit stating their approval. Coral Township has also voted not to object to the request.

Scott Ruth was called as the first witness. Mr. Ruth is a limited partner with Ruth Investments, L.P. A Plat of Survey was shown and marked as Exhibit No. 1. Mr. Ruth noted that there is an existing structure on the subject property, located

near the pond in the middle of the parcel. The structure is not a livable home. The Petitioner indicated that there is no well or septic on the subject property that he is aware of. An aerial photograph of the subject property was submitted as Exhibit No. 2.

Mr. Ruth indicated that they would like to save as many of the trees on the subject property as possible when designing the subdivision and roads.

Stephen Crede was called as the next witness. Mr. Crede is a civil engineer for Smith Engineering. He stated that his firm has performed a wetland delineation on the subject property. A sketch plan was also put together that would help to preserve the features of the parcel. Raber and Associates also performed soil borings on the property to ensure that the proposed layout for lots would be possible. A Sketch Plan and Tentative Plat of Subdivision were developed for the property to the north of the subject property, but that work has ceased until the Petitioners can determine whether the parcel in question could be included in that subdivision. Based on the studies done on the subject property, it is the opinion of the witness that five residences could be constructed on the 20-acre subject property. A sketch plan was shown as Exhibit No. 3, showing how the 20-acre subject property would tie in with the previously granted "E-3" zoning to the north.

Frank Harrison was called as the final witness. Mr. Harrison is a real estate appraiser and land use consultant. He originally became involved in the property in 2004 when the original subdivision was laid out. A zoning map of the surrounding areas was marked and shown as Exhibit No. 4. Mr. Harrison prepared this exhibit to show where existing residential uses are taking place on agriculturally zoned property. He stated that most of those uses occur on approximately five-acre parcels. He indicated that the Coral Township Plan designates the subject property as low density residential, which would include parcels of three acres or larger. Mr. Harrison stated that he did an analysis to determine the highest and best use of the subject property, and he determined that it should be used for a high quality, low density residential subdivision. The witness addressed the Standards for Amendment.

An affidavit signed by attorney Mark Saladin was submitted as Exhibit No. 5. The affidavit indicates that he attended the Village of Huntley Committee of the Whole meeting on February 2, 2006 in which the Village indicated support of the proposed rezoning.

Chairman Kelly stated that the Endangered Species Consultation process had been terminated. The Soil and Water Conservation District report has been received, and they indicated that the proposed use would have a moderate impact on agriculture.

9. **Planning & Development Department Staff Report Comments and Conclusions:**

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is

established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

Analysis:

Zoning: The requested E-3 ESTATE zoning is consistent with the E-3 ESTATE zoning to the north and the E-2C ESTATE zoning to the south of the PIQ. The requested E-3 ESTATE zoning is inconsistent with the A-2 AGRICULTURE zoning to the north and the A-1 AGRICULTURE to the east and west of the PIQ.

Land Use: The requested E-3 ESTATE zoning is consistent with uses that surround the PIQ to the north and south. The requested E-3 ESTATE zoning is inconsistent with the uses that surround the PIQ to the east and west.

2010 Plan: The requested E-3 ESTATE zoning is inconsistent with the McHenry County Land Use Plan: Year 2010 Update designation of AGRICULTURE and NATURAL AREA.

Note: The petitioner should be aware that there are STANDARDS FOR AMENDMENT listed in Article 8, Section 807.2, which must be met in order for the amendment to be granted.

Based upon the request being adjacent to recent (04-12) E-3 zoning and consistent with the land use surrounding the PIQ to the north and south and the requests close proximity to the Village of Huntley, staff would recommend that the ZBA consider a recommendation of approval.

10. **Soil and Water Conservation District Report:** for further information refer to report number: 05-168-3158. LE: 77 SA: 60 Total: 137, Moderate Impact to existing land uses and resources.
11. **Illinois Department of Natural Resources:** The consultation process has been terminated for this petition.
12. **SUMMARY OF VOTING MEETING DISCUSSION:**
Chairman Kelly opened a Voting Meeting immediately following the hearing. Linnea Kooistra made a motion to recommend approval of the request. Ed Haerter seconded the motion. Ms. Kooistra stated that the proposed E-3 zoning is consistent with the recently granted zoning to the north of the subject property. Erv Stavetzig indicated that he felt the trend in the area was mostly toward estate use. He believes the proposed development would be a good addition to the recently granted E-3 zoned property to the north. The Board felt that the Standards for Amendment had been met.
13. **Facts that support recommending approval of the request:**
 - 1.) The Standards for Amendment, listed in Article 8, under Section 807.2 of the McHenry County Zoning Ordinance, have been met to the satisfaction of the Zoning Board of Appeals.

- 2.) The parcel has impediments to Agriculture.
- 3.) The proposed use is consistent with the estate trend in the area.

- 14. **Facts that support recommending *denial* of the request:** None
- 15. **Motion:** Made by Linnea Kooistra, seconded by Ed Haerter to recommend approval for the reclassification of property from the "A-1" Agriculture District to the "E-3" Estate District.
- 16. **Vote:** 6 - AYES; 0 - NAYS; 0 - ABSTAIN

Ed Haerter - Aye
Elizabeth Scherer - Aye
Linnea Kooistra - Aye
Erv Staveleig - Aye
Neil Parker - Aye
Rich Kelly - Aye

GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL

1 CHAIRMAN KELLY: I'll call the meeting back to
2 order. This is a voting meeting on Petition 05-138,
3 the Ruth Investments petition. It's a request for
4 reclassification from the A-1 District to the E-3
5 District.

6 At this time I would take a motion.

7 MS. KOOISTRA: So moved.

8 MR. HAERTER: Second.

9 CHAIRMAN KELLY: Motion made by Mrs. Kooistra,
10 seconded by Mr. Haerter. Discussion, Mrs. Kooistra?

11 MS. KOOISTRA: This is a parcel that's just
12 east and a little bit north of Huntley, within about
13 one mile of Huntley's border. It's 19.6 acres located
14 on Church Road and Marengo-Huntley Road.

15 This 19 acres contains a pond, a wetland
16 of about three and-a-half acres, as well as mature
17 trees that are about 18 inches to 30-inch diameter.

18 The proposal is for four or five lots on
19 this parcel. I'm sorry. It's consistent, the County
20 Board approved E-3 zoning just north of this and west
21 of this in 2005, I believe is when it was approved by
22 the County Board. The petition was made in '04. South
23 of this parcel is an E-2 Estate Zoning.

24 It's inconsistent with the Land Use Plan,

1 but when the County Board continues to approve parcels
2 that are inconsistent, there is not much weight you can
3 put on the Land Use Plan anymore when the County Board
4 sees fit to approve development.

5 So, I believe it's consistent with the
6 surrounding land uses. It's consistent with the zoning
7 to the north and south. It's not consistent with the
8 agriculture zoning to the east, but that's all
9 environmentally sensitive to the east, and then the
10 Conservation District owns part of that that's
11 environmentally sensitive. And I could foresee the
12 Conservation District continuing to try and expand that
13 parcel to the west, so that Dieckman Road to the east
14 of this parcel may be a natural divider to any further
15 development of that environmentally sensitive area.
16 So, I'd be in favor of the petition.

17 CHAIRMAN KELLY: Thank you. Mr. Staveteig?

18 MR. STAVETEIG: I think Mrs. Kooistra's
19 outlined it very well. I'd say that this property is
20 obviously not good for agriculture. It could be used
21 as a cattle grazing area, I guess, around the trees.
22 That's not in my opinion as good an idea, but it's also
23 separated from other farms, so therefore they'd be
24 pretty much on their own. That's not necessarily a

1 good idea either.

2 So, I think the trend in the area is
3 estate usage, and I like this, and I'm pleased to see
4 that they're adding this to the property to the north.
5 I think that's a good addition to that, that will make
6 a nice sized addition or subdivision of 60 acres or
7 more, and I'm for it.

8 CHAIRMAN KELLY: Thank you. Mr. Haerter?

9 MR. HAERTER: This is on a corridor between
10 Huntley and Marengo that's been slowly developing over
11 the years both estate homes and A-2's, as far as
12 residential uses and business uses. It certainly is
13 going to be a low impact development.

14 The topography and the natural features
15 of this piece will certainly limit what can happen
16 here. I believe they met the standards of 807.2, and I
17 don't think this would disrupt the orderly development
18 of McHenry County. I'd be in favor.

19 CHAIRMAN KELLY: Thank you. Mrs. Scherer?

20 MS. SCHERER: Nothing further.

21 CHAIRMAN KELLY: Mr. Parker?

22 MR. PARKER: Nothing further.

23 CHAIRMAN KELLY: I agree with everything that's
24 been said. I think I made my comments on the petition

1 for the property to the north. I also think -- I
2 don't know that anyone asked for E-3 any closer to
3 Huntley than this, because everything to the east could
4 probably go into their city and be developed in the
5 municipality much denser. I think this is, if
6 anything, it's a buffer to the properties to the west,
7 so I'm in favor of the petition.

8 At this time I'll call for the vote. Mr.
9 Haerter?

10 MR. HAERTER: Yes.

11 CHAIRMAN KELLY: Mrs. Scherer?

12 MS. SCHERER: Yes.

13 CHAIRMAN KELLY: Mrs. Kooistra?

14 MS. KOOISTRA: Yes.

15 CHAIRMAN KELLY: Mr. Staveteig?

16 MR. STAVETEIG: Yes.

17 CHAIRMAN KELLY: Mr. Parker?

18 MR. PARKER: Yes.

19 CHAIRMAN KELLY: And I'll vote yes. This will
20 go to the County Board with a 6-0 vote recommending
21 approval. At this time the hearing is closed.

22
23 ----oOo----

24

IN THE MATTER OF THE APPLICATION)
 OF RUTH INVESTMENTS, L.P., AS)
 BENEFICIARY OF AMCORE)
 INVESTMENT GROUP TRUST No. 1703) Reclassification Ordinance
 FOR AN AMENDMENT OF THE ZONING) #05-138
 ORDINANCE OF McHENRY COUNTY,)
 ILLINOIS FOR RECLASSIFICATION.)
)

WHEREAS, your Petitioner, RUTH INVESTMENTS, L.P., AS BENEFICIARY OF AMCORE INVESTMENT GROUP TRUST No. 1703, has filed a petition with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the "A-1" Agriculture District to "E-3" Estate District as it relates to the McHenry County Zoning Ordinance, and of such Ordinance as amended, as it relates to the real property more fully described as:

' The Southeast Quarter of the Southeast Quarter of Section 24 (excepting and reserving therefrom that part thereof lying Southwesterly of the center line of the public highway as conveyed by Sarah Carmichael to Maria A. Nickerson and Elsie Carmichael by Deed dated August 20, 1881 and recorded in the Recorder's Office of McHenry County, Illinois, in Book 68 of Deeds, page 253; also excepting and reserving that part thereof conveyed by George N. Marsh and wife, to James M. Marsh by Deed dated December 16, 1905 and recorded in the aforesaid Recorder's Office in Book 111 of Deeds, on page 395) all in Township 43 North, Range 6 East of the Third Principal Meridian, in McHenry County, Illinois.

More particularly described as follows: Beginning at the southeast corner of Section 24; thence South 89 degrees 39 minutes 46 seconds West along the south line of the Southeast Quarter of said Section 24, a distance of 1045.99 feet to the centerline of Marengo-Huntley Road; thence northwesterly 276.08 feet along said centerline on a curve to the right having a radius of 3326.81 feet, the chord of said curve bears North 37 degrees 36 minutes 07 seconds West, a distance of 276.00 feet; thence North 33 degrees 58 minutes 47 seconds West along said centerline, a distance of 176.16 feet to a line 16.50 feet easterly of and parallel with the west line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence North 00 degrees 01 minutes 30 seconds West along said parallel line, a distance of 330.01 feet to a line 699.33 feet northerly of and parallel with the south line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence North 89 degrees 39 minutes 46 seconds East along said parallel line, a distance of 1312.61 feet to the east line of the Southeast Quarter of the Southeast Quarter of said Section 24; thence South 00 degrees 01 minutes 56 seconds East along said east line, a distance of 699.33 feet to the point of beginning, all in Township 43 North, Range 6 East of the Third Principal Meridian, in McHenry County, Illinois.

Parcel Index Number: 17-24-400-005

More commonly known as the property located on the Northeast side of Marengo-Huntley Road, due North of the intersection of Church Road and Marengo-Huntley Road in unincorporated McHenry County, Township of Coral, County of McHenry, State of Illinois and hereafter referred to as "Subject Property".

WHEREAS, the Petition requests reclassification of the subject property from its present classification which is "A-1" Agricultural District to "E-3" Estate District.

WHEREAS, the subject property consists of approximately 19.605 acres in which reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did recommend by a vote of 6 ayes and 0 nays the granting of the reclassification of the subject property from its present classification which is "A-1" Agriculture District to "E-3" Estate District.

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the requirements for reclassification of the subject property have been met.

NOW, THEREFORE BE IT ORDAINED, that the Zoning Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the reclassification of the subject property from its present classification which is "A-1" Agriculture District to "E-3" Estate District.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this ___ day of _____, 2006.

Chairperson, McHenry County Board
McHenry County, Illinois

ATTEST:

.....
County Clerk

NUMBER VOTING AYE: _____

NUMBER VOTING NAY: _____

NUMBER ABSTAINING: _____

NUMBER ABSENT: _____

McHenry County Zoning Board of Appeals

Petition Number: 05-138

Date of Hearing: February 9, 2006

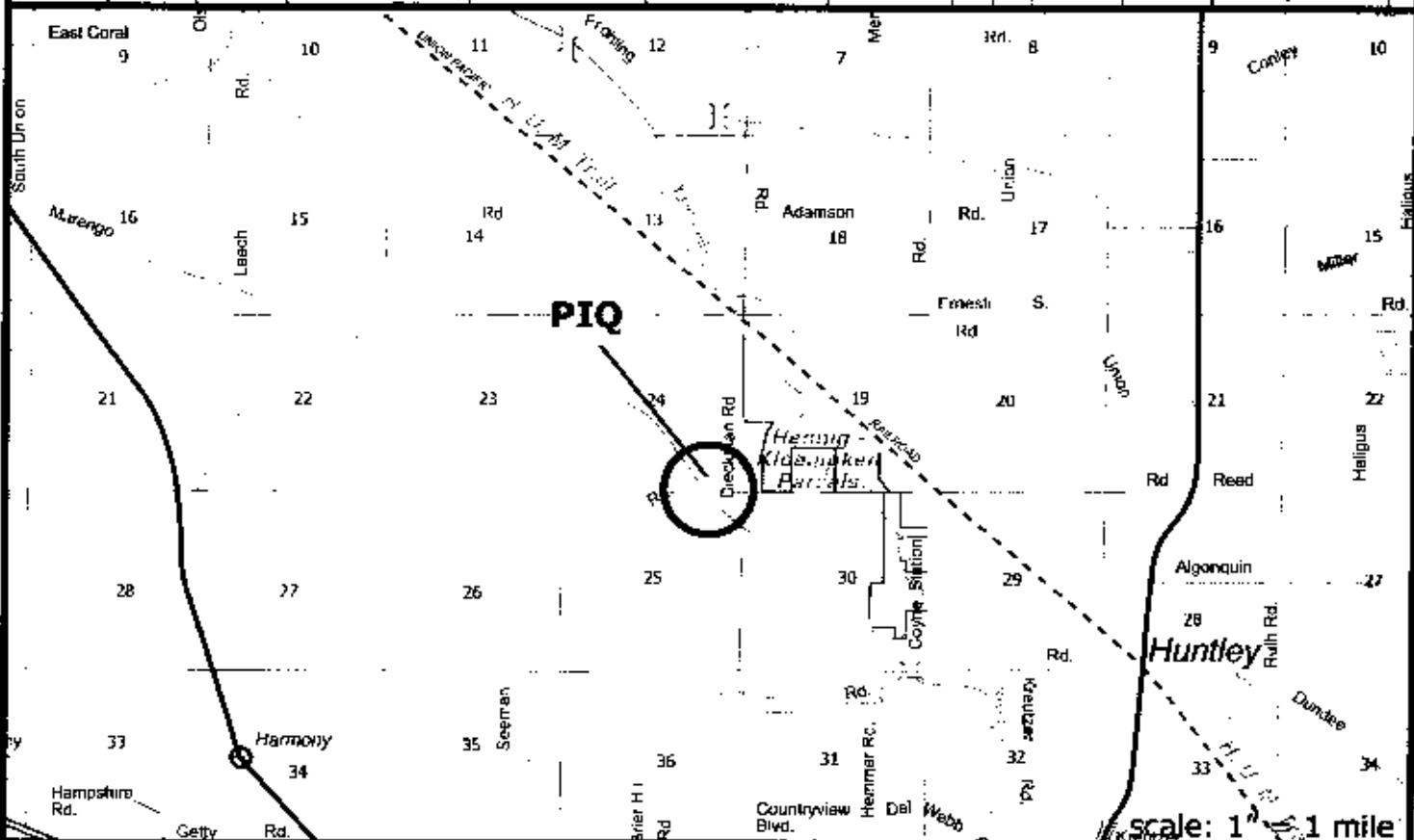
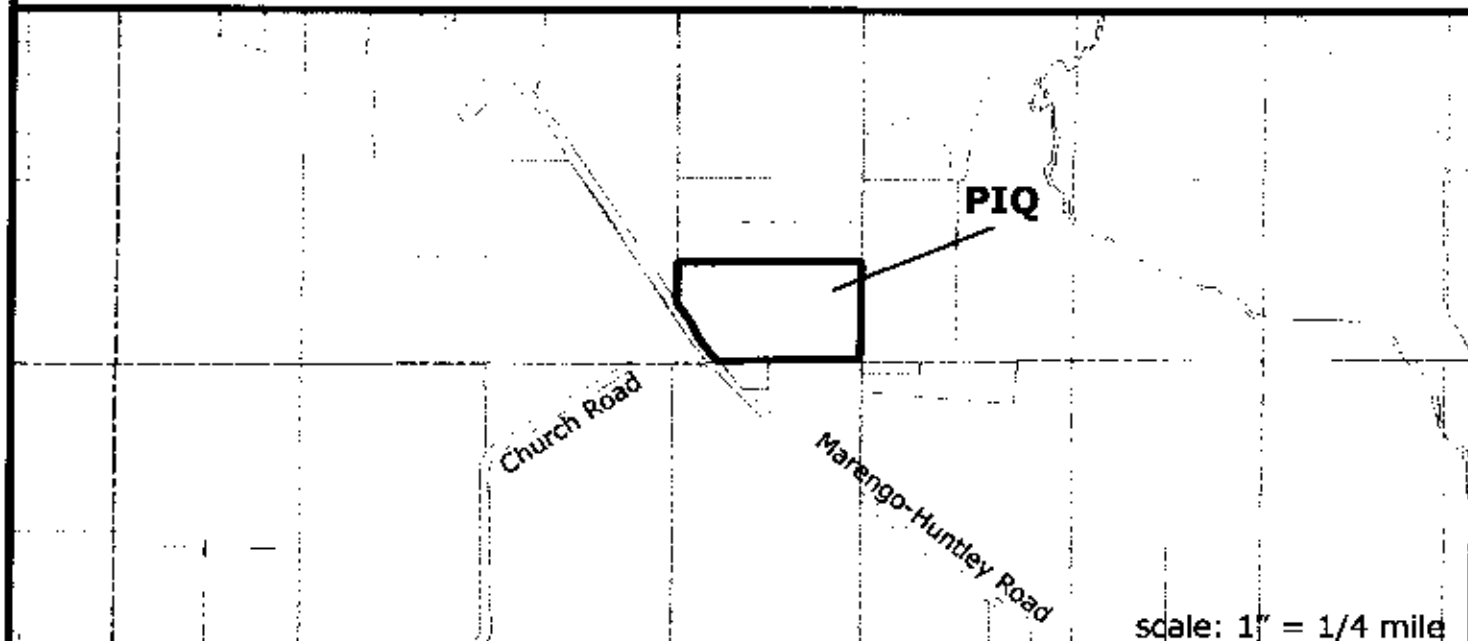
Applicant: Ruth Investments L.P. as Beneficiary of Amcore Investment Group Trust No. 1704

Request: A Reclassification from the A-1 Agriculture district to the E-3 Estate district

Location: The subject property consists of 19.605 acres and is located due north of the intersection of Church Road and Marengo-Huntley Road on the east side of Marengo-Huntley Road in Coral Township, McHenry County, Illinois.

Common Address: NONE

PIN: 09-31-200-004



AERIAL PHOTO



PIC








scale: 1" = 140'



CURRENT LAND USE (2004): The property is currently designated as AGRICULTURE on the McHenry County Land Use Map.

ADJACENT LAND USE (2004): North: Single Family Residential and Agriculture
South: Single Family Residential and Agriculture
East: Agriculture
West: Agriculture



AGRICULTURE		MIXED	VACANT
SINGLE FAMILY RESIDENTIAL		MINING	 N
MULTI-FAMILY RESIDENTIAL		OPEN SPACE	
COMMERCIAL		GOVERNMENT	scale: 1" = 1/4 mile
OFFICE		T,C,U	
INDUSTRIAL		INSTITUTION	

source: McHenry County Planning & Development

CURRENT ZONING: The property is currently zoned A-1 AGRICULTURE

ADJACENT ZONING: North: A-2 Agriculture and E-3 Estate
South: E-2C Estate
East: A-1 Agriculture
West: E-3 Estate and A-1 Agriculture

Marengo-Huntley Road

04-12

PIQ

Church Road

87-13

A-1 AGRICULTURE

A-2 AGRICULTURE

E-5 ESTATE

E-3 ESTATE

E-2 ESTATE

E-1 ESTATE

R-1 SINGLE FAMILY RESIDENTIAL

R-2 TWO FAMILY RESIDENTIAL

 R-3 MULTIPLE FAMILY RESIDENTIAL

B-1 NEIGHBORHOOD BUSINESS

 B-2 LIQUOR BUSINESS

 B-3 GENERAL BUSINESS

 O OFFICE

 I-1 LIGHT INDUSTRY

 I-2 GENERAL AND INTENSIVE INDUSTRY

PD PLANNED DEVELOPMENT

C CONDITIONAL USE

V VARIATION



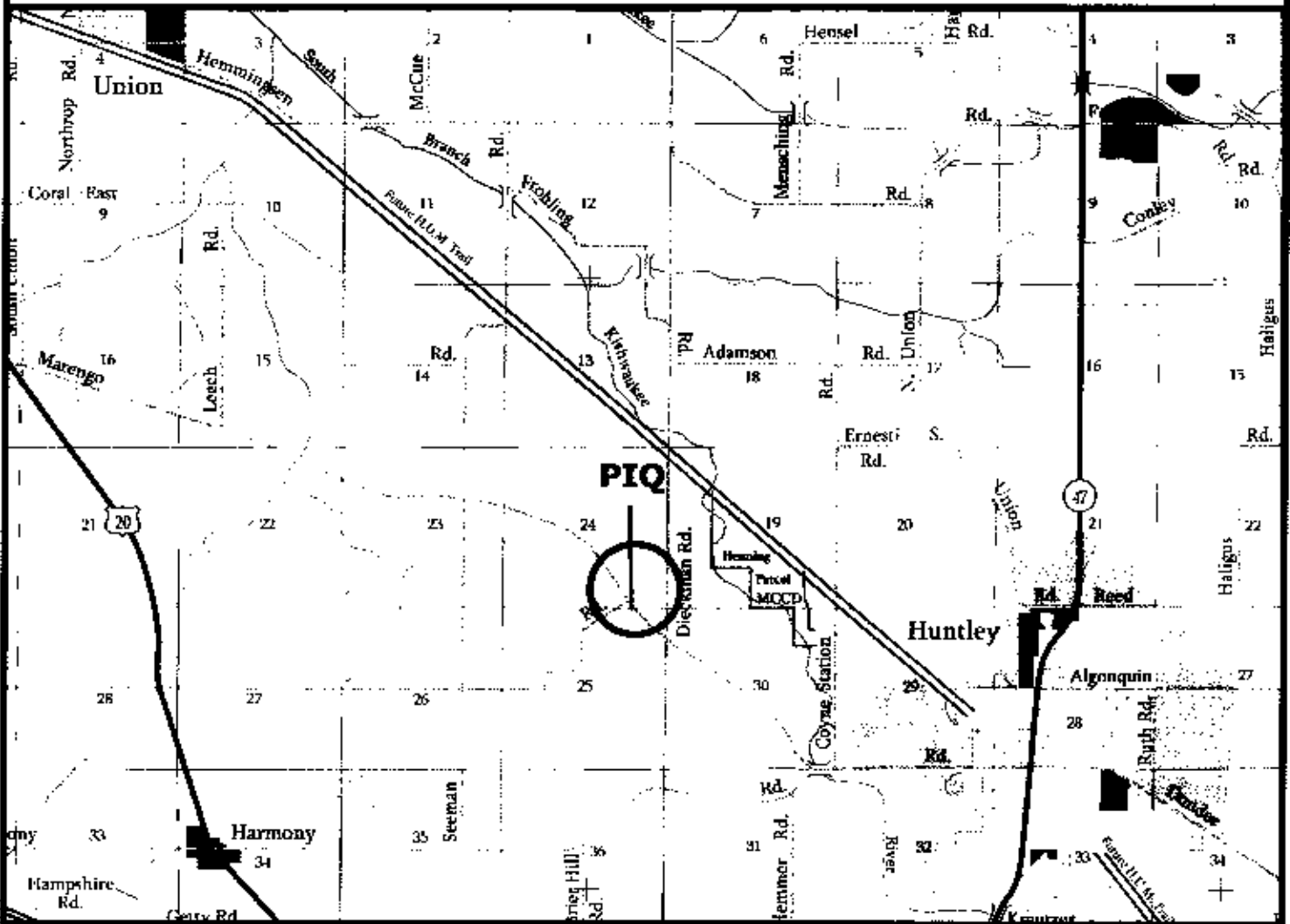
scale: 1" = 1/4 mile

**MCHENRY COUNTY
LAND USE PLAN
YEAR 2010 UPDATE
MAP DESIGNATION:**

The property has been designated as **AGRICULTURE** and **ENVIRONMENTALLY SENSITIVE AREA** on the McHenry County Land Use Plan: Year 2010 Update.

**MUNICIPAL PLAN
CLASSIFICATION:**

Village of Huntley: Rural Preservation (5+ acres)



- | | | | |
|--|--|--|--|
| | High Density Residential | | Earth Extraction/Reclamation |
| | High Density Residential, Infilling Only | | Environmentally Sensitive Area |
| | Medium Density Residential | | Agriculture |
| | Medium Density Residential, Infilling Only | | Agriculture Rural |
| | Low Density Residential | | Transportation, Communication, Utilities |
| | Low Density Residential, Infilling Only | | Institutional |
| | Commercial | | Water |
| | Industrial, Non-Manufacturing | | Incorporated |
| | Industrial, Manufacturing | | McHenry County Conservation District |
| | | | Illinois Department of Conservation |



scale: 1" = 1 mile

MCHENRY COUNTY
LAND USE PLAN
YEAR 2010 TEXT ANALYSIS:

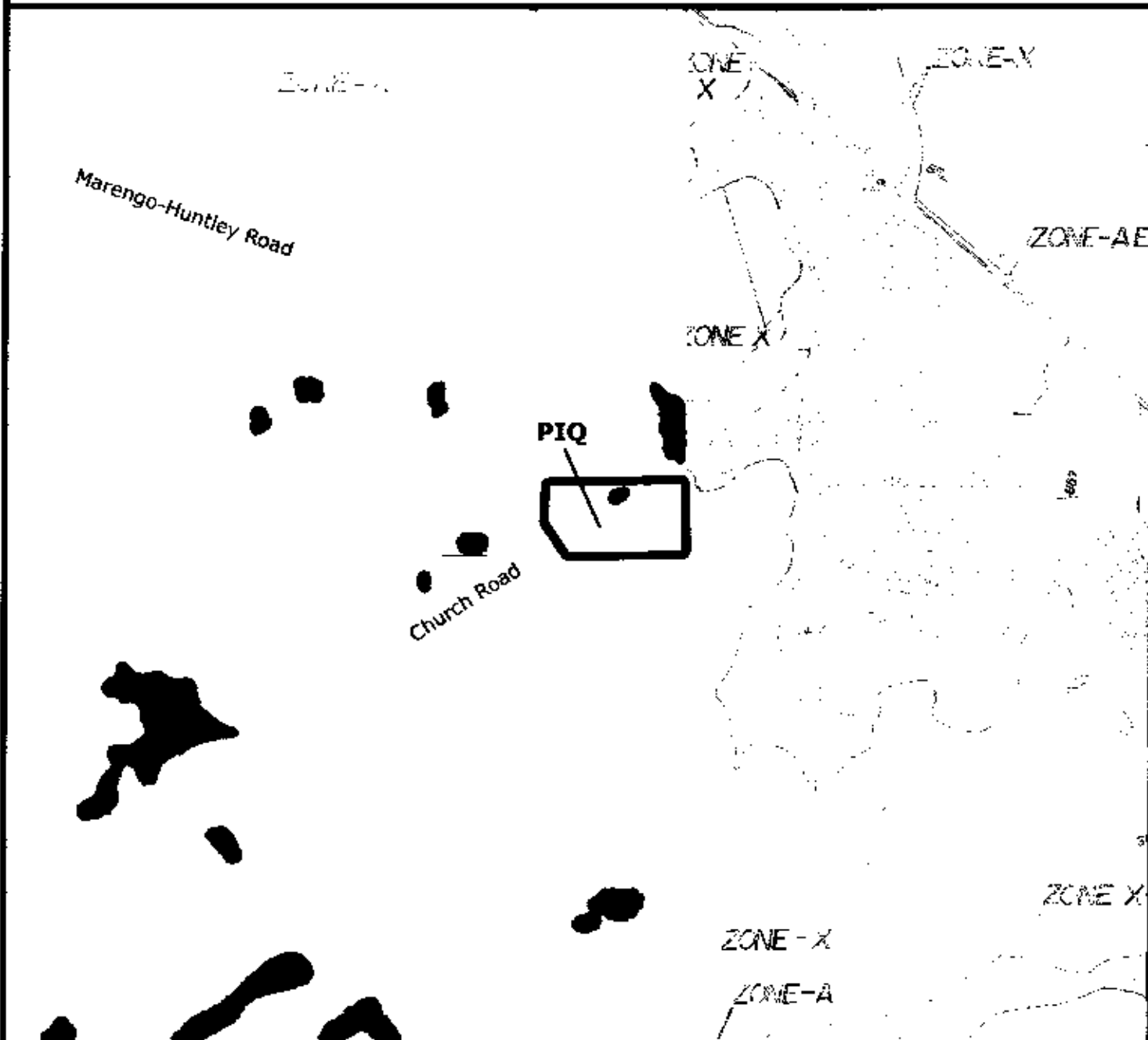
Agriculture represents large, contiguous areas of farmland composed of predominantly prime soil types. Areas designated as Agriculture have top priority for protection. Non-farm development in this category is discouraged. In some cases, land is less suitable for agriculture because of natural impediments to farming. Prudent use of these less economically viable farmlands can provide a significant number of rural homesites without adversely affecting the surrounding agricultural uses.

Residential use on individual parcels may be permitted in areas designated as "Agriculture" or "Agriculture/Rural" on sites where agricultural activities are limited due to poor soils, slope, or mature tree cover. These residential parcels in the "Agriculture" areas should maintain agricultural uses to the greatest extent possible to ensure compatibility with surrounding area. Residential conversions in the "Agriculture/Rural" area should be compatible with the surrounding area.


Development is encouraged within or adjacent to existing population centers that can be served conveniently and economically by the appropriate service facilities and which minimizes transportation needs.


PHYSICAL FEATURES: Refer to Natural Resources Information Report #05-168-3158 for a discussion of the soils on the property. According to the plat of survey, the subject property contains no structures.

According to F.I.R.M. 170732 0315 and U.S.G.S. HA 361, the subject property in question does contain a flood of record area.



Flood Hazard

 F.I.R.M.
ZONE A and B

 U.S.G.S.
FLOOD OF RECORD

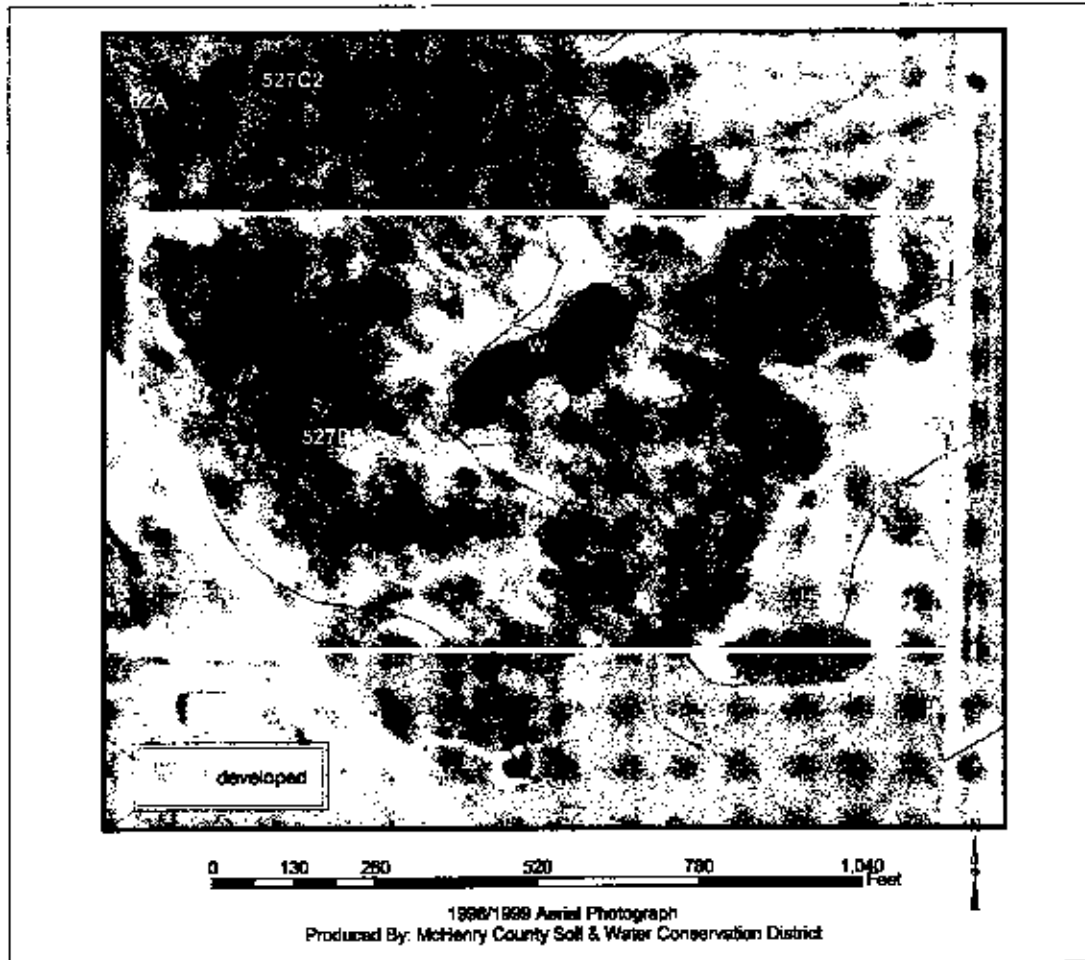


scale: 1" = 1/4 mile

source: Northern Illinois University Laboratory of Cartography and Spatial Analysis

EXECUTIVE SUMMARY OF NRI REPORT #05-158-3158

It is the opinion of the McHenry County Soil and Water Conservation District Board of Directors that this report as summarized on this page is pertinent to the requested zoning change. The soil information provided in this report is generated from maps and data obtained in McHenry County Soil View and the new soil survey.



The Geologic features map identifies 15.18 acres of the parcel as A-3 geologic limitations and 4.98 acres as E geologic limitations. **A3:** Geologic limitations. The potential for contaminating shallow aquifers is high. **E** Geologic limitations. The potential for contamination is low.

The NRCS Soils Survey indicates 96.94% of this parcel is composed of soils with a severe limitation for basements. This can present problems for future property owners such as

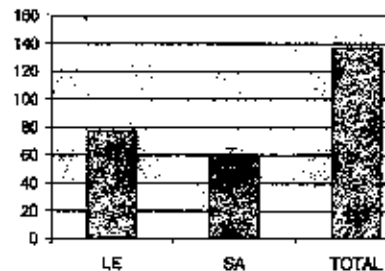
cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems.

The Flood of Record Map (HA) for this area indicates previous flooding on 0.183 acres of the parcel.

The NRCS Wetlands Inventory identifies 3.57 acres of the parcel as with 1 Non-Inventoried Soil with No Wet Inclusions.

- The NRCS Soils Survey indicates 22.68% of this parcel is composed of soils with a severe or very severe limitation for septic systems.
- The NRCS Soils Survey indicates that 51.89% of the parcel has a moderate or high potential for erosion. The McHenry SWCD can help the petitioner by reviewing erosion control plans.
- The Natural Resources Conservation Service (NRCS) Soil Survey indicates that approximately 41.70% of this parcel is composed of prime farmland soils.

The Land Evaluation and Site Assessment system indicates this parcel has a **Moderate impact to existing land use and resources.**



CONCERNS OF THE MCSWCD BOARD

- ◆ There are numerous existing mature oaks and other species on this property. Existing mature trees should be preserved whenever possible. Woodlands provide a large number of benefits such as wildlife habitat, erosion control, air and water quality improvements, as well as aesthetic values. There is no indication that a tree inventory has been done. A tree preservation plan needs to be developed and this intent needs to be clearly conveyed to the contractors doing the work. Construction activities can indirectly destroy trees. Oak trees are particularly susceptible to long term, permanent damage caused by construction activities and require special consideration. It is also recommended that invasive non-native species be removed whenever possible.
- ◆ Although the NRCS Wetland Inventory map only identified the parcel as containing 3.57 acres of NIHi: Non-inventoried Soil with Hydric Inclusions, aerial photographic signatures and the sight visit conducted indicate this area of the property could actually be part of a larger wetland complex adjacent to the east of the property. A wetland delineation report was not included with this application. If one has not been completed it is strongly recommended that the petitioner have one completed. This portion of the property can be greatly impacted during constructions due to the extreme sloping nature of the surrounding soils. This parcel also has the potential to cause great offsite erosion impacts to the wetland complex (indicated as environmentally sensitive on the County 2010 Land Use Plan) directly adjacent to the east of the parcel. On the following pages are some general erosion control principles to use as a guideline in creating an erosion and sediment control plan for your property.

- ◆ The parcel is within the Kishwaukee River Watershed, which encompasses 124,802.04 acres of McHenry County. This watershed has an active planning group, which can help the petitioner to limit negative impacts to the watershed from activities performed on this parcel. The petitioner is encouraged to contact the Nathan Hill, Watershed Coordinator, Kishwaukee River Ecosystem Partnership at (815) 621-9358 or krep@inwave.com.

CONSERVATION CONCEPTS FOR DEVELOPMENT

- **Encourage Common Open Space** (a common area without property lines and managed by professionals contracted by a homeowners association). Common areas may also protect rivers, lakes, streams, wetlands, wildlife, and water quality.
- **Surface & Ground Water Quality:** Minimize impacts of runoff by using best management practices (BMPs) such as: **curbs, vegetated swales (instead of curb and gutter), constructed wetlands, and wetland bottom detention** to improve the quality of runoff, and protect environmentally sensitive areas (wetlands, rivers and streams).
- **Groundwater Quantity:** reducing impervious areas in groundwater recharge soils maximizes infiltration.
- **Maintain existing vegetation throughout the development process:** BMPs such as eliminating mass grading, **retaining existing trees, wooded fence rows and corridors, vegetated ditches, and retention.**
- **Permanently stabilize all cropland from the development:** BMPs such as **perennial grasses and legumes** may be used. Using perennial grasses and legumes would provide a filter for erosion, wildlife habitat during development, and stabilize the highly erodible land from **erosion and runoff** by rainfall.
- **Permanently stabilize all stormwater and drainage conveyance easements** prior to disturbance.
- **Plan for the establishment of native vegetation in all common areas, drainage areas and conservation areas:** utilize native vegetation that **enhances biological diversity for water quality and wildlife habitat, and prohibits the use of fertilizers, pesticides and mowing.**
- **Minimize disturbance of sensitive highly erodible soils** to preserve the hydrologic condition of the soil profile for **infiltration, permeability and infiltration** that promotes **groundwater recharge.**

- **Restore existing vegetation to improve wildlife habitat, stormwater runoff, and water quality.**
- **Maintenance: Maintain all land for long term benefits.**
- **Use buffers for esthetics, water quality and natural resource protection.**
- **Eliminate Stormwater detention drainage into agriculture drain tile.**
- **Erosion and Sediment Control Plan: highly erodible soils require a well-planned and implemented erosion and sediment control plan utilizing the above referenced BMPs.**

General Principles of Soil Erosion and Sediment Control.

- Plan the development to fit the particular topography, soils, drainage patterns, and natural vegetation of the site.
- Preserve and protect areas of natural vegetation on the site.
- Take special precautions to prevent damages which could result from development activity adjacent to watercourses, lakes, and wetlands.
- Minimize the extent and duration of the area exposed at one time.
- Apply temporary erosion control practices as soon as possible to stabilize exposed soils and prevent on-site damage.
- Install sediment basins or traps, filter barriers, diversions, and perimeter control practices prior to site clearing and grading to protect disturbed areas from off-site and on-site runoff, and to prevent sediment damage to areas located down slope of the development site.
- Keep runoff velocities low and provide for retention of runoff on the site.
- Provide measures to prevent sediment from being tracked onto public or private roadways.
- Implement final grading and install permanent vegetation on disturbed areas as soon as possible.
- Implement through inspection, maintenance and follow-up program.

Natural Resource Information:

Archaeological/Cultural Resources:	No Historical features on the Parcel in Question.
Ecologically Sensitive Areas:	There are no biological preserves within 500 feet of the PIQ.
Geologic Information:	The potential for contamination on 15.18 acres of the PIQ is high and 4.98 acres of the PIQ is low.
Limitations for Septic:	22.68% of the PIQ is comprised of soils with severe to very severe limitations for septic systems.
Soil Erosion and Sediment Control:	51.89% of the PIQ has a moderate to severe potential for erosion.
Prime Farmland Soils:	41.70% of the PIQ is comprised of prime farmland soils.
Land Evaluation:	The land evaluation for the PIQ is 76.51 .
Wetland Information:	The ADID study indicates there are no wetlands on the PIQ.
Hydric Soils:	19.75% of the PIQ contains Hydric soils. Hydric soils are an indicator of wetland potential.

*Please note the information contained within this report serves only as a summary of the Natural Resource Inventory Report prepared by the McHenry County Soil and Water Conservation District. For more detailed and comprehensive overview of the the property refer to report #05-168-3158

Comments and Conclusions:

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

Analysis:

- Zoning:** The requested E-3 ESTATE zoning is consistent with the E-3 ESTATE zoning to the North and the E-2C ESTATE zoning to the south of the PIQ. The requested E-3 ESTATE zoning is inconsistent with the A-2 AGRICULTURE zoning to the north and the A-1 AGRICULTURE to the east and west of the PIQ.
- Land Use:** The requested E-3 ESTATE zoning is consistent with the uses that surround the PIQ to the north and south. The requested E-3 ESTATE zoning is inconsistent with the uses that surround the PIQ to the east and west.
- 2010 Plan:** The requested E-3 ESTATE zoning is inconsistent with the McHenry County Land Use Plan: Year 2010 Update designation of AGRICULTURE and NATURAL AREA.
- Note:** The petitioner should be aware that there are STANDARDS FOR AMENDMENT listed in Article 8, Section 807.2, which must be met in order for the amendment to be granted.

Based upon the request being adjacent to recent (04-12) E-3 zoning and consistent with the land use surrounding the PIQ to the north and south and the requests close proximity to the Village of Huntley, staff would recommend that the ZBA consider a recommendation of approval.

Report prepared by: Marc McLaughlin
Planner 1
MCP&D
1/9/2006

