

AGENDA
PLANNING & DEVELOPMENT COMMITTEE
February 16, 2012 at 8:30 a.m.

McHenry County Government Center
County Board Office - Administrative Building
667 Ware Road
Woodstock, Illinois 60098

- 1.0 Call to Order
 - Minute Approval – February 2, 2012
- 2.0 Public Comment
- 3.0 Presentations
- 4.0 Subdivisions
- 5.0 Old Business
- 6.0 New Business
 - 6.05 Ordinance Amending Article 10, School Developer Donation Requirements of the McHenry County Subdivision Ordinance to Include the Annual “CPI” Adjustment and Amending Section 1003.1 Fair Market Value
 - 6.10 Resolution Authorizing Adoption of an Intergovernmental Agreement for Building Permit Review, Inspection and Related Contract Services for the Village of Trout Valley, Illinois
 - 6.15 Planning & Development Department Annual Report
- 7.0 Reports to Committee, as applicable
 - 7.05 Chicago Metropolitan Agency for Planning
 - 7.10 Community Development Block Grant Commission
 - 7.15 Historic Preservation Commission
 - 7.20 Housing Commission
- 8.0 Miscellaneous
- 9.0 Executive Session
- 10.0 Adjournment

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

MINUTES OF THURSDAY, FEBRUARY 2, 2012

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; Tina Hill; Marc Munaretto and Ersel Schuster. Also in attendance: Kenneth Koehler, County Board Chairman; Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Darrell Moore, Sarah Ciampi, Cory Horton, Alicia Law, Kim Ulbrich and Faith Taylor, Planning and Development; Mary McCann and Diane Evertsen, County Board; Joe Korpalski and Walter Dittrich, McDOT; and interested public.

Tina Hill, Chairman
Randy Donley Mary L. Donner
Sue Draffkorn Jim Heisler
Marc Munaretto Ersel Schuster

MINUTE APPROVAL: Mr. Munaretto made a motion, seconded by Ms. Schuster, to approve the minutes from January 19, 2012. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT:

Mike VonBergen, Supervisor for Hebron Township, addressed the committee concerning the government permit fees. He would like the permit fees to stay status quo. While Hebron Township did not have to pay for some permits, they still had to pay for some other permits which amounted to approximately \$5,100. To date, the costs incurred for all permits and the extra engineering for the stormwater reviews amount to approximately \$119,000. Permit fees are a substantial cost to the taxpayers. The proposed government permit fees are taking taxpayers' money and giving it back to another taxing body which is taxation without representation. He encouraged the committee to keep the government permit fees the way they are.

Mel VonBergen, Hebron Township and Commissioner for the Hebron Township Drainage District, addressed the committee concerning the stormwater permit fees that have been charged in the past. He feels the permits are totally out of align, not only the cost of the permits themselves, but also for the time involved to have staff work on the permits. He mentioned that the P&D Department has new staff who work on stormwater permits, but feels that when they processed one of the Drainage District's projects, it was an after-the-fact situation and the staff that were sent out to view the project were totally incompetent and did not have any knowledge of the drainage the Drainage District was working on.

Elizabeth Kessler, Executive Director for the McHenry County Conservation District addressed the committee on behalf of the MCCD Board and staff concerning the government permit fees. She mentioned that in the spirit of cooperation, it has always been MCCD's cornerstone and foundation to work cooperatively not only with the County, but also with other units of government. The process of moving funds from one governmental taxing body to another spends a lot of time and resources and staff time. An opportunity that the MCCD does is open space preservation and how it impacts the overall impact for stormwater management. All of the areas for groundwater recharge and the open space through acquisition that the MCCD provides are benefits to the County. In the spirit of cooperation, there are many projects that the MCCD provides financially to the County without assessing a fee back to the County. Examples would be the MCCD assisting with the rain garden, working through land swaps through land acquisition, and helping McDOT with transportation corridors. MCCD does not assess a fee back to the County on these types of transactions. She stated that the MCCD does not support the proposed government permit fees.

PRESENTATIONS: None.

SUBDIVISIONS: None.

Chairman Hill requested that the interviews for the ZBA and CDBC be conducted next.

NEW BUSINESS:

Interview for Appointment to the McHenry County Zoning Board of Appeals (ZBA): Committee members interviewed Patricia Kennedy for consideration for appointment to the McHenry County Zoning Board of Appeals. Mr. Munaretto

made a motion, seconded by Ms. Donner, to recommend the appointment of Thomas Harding to the McHenry County Zoning Board of Appeals, as an alternate, with a term to expire on December 15, 2014. The motion carried on a roll call vote of five ayes (Donley, Donner, Draffkorn, Munaretto and Hill) and two nays (Schuster and Heisler).

Interviews for Appointment to the Community Development Block Grant (CDBG) Commission: Committee members interviewed Jane Farmer, Paul LaFleur, Robert Miller and Phil Bartmann for consideration for appointment to the Community Development Block Grant Commission. Mr. Munaretto made a motion, seconded by Mr. Donley, to recommend the following appointments to the Community Development Block Grant Commission: Robert Miller as the Township/Municipality representative; Robert Martens and Paul LaFleur as Members at Large; Jane Farmer as the Social Service Agency representative; and Cathryn Perfetti as the Housing Authority representative to the Community Development Block Grant Commission. Ms. Donner made a motion, seconded by Ms. Draffkorn, to amend the motion and remove Jane Farmer as the Social Service Agency representative from the original motion. The motion carried on a voice vote. The original motion carried with all members present voting aye on a roll call vote (Donley, Donner, Draffkorn, Heisler, Munaretto, Schuster and Hill).

Mr. Munaretto made a motion, seconded by Mr. Donley, to recommend the appointment of Jane Farmer as the Social Service Agency representative to the Community Development Block Grant Commission. The motion carried on a roll call vote of six ayes (Donley, Draffkorn, Heisler, Munaretto, Schuster and Hill) and one nay (Donner).

Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Phillip Bartmann and William Swenson as Members at Large representatives to the Community Development Block Grant Commission. The motion carried on a roll call vote of six ayes (Donley, Donner, Draffkorn, Heisler, Munaretto and Hill) and one nay (Schuster).

Mr. Sandquist mentioned that there needs to be a County Board member on the CDBG Commission. Chairman Hill stated that the P&D Committee's recommendation to the County Board Chairman is that Sue Draffkorn be the County Board representative on the CDBG Commission, along with being the Chairman of the CDBG Commission.

Mr. Sandquist mentioned that this will be the first time seating the new CDBG Commission members and the terms will be staggered. The terms will be for two, three or four years. Staff will make recommendations for the terms for the CDBG Commission.

OLD BUSINESS:

Government Permit Fees: Mr. Sandquist, Mr. Horton and Mr. Hansel joined committee members to discuss government agency fee waivers. Mr. Sandquist mentioned that his staff and he have worked hard to develop good relationships with all government agencies. He mentioned that the P&D Department needs to be paid for the services they are providing and the two alternatives are to obtain funds from the general fund, or obtain funds from fees. The P&D Committee previously requested staff to prepare information documenting how changing the government agency fee waivers would impact individual government agencies. This data was provided to the committee and detailed the waived permit fees by applicant type, applicant name and individual permits. Over the last two years, the P&D Department has waived approximately \$127,348 in fee waivers which are roughly divided between building fees and stormwater fees. The largest beneficiary from the waiver of government agency fees is the County as a whole, which is divided between McDOT and McHenry County Facilities. Mr. Sandquist mentioned that staff has reviewed their fees to make sure they are reasonable for the work involved. There have been discussions at previous P&D meetings concerning what other government agencies do for their government agency fee waivers. For well and septic permits, the McHenry County Health Department does not have a blanket fee waiver for government agencies. Government agencies have to pay the fees or ask for a fee waiver. He mentioned that McDOT does not have blanket fee waivers for access permits. Mr. Korpalski stated that at yesterday's McDOT meeting, the consensus of the Transportation Committee members was that they were opposed to have P&D charge McDOT government agency fees. He mentioned that the strategic goal is intergovernmental cooperation. McDOT also provides other services to other departments within the County which McDOT does not charge for. Mr. Munaretto mentioned that he does not feel that they should charge McDOT fees. He mentioned that both McDOT and the MCCC provide a universal benefit to all of the taxpayers of McHenry County who provide a subsidy to the general fund for the fee waivers that are granted. He mentioned that in the memo provided by P&D staff, it mentioned one municipality which recently decertified under the stormwater ordinance with the specific objective of avoiding paying for its own consulting engineers to review their permits for a municipal drainage project. He

questioned why the taxpayers of McHenry County, in this instance, provide a subsidy to someone who gained the system. Where there is a common benefit among the residents of McHenry County, he has no compunction about their ability and desirability of waiving fees, but if there isn't a common benefit, then they are asking the taxpayers of McHenry County to provide a subsidy to another unit of government. Mr. Sandquist stated that Lake County charges everybody fees, including the Lake County Forest Preserve, their public works department, their transportation department, along with municipalities and townships. Kane County charges everybody fees, except their Forest Preserve District and their Division of Transportation. Currently the ordinance reads that all fees are waived for all government agencies. This could be changed to read that all fees are waived for the McHenry County Division of Transportation, McHenry County Conversation District, and McHenry County Facilities. Currently municipalities and townships are not charged building, zoning and stormwater fees. Ms. Schuster mentioned that every project needs to be funded by the entities that are requiring the permits. To be fair, she feels permit fees need to go back to the individual government entity that are proposing the projects. Concerning permit fees for government entities, she feels it is not necessary to charge intergovernmental departments, within the County complex, government agency permit fees. Ms. Draffkorn stated that she would like the fee structure to stay the way it is now. Mr. Donley stated that he does not agree with charging smaller governmental agencies for permit fees. He feels the County can absorb the costs for fees that would be charged to small governmental agencies because the smaller governmental bodies cannot afford the costs. Ms. Donner mentioned again that if the smaller governmental agencies have to pay for these fees, it will be a burden on their small budgets. In the past the P&D Department has mentioned that there is a need for an additional stormwater engineer. Ms. Donner stated that the funds to hire an additional stormwater engineer needs to come from another source and not from charging government agency fees. Mr. Heisler stated that he would like to leave the fee structure the way it currently is. Chairman Hill stated that it is the consensus of committee members to leave the government permit fees charged by the P&D Department the way they currently are.

At 10:12 a.m. Chairman Hill stated that the meeting will take a five minute break and will reconvene at 10:18 a.m.

NSP Status Report: Mr. Sandquist and Ms. Ulbrich joined committee members and provided a status report on the Neighborhood Stabilization Program (NSP) and an overview of future program activities in order to complete the grant by March, 2013. Mr. Ulbrich mentioned that the NSP Grant was issued on March 30, 2009 in the amount of \$3,085,695. All program funds, including program income, must be expended by March 30, 2013. She mentioned that the goal for the program was to purchase 20 homes with the first series of the program. To date, grant funds have been used to purchase 15 homes, 11 of which have been renovated and sold to income qualified buyers. Of the remaining four homes, two are nearing the completion of their renovations, one has been prepared for resale and is currently on the market, and the last home is undergoing renovations and will be placed on the market within the next 60 to 90 days. A minimum of 25% of the grant award is required to be used to assist persons at or below 50% area median income. The current area median income is \$75,800 for 2012. Affordability is determined by household income. For NSP, the eligible household income is 120% of area median income or below, and rent rates are determined by HUD Fair Housing Standards by household income and the size of housing units. A single person can participate in this program, and she mentioned that statistics stated that most residents of the County qualify for the NSP. As of today, a family of four can earn up to \$90,090 and participate in the program. All homebuyers are required to receive a minimum of eight hours of consumer credit counseling education. There is assistance available with down-payments in the form of a soft second mortgage from NSP monies left in the sale of the home. The sales price of the home is the appraised value. The Community Development (CD) Division has kept an open contractors list and people can still apply to be added to this list of contractors. The County's NSP has issued over 250 construction contracts and paid approximately \$75,000 in property taxes for the properties. This program has been very beneficial to contractors in the County. The construction contracts do not include land surveyors, realtors, or attorneys.

A PowerPoint presentation showed before and after photographs of the properties in the Neighborhood Stabilization Program.

Mr. Heisler left the meeting at 10:47 a.m.

Ms. Ulbrich mentioned that the proposed next steps for the NSP will be to purchase several multi-family properties in an effort to develop more affordable rental opportunities. NSP may also consider continuing to purchase single-family homes, which will depend on what the housing stock will be. Mr. Sandquist mentioned that the Community Development Division has been running the NSP directly and have been using the same contract service providers that CAHMCO had

been using for real estate, legal, marketing, general contracting and construction management services. The homes are currently being held in a real estate trust with CAHMCO designated as the beneficiary since CAHMCO handled the original purchase of the homes. Staff is looking into changing the trust beneficiary for the properties and only McHenry County Habitat for Humanity has indicated a willingness to serve as the trust beneficiary. He mentioned that the property focus, thus far, has been to purchase, rehab and sell single-family homes and a few duplexes. One of the goals is to look at affordable rental units and if none are found, then the NSP will continue with single-family homes. To date \$873,226 has been generated in program income from the sale of properties, and \$780,675 has been disbursed for expenses.

Chairman Hill mentioned that this topic will be placed on a future P&D Committee agenda for discussion in order to provide CD Division staff direction with regard to the ending of the NSP in March, 2013. Mr. Sandquist mentioned that HUD is preparing the grant close-out rules and notice for NSP. HUD will provide guidance as to what the possibilities will be with regard to the remaining NSP funds.

Mr. Heisler returned to the meeting at 10:53 a.m.

Ms. Schuster questioned how prospective home buyers are able to find information concerning the NSP properties. Ms. Ulbrich mentioned that they have marketed the properties through the consumer credit counseling and presentations to realtor groups. The best marketing occurred when the properties were listed for sale and were placed on the MLS (Multiple Listing Service). Ms. Schuster requested staff to prepare a chart identifying the purchase price, total costs, and net profit for each property. Chairman Hill questioned if the NSP properties listed on the MLS would indicate that they are NSP properties and the answer was yes. Ms. Ulbrich stated that this would be noted in the "comments" section on the MLS. The NSP requirements would also be noted in the "comments" section. Ms. Schuster questioned how long the County stays involved with the property after it is sold, and what is the County's responsibility for each piece of property after it is sold. Ms. Ciampi stated that the properties have deed restrictions on them which range from 5 to 15 years. If the sale of the property occurs within that period of affordability, the funding is recaptured which means the County would recapture a pro-rated amount from the proceeds of the sale of the home and the money comes back to the County in the form of program income. Once the NSP close-out guidelines are received from HUD, it is assumed that the program income will go directly to the CDBG and be treated as CDBG program income. Every year CD Division staff does a verification to make sure the purchaser is still the primary resident of the property in order to make sure no one is renting the home because that would be a violation of the program rules. Ms. Schuster stated that this is a County responsibility and a cost of overhead for the County. Staff mentioned that it is paid through the grant administration fund for the duration of the programs. Chairman Hill questioned if CDBG funds were not available, would the County still be responsible for doing the resident verifications and the answer was yes. The 5 to 15 years is based on the subsidy in the home, which is based on the qualified income of the purchaser, the home that was purchased, and the selling price. Whatever subsidy, including the up-front homebuyer assistance that was provided, determines the length of the period of affordability. Mr. Sandquist mentioned that a certain percentage of the subsidy is forgiven every year. Mr. Donley questioned as to how many homes are in the NSP that are at 15 years. Staff did not have that answer and will provide that information at a future meeting. Ms. Schuster questioned if the purchasers of the NSP homes have to be McHenry County residents and the answer was that they can come from anywhere, but most purchasers are McHenry County residents.

REPORTS TO COMMITTEE:

Community Metropolitan Agency for Planning (CMAP): None.

Community Development Block Grant (CDBG) Commission: None.

Historic Preservation Commission: None.

Housing Commission: None.

MISCELLANEOUS: Chairman Hill mentioned that Sarah Ciampi recently took the HUD Certification for Regulations test and is now certified in HOME regulations. Committee members congratulated her on this achievement and certification.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Mr. Heisler made a motion, seconded by Ms. Donner, to adjourn the meeting at 11:02 a.m. The motion carried with a unanimous voice vote.

* * * * *

RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:

Recommend the appointment of Thomas Harding to the McHenry County Zoning Board of Appeals
Recommend the appointments of Robert Miller, C. William Swenson, Robert Martens, Phillip Bartmann, Paul LaFleur, Jane Farmer and Cathryn Perfetti to the Community Development Block Grant Commission

mh

ORDINANCE NO. _____

**AMENDING ARTICLE 10, SCHOOL DEVELOPER DONATION REQUIREMENTS OF
THE MCHENRY COUNTY SUBDIVISION ORDINANCE TO INCLUDE THE
ANNUAL “CPI” ADJUSTMENT AND AMENDING SECTION 1003.1
FAIR MARKET VALUE**

WHEREAS, the County of McHenry anticipates a continued population increase due to the subdivision and planned development of vacant land within the jurisdiction of the County; and

WHEREAS, it is hereby found and determined that the public interest, convenience, health, welfare and safety require the establishment of additional school sites serving the new residents of the County; and

WHEREAS, demographic studies of the residential portions of a proposed subdivision or planned development can be readily and scientifically conducted to estimate the number of elementary and secondary school-age children and adults to be generated therefrom and provide data by which the required dedications of land specifically and uniquely attributable to the activity of the subdivider-developer and the proposed subdivision or planned development may be calculated; and

WHEREAS, it has been found and determined that the provisions and locations of school sites to serve the immediate and future needs of residents and children of each new subdivision or planned development are just as essential to proper land development as are streets, water, sewers and sidewalks, and, to that end, the County has determined that the dedication of land for school sites or cash contributions in lieu of actual land dedication, or a combination of both, shall be required of each subdivider or developer of a planned development; and

WHEREAS, the County has previously passed an ordinance requiring the dedication of land for school sites or cash contributions in lieu of actual land dedication and finds such ordinance should be amended.

NOW, THEREFORE BE IT ORDAINED, by this County Board of McHenry County, Illinois, that *Section 1003 of Article 10, School Developer Donation Requirements, of the McHenry County Subdivision Ordinance* shall be amended to read as follows in Attachment “A”; and

BE IT FURTHER ORDAINED by this County Board of McHenry County, Illinois that this ordinance is amended to include an updated fair market value and “CPI” adjustment which has been brought forward by the McHenry County Administrator to the Planning & Development Committee of the McHenry County Board for review and recommendation, as set forth in Section 1003.3; and

BE IT FURTHER ORDAINED by this County Board of McHenry County, Illinois that this Ordinance amends Exhibit A to include the required "CPI" Adjustment, bringing the fees established to current status; and

BE IT FURTHER ORDAINED by this County Board of McHenry County, Illinois that this Ordinance amends the fair market value contained within Section 1003.1; and

BE IT FURTHER ORDAINED the adoption of this Ordinance, however, shall not affect in any way any and all previous dedications or payments made pursuant to the provisions of said Ordinance; and

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law; and

BE IT FURTHER ORDAINED that the County Clerk is hereby authorized to distribute a certified copy of this Ordinance to the Regional Superintendent of Schools, the Director of Planning and Development, the Superintendents of all McHenry County School Districts and the County Administrator.

DATED at Woodstock, Illinois, this 22nd day of March, A.D., 2012.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

1003 CRITERIA FOR REQUIRING A CASH CONTRIBUTION IN LIEU OF DEDICATION OF SCHOOL SITE

When the development is small and the resulting site is too small to be practical, or when the available land is inappropriate for a school site or is in conflict with the approved Comprehensive School Plan or standards or plan of the affected school district(s), the County, with the concurrence of the affected district(s), shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication.

The cash contribution in lieu of dedication of school sites, and any and all interest earned thereon, shall be held in trust by the school district and shall be used for the acquisition of land for school sites to serve the immediate or future needs of children from that subdivision or development or for the improvement to any existing school site that already serves such needs, which includes school buildings or other infrastructure necessitated and specifically and uniquely attributable to the development or subdivision in question. If any portion of a cash contribution in lieu of dedication of school sites is not expended for the purposes set forth herein within 13 years from the date of receipt, it shall be refunded by the entity holding the contribution to the record owner of the subdivided land at the time of the refund. If there is more than one record owner of the subdivided land or of the land that comprises the planned development, as applicable, such record owners shall share in the refund pro-rata based on the cash contributions originally paid by each property.

1003.1 FAIR MARKET VALUE

The cash contributions in lieu of land shall be based on the "fair market value" of the acres of land in the area that otherwise would have been dedicated as school sites. The fair market value, on a per acre basis, shall assume, unless determined otherwise pursuant to Section 1013 herein, that the land is zoned as a residential zoning district for approximately one acre lots, subdivided with appropriate frontage on a dedicated street or road, has all appropriate utilities available, is improved as set forth in Sections 1008 and 1009 herein, and is otherwise property capable of being used for residential development. Given the size and diversity of the County, it is likely that the fair market value of land will vary, depending upon the location of a proposed subdivision. Therefore, a fair market value of land is established for each school district within the County for purposes of this Article 10. ~~Based upon a study of real estate transactions in the County for the past three years, it~~ has been determined that the present "fair market value" of such improved land in and surrounding the County is found to be ~~\$127,676.00~~ \$130,357.00, ~~as of the effective date of this Article 10.~~ These figures shall be adjusted annually pursuant to Section 1003.3 herein. The "fair market value" as defined above shall be

used in calculating any cash in lieu of land dedication herein unless timely objected to as provided in Section 1013 herein. Objections to the fair market value as defined above shall be made in accordance with Section 1013 to the Planning and Development Committee. Failure to timely object to the "fair market value" as defined above, in accordance with Section 1013 herein, shall thereafter waive any right to raise an objection at a later time.

1003.2 CRITERIA FOR REQUIRING DEDICATION AND A CONTRIBUTION

There will be situations in subdivisions or planned developments when a combination of land dedication and a cash contribution in lieu of land are both necessary. These occasions will arise when (a) only a portion of the land required to be dedicated as a school site lies within the school site determined by the school district (that portion of the land within the subdivision falling within the school location shall be dedicated as a site as stated above, and a cash contribution in lieu thereof shall be required for any additional land that would have been required to be dedicated); or (b) a major part of the local school site has already been acquired by the particular district and only a small portion of land is needed from the development to complete the site (the remaining portion shall be required by dedication, and a cash contribution in lieu thereof for the rest of the required land shall be required).

1003.3 CONSUMER PRICE INDEX

The fair market value identified in Section 1003.1 above shall be subject to a "CPI Adjustment" which shall be effective after passage of this Ordinance and on the first day of January in each year thereafter. The McHenry County Regional Superintendent of Schools and/or the County Administrator shall be responsible for review and submission of the appropriate "CPI Adjustment" to the Planning and Development Committee annually. The adjusted fair market value and resulting school developer donation or fee in lieu of land donation fee imposed is reflected in the *McHenry County School Donation Formula* attached hereto and incorporated herein. Annually, the fair market value shall be adjusted by the December-December Percent Change as published by the United States Department of Labor's Bureau of Labor Statistics, All Items Consumer Price Index ("CPI") for Urban Consumers (1982-84 = 100) for the Chicago Consolidated Metropolitan Statistical Area, Illinois. If any index is calculated from a base different from the base period 1982-84 = 100, such index shall be converted to a base period of 1982-84 = 100 by use of a conversion factor supplied by said Bureau of Labor Statistics. If the CPI is discontinued or replaced, such other governmental Cost of Living Index or computation which replaces the CPI shall be used in order to obtain substantially the same result as would be obtained if the CPI had not been discontinued or replaced.

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

Memorandum

To: Planning & Development Committee

From: Darrell Moore, Principal Planner

Date: February 8, 2012

Re: 2012 School Impact Fee Adjustment

Requested Action

Review the attached information and approve the attached ordinance amending the school impact fee.

Background

Article 10 of the McHenry County Subdivision Ordinance requires that the School Impact Fee be adjusted annually based on the December to December percent change in the "All Items Consumer Price Index (CPI) for Urban Consumers for the Chicago Consolidated Metropolitan Statistical Area." An ordinance approving the 2012 School Impact Fee is attached along with documentation provided by County Administrator Peter Austin. The CPI rose 2.1% between December 2010 and December 2011. The 'fair market value' per acre of land has been calculated to be \$130,357.00, being an increase of 2.1% over the 2011 value of \$127,676.00. This updated figure appears in Section 1003.1 of the ordinance (see Attachment A). Also updated is the sentence in which the value appears. Staff recommends the removal of this outdated language which explains how "fair market value" was originally calculated. These are the only changes proposed to the ordinance.

Attachments

- Letter from Peter Austin, County Administrator
- Consumer Price Index table
- 2012 McHenry County School Donation Formula
- 2012 School Impact Fee Ordinance
- Revised Section 1003 of Article 10 (Exhibit A)



COUNTY of McHENRY

McHENRY COUNTY GOVERNMENT CENTER
2200 NORTH SEMINARY AVENUE
WOODSTOCK, IL 60098-2637
815:334-4226

PETER B. AUSTIN
COUNTY ADMINISTRATOR

To: Dennis Sandquist
Director of the Department of Planning and Development
From: Peter B. Austin, County Administrator
Date: February 8, 2012
Subject: 2012 School Impact Fee Adjustment

As per Section 1003 of Article 10 of the McHenry County Subdivision Ordinance, I have reviewed the change in the Consumer Price Index (CPI) between December 2010 and December 2011 and found the CPI Adjustment for 2012 to be an increase of 2.1%.



Databases, Tables & Calculators by Subject

FONT SIZE:

Change Output Options:

From: To:  include graphs[More Formatting Options](#)

Data extracted on: February 8, 2012 (2:37:08 PM)

Consumer Price Index - All Urban Consumers

12-Month Percent Change

Series Id: CUURA207SA0

Not Seasonally Adjusted

Area: Chicago-Gary-Kenosha, IL-IN-WI

Item: All items

Base Period: 1982-84=100

Download: .xls

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2000	2.5	3.0	3.1	2.6	3.3	4.2	3.1	2.6	3.0	3.4	4.0	3.9	3.2	3.1	3.4
2001	4.6	4.1	2.8	3.8	3.5	1.8	1.8	2.5	2.8	1.5	0.8	1.2	2.6	3.4	1.8
2002	-0.1	0.1	1.5	1.4	0.9	1.6	2.0	2.0	1.3	2.6	3.3	2.5	1.6	0.9	2.2
2003	2.7	3.0	2.8	1.4	1.1	1.1	1.6	1.6	2.2	1.6	1.3	1.7	1.8	2.1	1.7
2004	1.5	1.2	0.8	2.1	2.9	2.7	2.8	3.1	2.1	2.7	2.7	2.2	2.2	1.8	2.6
2005	2.4	2.2	2.7	3.2	2.4	2.6	2.6	2.9	4.4	3.7	3.5	3.6	3.0	2.6	3.5
2006	4.0	3.5	3.3	2.3	2.6	2.6	2.6	2.3	0.7	-0.2	0.3	0.7	2.1	3.1	1.1
2007	1.0	1.7	2.5	3.2	3.7	3.6	3.1	2.7	3.4	4.7	5.0	4.7	3.3	2.6	3.9
2008	4.7	4.4	4.5	4.2	4.5	4.7	5.8	4.9	4.4	3.2	0.6	-0.6	3.8	4.5	3.0
2009	-0.5	-1.0	-1.9	-2.2	-2.4	-2.2	-3.0	-2.1	-1.9	-0.8	1.5	2.5	-1.2	-1.7	-0.7
2010	2.2	2.5	2.6	2.4	1.5	0.6	0.8	0.6	0.9	0.8	0.4	1.2	1.4	2.0	0.8
2011	1.4	1.8	2.3	2.7	3.3	3.8	3.2	3.2	3.1	2.9	2.9	2.1	2.7	2.6	2.9

TOOLS

Areas at a Glance
Industries at a Glance
Economic Releases
Databases & Tables
Maps

CALCULATORS

Inflation
Location Quotient
Injury And Illness

HELP

Help & Tutorials
FAQs
Glossary
About BLS
Contact Us

INFO

What's New
Careers @ BLS
Find It! DOL
Join our Mailing Lists
Linking & Copyright Info

RESOURCES

Inspector General (OIG)
Budget and Performance
No Fear Act
USA.gov
Benefits.gov
Disability.gov

[Freedom of Information Act](#) | [Privacy & Security Statement](#) | [Disclaimers](#) | [Customer Survey](#) | [Important Web Site Notices](#)

U.S. Bureau of Labor Statistics | Postal Square Building, 2 Massachusetts Avenue, NE Washington, DC 20212-0001

www.bls.gov | Telephone: 1-202-691-5200 | TDD: 1-800-877-8339 | [Contact Us](#)

01/01/12 McHenry County School Donation Formula

	Acres/School		Maximum Students	Acres/Student
Elementary School	25		450	0.056
JHS 6-8	40		600	0.067
High School	70		1500	0.047
	Acres/Student		\$/Acre	\$/Student
Elementary	0.056		\$130,357.00	\$ 7,242.06
JHS 6-8	0.067		\$130,357.00	\$ 8,690.47
High School	0.047		\$130,357.00	\$ 6,083.33

Student Ratio/Unit

2 Bedroom Single Family Detached			
Elementary	\$ 7,242.06	0.136	\$ 984.92
JHS 6-8	\$ 8,690.47	0.048	\$ 417.14
High School	\$ 6,083.33	0.020	\$ 121.67
Total			\$ 1,523.73

3 Bedroom Single Family Detached			
Elementary	\$ 7,242.06	0.369	\$ 2,672.32
JHS 6-8	\$ 8,690.47	0.173	\$ 1,503.45
High School	\$ 6,083.33	0.184	\$ 1,119.33
Total			\$ 5,295.10

4/5 Bedroom Single Family Detached			
Elementary	\$ 7,242.06	0.345	\$ 2,498.51
JHS 6-8	\$ 8,690.47	0.248	\$ 2,155.24
High School	\$ 6,083.33	0.300	\$ 1,825.00
Total			\$ 6,478.74

2 Bedroom Single Family Attached			
Elementary	\$ 7,242.06	0.088	\$ 637.30
JHS 6-8	\$ 8,690.47	0.048	\$ 417.14
High School	\$ 6,083.33	0.038	\$ 231.17
Total			\$ 1,285.61

3 Bedroom Single Family Attached			
Elementary	\$ 7,242.06	0.234	\$ 1,694.64
JHS 6-8	\$ 8,690.47	0.058	\$ 504.05
High School	\$ 6,083.33	0.059	\$ 358.92
Total			\$ 2,557.60

4/5 Bedroom Single Family Attached			
Elementary	\$ 7,242.06	0.322	\$ 2,331.94
JHS 6-8	\$ 8,690.47	0.154	\$ 1,338.33
High School	\$ 6,083.33	0.173	\$ 1,052.42
Total			\$ 4,722.69

APARTMENTS

One Bedroom Apartment			
Elementary	\$ 7,242.06	0.002	\$ 14.48
JHS 6-8	\$ 8,690.47	0.001	\$ 8.69
High School	\$ 6,083.33	0.001	\$ 6.08
Total			\$ 29.26

Two bedroom Apartment			
Elementary	\$ 7,242.06	0.086	\$ 622.82
JHS 6-8	\$ 8,690.47	0.042	\$ 365.00
High School	\$ 6,083.33	0.046	\$ 279.83
Total			\$ 1,267.65

Three Bedroom Apartment			
Elementary	\$ 7,242.06	0.234	\$ 1,694.64
JHS 6-8	\$ 8,690.47	0.123	\$ 1,068.93
High School	\$ 6,083.33	0.118	\$ 717.83
Total			\$ 3,481.40

RESOLUTION
AUTHORIZING ADOPTION OF AN INTERGOVERNMENTAL AGREEMENT FOR
BUILDING PERMIT REVIEW, INSPECTION AND RELATED CONTRACT
SERVICES FOR THE VILLAGE OF TROUT VALLEY, ILLINOIS

WHEREAS, both the County and the Village of Trout Valley (the Village) are governmental agencies of the State of Illinois vested with the responsibility and authority to enforce and uphold building, fire, and safety codes and other related services in their respective jurisdictions; and

WHEREAS, the Village has determined that there presently exists a need for the issuance of building permits, building plan review, inspection of building construction and issuance of certificates of occupancy and building code enforcement in the Village; and

WHEREAS, both the County and the Village are authorized by the terms and provisions of Section 10 of Article VII of the Illinois Constitution and the Intergovernmental Cooperation Act, 5 ILCS 220/5, to enter into intergovernmental agreements, ventures and undertakings to perform jointly any governmental purpose or undertaking either of them could do singularly; and

WHEREAS, the Village has adopted by reference the County's building codes; and

WHEREAS, the residential property in the Village is subject to deed restrictions, and these restrictions require prior approval of any construction by the Trout Valley Home Owners Association; and

WHEREAS, the Village is desirous of contracting with the County to review building plans, issue building permits, inspect building projects for compliance with the building code, and issue occupancy permits; and

WHEREAS, the County can provide said services; and

WHEREAS, the McHenry County State's Attorney Office has reviewed the attached Intergovernmental Agreement; and

WHEREAS, the Planning and Development Committee has reviewed and recommended adoption of the attached Intergovernmental Agreement.

NOW, THEREFORE BE IT RESOLVED, that the County Board of McHenry County Illinois, hereby authorized the adoption of the Letter of Understanding between McHenry County and the McHenry County Conservation District.

BE IT FURTHER RESOLVED that the County Clerk is hereby authorized to distribute a copy of this Resolution to the Department of Planning and Development and to the McHenry County Conservation District.

DATED at Woodstock, Illinois this 6th day of March, A.D., 2012.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

**INTERGOVERNMENTAL AGREEMENT FOR
BUILDING PERMIT REVIEW, INSPECTION AND
OTHER RELATED CONTRACT SERVICES
FOR THE VILLAGE OF TROUT VALLEY, ILLINOIS**

This agreement made and entered into this _____ day of _____, 2012 by and between the County of McHenry, a body politic and corporate hereinafter referred to as the “COUNTY”, and the Village Of Trout Valley, a municipal corporation within the boundaries of the County of McHenry, hereinafter referred to as the “VILLAGE.”

WHEREAS, both the COUNTY and the VILLAGE are governmental agencies of the State of Illinois vested with the responsibility and authority to enforce and uphold building, fire, and safety codes and other related services in their respective jurisdictions; and

WHEREAS, the VILLAGE has determined that there presently exists a need for the issuance of building permits, building plan review, inspection of building construction and issuance of certificates of occupancy and building code enforcement in the VILLAGE; and

WHEREAS, both the COUNTY and the VILLAGE are authorized by the terms and provisions of Section 10 of Article VII of the Illinois Constitution and the Intergovernmental Cooperation Act, 5 ILCS 220/5, to enter into intergovernmental agreements, ventures and undertakings to perform jointly any governmental purpose or undertaking either of them could do singularly; and

WHEREAS, the VILLAGE has adopted by reference the COUNTY’S building codes; and

WHEREAS, the residential property in the VILLAGE is subject to deed restrictions, and these restrictions require prior approval of any construction by the Trout Valley Home Owners Association; and

WHEREAS, the VILLAGE is desirous of contracting with the COUNTY to review building plans, issue building permits, inspect building projects for compliance with the building code, and issue occupancy permits; and

WHEREAS, the COUNTY can provide said services.

NOW THEREFORE, in consideration of the foregoing and the covenants contained herein, the parties hereby agree and covenant as follows:

1. For all building construction projects within the VILLAGE, whether residential or non-residential, the COUNTY through its Department Of Planning and Development (the “DEPARTMENT”), will be responsible for processing all building permit applications, approval and issuance of permits, inspections of building projects, and issuance of occupancy permits or certificates of completion. The COUNTY shall not

issue a building permit unless a certificate of approval has been issued by Trout Valley Homeowner's Association.

2. Whenever the VILLAGE becomes aware of building construction or property development activities within the VILLAGE, the VILLAGE is responsible for notifying the property owner of the need to obtain a building and/or stormwater permit(s) from the DEPARTMENT.

3. The DEPARTMENT will notify the Village when it is unable to gain property owner compliance with the building codes. The VILLAGE shall have the discretion and authority to enforce any code violation, occurring within the VILLAGE, by bringing legal action in the McHenry County Circuit Court against non-compliant property owners. The VILLAGE shall retain, at its own expense, either the VILLAGE Attorney or private legal counsel to represent the VILLAGE in any such court proceedings. The COUNTY shall not be responsible for bringing legal action against non-compliant property owners for code violations occurring within the VILLAGE, nor shall the COUNTY State's Attorney Office be responsible for representing the VILLAGE in any court proceedings arising out of code violations occurring within the VILLAGE.

4. The DEPARTMENT will provide to the VILLAGE, at no cost, phone consultations, email communications or meetings with VILLAGE officials at the County Administration Building to discuss plan review and inspection reports and areas of non-compliance with the building codes.

5. The DEPARTMENT will attend meetings at the VILLAGE Hall and will attend court and/or administrative adjudication hearings at the following hourly rates:

- Plans Examiner: \$39.09
- Building or Code Enforcement Inspector: \$33.40
- Code Enforcement Official: \$47.66.

Billing hours for attending meetings at the VILLAGE hall and court and/or administrative adjudication hearings will include travel time to and from the County Administration Building.

6. As long as the VILLAGE remains uncertified under the McHenry County Stormwater Management Ordinance, the DEPARTMENT will continue to issue stormwater management permits to property owners within the Village. The DEPARTMENT will coordinate stormwater review for building permits submitted to the DEPARTMENT, subject to the adopted fee schedule.

7. The fee schedule adopted by COUNTY with respect to building permits shall apply in this agreement and shall be incorporated herein as Exhibit A. Said fee schedule shall be updated from time to time as the County updates its fee schedule and shall be incorporated herein without further action by the VILLAGE Board.

8. The DEPARTMENT shall collect all permit fees as full as complete compensation for their issuance of building permits, plan reviews, inspections, and issuance of certificates of occupancy or certificates of completion.

9. The DEPARTMENT shall process and review building permit applications and submittals and schedule inspections in the order they are received with the same priority granted to County permits.

10. The DEPARTMENT Director, and his designated staff shall be the primary contacts for receiving queries, complaints, and commendations of services performed under this Agreement.

11. The VILLAGE agrees to defend itself in any actions or disputes brought against the VILLAGE arising out of, relating to, in connection with, or as the result of this Agreement or any services provided hereunder and to defend and to indemnify and hold the COUNTY and DEPARTMENT harmless and free from liability of any kind resulting from the acts or conduct of the VILLAGE and/or DEPARTMENT and each of their respective employees, agents, or representatives arising out of, relating to, in connection with, or as a result of this Agreement or any services provided hereunder, except and to the extent the action or dispute arises out of or is caused solely by the gross negligence of the COUNTY DEPARTMENT or any of the COUNTY or DEPARTMENT employees, agents, or representatives, this exception shall not apply where the COUNTY or DEPARTMENT employees, agents or representatives relied upon information from or documents received by the VILLAGE. Notwithstanding any of these other provisions the COUNTY and DEPARTMENT will have no liability when the application or information submitted for review is erroneous, false or misleading and such is relied upon in conducting the services under this Agreement.

12. This Agreement shall be in full force and effect for three years from the date of the Agreement.

13. This Agreement may be terminated by either party upon ninety (90) days written notice to all parties. Notice shall be given by U. S. Mail to the following parties:

VILLAGE OF TROUT VALLEY
Robert Baker, President
P. O. Box 621
Cary, Illinois 60013

DEPARTMENT OF PLANNING &
DEVELOPMENT
Dennis Sandquist, Director
2200 N. Seminary Avenue
Woodstock, Illinois 60098

14. This Agreement may be extended for such period of time as shall be agreed upon by the parties in writing at least thirty (30) days prior to the expiration of the term of this Agreement or any extended term hereunder. In the absence of a written extension to or termination of this Agreement as contemplated above, the DEPARTMENT may, at its option, continue to provide services defined herein, and such services and the acceptance thereof by the VILLAGE, shall constitute an effective extension of this Agreement and its provisions until such time as either party terminates this Agreement as provided in Paragraph 13 above or the parties enter into a written extension as provided for in this paragraph.

15. The foregoing constitutes the entire Agreement between the parties, and no verbal statement shall supersede any of its provisions. This Agreement may be amended by mutual agreement, signed and executed with the same formality with which this instrument was executed.

16. This agreement may be executed in multiple identical counterparts, and all of said counterparts shall, individually and taken together, constitute one and the same Agreement.

IN WITNESS WHEREOF, the County of McHenry, by a Resolution duly adopted by the County Board of McHenry County, causes this Agreement to be signed by its Chairman and attested to by its Clerk and the VILLAGE, by order of it Board has caused these presence to be executed by the President of the VILLAGE Board and attested to by its Clerk all on the day and year hereinafter written.

Dated this _____ day of _____, A.D., 2012.

COUNTY OF MCHENRY:

By: _____
Kenneth D. Koehler, Chairman
McHenry County Board

Attest: _____
Katherine C. Schultz
McHenry County Clerk

Dated this _____ day of _____, A.D. 2012.

VILLAGE OF TROUT VALLEY

By: _____
Robert Baker, Mayor
Village of Trout Valley

Attest: _____
Tonia Gonzales, Clerk
Village of Trout Valley

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

MEMORANDUM

To: Tina Hill, Chairman
and Members of the Planning and Development Committee

From: Dennis A. Sandquist, Director of Planning and Development

Date: February 9, 2012

Re: Resolution Authorizing Entering into an intergovernmental agreement to provide building permit review and inspection services for the Village of Trout Valley

Action Requested:

Review the attached resolution and intergovernmental agreement with the Village of Trout Valley and forward it to the County Board for approval.

Background:

The Village of Trout Valley is requesting that the County provide the Village with building permit review and inspection services. Village Attorney James Kelly presented this concept to the P&D Committee in November. The Committee directed staff to review the proposed Intergovernmental Agreement with the State's Attorney Office and return it to Committee for further consideration and a recommendation to the County Board.

Discussion:

The State's Attorney Office has provided a written opinion that the agreement is legally sufficient. As outlined in the resolution, municipalities and counties are authorized to enter into intergovernmental agreements for the provision of services. Under the agreement, the Department of Planning and Development will process building permit applications, conduct plans reviews and inspections, and issue occupancy permits or certificates of completion for construction projects within the Village. The Village is responsible for notifying property owners of the need to obtain a building permit from the County. The Department will notify the Village when it is unable to gain property owner compliance with the building codes. All enforcement proceedings are the responsibility of the Village. County staff will attend meetings at the Village Hall and court or administrative adjudication hearings for an hourly fee which covers the salary and benefits for these employees.

The State's Attorney Office has expressed the concern that while the Village will be responsible for prosecuting violations, the State's Attorney Office has a duty to counsel the Department on issues surrounding building codes in order to ensure that proper decisions are made in order to minimize our exposure to liability. In their view, legal issues surrounding non-compliance with building codes may be complex and time consuming and will require the involvement of their office. The State's Attorney Office has indicated that if this burden is substantial, it may result in a need for additional personnel.

It is my experience that the Department rarely if ever seeks the advice of the State's Attorney Office regarding building code enforcement, until we are ready to proceed with court enforcement. Under the proposed agreement, these cases would be turned over to the Village. It would be the Village's right and obligation to proceed with any enforcement action.

Impact on Human Resources:

Permit reviews and inspections will be conducted by existing Planning, Inspections, and Enforcement (PIE) Division Staff. According to Mr. Kelly, Trout Valley is fully built out. They issue between 3 and 6 building permits per year. The type of work performed ranges from construction of retaining walls to significant residential remodeling projects. The PIE Division has existing capacity to perform the permit processing, plans review, and inspection services for the estimated volume of permits.

Because the Village is not certified under the Stormwater Management Ordinance, the agreement will not have any impact on the Stormwater Division. The Stormwater Division is already responsible for reviewing and permitting projects within the Village.

As discussed above, the State's Attorney Office has expressed concern that legal issues surrounding non-compliance with building codes will require the involvement of their office. The State's Attorney Office has indicated that if this burden is substantial, it may result in a need for additional personnel.

If permit volumes increase or the required time commitment is unduly burdensome for either the Department of Planning and Development or the State's Attorney Office, the agreement can be re-reviewed. The County may cancel the agreement at any time with 90 days notice to the Village.

Impact on Budget:

This request will not create any additional County expenditure. The agreement can be terminated if it is proving to be a burden to the State's Attorney Office. It will generate a small amount of additional revenue in the form of permit fees.

Impact on Capital Expenditures:

The request will not require any additional capital expenditures.

Impact on Physical Space:

The request will not have any impact on physical space requirements.

Impact on Other County Departments or Outside Agencies:

The request may impact the State's Attorney Offices as discussed above. The agreement can be terminated if it is proving to be a burden to the State's Attorney Office. It will not impact other County Departments. It will have a positive impact for the Village of Trout Valley.

Conformity to Board Ordinances and Policies:

The request conforms to all County policies and ordinances.

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

MEMORANDUM

To: Tina Hill, Chairman
and Members of the Planning and Development Committee

From: Dennis A. Sandquist, Director of Planning and Development

Date: February 7, 2012

Re: Department of Planning and Development Annual Report

Department Staff will present our annual report to the P&D Committee for review and discussion. No action is required. A draft copy of the report will be emailed to the Committee prior to the meeting and a hardcopy will be distributed at the meeting. Following the Committee meeting, the Annual Report will be distributed to the full County Board.