

Ms. Hill made a motion seconded by Ms. Wheeler to approve the following Petitions:
Exb #09-22; Algonquin Twp; George/Rosalind Duezak; reclass of R1-R1V
Exb #09-44; Seneca Twp; Talidus Trust; reclass of A1V-A2
Exb #09-45; Seneca Twp; Talidus Trust; reclass of A1/A1V-A2
Exb #09-56; McHenry Twp; Timothy/Barbara Beal; reclass of R1-R1V
Exb #10-02; McHenry Twp; Donald/Patricia Klein; reclass of R1-R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Absent: Munaretto, Salgado and Bless. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

Ms. Hill made a motion seconded by Ms. Donner to approve the following Petition:
Exb #09-46; Seneca Twp; Talidus Trust; reclass of A1/A1V-A1V/A1CV

Chairman Koehler asked for any discussion. Ms. Schuster said she is against this as it should be zoned business.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, Merkel, Miller, Orphal, Peschke, Schmidt, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill and Koehler. Nay: McCann, Ryan, Schuster and Hammerand. Absent: Munaretto, Salgado and B less. The vote being seventeen (17) ayes and four (4) nays noting three (3) absent, Chairman Koehler declared the motion passed.

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petition:
Exb #09-58; Nunda Twp; Chicago Title Trust 1111583/Dean Lent/Islamic Center of McHenry County;
reclass of A1-A1C

Chairman Koehler asked for any discussion. Ms. Wheeler said at the second hearing there were five additional conditions that were requested and agreed upon by the petitioner and neighbor.

Ms. Wheeler made a **motion to amend** seconded by Ms. Yensen to **add** the following **five conditions as agreed upon by the Petitioner and neighbor of the property**:

1. The center of the parking lot will be placed in the front of the building;
2. No mature trees shall be removed and if they are they will be replaced;
3. Landscaping: Western property line of landscaping will be maintained with Blue Spruce trees lining it;
4. Landscaping: Eastern property line of landscaping will be maintained with Blue Spruce trees lining it;
5. Landscaping Maintenance: Any new landscaping that does not survive shall be replaced as needed.

Chairman Koehler asked for any discussion. Mr. Kelly, Chairman of the ZBA said all of the conditions were considered and they amended them based on their existing screening ordinance conditions as to what we put on traditional conditional uses in the County. Also some of them were in direct conflict with the site plan that has been submitted. He said if you look at #2 to the extent that where the parking lot is now going to be moved, if you look at the aerial photo in the plan report, there are a lot of trees that are going to be taken out for the parking areas as well as the emergency entrance. Also, he said some of these trees are going to be in easements that the Highway Department is not going to allow based on these conditions. Mr. Kelly said when these five conditions were considered, they used the site plan and the screening parts of the ordinance so that what is being done they thought was sufficient.

Chairman Koehler asked for a voice vote on the motion to amend to add five additional conditions, the ayes having it, the **motion to amend has passed**.

Chairman Koehler asked for any other discussion. Ms. Wheeler asked about the lighting and the sign that could be illuminated as the sign ordinance does allow for 24-hour illumination.

Ms. Wheeler made a **motion to amend to add an additional condition that the sign not be illuminated**.

Ms. Wanaski of Planning & Development checked the Petition to see if they requested a sign for this particular use because if they did not then the sign allowed is only a very small sign that would not be illuminated. After checking, Ms. Wanaski said the sign is exempt because it is an institutional sign, so to regulate something that is exempt from an ordinance would be a legal question. Ms. Rein said she didn't believe you can regulate something that is exempt.

Ms. Wheeler **rescinded her motion to amend** regarding the sign.

Noting no other discussion, Chairman Koehler asked for a roll call vote on the main motion to approve #09-58 as amended. The following members responded aye: Kennedy, McCann, Merkel, Miller, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Nay: Breeden. Absent: Munaretto, Salgado and Bless. The vote being twenty (20) ayes and one (1) nay, noting three (3) absent, Chairman Koehler declared the motion to approve #09-58 as amended has passed.

ZBA REGULAR AGENDA

Chairman Koehler noted that Petition #09-54 will be removed from tonight's agenda.

Ms. Hill told the board that the following Petition was recommended for denial by the ZBA. Following County Board rules, this petition will be brought forth in the affirmative, so a YES vote is to approve the petition and a NO vote is to DENY the petition as recommended by the ZBA.

Ms. Hill made a motion seconded by Ms. Barnes to approve the following Petition:
Exb #09-53; Richmond Twp; Jose/Juan Ortiz; reclass of A1 to A1C ZBA Recommend DENIAL

Chairman Koehler asked for any discussion. Noting none he reiterated that a yes vote is to approve and a no vote is to deny the petitioner's request.

Chairman Koehler asked for a roll call vote. The following members responded aye: None. Nay: Kennedy, McCann, Merkel, Miller, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Absent: Munaretto, Salgado and Bless. The vote being twenty-one (21) nays noting three (3) absent, Chairman Koehler declared the **motion to approve is denied**.

PLATS

None

PUBLIC COMMENT

Chairman Koehler explained the rules of public comment. The following people spoke:

Dennis Palys of Wonder Lake	against	2030 Comprehensive Plan as is
Deborah Bleeker of Cary	against	Exb #09-54
Elaine Ramesh of Barrington Hills	regarding	2030 Comprehensive Plan as is
Beth Mallen of Barrington Hills	regarding	2030 Comprehensive Plan as is
Joe Daleiden of Woodstock	against	2030 Comprehensive Plan as is
Brian Miller of Bull Valley	against	2030 Comprehensive Plan as is
Thomas Harding of Woodstock	for	2030 Comprehensive Plan
Kim Willis of McHenry	against	2030 Comprehensive Plan as is
Barbara Kemp of Barrington Hills	against	2030 Comprehensive Plan as is
Mary Moltmann of Bull Valley	against	2030 Comprehensive Plan as is
Alan Plane of Harvard	against	2030 Comprehensive Plan as is
Charles Kruse of Woodstock	against	2030 Comprehensive Plan as is
Dan Volkens of Wonder Lake	regarding	2030 Comprehensive Plan as is
Erin Smith of Lakewood	for	Sportsplex LLC
Rosemary Kurtz of Crystal Lake	against	2030 Comprehensive Plan as is

Chairman Koehler noted that the 30 minute time allotment had passed for Public Comment and asked for a motion to extend.

Ms. Barnes made a motion seconded by Mr. Kennedy to extend Public Comment for an additional 30 minutes.

Chairman Koehler asked for a voice vote, the ayes having it the motion passed.

Public Comment continued and the following people spoke:

H.F. Zbierski of Woodstock	against	2030 Comprehensive Plan as is
Jane Collins of Woodstock	against	2030 Comprehensive Plan as is
Diane Hellyer of Woodstock	regarding	Sportsplex LLC
Nancy Schietzelt of Crystal Lake	for	2030 Comprehensive Plan
Cindy Skrukud of Richmond	for	2030 Comprehensive Plan

Nancy Jung of Woodstock	against	2030 Comprehensive Plan as is
Joyce Kunath of Woodstock	regarding	2030 Comprehensive Plan as is
Donna Kurtz of Crystal Lake	against	2030 Comprehensive Plan as is
Pat Kennedy of Harvard	against	2030 Comprehensive Plan as is
Lenore Nolan of Hebron	against	2030 Comprehensive Plan

Chairman Koehler noted that 13 others signed in but did not speak and are against the 2030 Plan as is. Noting no others wishing to speak, Chairman Koehler closed public comment.

NEW AND UNFINISHED BUSINESS

12.1 Resolution in appreciation of the Silver Star Families of America

Mr. Dvorak made a motion seconded by Mr. Ryan to approve the above-named resolution.

Chairman Koehler asked for a voice vote, the ayes having it he declared the motion passed.

At the request of Mr. Kennedy Chairman Koehler asked any veterans in the room to stand up to be recognized.

APPOINTMENTS

13.1 Ms. Barnes made a motion seconded by Ms. Miller to approve the following Appointments:

Fire Protection Districts

Crystal Lake Rural	Robert Seegers	term to expire 05/2013
Fox River Grove	Michael Kunz	term to expire 05/2013
Harvard	James Carbonetti	term to expire 05/2013
McHenry Twp	Christopher J Bennett	term to expire 05/2013

Lake in the Hills Sanitary District

Terry Easler	term to expire 05/01/2011
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Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Absent: Salgado and Bless. The vote being twenty-two (22) ayes, noting two (2) absent, Chairman Koehler declared the motion passed.

STANDING COMMITTEE CHAIRMAN UPDATES

Chairman Koehler said we will move chair updates to the end of the meeting.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Hill removed 15.2 H1; Ms. Schmidt removed 15.2 B 5 & 15.2 B6.

Mr. Munaretto said a revised resolution is on everyone's desk for 15.2 B6 that reflects a few changes that were made subsequent to the Finance & Audit Committee's review and adoption, made by the State's Attorney to tighten the language up.

Ms. McCann spoke regarding 15.2 G1, Northwest Planning Area. She said this is a new group that is looking at water supply planning for Lake, McHenry, Kane, DeKalb and Kendall counties and it's for those county's that do not have access to Lake Michigan water. This is the next step after the CMAP study.

Ms. McCann made a motion seconded by Mr. Kennedy to approve the Routine Consent Agenda with three items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Absent: Salgado and Bless. The vote being twenty-two (22) ayes, noting two (2) absent, Chairman Koehler declared the motion passed.

15.2 B5 *Resolution authorizing allocating Recovery Zone Volume Cap and approving a project for McHenry County Sportsplex LLC for the purposes of the American Recovery and Reinvestment Tax Act of 2009.*

Mr. Munaretto made a motion seconded by Mr. Breeden to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Hill said there was a comment about our resolution not reflecting the location of the project.

Ms. Hill made a **motion to amend** seconded by Ms. McCann to **add language in Section 3** as follows, bolded:

The Allocation shall be used to issue bonds to finance the Project "**located at the area of Route 47 and Route 176**" ...

Chairman Koehler asked for any discussion on the motion to amend. Mr. Munaretto said traditionally the resolutions do not identify the area but the application does. The application is linked to the resolution so the location can't change. If they chose to move the site this resolution would not be in effect.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to amend to add language in Section 3, the ayes having it, the **motion to amend** to add language in Section 3 "**located at the area of Route 47 and Route 176**" ... **has been approved.**

Chairman Koehler asked for any other discussion on the main motion. Board members discussed the pros and cons of this project and the lack of primary jobs with this kind of project.

Chairman Koehler asked for a roll call vote on the motion to approve 15.2 B5 Authorizing allocating Recovery Zone Volume Cap and approving a project for McHenry County Sportsplex LLC for the purposes of the American Recovery and Reinvestment Tax Act of 2009 as amended.

The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill and Koehler. Nay: Schmidt, Schuster and Hammerand. Absent: Salgado and Bless. The vote being nineteen (19) ayes and three (3) nays noting two absent, Chairman Koehler declared the motion passed

15.2 B6 *Resolution authorizing allocating Recovery Zone Volume Cap and approving a project for Equity One Development Corporation for the purposes of the American Recovery and Reinvestment Tax Act of 2009.*

Mr. Munaretto made a motion seconded by Ms. Orphal to approve the above-named resolution.

Chairman Koehler asked for any discussion. Mr. Munaretto reminded the board that there is a modified resolution at everyone's desk; Section 3 is the only area that has a change. This change reads: The County Board hereby approves the project submitted by Equity One Development Corp and conditionally allocates an additional \$11,425,730 of Recovery Zone Facility Zone Volume Cap subject to receipt of this additional amount of Volume Cap allocation from the State of IL or the United States Treasury Department.

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill and Koehler. Nay: Peschke, Schmidt, Schuster and Hammerand. Absent: Salgado and Bless. The vote being eighteen (18) ayes and four (4) nays noting two absent, Chairman Koehler declared the motion passed

15.2 H1 *Resolution adopting the 2030 Comprehensive Plan*

Ms. Hill made a motion seconded by Ms. Donner to approve the above-named resolution.

Chairman Koehler asked for any discussion.

Ms. Hill read a statement for the benefit of everyone on the background of the plan after the RPC delivered the plan to the Planning & Development Committee. The RPC understood that there would be some changes made by the committee and that they wanted to continue to listen to public input and continue to balance our environmental needs. They lowered the population projection by 45,000 and returned thousands of acres back to Agriculture. The vast bulk of development in the future land use map is within municipal planning areas and is consistent with the land uses identified in those plans. One notable exception is Coral Township where they identified estate land use roughly follows the adopted Coral Township plan and is consistent with the trend of development in that area. Extensive public comment was received on the plan at various stages and these comments from municipalities and townships, conservationists, farmers, developers and realtors, and individuals and citizens of our County have greatly influenced

the final resolution of the plan. On balance these comments have lead the RPC and P&D to retain and strengthen farmland and resource protection policies. Water resource protection is a central theme of the plan. This is the first McHenry County Land Use Plan including both drafts of the 2030 Plan and different than the proposed failed 2020 Plan to devote a separate comprehensive chapter to the topic. This chapter coordinated closely with the activities of the Groundwater Protection Program Task Force and contains probably the most progressive policies on water resource protection of any County plan in the region.

Ms. Hill asked that the plan be brought up on the screen, figure 1 on page 34 (Most Productive Soils in McHenry County). She said in this section of the plan, that protection of prime farmland and agriculture was very important and a viable way of life, were central themes to the Plan. They talked about how much was being developed on both sides of Route 47. Staff worked up numbers, showing the amount of acreage being possible for development is about 60% of the available land and only 11% is being designated for potential development on the Western half. Some have suggested the elimination of the future land use map from the plan, but this process is a basic tenant of progressive county land use planning. It is embraced by every other county plan in the region and is needed to develop a future land use map based on sound planning principles. Not only does this provide direction for important infrastructure, open space and resource protection programs, it also can provide protection vs. politically motivated guidance on the determination of site specific land use considerations and zoning requests. There is a balance, quality of life and compromise.

Ms. Hill said there are going to be some consent amendments put up that were agreed upon after the COW meeting was held. Ms. Hill thanked Ms. Wanaski of Planning & Development and Mr. Dreher of the RPC for teaching her land use planning principles.

Ms. Hill referred members to the 24 consensus recommendations that addressed many changes and incorporated some of District 6's comments.

Ms. Hill made a **motion** seconded by Mr. Merkel to **approve the 24 consensus recommendations** as follows:

General Changes

1. Add a table of Contents listing chapters and page numbers
2. Add a Definition Appendix that includes all of the terms contained in text boxes in alphabetical order
3. Throughout the plan, replace the terms "transportation network", "energy network", "utilities network", "water supply", "wastewater facilities", "sanitation facilities", and "communications network" with the term "infrastructure."

Introduction

4. Add a text box on page 9 repeating the definition of infrastructure from page 128:
"Systems and facilities that provide households and businesses with the basic requirements to function day-to-day, which includes the transportation network, energy and utilities network, water supply, wastewater and sanitation facilities, and communications network."

Community Character

5. Amend Text on page 23, column 1, paragraph 2 as follows: "Several McHenry County municipalities have very little attached or multifamily housing, including Johnsburg, Prairie Grove, Bull Valley, Barrington Hills and Spring Grove."
6. Amend policy 43, on page 26, as follows: "Encourage the demand for new rural housing to be satisfied primarily within unincorporated areas and municipalities with already established low density rural character; including Spring Grove, Johnsburg, Bull Valley, Barrington Hills, Ringwood, the Harmony area in Coral Township, the Cherry Valley area, and the Prairie Grove area in Nunda Township."
7. Modify Policy 40, bullet point 1 (page 26) to read: "Strive to increase the basic residential single family density in incorporated areas with public or community sewer systems from 2.0 to 2.2 dwelling units per acre to 2.4 to 2.6 dwelling units per acre."
8. Modify policy 40, bullet point 4 (page 26) to read: "Strive to increase the density of single family residential attached and multifamily housing where appropriate within municipalities to achieve densities of at least 8 dwelling units per acre."

Water Resources

Modify policies on pages 79-82:

9. Modify policy 2 as follows: Discourage intensive uses with high-impervious surface areas or high-pollution potential, such as shopping centers, office/research/industrial facilities, and high-density housing developments, in sensitive aquifers recharge area, including areas identified on the SARA map.
10. Modify policy 4 as follows: “Encourage the protection of sensitive recharge areas, including areas identified on the SARA map, by townships, municipalities, the McHenry County Conservation District and land conservancies.”
11. Modify policy 5 as follows: “Employ conservation design techniques, to the maximum extent practical, in sensitive recharge areas, including areas identified on the SARA map.”
12. Modify policy 6 as follows: “Minimize impervious surfaces, mass grading, and soil compaction in sensitive recharge areas, including areas identified on the SARA map, utilizing conservation design techniques such as clustering, narrower street widths, and reduced parking lot sizing.
13. Modify policy 10 as follows: “Evaluate and implement, where practical and appropriate, conservatively designed wastewater reclamation techniques. Encourage wastewater treatment systems ~~in sensitive recharge areas~~ that maximize beneficial reuse and/or recharge and provide treatment to prevent the degradation of groundwater in sensitive recharge areas, including areas identified on the SARA map.”

Economic Development

14. Add definition of Primary Jobs to text box on page 88 – “Jobs which produce goods and services in excess of what can be consumed by the local market. Those goods not consumed by the local market are exported to other markets in exchange for money, or export income. For example, a McHenry County based company or industry produces more electronic parts than can be consumed, or bought, by its customers in McHenry County. The parts are then “exported” to another market, such as Chicago, and money is returned to McHenry County for the products. This is what creates the flow of new wealth into the community”. Source: McHenry County Economic Development Corporation.
15. Replace Chart 2 and Chart 3 on page 93 with the attached Chart, which shows both existing employment and forecasted employment growth.
16. Modify policy 7 on page 98, as follows: “Limit office/research/industrial and retail uses in sensitive aquifer recharge areas, including areas identified on the SARA map, to 50% impervious surface coverage. Encourage proper design to contain potential contaminants from polluting the aquifers.”

Infrastructure

17. Amend text on page 103, column 3, bullet point 2 as follows: “Promote and encourage the development of appropriate and adequate facilities (parks, greenways, conservation easements, equestrian trails, bike paths, etc.) for the use of pedestrian, equestrian and non-motorized traffic safety and convenience and for recreational purposes.
18. Modify description of the “reliever airport” (page 112) as follows: “Moving forward, McHenry County should give some consideration to the creation of a ‘reliever airport’. A reliever airport is designed to handle general and business specific classes of aircraft rather than the large commercial / passenger aircraft that operate from Chicago’s O’Hare or the Rockford airport. Such a facility would be similar to the Chicago Executive Airport that operates out of the City of Prospect Heights and the Village of Wheeling. The reliever airport could be a key economic engine for the County and would be able to handle corporate/executive aviation, ~~air-charge~~, and aircraft with speeds and capacities too large for the

Lake-in-the-Hills, Galt, and Dacy airports. A reliever airport in McHenry County would not be intended to handle air cargo or scheduled airline passenger service.

Land Use

19. Add the MCNAI site north of Glacier Park in Richmond to the Future Land Use Map.
20. Modify policy 24 as follows: "Discourage intensive uses with high-impervious surface areas of high-pollution potential, such as shopping centers, office/research/industrial facilities, and high-density housing developments, in sensitive aquifer recharge areas, including areas identified on the SARA map."
21. Modify policy 25 as follows: "Minimize impervious area coverage and maximize implementation of conservation design practices in sensitive aquifer recharge areas, including areas identified on the SARA map."
22. Modify policy 26 as follows: "Minimize impervious surfaces, mass grading, and soil compaction in sensitive aquifer recharge areas, including areas identified on the SARA map, utilizing conservation design techniques such as clustering, narrower street widths, porous paving materials, and reduced parking lot sizing."
23. Modify policy 32 as follows: "Limit office/research/industrial and retail uses in sensitive aquifer recharge areas, including areas identified on the SARA map, to 50% impervious surface coverage. Encourage proper design to contain potential contaminants from polluting the aquifers."
24. Add a new land use policy: "Estate development in close proximity to a municipality should take into consideration that municipality's densities."

Chairman Koehler said Mr. Eldredge and Mr. Dreher of the RPC are both here this evening to answer any questions that we might have going through this process.

Ms. Hill said in these 24 recommendations they addressed the SARA map and identified everywhere in the amendments where sensitive aquifer recharge was mentioned, "including areas identified on the Sara map". They added three consent amendments that came from the Barrington Hills request of amendments; District 6's amendment #1 will not be brought forward because it is addressed in #3 of the Plan; replace the terms "transportation network", "energy network", "utilities network", "water supply", "wastewater facilities", "sanitation facilities", and "communications network" with the term "infrastructure." There is a text box with that definition. Also, Ms. Hill said **in #6** where they added in Barrington Hills, where it mentions the "Cherry Valley area", Cherry Valley is in Rockford so **in #6 Cherry Valley area is being taken out.**

Chairman Koehler asked if there was any additional discussion on the motion to amend.

Ms. Peschke made a **motion to amend the amendment on #18** seconded by Ms. Hill to modify the description of Business Executive Airport; rather than using the term "reliever airport" **insert the term "Business/Executive Airport" throughout the Plan.**

Chairman Koehler asked for any discussion on the motion to amend #18. Noting no discussion, he asked for a voice vote, the ayes having it, the **motion to amend the amendment to #18 has been approved.**

Chairman Koehler asked for any further discussion. Ms. Schuster stated that she will be making several amendments in following through to protect the sensitive water recharge and aquifer areas.

Ms. Schuster made a **motion to amend the amendment in #9** seconded by Mr. Donley where it says "**discourage** intensive use with high impervious surface areas.." **change the word "discourage" to "prevent". ** "prohibit"**

Mr. Munaretto called a Point of Order asking if they should finish with the first amendment that has been motioned and seconded before taking a new amendment. Chairman Koehler said we are amending the amendment so this is in order having to take the changes one at a time.

Chairman Koehler asked for any discussion on the motion to amend the amendment on #9.

Mr. Kennedy said he is in agreement with Ms. Schuster on this change, however asked if the word "prohibit" would be better to use than "prevent".

Chairman Koehler asked the motioner and seconder if they wished to make this change, they both agreed.

****The motion to amend the amendment in #9 will be to change the word "discourage" to "prohibit".**

Ms. Schmidt asked if we can really do this as most of the areas being talked about are in municipalities.

Ms. Rein of the State's Attorney's office reminded the board that this is an advisory plan, so while you may use language that says "prohibit", "prevent", "discourage"; the legally binding of that is going to be found in the Ordinances that are passed as a County Board. Making these kinds of changes in the 2030 Plan may not be an enforceable thing depending on whatever laws are out there. She tends to not recommend this language but if it's the will of the board to have it in you can do that.

Mr. Merkel said he has an issue with using words like "prohibit" and "prevent". This is a Plan and making these kinds of changes on people's property gets into property rights. He can't support this restrictive of language in this Plan.

Ms. Hill said she believes Ms. Schuster's concerns are being addressed in the 4th Amendment and she asked Ms. Schuster if she would withdraw her motion. Ms. Schuster responded that this is not preventing anyone from their personal property rights. We need to be serious about groundwater and aquifer recharge areas. She said we should be able to take a stand in this Plan to prohibit development in sensitive areas as the groundwater needs to be protected. She said she will be suggesting the same amendment to each of these because she does not believe #4 covers all of them. Ms. Peschke and Ms. Wheeler agreed that groundwater needs to be protected.

Ms. Hill said this particular amendment will negate any development that we show on the Plan south of Marengo. By putting "prohibit" it will have to be looked at. Mr. Merkel said to be clear we are talking about restrictions in unincorporated areas. In talking about the area south of Marengo, somebody owns it and can annex to the City of Marengo and do whatever they want. It doesn't seem like we are accomplishing anything as we are just driving the development into those municipalities and cities.

Ms. Donner asked for clarification, if this is an area that the RPC would have preferred the language to be tighter in. Mr. Dreher responded that in general he is sympathetic with the notion of having strong policies and if the word "prohibit" makes sense in the context of the overall Plan we should push for that. Generally speaking in terms of the Water Resource chapter, the draft that came out of this sub-committee did not change dramatically as it went through the full 2030 Plan process and not in the P & D review. He said the one thing that they weighed going back to the standpoint of balance and compromise was that if we have "prohibit" in front of development and agricultural areas and the like, it basically says that we shall have no new development. Mr. Dreher said he has compared our draft policies to other county land use and municipal plans and he believes that we have some of the strongest, if not the strongest language on water resource protection.

Noting no other discussion Chairman Koehler asked for a voice vote on the motion to amend the amendment to #9 to change wording from "discourage" to "prohibit". The voice vote being too close to call he asked for a hand count; the hand count being twelve (12) ayes and ten (10) nays, he declared the **motion to amend the amendment to #9 changing the word "discourage" to "prohibit" has been approved.**

Chairman Koehler asked for any additional discussion.

Ms. Schuster made a **motion to amend the amendment on #12** seconded by Mr. Kennedy to **change the word "minimize" to "prohibit"**.

Chairman Koehler asked for any discussion on the motion to amend the amendment on #12.

Mr. Merkel asked for a definition of mass grading. Mr. Sandquist said Mr. Dreher doesn't believe there is a definition of mass grading in the Plan. Ms. Wanaski of Planning & Development said there is a definition for mass grading in the Conservation Design Addendum that the board adopted to the Subdivision Ordinance and also there is a definition to this in the Stormwater Ordinance. She said they were very careful with this terminology as they were told

to exclude roads and even some type of wastewater facilities that does need to do some mass grading in order to put those kinds of facilities in. Ms. Wanaski said the language from the Ordinance can be included in the Plan if the board would like. She said that when you put a road in you mass grade the area for the road; you don't mass grade or clear cut the entire site which is the big difference between how the County develops and some municipalities develop.

Ms. Hill said she has a real problem with this. She asked that anywhere Ms. Schuster wants to strengthen the language in the Consent items, she would like those consent items removed. Then she should make those motions one by one. Doing the changes this way now, Ms. Hill said she can't vote for the consent amendments she put up to approve.

Chairman Koehler said Ms. Hill is out of order at this time.

Mr. Dreher spoke regarding mass grading clarifying the intent of the language; mass grading, soil compaction, impervious surfaces etc. these would be inconsistent if using the word "prohibit".

Ms. Wheeler asked if we could follow through on Ms. Hill's suggestion and remove the amendments that Ms. Schuster wishes to change.

Motioner, Ms. Schuster and seconder, Mr. Kennedy agreed to **rescind the motion to amend the amendment of #12.**

Chairman Koehler asked for any discussion on the consensus amendments. Mr. Ryan asked about the items that are underlined and crossed off and if these were the items they were voting on now. Ms. Hill said the underlined words are additions to the Plan.

Ms. Schuster would like to remove the following items from the consensus amendments to address at the end: #9, #12, #16, #21, #22 and #23. Ms. Rein asked about #9 because it has already been voted on. If someone from the winning side wants to motion to reconsider #9 it can be pulled. Ms. Schuster does not want to change the vote, just move it to the end with the other items needing to be addressed.

Ms. Schuster made a **motion** seconded by Ms. Yensen **to pull these items from the consensus recommendations and place them at the end, these will include: #9, #12, #16, #21, #22 and #23.**

Chairman Koehler asked for a voice vote, the **ayes having it, items #9, #12, #16, #21, #22 and #23 are removed from the consensus recommendations.**

Chairman Koehler asked for any discussion on the original consensus recommendations.
Ms. Hill asked about if Ms. Schuster meant to pull off #20 as well as it is the same as #9.

Ms. Donner made a **motion** seconded by Ms. Yensen **to remove #20** from the consensus recommendations as well.

Chairman Koehler asked for a voice vote on removing #20, the **ayes having it #20 is removed from the consensus recommendations.**

Chairman Koehler asked for a roll call vote on the consensus recommendations with the exception of #9, #12, #16, #20, #21, #22 and #23. The following members responded aye: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breden, Donley, Donner, Draffkorn, Hammerand, Heisler, Hill and Koehler. Absent: Salgado, Bless and Dvorak. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the **motion to approve the consensus recommendations with #9, #12, #16, #20, #21, #22 and #23 removed has passed.**

Ms. Hill said the request at this time is to ask for amendments from the floor.

Mr. Dreher commented that there might be a typo in #3 because it suggests replacing a number of very specific terms with the term "infrastructure". Ms. Hill said they added a definition of what infrastructure was that has all of those things. His point is, for example, that in the water resource section there are numerous references to water supply and **if you take this literally** and replace water supply with infrastructure every time it appears, you have eliminated the concept of water supply from the water resource chapter and replaced in with a generic term of infrastructure. He said there are varying definitions of water supply in this section depending on the context. Ms. Hill asked if there is another term we can use that refers to water supply as an infrastructure item. Mr. Dreher said it is unto itself an item

with infrastructure but it could be a municipal communal infrastructure, it could be a private infrastructure, a water well in someone's backyard could be infrastructure as it's part of a water supply. Ms. Hill said she will get this clarified.

Ms. Peschke made a **motion that #3 of the Consensus Recommendations regarding the term "infrastructure" would read throughout the Plan with the exception of the chapter on Water Resource.**

Mr. Dreher said even under the chapter Infrastructure there are different sub-topics, including Transportation, if you replace transportation network with infrastructure that section in that chapter on transportation goes away. He added that perhaps what was intended was to replace terms like "network" with infrastructure, to him that makes some sense. Ms. Hill said they will try to come up with an amendment to correct this.

Ms. Peschke withdrew her motion.

Ms. Schmidt said this hits on other things with replacing terms in other areas. This changes the Plan and she is not prepared to vote for something she has not read.

Ms. Schuster asked to look at page 98 for example. Item #3 says "promote the expansion of roadways", what we are suggesting is promote the expansion of infrastructure. She said these are concerns that District 6 has, they need to be addressed up front in the Plan. If we could simplify it with making the term infrastructure where appropriate.

Ms. Rein said that you need to be specific as to where changes are being made in the Plan otherwise it is too broad.

Ms. Schuster went on to say that she had not seen all of the additional amendments, the Sara ones. Staff will be able to pull up the word infrastructure and determine whether or not what we are trying to intend would be correct. Ms. Rein said without clear direction the staff doesn't have what they need to make changes.

Ms. Hill said the Committee did discuss everything and did not agree with the District 6 comments so they knew they would probably come up on the floor. The RPC Plan had a plan that had compromises in it, these changes change the Plan. This can't go back to Committee as they have already voted 4-2 for this Plan.

Ms. Hill, being on the prevailing side of this approved amendment, made a **motion to remove #3 on the consensus recommendations**, Ms. Schuster seconded the motion. Ms. Hill's reasoning is that we come back to Ms. Schuster's amendment #1.

Chairman Koehler asked for any discussion on the motion to remove #3 from the consensus recommendations. Ms. Wanaski referred members to #4 where it says add a text box that has that exact language, perhaps the best way is to go back to putting this text box not only on page 9 but interspersed throughout the Plan where we do talk about infrastructure as well as in the definition section just to remind the reader that in most cases we are consuming all of these words as part of the definition but instead of trying to micromanage each one where it might be applicable, it is a general reminder.

Chairman Koehler asked for a voice vote on the motion to remove #3 from the consensus recommendations. The ayes having it, the **motion to remove #3 from the consensus recommendations has passed.**

Chairman Koehler said we are back to the main draft of the Plan and asked for any discussion.

Ms. Hill made a **motion to amend the Plan** seconded by Mr. Merkel to **remove 1/3 of the ori (office, research or industrial) to the Conservation District line west of Marengo.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said this is in contradiction with the wishes of the City of Marengo and is now a changed recommendation from Marengo Township (they would like it all removed). She was trying to find a compromise where we pulled it back a little and that is the intention of Marengo is to have this along the rail line.

Mr. Munaretto questioned the one-third (1/3) figure. He said this Plan is consistent as it speaks to our cooperation with municipalities and we know that the Village of Marengo has very specific plans for the western part of Marengo.

Ms. Wheeler made a **motion to amend the amendment** seconded by Ms. Peschke to **remove the "whole area of purple"**, consistent with Marengo Township.

Chairman Koehler asked for any discussion on the motion to amend the amendment.

Ms. Wheeler said it is 100% in a sensitive aquifer recharge area and this screams sprawl.

Mr. Merkel said we could do this all over the map but a landowner can annex to a municipality and it can get developed. Are we encouraging growth by being so strict with wording that the landowner will want to annex into a municipality? Ms. Peschke said if Mr. Merkel is correct it is important to educate the municipalities about the dangers of doing what he suggests. She believes that the municipalities realize that the groundwater needs to be protected.

Ms. Schuster commented on this noting that District 6 is not anti-growth.

Chairman Koehler confirmed that **the amendment to the amendment is to remove the whole designation.**

Ms. Hill asked how much land was annexed in acres in the last 10 years vs. how many acres the county developed.

Mr. Sandquist said it is in square miles, the municipalities had annexed 40 square miles in the last 10 years and the county had rezoned about 5 square miles.

Chairman Koehler asked for a voice vote on the motion to amend the amendment to remove the whole designation (purple piece) west of Marengo. The voice vote being too close to call, the Chairman asked for a hand count, with fourteen (14) ayes the **motion to amend the amendment to remove the whole designation (purple piece) west of Marengo has been approved.**

Chairman Koehler said by approving this, Ms. Hill's motion to remove 1/3 is negated.

Chairman Koehler asked for any other changes.

Mr. Hammerand made a **motion to amend** seconded by Ms. Schuster to **remove Policy items #38, #40 and #41 on page 26, and to make any and all references to the text consistent with this revision.**

Chairman Koehler asked for any discussion on the motion to amend.

Mr. Hammerand commented on the rationale behind this motion. He said this basically says that one acre house lots (43,560 sq ft) in the county will be decreased, which doesn't really leave people in unincorporated rural areas with good area for expansion. He asked why we would want high density in the county we should shift it over to the municipalities where it belongs.

Chairman Koehler said the motion is in regard to policy statements regarding housing densities on page 26, items #38, #40 and #41 to be removed. Noting no other discussion, he asked for a voice vote, being too close to call he asked for a roll call vote. The following members responded aye: Kennedy, McCann, Miller, Peschke, Ryan, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Draffkorn, Hammerand and Heisler. Nay: Merkel, Munaretto, Orphal, Schmidt, Donner, Dvorak and Koehler. Absent: Salgado and Bless. The vote being fourteen (14) ayes and seven (7) nays, Chairman Koehler declared the motion to amend to **remove Policy items #38, #40 and #41 on page 26 (concerning housing densities) has passed (including removal of Policy items #9, #10 and #12 on page 140 which match #38, #40 and #41 on page 26).**

Mr. Merkel asked how this affects the Plan. Mr. Sandquist said as he understands it the vote was to remove three specific policies but he didn't hear in the motion to also modify the Plan to remove those concepts. That is a much bigger job and might raise questions with Ms. Rein about whether that is being specific enough. He would have concerns with that if it is just to remove that concept from the Plan then we don't have enough direction to do that. He said as the Plan stands now the idea of promoting higher density development where appropriate remains, we just have fewer policies actually implementing that in the overall concept. Mr. Merkel asked then about the conservation design where you transfer density to keep additional open space. Mr. Sandquist said there will be no affect because the conservation design is density neutral. Mr. Merkel said he believes there are a lot of people who don't like the idea of a conservation design where you are clustering homes and they might view that as high density.

Ms. Miller made a **motion to amend** seconded by Mr. Munaretto **in Section 3, page 35 to add in the paragraph at the bottom** where it says Land use policies that encourage the preservation of open space and the protection of agricultural areas can help minimize the amount of carbon emitted into the environment,

Add the following: Open space can be preserved as public open space (as in conservation design) or as private open space (as in low density development).

Chairman Koehler asked for any discussion on the motion to amend. Noting none, Chairman Koehler asked for a voice vote on the motion to amend Section 3, page 35 to add language: **Open space can be preserved as public**
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open space (as in conservation design) or as private open space (as in low density development), the ayes having it, the motion to amend as stated here has been approved.

Ms. Miller made a **motion to amend** seconded by Ms. Barnes in **Section 5, page 79 to add at the bottom #5, "Open space can be preserved as public open space (as in conservation design) or as private open space (as in low density development)."**

Chairman Koehler asked for any discussion on the motion to amend. Noting none, Chairman Koehler asked for a voice vote on the motion to amend **Section 5, page 79 to add at the bottom of #5, "Open space can be preserved as public open space (as in conservation design) or as private open space (as in low density development)."** The ayes having it, the **motion to amend as stated here has been approved.**

Ms. Miller made a **motion to amend** seconded by Mr. Munaretto in **Section 6, page 94 in the second column, second paragraph, after the bottom last sentence:** Agritourism offerssocial amenities for residents and visitors alike. After this sentence

Add: McHenry County has a rich heritage as an equestrian-friendly area, and has been known as one of the counties with the highest population of horses in the state. In keeping with this heritage, the value of equestrian-related activities which attract visitors and potential residents and provide economic vitality to the area including equestrian sports (horse shows, trail riding), equine assisted therapy programs, commercial boarder barns to the County are noted and are to be encouraged."

Chairman Koehler asked for any discussion. Noting none, Chairman Koehler asked for a voice vote on the motion to amend in **Section 6, page 94 in the second column after the bottom last sentence**

Add: McHenry County has a rich heritage as an equestrian-friendly area, and has been known as one of the counties with the highest population of horses in the state. In keeping with this heritage, the value of equestrian-related activities which attract visitors and potential residents and provide economic vitality to the area including equestrian sports (horse shows, trail riding), equine assisted therapy programs, commercial boarder barns to the County are noted and are to be encouraged." The ayes having it, the **motion to amend as stated here has been approved.**

Ms. Peschke made a **motion to amend the map** seconded by Ms. McCann to **reinsert the AG designation that was in the Village of Bull Valley's** plan (by Ordinance 1998) per their desire. She believes it is a buffer between Woodstock and Bull Valley.

Chairman Koehler asked for any discussion. It was asked what the date of the plan is. Mr. Miller, President of the Village of Bull Valley, said it was an area where there were 40 acre parcels or larger and the Village defined them back in 1998 when they passed an Ordinance where it showed an outline of those AG parcels that they should remain AG parcels. It is high quality AG, it is being farmed. Mr. Miller said they have been working on their Comprehensive Plan as well and some changes were made to the map and they forgot to include this in, and it was turned into the group without showing these areas as AG when they should have been.

Mr. Merkel asked if these parcels are currently in the Village of Bull Valley. Mr. Miller said he thinks a couple of them are not, others are contiguous parcels. They are in the boundary agreement. Mayor Sager for the City of Woodstock came forward on behalf of the City and said this is in the Bull Valley portion of the Intergovernmental Agreement between the City of Woodstock and Bull Valley. This is consistent with Bull Valley's plan as well as with the vision of the City of Woodstock relative to buffers between our community and other communities and he strongly supports this request on behalf of the City of Woodstock.

Chairman Koehler asked for a voice vote on the motion to amend the map **to reinsert the AG designation that was in the Village of Bull Valley's Plan for a buffer area along Queen Anne Road in agreement with an Ordinance that Bull Valley passed in 1998.** The ayes having it, the **motion to amend as stated here has been approved.**

Chairman Koehler asked for any further discussion.

Ms. Schuster said she's not quite sure how to handle some of the changes she wishes to make because it has to be so detailed. She said she would like to see what has been done thus far before bringing up District 6's proposals.

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Ms. Schuster made a **motion to amend the McHenry County 2030 Land Use Plan** seconded by Mr. Ryan **“to insert the full definition of infrastructure as stated in paragraph 3 in the Plan text wherever individual subsystems of infrastructure are referenced alone.**

Chairman Koehler asked for any discussion. Ms. Schuster said it’s basically what was on #3 and #4 in the original amendments. Ms. Rein asked if this is too broad and could be misinterpreted. Mr. Sandquist said this is the language he tried to work out with Ms. Schuster and Ms. Hill to get a bit more specific as what is shown in amendment #3 of the Consensus Recommendations. If we define those individually then it’s a simple word search. There are some unintended consequences there that have been discussed and he would be very nervous about trying to give staff this assignment because he’s not sure that every time an individual component of infrastructure appears in the plan it’s really intended to mean that you have to meet all of the components of infrastructure. There are probably some places in the plan where it should be what it is and not infrastructure. Ms. Hill agreed with Mr. Sandquist and Ms. Rein and feels this is too broad to support this amendment.

Ms. Wheeler asked if the addition of #4 on the Consensus Recommendations provides enough definition for infrastructure throughout the Plan.

Ms. Schuster believes that this would, so she **withdrew her motion**, seconder agreed.

Ms. Schuster made a **motion to amend** seconded by Ms. Donner **that the McHenry County Existing Land Use Map and the McHenry County Future Land Use Map are both amended to color the pre-1979, isolated parcels in any use category, a color different from any color currently in use on either map, regardless of the assessors category; and that a text box is included on both maps to indicate that parcels of this new color are the result of pre-1979 zoning decisions and that the parcels are mapped for reference and not to be used as precedent for future zoning requests.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said the RPC did not identify isolated real estate uses based on zoning they based their designation on the actual locations of significant rural subdivisions based on review of aerial photos. Mr. Sandquist said that on the existing Land Use Map it shows all development everywhere in the County and they have no indications of what is pre-1979. He thinks there could be some disclaimers added to that map to clarify its source. It’s just a reference map and it could be pulled from the Plan if it’s a source of misunderstanding in terms of what it is. In regard to the future Land Use Map he thinks they could hatch existing developments that are not intended to be used as a basis for promoting future development. Some of them may have been after 1979. Ms. Schuster asked for a different color designating those parcels to get the clarity improved.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, McCann, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler and Koehler. Nay: Merkel, Miller, Munaretto, Orphal and Hill. Absent: Salgado and Bless. The vote being seventeen (17) ayes and five (5) nays, Chairman Koehler declared the motion to amend **that the McHenry County Existing Land Use Map and the McHenry County Future Land Use Map are both amended to color the pre-1979, isolated parcels in any use category, a color different from any color currently in use on either map, regardless of the assessors category; and that a text box is included on both maps to indicate that parcels of this new color are the result of pre-1979 zoning decisions and that the parcels are mapped for reference and not to be used as precedent for future zoning requests is approved.**

Mr. Sandquist commented on the existing Land Use Map that he doesn’t believe they have the data to be able to show everything that is pre-1979 or pre-existing. On the future Land Use Map they can show those same areas that are identified on the future map on the existing map as pre-existing, but it’s such a small sub-set of everything that’s pre-existing he thinks it’s counter-intuitive and may cause more confusion than clarity.

Ms. Schuster made a **motion to amend** seconded by Ms. Wheeler (7) **that the Plan is amended to include an additional objective on page 63 that reads: “Protect and preserve Sensitive Aquifer Recharge Areas as an overriding priority of this Plan, and this objective will control where inconsistencies in the Plan language as it exists and also that (8) the SARA Map shall be utilized as a determining factor in any proposed land use changes, and that the (9) language of the Water Resources Chapter be exemplified by the above reference policy statements, shall be changed from language of suggestion such as “discourage”, “avoid”, “promote”, “minimize”, etc. to language of direction such as “prohibit”, “ban”, “prevent”, “deny” and modifying such phrases as “to the extent possible” and “where feasible” will be eliminated.** (This is the Fourth Amendment, 7,8 and 9 of District 6’s suggestions).

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Chairman Koehler said that Ms. Rein feels there is a problem with the language. Ms. Rein said #7 is specific enough but with the rest of it she feels that staff would be making judgment calls on where the changes would be made and doesn't know that this is specific enough to move forward for the board to vote on. Specifically #9.

Ms. Schuster asked to remove #9 from this motion the seconder, Ms. Wheeler agreed. #9 is lined through above and not a part of the existing motion being considered at this time.

Ms. Hill said the previous Plans didn't even have water resource and where we were going to address this was in the Consent part that we removed because we wanted to change it to the stronger language. It was sited 'where identified in the SARA Map'. Saying that the SARA Map should be used as a determining factor, even our Water Resource Manager says that it should be used as a tool and as a guide and it is not parcel specific. She doesn't feel the SARA Map should be a determining decision on all decisions.

Ms. Schmidt said the last part of #7 seems to relate to #9 and is opposed to this amendment. You can't just make a global change. Mr. Sandquist stated he takes #7 and #8 to be two specific statements, where they add them could be a question, but #9 is too ambiguous.

Ms. Schmidt made a **motion to amend the amendment** seconded by Ms. Donner to **strike the last sentence of #7, "and this objective will control where inconsistencies in the Plan language exist." and**

Chairman Koehler asked for a voice vote, the ayes having it, noting one nay, he declared the motion to amend the amendment to **strike the last sentence of #7, "and this objective will control where inconsistencies in the Plan language exist has been approved.**

Chairman Koehler said we are back to #7 and #8 with one line removed.

Mr. Merkel asked about the SARA Map and how defined the map is. Mr. Sandquist said the SARA Map is a general guide, and would be used as a policy recommendation when they do a staff report in terms of whether some things should be approved as they go through and amend their ordinances. One thing they're looking at is requiring people to do a Hydro Geological Survey to determine where the sensitive aquifer recharge areas are. It would be multi steps and a cost to the constituent.

Ms. Wanaski asked that if you put this determination into the Plan where the SARA Map is the overriding, be all end all, when someone comes in through a zoning process and they've gone through the expense of checking out their own property and it is proved that they are not in a sensitive area, who wins, since the requirement is that it is on the SARA Map therefore it's prohibited. Where does staff go, are they allowed to at least examine the studies that the property owner would do through that extra expense, and say on a broad base it's in but on a parcel base it's out. When something is stated so specific on a planning map that's meant to be a tool and general guideline it's hard when definite words are put in.

Ms. McKinney said the SARA Map is a broad based planning tool that is based on sound science. It is not parcel specific. When you want to go for development, you have to prove that the soil can hold a structure and can have a septic system. You have to do some kind of soil investigation to tell you what kind of geology you sit on top of.

She said it should not be a significant cost because you are already incurring the upfront cost to do a site evaluation. Ms. Barnes said this has been addressed at the Environmental Committee repeatedly. They recognize it as a potential concern and have brought up the possibility of extra costs. She also pointed out it is "a" determining factor not "the" determining factor.

Chairman Koehler asked for a vote on the motion to amend as worded below (#7 & #8 of District 6 request):

(7) that the Plan is amended to include an additional objective on page 63 that reads: "Protect and preserve Sensitive Aquifer Recharge Areas as a(n) overriding priority of this Plan, and also that (8) the SARA Map shall be utilized as a determining factor in any proposed land use changes.

Ms. Donner made a **motion to amend the amendment to the amendment** seconded by Ms. Miller to **delete the word "overriding"**.

Chairman Koehler asked for any discussion on the amendment to the amendment.

Ms. Donner said she fears that it is going to overly constrain using this term.

Chairman Koehler asked for a roll call vote on the motion to amend the amendment to the amendment. The following members responded aye: Merkel, Miller, Munaretto, Orphal, Schmidt, Breeden, Donner, Draffkorn, Dvorak, Hill and Koehler. Nay: Kennedy, McCann, Peschke, Ryan, Schuster, Wheeler, Yensen, Barnes, Donley, Hammerand and McHenry County Board Regular Session

Heisler. Absent: Salgado and Bless. The vote being eleven (11) ayes and eleven (11) nays, the **amendment to the amendment to remove the word “overriding” has failed.**

Chairman Koehler asked for a voice vote on the adoption of #7 as amended and #8. The voice vote being too close to call, he asked for a roll call vote. The following members responded aye: Kennedy, McCann, Miller, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Dvorak, Hammerand and Heisler. Nay: Merkel, Munaretto, Orphal, Draffkorn, Hill and Koehler. Absent: Salgado and Bless. The vote being sixteen (16) ayes and six (6) nays, Chairman Koehler declared the motion to approve the amendment **(7) that the Plan is amended to include an additional objective on page 63 that reads: “Protect and preserve Sensitive Aquifer Recharge Areas as a(n) overriding priority of this Plan, and also that (8) the SARA Map shall be utilized as a determining factor in any proposed land use changes has been approved.**

Ms. Schuster made a **motion to amend** seconded by Mr. Ryan to add #3 of the third amendment as follows: (3) the goal on page 29 is hereby augmented to include the following additional language: **“...and to strongly discourage conversion of agricultural designated areas to non-agricultural uses; to use the entire LESA assessment tool as a guide; and to preserve productive agricultural land regardless of whether or not the parcels are contiguous; (4) ~~and that staff be directed to make the necessary text changes in the body of the policy of the Plan to be consistent with the above goal.~~**

Ms. Rein said she was concerned with #4, Ms. Schuster agreed. Ms. Schuster requested to drop #4 from her motion (lined out on motion to amend above) it was agreed by seconder Mr. Ryan.

Chairman Koehler asked for any discussion on the motion to amend.

Ms. Hill said using the site assessment is not appropriate for our planning purposes. Isolated bits of farmland, however high quality, were not going to be preserved. Trying to do that would be counter-productive, that's what the RPC's conclusions were. Parcels surrounded with other land uses neither could nor should be attempted to be preserved as AG as it could seem like a way to block growth wherever possible. Ms. Hill said they have protected a large area of farmland generally west of Route 47 and north of Woodstock because they concentrated development in the southeast and or around municipalities in concurrence with specific municipal land use plans. Some board members were against this amendment as it might work for District 6 but not for other areas. All of the restrictions are going to push parcels into municipalities and cause more problems.

Chairman Koehler asked for a roll call vote on the motion to amend to add #3. The following members responded aye: McCann, Peschke, Ryan, Schuster, Wheeler, Yensen, Breeden, Donley, Hammerand and Heisler. Nay: Kennedy, Merkel, Miller, Munaretto, Orphal, Schmidt, Barnes, Donner, Draffkorn, Dvorak, Hill and Koehler. Absent: Salgado and Bless. The vote being ten (10) ayes and twelve (12) nays noting two (2) absent, Chairman Koehler declared the **motion to amend to add #3 of the Third Amendment of District 6's request has failed.**

Ms. Schuster made a **motion to amend** seconded by Ms. Wheeler to add #5 as listed in the fifth amendment by District 6 as follows: **Therefore, the McHenry County Future Land Use Map is hereby replaced with the LEAM Compact Contiguous Growth Composite Scenario map (page 132) and the categories of Government/Institutional/Utilities Open Space, and Environmentally Sensitive Areas designated on the current Future Land Use Map will be carried over and added to the CCG Scenario map.**

Chairman Koehler asked for any discussion on the motion to amend to add #5.

Ms. Hill read a statement and said she feels this could be the most dangerous of the amendments. The LEAM map does not distinguish between land use types presumably leaving that open to political interpretation on a case by case basis. Comparing the LEAM map to the FLU (Future Land Use) map, it is arguable that the LEAM map actually consumes more farmland and creates more fragmentation than the revised FLU map. The LEAM took variables that the RPC input and produced a map showing where development pressure could occur based on those criteria. It does not tell where a development should occur and there were many variables that it did not take into consideration including development pressures from outside the County and they could not consider any shades of grey. LEAM was another planning tool.

Several board members felt that this request is too broad and were against the amendment. A few board members were in favor and some felt that we should stick with what the RPC came up with. It was noted that when we were talking about changing maps the population projection was brought down from 520,000 to 495,000 and this is why we need to listen to those people we had work on this Plan. Mr. Sandquist reiterated that the LEAM model was a tool.

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The areas shaded in blues of the map on page 133, figure 22 of the Plan; these are the actual areas that the LEAM model says would be developed and contain all of the development areas. This map was very instrumental in preparing the FLU map. Mr. Sandquist said as Mr. Dreher has said before, we started out with municipal plans, looked at them carefully as to where the plans extend beyond these primary and secondary growth areas, and these are some of the key areas they targeted to cut back from municipal plans. Even when P&D reduced the population projection and they had to look for areas to change on the FLU, this is the map they went to again to see where some municipal growth areas were beyond what LEAM says is necessary, and they cut those areas back.

Chairman Koehler asked for a roll call vote on the motion to amend to add #5. The following members responded aye: Schuster, Wheeler, Donley and Hammerand. Nay: Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Peschke, Ryan, Schmidt, Yensen, Barnes, Breeden, Donner, Draffkorn, Dvorak, Heisler, Hill and Koehler. Absent: Salgado and Bless. The vote being four (4) ayes and eighteen (18) nays noting two (2) absent, Chairman Koehler declared the motion **to amend to add #5 of the Fifth Amendment of District 6's request has failed**

Ms. Peschke made a **motion to amend** seconded by Mr. Ryan **that the word "premature" be stricken from every reference to conversion or development of farmland or AG land throughout the Plan as stated in #5 in the Third Amendment of District 6's request.**

Chairman Koehler asked for any discussion on the motion to amend to strike the word "premature".

Mr. Sandquist said they can make this change easily if it is the direction of the board.

Ms. Hill said there was a report written years ago by Gerry Paulson, former Director of the Defenders, that this is a term used by Mr. Paulson in his report which says "ever since McHenry County adopted its first land use plan in 1979 it has maintained a strong commitment to protecting the economic base that agriculture provides the County and the region and to preventing the premature conversion of prime farmland." The other statement was "McHenry County has maintained a strong commitment to agriculture uses and protection of prime farmland for almost 20 years and has been able to keep the premature conversion of farmland to a minimum." Ms. Hill said it's an accepted definition in the industry that it does not necessarily mean we are going to convert it.

Ms. Schmidt said premature conversion does imply it's going to change where conversion is just value neutral.

Mr. Dreher said in terms of the rationale why the term was in there from the RPC perspective, it is recognized that as we go to 2030 some farmland will be converted. This was specifically intended to address those situations where farmland was going.

Chairman Koehler asked for a voice vote on the motion **to amend that the word "premature" be stricken from every reference to conversion or development of farmland or AG land throughout the Plan as stated in #5 in the Third Amendment of District 6's request.** The nays having it, the **motion to amend as noted above has failed.**

Ms. McCann made a **motion to amend** seconded by Ms. Donner to **add from the Consensus Recommendations, #9, #12, #16, #20, #21, #22 and #23, that all contain the statement "including areas identified on the SARA map.**

Chairman Koehler asked for any discussion on the motion to amend to add these items back in.

Ms. Peschke said she thought we were going to go back and amend wording on these.

Ms. Peschke made a **motion to amend the amendment** seconded by Mr. Kennedy **to replace the first word in each quote to "prohibit"**

Chairman Koehler asked for any discussion on the amendment to the amendment.

Ms. Rein said to take them all at once will be difficult to be clear as to which word is being changed.

Ms. Hill disagreed with this amendment saying using this strong of wording in the Plan is not appropriate.

Ms. Schuster said #16 and #23 needed additional changes. After the area "including areas identified on the SARA map," it says to 50% impervious surface coverage, she asked if this should be stricken or just leave it.

Ms. Rein reiterated that this is an advisory Plan and these should be taken one by one.

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By request of the motioner and seconder **#16 and #23 are removed from the amendment to be brought back individually. (lined through above)**

Mr. Dreher said his interpretation/perception of what some of these would mean, i.e. impervious areas in compaction, a residential lawn is considered compacted generally speaking. In some areas a change might be appropriate but in others is stating something that is virtually impossible to be consistent with any kind of use other than open space in the County. Ms. Rein is concerned that some of what is being considered to be put in may not be enforceable.

Ms. Hill said we talk all the time how it is important to listen to our legal counsel, she feels we should be listening now.

Chairman Koehler said we have #9, #12, #20, #21 and #22 to vote on **to replace the first word in each quote (discourage/minimize) to "prohibit"**.

Ms. Peschke made a **motion to amend the amendment to the amendment to remove #22** seconded by Ms. Yensen.

Chairman Koehler asked for any discussion.

Ms. Hill made a **motion to amend the amendment to the amendment to the amendment**, she would like to take them one by one.

Ms. Rein pointed out that this should be a point of order. Ms. Hill **rescinded her motion and called a point of order to take these one by one.**

Chairman Koehler said we will start with #9. He asked for a voice vote, being very close, Ms. Peschke requested a roll call be done. Chairman Koehler asked for a roll call vote on #9. The following members responded aye: Kennedy, McCann, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Donley and Heisler. Nay: Merkel, Miller, Munaretto, Orphal, Barnes, Breeden, Donner, Draffkorn, Dvorak, Hammerand, Hill and Koehler. Absent: Salgado and Bless. The vote being ten (10) ayes and twelve (12) nays, Chairman Koehler declared the **motion to amend #9 changing the word "discourage" to "prohibit" has failed.**

Ms. Hill called a point of order asking why we haven't voted on the original motion to amend regarding the SARA map. Chairman Koehler said we are taking these one by one as requested to change a word and will be going back to the original motion.

Chairman Koehler asked for a roll call vote on the motion to amend #12. The following members responded aye: McCann, Peschke, Ryan, Schuster, Wheeler and Heisler. Nay: Kennedy, Merkel, Miller, Munaretto, Orphal, Schmidt, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Hill and Koehler. Absent: Salgado and Bless. The vote being six (6) ayes and sixteen (16) nays, Chairman Koehler declared the **motion to amend #12 changing the word "minimize" to "prohibit" has failed.**

Chairman Koehler asked if there was any more discussion on the motion to amend #16 to change the word "limit" to "prohibit". Ms. Peschke said we are also eliminating the sentence "to 50% impervious surface coverage."

Ms. Peschke made a **motion to amend the amendment** seconded by Mr. Hammerand **to change the word "limit" to "prohibit" as well as eliminating the sentence "to 50% impervious surface coverage" in #16 of the Consensus Recommendations.**

Chairman Koehler asked for any discussion on this motion to amend the amendment on #16.

Many board members were in disagreement with this amendment, some feeling this is encouraging sprawl.

Ms. McCann pointed out that if we prohibit this it won't make a lot of difference because the EPA, if they have potential contaminants will require them to annex into or be connected to a city water system.

Mr. Hammerand referred to a map on page 136 of the Plan and talked about the environmentally sensitive areas, primarily creek bottoms, lakes or swamps. What goes in these areas if a municipality takes it in is up to them.

Ms. Schuster reiterated that we are talking about sensitive aquifer recharge areas, either we are serious or we are not.

Ms. Hill referred to the Sensitive Aquifer Recharge Map and said if you look at this there will be zero development, which she believes is the intent. Mr. Merkel said there are sensitive aquifer areas in District 4 as well and to say we will prohibit that type of use; he believes these types of restrictions are asinine and encourage sprawl.

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Mr. Hammerand asked it to be noted that name calling is not allowed and asked for an apology. Mr. Merkel declined to apologize as he was referring to the concept. Mr. Merkel went on to say that this type of restriction where you're going to do a prohibition it should be on record that if you are for jobs, you are for job creation; and good development which this Plan that was originally presented with all of the hard work done by the RPC was balanced to allow a lot of that in the proper areas with a lot of thought put into it. Comments went back and forth on the sensitive areas. Mr. Hammerand asked if there was scientific reasoning to be using 50%. Mr. Dreher said there is scientific reasoning, there is not an absolute number in the literature however 50% is far better than a higher number of coverage because you can do more with design and development to maximize the recharge and minimize the pollution from that development. Mr. Dreher said this is new territory, a rule of thumb for a conventional development is 80% to 90%. Mr. Dreher said this was a compromise as there were different opinions.

Mr. Hammerand made a **motion to amend the amendment to the amendment** seconded by Mr. Yensen **to strike the word "industrial" in #16 and leave the rest of the language the same.**

Chairman Koehler asked for any discussion. Mr. Hammerand said some of the language is good but the industrial part bothers him. Ms. Peschke asked if we were leaving the paragraph untouched including all of the language and just removing industrial. Chairman Koehler said this is an amendment to the prior amendment. Mr. Hammerand said he was wishing to strike the word industrial and if it pleases the board he will also amend to restore the language as well. Ms. Yensen, the seconder was in agreement.

Chairman Koehler said Mr. Hammerand's amendment to the amendment is to strike the word industrial and leave the rest of the language the same.

Ms. Wheeler said she was confused because the original amendment was to replace the word "limit" with "prohibit", of which there was no vote, and now it is going back to "limit" and not addressing industrial. She sees this as trying to limit office/research and retail and prohibit industrial. Ms. Wheeler asked if we could vote on Ms. Peschke's amendment first to "prohibit"; if it fails then Mr. Hammerand can bring forth his amendment to limit office/research and retail and prohibit industrial.

Mr. Hammerand asked to withdraw his motion and was agreed to by the seconder.

Chairman Koehler said we are going back to the original motion to amend by Ms. Peschke **to change the word "limit" to "prohibit" as well as eliminating the sentence "to 50% impervious surface coverage in #16 of the Consensus Recommendations.**

Chairman Koehler asked for a roll call vote. The following members responded aye: Kennedy, Peschke, Ryan, Schuster and Wheeler. Nay: McCann, Merkel, Miller, Munaretto, Orphal, Schmidt, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Absent: Salgado and Bless. The vote being five (5) ayes and seventeen (17) nays, noting two (2) absent, Chairman Koehler declared the **motion to change the word "limit" to "prohibit" as well as eliminating the sentence "to 50% impervious surface coverage in #16 of the Consensus Recommendations has failed.**

Mr. Hammerand made a **motion to amend** seconded by Ms. Donner to **change the wording to "prohibit industrial" in #16, #20 and #23 of the Consensus Recommendations.**

Chairman Koehler asked for any discussion. Ms. Hill said that #16 and #23 are the same.

Chairman Koehler asked for a roll call vote on the motion to amend only #16 and #23 as they are the same to prohibit industrial in both of these. The following members responded aye: Kennedy, McCann, Peschke, Ryan, Schuster, Wheeler, Yensen, Barnes, Breeden, Hammerand and Heisler. Nay: Merkel, Miller, Munaretto, Orphal, Schmidt, Donley, Donner, Draffkorn, Dvorak, Hill and Koehler. Absent: Salgado and Bless. The vote being eleven (11) ayes and eleven (11) nays noting two (2) absent, Chairman Koehler declared the motion to amend to **change the wording to "prohibit industrial" in #16 and #23 of the Consensus Recommendations has failed.**

Ms. Peschke made a **motion to amend** seconded by Mr. Kennedy to **change the word "discourage" to "prohibit" in #20 of the Consensus Recommendations.**

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Kennedy, McCann, Peschke, Ryan, Schmidt, Schuster, Wheeler, Yensen, Barnes, Breeden, Donley, Donner, Draffkorn, Hammerand and Heisler. Nay: Merkel, Miller, Munaretto, Orphal, Dvorak, Hill and Koehler. Absent: Salgado and Bless. The vote being fifteen (15) ayes and seven (7) nays noting two (2) absent, Chairman Koehler

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declared the **motion to amend to change the word “discourage” to “prohibit” in #20 of the Consensus Recommendations has been approved.**

Ms. Wheeler made a **motion to amend** seconded by Ms. McCann to **adopt #21 of the Consensus Recommendations as is.**

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to adopt #21 of the Consensus Recommendations as is has passed.**

Ms. Donner made a motion to amend seconded by Ms. Yensen to **adopt #22 of the Consensus Recommendations as is.**

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to adopt #22 of the Consensus Recommendations as is has passed.**

Chairman Koehler said this brings us back to the main motion, unless there is any other discussion.

Ms. Barnes made a **motion to amend** seconded by Mr. Hammerand that on **page 140, #15 of the Plan to insert the words after the word favor: “either low density development which preserves the rural character of the county and conserves natural resources; or .. continue with existing sentence.**

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to amend on page 140, #15 of the Plan to insert the words after the word favor: “either low density development which preserves the rural character of the county and conserves natural resources; or has been approved.**

Chairman Koehler said this brings us back to the main motion of voting on the 2030 Comprehensive Plan, unless there is anything else.

Ms. Hill commented that with so many changes made this evening she would like to table the final vote and see the changes that were made.

Ms. Hill made a **motion** seconded by Mr. Munaretto **to postpone final approval of the 2030 Comprehensive Plan to the May 18, 2010 meeting.**

Chairman Koehler asked for any discussion on the motion to postpone.

Board members spoke for and against this postponement. Mr. Kennedy asked if this can be amended before 2015. Ms. Hill said that if an issue were to come forward she could put it on as an agenda item to the Committee for discussion. Ms. Wanaski responded that doing a general review of the Plan sooner than 5 years is not enough time.

Mr. Sandquist pointed out that #9, #12, #16 and #23 on the Consensus Recommendations there was not a vote taken to endorse the changes as submitted, the SARA map.

Ms. Hill called a point of order to vote on her motion to postpone.

Chairman Koehler asked for a voice vote **to postpone final approval of the 2030 Comprehensive Plan to the May 18, 2010 meeting**, the nays having it, the **motion to postpone has failed.**

Ms. Donner made a motion seconded by Mr. Heisler to **approve wording as provided for #9, #12, #16 and #23 of the Consensus Recommendations.**

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the **motion to approve wording as provided for #9, #12, #16 and #23 of the Consensus Recommendations has been approved.**

Chairman Koehler asked for a roll call vote on the motion to approve the 2030 Comprehensive Plan with the amendments that have been made. The following members responded aye: Kennedy, McCann, Miller, Orphal, Peschke, Ryan, Schmidt, Wheeler, Yensen, Barnes, Breden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill and Koehler. Nay: Merkel, Munaretto and Schuster. Absent: Salgado and Bless.
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The vote being nineteen (19) ayes and three (3) nays, noting two absent, Chairman Koehler declared the **motion to approve the 2030 Comprehensive Plan as amended has passed.**

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Merkel thanked the Treasurer's office for the open house that was held.

ORDINANCES

For Review: *Ordinance amending the McHenry County Building, Zoning, Stormwater, Subdivision and Motel License fee schedules*

Ms. Hill read the above-named ordinance that is on review for 30 days.

For Action: *Ordinance amending Article 10, School Developer Donation Requirements of the McHenry Subdivision Ordinance to include the Annual "CPI" adjustment and amending Section 1003.1 Fair Market Value*

Ms. Hill made a motion seconded by Ms. McCann to approve the above-named ordinance.

Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the motion passed.

ADMINISTRATOR'S REPORT

Mr. Austin said they have eight applications in for the Valley Hi Operating Board and will continue to accept apps through the month of April.

MEMBERS' COMMENTS

Ms. Donner, Ms. McCann, Mr. Hammerand, Ms. Hill and Chairman Koehler thanked the RPC, Planning & Development staff and anyone else involved with the work done on the 2030 Comprehensive Plan.

EXECUTIVE SESSION

None

ADJOURNMENT

Mr. Kennedy made a motion seconded by Mr. Heisler to adjourn at 1 a.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 18th day of May, A.D., 2010.

S/ Kenneth D Koehler
Kenneth D Koehler, Chairman
McHenry County Board

ATTEST:

S/ Katherine C Schultz
Katherine C. Schultz, County Clerk