

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

Minutes of Thursday, May 20, 2010

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

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 am. The following members were present: Tina Hill; Randy Donley; Mary Donner; Sue Draffkorn; Marc Munaretto; Lyn Orphal; and Ersel Schuster. Also in attendance: Planning and Development Department staff members (Dennis Sandquist, Maryann Wanaski, Darrell Moore, and Sara Ciampi); interested public; and press.

MINUTE APPROVAL: Ms. Schuster made a motion, seconded by Ms. Donner, to recommend approval of the May 6, 2010 minutes of the Planning and Development Committee. The minutes were approved as submitted with all members present voting aye on a voice vote.

PUBLIC COMMENT:

Diane Evertsen addressed the Committee and asked that a clear definition for agritourism be established.

PRESENTATIONS: None

SUBDIVISIONS:

Liberty Arbour – Appeal: Dennis Sandquist and representatives of Liberty Arbour joined the Committee to discuss Liberty Arbour's appeal of the Staff Plat Review Committee (SPRC) decision. Mr. Sandquist began the discussion by reviewing the process that has taken place and what led up to the Staff Plat Review Committee's decision on March 3, 2010 to request that Liberty Arbour resubmit a Sketch Plan that meets the Conservation Design addendum of the Subdivision Ordinance. This decision was made by the SPRC because the subdivision did not have Tentative Plat approval prior to the adoption of the Conservation Design Ordinance. Liberty Arbour claims that this delay was caused by the refusal of the Riley Township Highway Commissioner to sign the Tentative Plat. It was noted that the proposal never reached the stage at which the Subdivision Ordinance requires that signature. Liberty Arbour took legal action to request that the Riley Township Road Commissioner sign the Tentative Plat. That lawsuit concluded that the Riley Township Road Commissioner's Ordinance was invalid. Liberty Arbour provided their rebuttal to the SPRC decision and also provided their timeline listing to the process. It was noted that Liberty Arbour progressed through the development process and completed the zoning change and then to the Sketch Plan Review, which was approved on July 3, 2006. During the first submittal to Plat Staff Review on November 15, 2006, it was stated that the plan would go no further without the Township Highway Commissioners signature. During subsequent months, Liberty Arbour tried unsuccessfully to get the signature of the Riley Township Road Commissioner. The Riley Township Road Commission stated that the subdivision design was not acceptable as it did not meet the Riley Township Road Ordinance. That Ordinance was found to be invalid. The Committee discussed this appeal and what triggered a Conservation Design for this subdivision. It was noted that Conservation Design was triggered by hardwood trees on the site. Mr. Sandquist noted that the Committee's approval would be necessary for staff to allow this subdivision to move forward as a standard subdivision and not as a Conservation Design subdivision. After discussion, Mr. Munaretto made a motion, seconded by Ms. Schuster, to allow the developer of Liberty Arbour to proceed with the subdivision using standard design and not Conservation Design. The motion carried with a unanimous voice vote of all ayes.

Chairman Hill asked that the interviews for the Housing Commission be moved up on today's agenda. Members agreed.

NEW BUSINESS:

Housing Commission Interviews: The Committee interviewed the following candidates/applicants for the Housing Commission: Rose Toole, Dennis Palys and Julie Biel Claussen. Ms. Ciampi reviewed the remaining seats on the Commission noting that Ms. Toole could fill the voting position vacancy for a tenant of affordable housing and Ms. Claussen could fill an ex-officio position as a representative from the Housing Authority. She noted that currently Mr. Palys would not fall into any vacant position. After discussion, Mr. Munaretto made a motion, seconded by Mr. Donley to recommend the County Board approve a Resolution appointing Ms. Toole to the Housing Commission as a voting member representing a tenant of affordable housing and Ms. Claussen as an ex-officio member of the Housing Commission representing the Housing Authority. The motion carried with all members present voting aye on a roll call vote (Munaretto, Schuster, Donley, Donner, Draffkorn, Orphal and Hill).

SUBDIVISIONS (continued):

Subdivision Extensions – Hunter’s Woods, Canterbury Bluff, and Wilshire: Mr. Moore reviewed the three requests for subdivision extensions which included Hunters Woods (a third extension request); Canterbury Bluff (a fourth extension request) and Wilshire (a second extension request). Members discussed these requests and whether a policy should be adopted that would address the number of extensions that can be issued for one subdivision. It was noted that several extension requests have been due to the current economic conditions and other are simply a practice of some developers who choose to put the process in limbo. Mr. Sandquist noted that a developer currently can ask for extensions yearly. He stated that two of the current requests are in the final plat stage and the other needs to bring to final plat. It was noted that current language for extension requests is somewhat vague and perhaps this should be addressed. Mr. Donley noted that the requests for extensions should not be open ended forever and felt a subdivision should not receive more than three extensions. Mr. Munaretto suggested allowing three extensions unless a developer can demonstrate a hardship, but added that “hardship” must be clearly defined. Ms. Schuster asked that the Committee return to consideration of the three requests as submitted today. Ms. Donner made a motion, seconded by Ms. Schuster to approve the three extensions for another year as requested. Chairman Hill asked if the Committee would like to address the issue of a number of extensions at a future meeting. Ms. Wanaski noted that two of these subdivisions are currently running in the red and they are in the final stage but have not paid the last fees. A voice vote on the motion was called. The motion carried with all members voting aye. Members asked that a letter be sent to the three developers and note that no additional extension will be granted to the two owing fees until said fees are paid. Members asked that a State’s Attorney’s opinion be requested prior to sending such letters. After further discussion, Ms. Donner made another motion, seconded by Ms. Schuster, to approve the extensions for the three subdivisions with the caveat that the two subdivisions in their final stage be required to pay their fees before any additional extensions are granted pending State’s Attorney’s opinion in this matter. The motion carried with a voice vote of all ayes.

Mr. Donley and Ms. Draffkorn briefly left the meeting at 9:35 am.

NEW BUSINESS (continued):

National Trust HPC Grant: Ms. Wanaski announced that the Historic Preservation Commission (HPC) would like to apply for a grant. There is a match of \$1,250 which the HPC could fund through their budget. The HPC is requesting authorization to move forward and apply for this grant. The grant would provide funding for a Landmark brochure that can be used for educational purposes. Mr. Munaretto made a motion, seconded by Ms. Donner, to authorize the HPC to move forward and apply for the grant with the matching funds to be paid from their budget. The motion carried with all members voting aye.

Chairman Hill reported that the Victory Garden has submitted a bill in the approximate amount of \$130 for fencing and hoses. She stated that the Victory Garden has no budget for such expenses, but the HPC has agreed to cover these costs from their budget.

Mr. Donley and Ms. Draffkorn returned to the meeting at 9:49 am.

OLD BUSINESS:

Ag Tourism discussion: Chairman Hill began the discussion by reading the following definition of "Agritourism" as it is written in the 2030 Comprehensive Plan:

"Agricultural Tourism and/or Agritourism is the practice of visiting an agricultural business, horticultural, or agricultural operation, including, but not limited to a farm, orchard, winery, and companion animal or livestock show, for the purpose of purchase, recreation, education or active involvement in the operation, other than as a contactor or employee of the operation. The farm must be actively producing agricultural products for purchase and sale. It may include any farm marketing or agricultural tourism endeavor such as farm markets, farm direct marketing, farm stays, farm visits, roadside markets or stands, U-pick operations, rent-a-tree operations, community supported agriculture, rural tourism, farm museums, corn mazes, cider mills, pumpkin patches, petting farms, on-farm retail meat shops, on-farm multi-farmers' markets, on-farm retail nurseries, on-farm gift shops, on-farm flowers, herbs and spice stores, on-farm bakeries and on-farm restaurants or cafes. "

It was noted that the source of this definition was the Michigan Agricultural Tourism Advisory Commission and was also used by the McHenry County AgriTourism Task Force.

Mr. Munaretto noted that until this definition is adopted as law it is nothing but hyperbole. Chairman Hill asked the Committee if they would like to discuss this issue at this time and make it the law now or if they would like to address this issue when amendments to the Zoning Ordinance are considered. Mr. Donley asked what legal "leg" do you have to stand on to turn anyone down now that the County Board adopted the "Stade" Ordinance last Tuesday. Ms. McCann joined the Committee at 9:50 am. Mr. Munaretto stated that the County still has the opportunity to amend the Zoning Ordinance and the "Stade" Ordinance that was adopted is much broader than the definition. Mr. Donley noted that the Agritourism Task Force never agreed on a definition, they could not agree on a definition of a farm nor a seasonal ag business. Mr. Munaretto agreed that by adopting the "Stade" Ordinance the County established a definition in an ordinance that was written by a petitioner. Ms. Donner stated that without a definition the County could address concerns on a case by case request. It was also noted that the Stade petition was very clear as to what type of mechanical ride would be allowed and that such rides would preclude "commercially" made rides. Mr. Donley stated that he would like to be clear that he is not opposed or fighting Stade and his concern is that the County does not have a clear adopted definition of "agritourism." Chairman Hill questioned if the Committee could come up with a definition of agritourism that all can agree on. Mr. Munaretto stated that the definition needs to be included in the Zoning Ordinance. Mr. Donley commented that agritourism undermines everything in the Zoning Ordinance. He gave an example of the unlimited use of port-a-potties stating that such use should only be temporary, but the County approved to give unlimited use. Ms. Wanaski stated that port-a-potties are addressed through the health ordinance. Ms. McCann stated that the expanded use of port-a-potties was addressed to meet the needs of some businesses. Ms. Schuster commented that this is a classic example of what we keep making exceptions for that should be required to put in proper plumbing especially for a business. Mr. Donley stated that agritourism was originally intended to address farm related activities, but some farms have gone beyond that by providing food services in buildings that are also used for tractor storage. He stated if the business becomes commercial they should be required to be zoned commercial and meet all the requirements of a commercial business. Ms. Wanaski stated that all state, federal and local ordinances must be met along with the final sign off by a structural engineer noting that building codes are strict and straightforward for commercial properties. It was noted that if a property is zoned agriculture the owner can do certain things which are allowed by right in A1 zoning and is defined in the zoning ordinance, not every ag business needs a conditional use. When the farm decides to sell other products that are beyond the state defined agricultural purposes, a conditional use permit would be required. In addition, if you sell farm raised products that are not raised on the property a temporary use permit is necessary (such as strawberries brought in from Michigan to sell on your local strawberry farm). After lengthy discussion, Mr. Sandquist recommended that the Committee address these issues as part of the overall amendments to the zoning ordinance at which time experts and consultants can be brought in to review these concerns. Members agreed to continue this discussion during their review of the zoning ordinance.

REPORTS TO COMMITTEE, AS APPLICABLE:

Chicago Metropolitan Agency for Planning: CMAP will be making a presentation on the 2040 Land Use Plan.

Community Development Block Grant Commission: No report.

Historic Preservation Commission: As noted above.

Housing Commission: As noted above.

MISCELLANEOUS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT

Ms. Donner made a motion, seconded by Draffkorn, to adjourn at 10:32 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD ACTION:

Resolution appointing Ms. Toole and Ms. Claussen to the Housing Commission

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