

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

Minutes of Thursday, July 1, 2010

Tina Hill, Chairman

Randy Donley
Sue Draffkorn
Lyn Orphal

Mary L. Donner
Marc Munaretto
Ersel Schuster

Chairman Hill called the Planning and Development Committee meeting to order at 8:32 a.m. The following members were present: Tina Hill; Randy Donley; Mary Donner; Marc Munaretto; Lyn Orphal; Ersel Schuster and Sue Draffkorn. Also in attendance: Peter Austin, County Administrator; Planning and Development Department staff members Dennis Sandquist, Matt Hansel, Darrell Moore and Maryann Wanaski; Pat McNulty and Patti Nomm, Public Health; Cynthia Schaupp, State's Attorney's Office; Kathleen Bergan-Schmidt and Mary McCann, County Board; Dan Shea, McHenry County CMAP Board Representative; interested public; and press.

MINUTE APPROVAL: Mr. Munaretto made a motion, seconded by Ms. Orphal, to recommend approval of the June 17, 2010 minutes of the Planning and Development Committee. Chairman Hill asked if there were any corrections. Ms. Schuster asked that the following corrections be made to the minutes: Under "Public Comment", first sentence, the word "his" should be changed to "their". The third sentence of this paragraph should read "Previously the ZBA informed them that no other permits would be allowed for this type of event." The minutes were approved, with the above corrections, with all members present voting aye on a voice vote.

PUBLIC COMMENT: None.

PRESENTATIONS:

Gordon Smith from the Chicago Metropolitan Agency for Planning (CMAP) gave a presentation on the 15-page draft executive summary of the Go To 2040 Comprehensive Regional Plan which is up for public review after three years of work. The Plan seeks ways to improve livable communities, regional mobility, improve education and workforce development, and efficient governance in CMAP's seven county area. CMAP deals with approximately 1400 local units of government. People can view the summary, along with the 414 page plan, online at www.goto2040.org. August 6, 2010 is the deadline for submitting comments online. The Plan calls for adding an additional 150,000 acres of open space in its seven-county area, improving the metro area's road, rail and mass transit systems, improving workforce development; and expanding the state's sales tax to apply to services to broaden the tax base and possibly lower rates. Mr. Shea stated that he has read the entire Plan. He recommended that a committee be formed, consisting of interested parties from various county departments, to review the Plan. Ms. McCann and Ms. Bergan-Schmidt said that they would be on the committee and will work with Mr. Shea and Mr. Sandquist. Mr. Sandquist will send a memo to all County Board members asking them to send their comments on the Plan to him by July 12, 2010. He will then present any comments that he receives, along with McHenry County CMAP Board Representative Dan Shea's initial thoughts, at the P&D meeting of July 15, 2010. They will continue discussing the CMAP Go To 2040 Plan and provide staff direction regarding preparing comments for review by the Committee at its August 5 meeting.

SUBDIVISIONS:

Deer Park Subdivision Extension: Committee members reviewed a memorandum and letter from Mr. Moore concerning this subdivision. Ms. Donner made a motion, seconded by Ms. Orphal to grant a maximum one-year extension for this subdivision. Mr. Moore mentioned that this is a newer subdivision located in Hebron Township and consists of six units on 13 acres. The granting of this extension would be the third given to this development, however, the two prior extensions have totaled only one year's time. The Deer Park Subdivision Extension was approved as submitted with all members present voting aye on a voice vote.

OLD BUSINESS: None.

NEW BUSINESS:

Chairman Hill moved that Agenda Item Nos. 6.4 (a) (b) and (c) be brought forward for consideration. *Community Development Block Grant Commission Resolutions: (a) Resolution Authorizing a Change in Protocol of Existing HOME Fund Allocations; (b) Resolution Authorizing the Use of HOME Funds for NSP Programming; and (c) Resolution Authorizing an Amendment to Resolutions R-200911-10-332, R2009-11-10-333 and Other CDBG Funding Sources.* Ms. Draffkorn made a motion, seconded by Ms. Donner, to recommend the County Board approve the three resolutions as proposed above. It was discussed that the CDBG lost approximately \$380,000 in their funding and the total loss for all other agencies was approximately \$200,000. The CDBG held a meeting yesterday with all of the agencies in attendance. The majority of discussions at this meeting pertained to the public service agencies. A roll call vote was taken and the motion carried with seven ayes (Hill, Donley, Draffkorn, Orphal, Donner, Munaretto and Schuster.)

Groundwater Monitoring Ordinance: Committee members reviewed the Groundwater Monitoring Ordinance. Mr. Sandquist handed out an addendum to the Ordinance which concerned sampling frequency and parameters. The Ordinance outlines the parameters for water quality monitoring at earth extraction sites throughout the unincorporated areas of McHenry County. Ms. Nomm mentioned that they have collected monitoring well data from 1995 which has established a baseline. Since 1995 County code has required gravel pit operators to install at least three monitoring wells, one upstream and two downstream, to check for contamination. Potential contaminants would include nitrate, ammonium nitrogen, chloride and volatile organic compounds. It is recommended that this Ordinance be changed with regard to the frequency with which the earth extraction sites will be required to provide groundwater testing results. Unincorporated operations are currently required to submit quarterly testing. The amendment to this Ordinance would allow an earth extraction operation with a history of good results to lessen that frequency to yearly. If yearly results demonstrate elevated levels of contaminants, the operation would be required to go back to submitting quarterly results. Chairman Hill requested that this Ordinance be forwarded to the County Board for consideration and will be placed on 30-day review. A motion was made by Ms. Draffkorn, and seconded by Ms. Donner to recommend the Groundwater Monitoring Ordinance be forwarded to the County Board for consideration and be placed on a 30-day review. The motion carried with a unanimous voice vote of all ayes.

Fire Department Permit Review: Mr. Hansel provided a summary of the fire department review of building permits wherein the County consented "to a building permit review by McHenry County Fire Protection Districts" for new construction under Resolution R-200810-10-269. Under this Resolution, the Department of Planning & Development was instructed to modify the building application forms to include receipt of completed reviews from appropriate fire districts beginning January 1, 2009 for a period of 18 month at which time the P&D Committee will review and reevaluate the process. It is now time to reevaluate the process. Mr. Hansel stated that the process has not been intrusive as far as a plan review and has not been an obstacle to issuing building permits. In the past 18 months the Department had 30 homes pass through this process. After discussion, it was unanimously agreed by the Committee that the Planning & Development Department return to this Committee in 18 to 24 months for another review of this matter.

Administrative Adjudication Process: Discussion was had concerning researching the development of an administrative adjudication program which would provide a method for the County to process certain ordinance violations through county administration rather than sending them to Circuit Court. The Committee discussed whether or not this process would save the County time and money by allowing administration to adjudicate building, zoning, stormwater and health-code violations instead of the Circuit Court. Mr. Sandquist suggested that the first step should be to get the County ordinances in order. He stated that Peoria and Kane Counties have instituted administrative adjudication processes. Ms. Schaupp mentioned that Peoria enacted this process because processing the violations was overwhelming its state's attorney's office, and Kane County enacted it to promote compliance with its ordinances. Mr. Hansel mentioned that approximately 10% of the 900 to 1,000 ordinance violations handled annually by the Planning & Development Department go to court. An adjudication program would not completely remove the court system from the process and unresolved violations would still be

forward to the court. Ms. Schaupp informed the Committee that the State's Attorney's Office is able to handle the workload presented by ordinance violations. Committee members entered into a discussion concerning having the Planning & Development Department prepare a report examining the cost benefits for this process. The consensus of this Committee agreed to this process.

REPORTS TO COMMITTEE, AS APPLICABLE:

Chicago Metropolitan Agency for Planning: None.

Community Development Block Grant Commission: None.

Historic Preservation Commission: None.

Housing Commission: None.

MISCELLANEOUS: Mr. Donley mentioned that Steve Frazier contacted him regarding a neighbor who is scheduled to conduct a horse racing event over the 4th of July weekend. It was discussed that the owner of the property where the event is to occur has obtained a permit for this event and they have come into compliance with all of the terms of the permit. Mr. Sandquist mentioned that his Department will be monitoring this event very closely, and they will be conducting inspections of the property prior to and after the event to make sure the owner is in compliance with all of the terms of the permit.

EXECUTIVE SESSION: None.

ADJOURNMENT: Ms. Draffkorn made a motion, seconded by Ms. Orphal, to adjourn at 10:08 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION:

- Resolution Authorizing a Change in Protocol of Existing HOME Fund Allocations
- Resolution Authorizing the Use of HOME Funds for NSP Programming
- Resolution Authorizing an Amendment to Resolutions R-200911-10-332, R2009-11-10-333 and Other CDBG Funding Sources
- Groundwater Monitoring Ordinance-30 day review

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