

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

Minutes of Tuesday, August 19, 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 to order at 8:30 a.m. The following members were present: Tina Hill; Randy Donley; Sue Draffkorn; Marc Munaretto; Lyn Orphal; and Ersel Schuster. Also in attendance: Planning and Development staff members (Dennis Sandquist, Matt Hansel, Darrell Moore and Sean Foley), Ralph Sarbaugh, interested public and the press.

MINUTE APPROVAL: Mr. Munaretto made a motion, seconded by Ms. Orphal to recommend approval of the August 3, 2010 and the August 5, 2010 minutes of the Planning and Development Committee. The minutes were approved as presented with all members present voting aye on a voice vote.

PUBLIC COMMENT

Randy Donley spoke as a member of the public regarding the illegal operation of a banquet hall. He approached the Committee to complain about Planning and Development and the system itself with regards to following up on complaints. He reported that there is a nursery business on Route 176 that is conducting weddings and large parties where alcohol is being served. The property has a conditional use permit which specifically reads that no alcohol will be served on the premises. Mr. Donley also informed the Committee that information has also been added to the nursery's website regarding these types of events. He noted that both Planning and Development and the Health Department have been informed of the violation. He spoke to Matthew Hansel and Dennis Sandquist in the Planning and Development Department regarding this issue and the State's Attorney's Office has been contacted. Mr. Donley said that the Planning and Development Department does not have any teeth to enforce anything. He asked that the business be closed down because they are clearly operating illegally. Mr. Sandquist stated that the Department does not have the authority to issue an order to cease and desist. Jamie Rein from the State's Attorney's Office explained that there is State law that regulates selling liquor and this should be forwarded to the Sheriff's Department. She also explained that it can be difficult to get a judge to approve a Temporary Restraining Order (TRO) to shut down the business and gave examples of instances where she was denied. Ms. Schuster asked if a red tag could be issued. Ms. Rein stated that a red tag is only as good as the recipient who must comply. Mr. Sandquist said the owners should be encouraged to amend their conditional use permit. Mr. Donley explained that the events are taking place in an agricultural building which might not be built to commercial standards. Mr. Munaretto agreed that there could be life safety issues and thought that this could be a staff issue and that all buildings under a conditional use be required to be built under the commercial building code. Ms. Hill requested staff to provide the Committee with a list of all conditional uses in the County and to include this issue on the list of items for consideration when creating the new UDO.

Jim Heisler asked for an update on the 9 photos of a property with junk cars on a front lawn of Orchard and Route 31. Mr. Sandquist reported Deb Sorensen will follow up on this matter and the Sheriff's Department will be informed.

SUBDIVISIONS:

*Subdivision Policy Memo* – Mr. Moore explained to the Committee that the Subdivision Ordinance's language regarding requirements for the progress of proposed subdivisions is not clear. He provided a copy of the Subdivision Ordinance guidelines that staff has recently adopted. Mr. Moore felt that this schedule allows some flexibility, and at the same time, assures continued progress. There was some discussion and some members felt that one year was too long and some felt that six months was too restrictive. This item shall be added to the list for discussion upon creation of the UDO.

OLD BUSINESS:

*Wind Turbine Moratorium* – County Board Member Mary McCann joined the Committee's discussion. She explained that the NERC Committee wanted to be sure that the County had taken all regulations into consideration regarding location and construction of wind turbines. This would allow time for the County to step back and be sure that everything is in order. It was her understanding that the County will not fall into the area where wind farms would be built. She noted that Spring Grove has a moratorium and Johnsburg and Lake in the Hills have ordinances. It was noted that it was staff's recommendation that a moratorium is not needed. This was based on requirements that are in place regarding height exemption, setback requirement of 110% of the height of the turbine, plus the diameter of the blades and the limit of 10

megawatts. There was discussion that not all turbines are the size of the OWC turbine and that Algonquin and Nunda Townships are exploring the possibility of a 130' wind turbine with blades that are 23' which is smaller and does not generate much noise. Mr. Munaretto asked why a moratorium is needed if controls are in place. Mr. Sandquist noted that innovative energy sources are part of the McHenry County Zoning Ordinance noting wind and solar energy. Ms. Orphal voiced concern if the turbine could withstand wind forces and noted that maintenance could be an issue. Ms. Hill asked the Committee if a moratorium on wind turbines is needed. A roll call vote was taken. The motion failed with the following members voting no (Hill, Orphal, Draffkorn, Munaretto) and the remainder voting aye (Schuster and Donley).

Mr. Munaretto stated that if the Committee feels there is enough concern there should be a Committee of the Whole to discuss wind turbine concerns.

Ms. McCann mentioned she would like to speak with Mark Phipps regarding innovative energy systems, specifically geothermal systems and how they should be maintained because leaks are a potential for groundwater contamination. She also noted that seismic activity could be a concern depending on the size of the site and the system.

**NEW BUSINESS:**

*Resolution Authorizing Emergency Appropriations to 2010 Budget for NSP Program* – Ms. Wanaski requested this item be removed from the agenda. She stated that reporting will occur through the budget process and every August a resolution of all the homes that were sold will be brought before the Committee.

*FY 10-11 Budget Review* – Mr. Sandquist explained that MCSEEP Staff and Cassandra McKinney will be added to the Planning and Development budget. He noted that the ZBA per diems have been reduce due to fewer hearings and the stormwater consultant budget has also been reduced. The vacant plans examiner position, part time planner position and part time administration position will not be filled. Since the transfer of some existing staff to Community Development Division, salaries will be lower than FY 2010. Mr. Donley asked how the department could utilize all the inspectors with the huge downturn in the economy. Mr. Sandquist explained that they are still needed and they are also working with Community Development inspecting many of their projects. Ms. Schuster mentioned that she would like all departments to sort out the absolute must services so there is a pecking order of what could be crunched down and what programs could be eliminated. Mr. Sarbaugh briefly reviewed the budget and explained the Board of Building Code of Appeals has not had an appeal. Should there be an appeal; the Committee will be approached for funds to be moved into that line. The Planning Commission budget has been zeroed out and when the 2040 Plan begins funding will be started in that line. He noted that in the CDBG budget, NSP and HPRP are limited time allocations. The Auditor's office and the CDBG staff are learning through the process and have made some improvements in using the current finance system in being able to report to the Committee. They are exploring a cost allocation to be able to charge out of the grant for personnel, space and heat etc. Mr. Sarbaugh noted that some numbers could change slightly due to home sales in NSP at the end of the year and again in February when the purchase orders are rolled forward and the budget could increase. Motion by Ms. Draffkorn, seconded by Ms. Orphal to approve the preliminary Budgets for FY 10-11 as presented and move the documents forward to the Finance and Audit Committee. The motion carried with all members present voting aye.

**REPORTS TO COMMITTEE**

*Chicago Metropolitan Agency for Planning:* Mr. Donley agreed with Ms. Shuster's comments and he feels the County is not fairly represented. Mr. Munaretto stated that the Board is based on population figures.

*Community Development Block Grant:* None.

*Historic Preservation:* Ms. Hill reported that beans, tomatoes and squash have been harvested.

*Housing Commission:* The Commission met yesterday. The Education Committee is trying to set up an education session for the County.

**ADJOURNMENT**

Motion by Mr. Donley, seconded by Ms. Orphal to adjourn the meeting. All members present voting aye. Motion carried.

Meeting adjourned at 9:59 a.m.

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**RECOMMENDED FOR BOARD ACTION:**

None.

Approved: 9-2-10