

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

MINUTES OF THURSDAY, MARCH 3, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:30 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Also in attendance: Dennis Sandquist, Matt Hansel, Cory Horton and Darrell Moore, Planning and Development; Maryanne Wanaski, CDBG; Mary McCann and Diane Evertsen, County Board; interested public and press.

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

MINUTE APPROVAL:

Committee members reviewed the Planning and Development Committee minutes of February 17, 2011 and February 17, 2011 at 10:00 a.m. Mr. Heisler made a motion, seconded by Ms. Draffkorn, to approve both sets of minutes as presented. The minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT:

Chairman Hill explained the rules of public comment. She informed the public that the committee would not be voting on the zoning ordinance amendments and invited the public to stay for the entire meeting to hear the committee's discussion concerning the amendments. Chairman Hill mentioned that there is a situation in Union, Illinois (and possibly in Hebron, Illinois) where the owner is bringing in horses and racing them along a straight-of-way on Union Road which backs up to neighboring properties. Many neighbors find the races disturbing. The committee has been discussing what is allowed by right under personal property rights and a zoning regulation that would address what would be appropriate for the neighborhood. Several members of the Planning and Development Committee met in January with representatives from Boone, Winnebago and DeKalb Counties to discuss the issues the counties have concerning horse races. The committee is also working on defining definitions within the Zoning Ordinance. They are also working on ways to allow landowners to hold such events where a large amount of people attend. She mentioned that public comment would not be closed during this meeting.

The following people spoke:

Luis C. Mendez, Jr., Union, IL	regarding	his horse training facility in Union, IL and his desire to continue hosting exhibition horse races
William Mielke, Wonder Lake, IL	against	proposed changes to the McHenry County Zoning Ordinance
Michael Skala, Huntley, IL	against	proposed changes to the McHenry County Zoning Ordinance
Steve Frazier, Union, IL	against	proposed changes to the McHenry County Zoning Ordinance
Amber Bauman, Woodstock, IL	against	proposed changes to the McHenry County Zoning Ordinance
James Bolen, Hebron, IL	against	proposed changes to the McHenry County Zoning Ordinance
Kelly Watson, Marengo, IL	against	proposed changes to the McHenry County Zoning Ordinance
Denise Fincutter, Lake in the Hills, IL	against	proposed changes to the McHenry County Zoning Ordinance
Jan Bomher, Marengo, Wonder Lake, IL	against	proposed changes to the McHenry County Zoning Ordinance
Greg Hoshan, St. Charles, IL	against	proposed changes to the McHenry County Zoning Ordinance
Glenn Gable, Marengo, IL	against	proposed changes to the McHenry County Zoning Ordinance

Richard Fecteau, Harvard, IL	against	proposed changes to the McHenry County Zoning Ordinance
John Cederlund, Union, IL	against	proposed changes to the McHenry County Zoning Ordinance
Pat Lawlor, Marengo, IL	against	proposed changes to the McHenry County Zoning Ordinance
Jeanne Camp, Union, IL	against	proposed changes to the McHenry County Zoning Ordinance
Becky Ihssen, Huntley, IL	against	proposed changes to the McHenry County Zoning Ordinance
Donny Kohnke, Woodstock, IL	against	proposed changes to the McHenry County Zoning Ordinance
Diane Siddons, Marengo, IL	against	proposed changes to the McHenry County Zoning Ordinance
Julie Helmer, Cary, IL	against	proposed changes to the McHenry County Zoning Ordinance
Ann Wronkowski, Woodstock, IL	against	proposed changes to the McHenry County Zoning Ordinance
Tammy McConnell, Lake in the Hills, IL	against	proposed changes to the McHenry County Zoning Ordinance
Jim Jones, Elgin, IL	against	proposed changes to the McHenry County Zoning Ordinance
Denise Spincutter, Lake in the Hills, IL	against	proposed changes to the McHenry County Zoning Ordinance

PRESENTATIONS: None.

SUBDIVISIONS: None.

OLD BUSINESS: None.

NEW BUSINESS:

Chairman Hill requested that Item No. 6.1 be heard next.

*Zoning Ordinance Amendment – Animal Events:* Chairman Hill introduced Mr. Sandquist, Director of Planning and Development and Mr. Hansel, Deputy Director, Building Code Manager. Mr. Sandquist stated that the P&D staff is present to advise and provide recommendations concerning the proposed amendments. Committee members will review the recommendations and will attempt to strike a balance between the rights of property owners and the rights of neighbors for the enjoyment of their property. They have met with surrounding counties and are aware of the concerns pertaining to rodeos and other horse racing events. The proposed amendments need to be looked at from a land use perspective in terms of the land use and the impact to surrounding neighbors. The proposed regulations are complex. They have tried to separate uses that they thought made logical groupings, along with creating subcategories where there are differentiations regarding the impacts to surrounding properties. Also, the proposed amendments are complex because this topic is raised in multiple sections within the ordinance, it needs to be addressed in each section, and it needs to be consistent. The proposals are for discussion and revision. The revisions were reviewed by the State's Attorney's Office and they have approved the concept being presented today. Mr. Sandquist mentioned to the public that the intended changes are not intended to affect their ability to keep animals on their property, horses in particular; it is not intended to affect their ability to run a boarding stable on their property; it is not intended to affect their ability to train their animals, or other people's animals that are boarded on their property; it is not intended to affect their ability to have students come to their property for lessons; and it is not intended to affect therapeutic riding activities. It is intended to address spectator events, whether they are competitive in nature or merely exhibitions of the horse or the rider's abilities. He stated that based on the public comments received today, it is apparent that the proposed changes, if approved, will affect a large number of equestrian events throughout the County.

Mr. Sandquist summarized the proposed changes to the McHenry County Zoning Ordinance, Article Two, Definitions. They have created a definition for "Animal Entertainment" which is the "performances of trained animals for the purpose of amusement". They created an "Animal Entertainment Event" category which is "A spectator event consisting principally of

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animal entertainment. For competitive events, see animal exhibition and animal sporting event.” Another category is “Animal Exhibition” which is “a spectator event consisting of the exhibition of domesticated animals which may or may not include competitions in which animals are judged based on breed standards or other physical traits”. He mentioned that this would apply to dog shows, cat shows, and livestock shows at county fairs where they judge the animal, but not its performance, but rather the characteristics of the animal. The next category is “Animal Sporting Event” which is “a spectator event consisting of one or more competitions of skill, speed, agility, strength, or the like between animals, between persons and animals, or between persons in contests involving animals”. Examples would include any form of animal racing and horse racing. It would also include jumping, reining, vaulting, dressage, polo, dog hunting skills or agility contests, all the rodeo-type events including roping, steer wrestling, bronc or bull riding, and barrel racing. The last part of the definition states “contests that inherently threaten the health, safety, or welfare of animals or otherwise violate federal state, or local laws on the treatment of animals, are prohibited”. They are aware of some traditional Mexican rodeo events that are not allowed in Illinois or the United States. “Animal show: Circus” has been stricken from this section. The words “competition and exhibitions” have been stricken from the section for “Arena: equine enclosed”. “Carnival” has been added with a definition of “a temporary outdoor amusement event which may include activities such as rides, entertainment, games, booths, food services, retail sales, and exhibitions”. “Circus” has been reinserted with a definition pertaining to animal performances. “Fairgrounds” definition has been expanded to include more specific uses for activities typically seen at fairgrounds. “Off-road riding facility” has now been placed in alphabetical order. It had previously been at the end of this section because of a previous amendment to the ordinance. They have added a definition for “Zoo” which is “an area, building, or structures which contain wild animals on exhibition for viewing by the public”. Previously it was never a defined term in the ordinance.

Mr. Sandquist summarized the proposed changes to the McHenry County Zoning Ordinance, Article Three, Table One: Uses Permitted in Zoning Districts. Proposed changes are to make animal sporting events, exhibitions and entertainment events to place them specifically into the Use Table and show where they are allowed. They suggest that sporting events are allowed as conditional or temporary uses in A-1 and A-2 districts, and the exhibition and entertainment events would be allowed as temporary uses in all districts. Mr. Donley questioned if sporting events are allowed as conditional or temporary uses on agricultural property, why are they not allowed on business property. He feels one of the intents is to bring people into compliance with zoning and it seems to him that it would be permitted by right under general business. He feels these events should be allowed in business districts. Mr. Sandquist mentioned that they have not said that they would be allowed in any circumstances in B-1, B-2 or B-3. The size of the properties that they have zoning for those uses have a 20 acre minimum requirement as set out in the CUP which would be a controlling factor. Mr. Hansel mentioned that B-3 are regulated as regional uses and typically buildings that are more than 12,000 sq. feet and might be a consideration for this. Mr. Munaretto questioned why they excluded it from B-3 zoning because the table shows that it is not allowed in the commercial district. Mr. Hansel mentioned that the acreage that goes with it may have to be considered, along with the traffic generated and the equipment involved. Many times these are outdoor events as opposed to a business use which would typically be held indoors. Mr. Donley stated that there is nowhere that it is permitted by right. From having prior discussions with surrounding counties, Mr. Sandquist mentioned that an Appellate Court decision from Kane County ruled that horse training was an allowed AG use. A case in Winnebago County required conditional use permits for spectator events/shows and that was upheld by their Circuit Court. These are two recent examples of court cases upheld by courts where there is a right to regulate shows, separate from training and riding of horses. P&D staff will work on determining a zoning district if these events will be allowed by right. The next change concerned carnivals and they suggest that they be allowed with a temporary use permit within all zoning districts. They also propose that circus’ be allowed in all zoning districts with a temporary use permit.

Mr. Sandquist summarized the proposed changes to the McHenry County Zoning Ordinance, Article Four, Section 403 – Horses and Other Equines and Section 404 – Temporary Uses. In Section 403, Horses and Other Equines, they have modified the language relating to professional and public stables and attempted to make it clear that there can be events at the stables provided they are limited to the existing students and animals of the stables. Section E now states “at professional stables and horse farms, riding lessons may be given to boarders and others. Riding lessons (excluding jockey training) may include events held to demonstrate the skills learned by the students of the riding lessons. Such events shall be non-competitive, include only current students of the riding lessons at the professional stable or horse farm, and not be advertised to the general public”. He mentioned that these proposed changes reference the situations this committee has been struggling with for the last year concerning a local stable with horses where they have large public events and where horses and riders are brought in from other areas. Mr. Munaretto questioned the relationship between the issue in Union, Illinois with respect to the broader category of competition among boarding horses in McHenry County. Ms. Donner questioned if jockey training is included in another section other than the section

concerning riding lessons, where jockey training is excluded. Mr. Munaretto mentioned that it is prohibited under the proposed changes to the ordinance, and he did not see any place where jockey training is permissible under a set of criteria. Riding lessons can be given, and those riding lessons can be any lessons on the spectrum of riding lessons. When it comes to an event held to exhibit the culmination of the lessons, they propose to exclude an event where jockeys would be the students. Mr. Sandquist clarified that the language could be changed to state that the riding lessons can include jockeys, it is the events that they propose do not include jockeys. Mr. Munaretto feels this is restrictive. Mr. Hansel mentioned that P&D staff was directed to look at part of the regulations in light of a singular event that occurs that has been deemed offensive by some people and has been disruptive to their lifestyle and neighborhood. In an effort to try and regulate the one single event, and without calling out the one property owner/event, it becomes very difficult to write an ordinance that will affect one certain type of event without involving horse racing and horse competitions in general. Mr. Munaretto questioned why they have to regulate one event and change the landscape of McHenry County because of the one event. Ms. Schuster stated that she is not pleased with the proposed changes presented today and it has been a difficult process. She feels it is important that the horse industry express their thoughts on every subject that will be addressed and as County Board members, they need to take a more active role on what is going on and how it is being developed. The committee has heard many good comments today, many of which have not been heard or understood by committee members before today's meeting. She asked members of the public to put their comments in writing and provide those comments to the committee members. She feels the committee needs to go back to square one on this matter. Mr. Donley mentioned that he complained about hiring consultants to write ordinances on their behalf. Some people voted to spend \$250,000 to have consultants writing County ordinances, but now that they have hired the consultants, they are going to have staff write this one ordinance. It is his understanding that the reason staff is re-writing this ordinance is that something will be in place for the upcoming summer season. He suggested that the re-writing of this ordinance be turned over to the consultants and see what they come up with. Ms. Draffkorn thanked the public for attending and providing their information to the committee. She would like the committee to take a step back, go back to the beginning, and obtain written comments from the public to find out what they need in order to run their businesses and to keep their livelihood going. Mr. Donley mentioned that the committee does not intend to criticize the horse industry, but there are flaws in the zoning ordinance and they have to review it. Some of the flaws relate to the horse industry when it becomes a business and there are rules and regulations in other areas that overlap into what the horse industry is doing. Some larger horse events have become a commercial business which should comply with codes that apply to commercial businesses. He informed the public that the committee has been discussing these issues for two years. Ms. Schuster mentioned that the proposed changes to the ordinance are not because one neighbor complained about a single horse racing event, and the committee has an obligation to protect one person as much as they have the responsibility to protect another. She has been in contact with various horse groups and she is willing to continue to meet with them in an effort to provide more information to the committee.

Chairman Hill asked committee members for direction as to the proposed changes to the ordinance. Mr. Munaretto stated that tourism accounts for approximately \$200 million in McHenry County, a large part of that is represented by members of the public present. He mentioned that maybe they need a task force to identify some issues. Ms. Donner thanked the P&D staff for preparing the proposed changes to the ordinance. She informed members of the public that this is the first draft the committee has reviewed with the proposed changes to the ordinance. Mr. Donley mentioned that this is a complaint-driven meeting and neighbors also have rights. The complaints they have heard in the past from neighbors of certain horse racing events is that they dislike the noise and traffic from commercial events. He feels a horse show becomes a commercial business when 1,000 people are brought to one horse event. Mr. Munaretto stated that there is a larger issue with respect to certain types of events in McHenry County and they are obligated, as elected officials, to deal with it in a way that promotes the public health, safety, welfare and morals of McHenry County and they take their job seriously.

Chairman Hill stated that she has heard from Ms. Schuster that she is willing to continue to work on this matter with the horse industry and the committee, and another committee member suggested working through the UDO process which will allow a public comment forum. Mr. Sandquist reminded members that the Unified Development Ordinance (UDO) is expected to take 20 months to complete. He informed the public that the County is in a comprehensive process of updating all of its ordinances, including the sign, zoning, and subdivision ordinances. He asked the committee to provide a clear direction as to who will be involved, and what County Board or committee members will be involved on working through the UDO process. Chairman Hill stated that there would not be a sub-group working on this matter, but this subject would be worked on during committee meetings and would be an agenda item discussing temporary uses. Ms. Schuster stated that she suggests members of the equine community meet, formalize their recommendations, and then present their recommendations to the committee at a future meeting.

Chairman Hill asked committee members if they would like to form a separate task force to address the equestrian uses in the current ordinance and define problems to address. Mr. Munaretto mentioned that the proposed task force may handle the anticipated impacts that some levels of the horse industry could have on McHenry County. Instead of saying rodeos are bad, they may want to understand what rodeos are, evaluate the impacts, and establish land use regulations that keep them away from some of the problems they may create with neighbors. Ms. Donner would like the task force and the equine industry to work together concerning this matter

Chairman Hill stated that this matter will be placed on the March 17, 2011 Planning and Development agenda for further discussion. She informed the public that they will be making a decision at that meeting whether or not they will form a task force. She provided the County's website and encouraged the public to submit their letters to members of the Planning and Development Committee.

Several members of the public addressed the committee:

A member of the public invited committee members to attend a collegiate horse show in Wauconda, IL; Glenn Gable mentioned that property owners have the right to go into civil court if they feel their rights as citizens are being affected by the proposed changes mentioned during the meeting; a member of the public mentioned that the issue at question seems to be one problem that concerns a man who owns a farm and the owner of the farm already said that he would relocate his horse racing events to the county fairgrounds which would eliminate the local problems; Dr. Kane, D.V.M. mentioned that she likes that there is dialogue between the committee and the public, but she feels they need to be aware of the consequences of having the equine industry having to change their businesses and farms from agricultural to commercial; and Mr. Mendez spoke and mentioned that he feels bad for the majority of the farm owners present, but it was complaints brought against him that prompted these issues and he is open to any type of dialogue with members of the County staff, County Board members, and members of the public.

Chairman Hill thanked members of the public for attending today's meeting.

*Annual Report – McHenry County Department of Planning and Development 2010 Annual Report:* Mr. Sandquist stated that he has communicated with this committee concerning his department and what the department is planning on accomplishing this year. He provided an overview of the 2010 Annual Report, with the first part of the Report providing an overview of the department structure. There have been significant changes in the past two years, one of which was splitting Community Development from the Planning Division. A change within the last year is that the Stormwater Division, which is under the Natural and Environmental Resources Committee and now reports to the Chief Engineer. Another organizational change that is not in the Report because they are just going into effect with the new budget year is that Ms. McKinney and the Water Resources Division have moved to Planning and Development. This will allow for better coordination of water resources with all of their planning functions, but also with stormwater management to make sure both programs move forward together. Another change this year will be their graphics manager, Mr. Marke, will be retiring after 35 years with the County. This position will be frozen and the current responsibilities will be divided between Mr. Moore and the part-time GIS technician. They also have a part-time planner position frozen, three seasonal positions are frozen, and several staff members have been moved over to Community Development. He mentioned his Director's letter on page 12 and requested committee members refer to page 18 which summarizes the number of permit applications from 2006-2010. He stated that the numbers are consistent with last year, but down from 2006-2007. As an example, there were 26 new home permits in 2010 compared to 206 in 2006. Also, they issued 146 stormwater permits in 2010 compared to 1,425 in 2006. Overall, they issued approximately 1,000 permits in 2010. In 2010 there were 51 zoning requests which is approximately half of the amount requested in 2007. They have been reviewing only one active subdivision plat in 2010. He mentioned that page 21 reflects the 2007, 2009 CDBG rollover allocations and contingency funds.

Ms. Draffkorn left the meeting at 11:02 a.m.

He requested members to refer to page 13 which details the 2010 overview of special projects and planning for this department. The 2030 Comprehensive Plan was completed in April, 2010. Working with the Stormwater Commission and TAC, staff oversaw several improvements to the County's Stormwater Management Ordinance and procedures. The department is working on wind energy in response to the growing interest in alternative energy conversion systems. The County currently has very permissive regulations concerning wind energy. A taskforce has been established to provide model ordinances for review, revision, and consideration for adoption by the County and its municipalities. A state statute grants municipalities specific authority to regulate wind turbines that are within 1.5 miles of their boundary. Another major

project for this department is green infrastructure. There have been conversations with the Sustainable Watershed Action Team (SWAT) and grant funding has been obtained to provide the County and the City of Woodstock with assistance in developing countywide and municipal green infrastructure plans. The Unified Development Ordinance (UDO) is a major project for this department. He feels that bringing in outside expertise will serve the County well. This will be a major time commitment for his staff and himself, and it will take 22 months to complete. Planning Division staff was restructured to create a new Community Development division, and his department has been working closely with the new Housing Commission. Concerning document management and public information, staff has reorganized the stormwater division files including purging, organizing, and scanning into OnBase. Staff created a database of all permits issued prior to the implementation of the Devnet Permit System. Mr. Moore mentioned that an example of the amount of scanning that staff is currently undertaking includes scanning approximately 10,000 building permit files. Mr. Sandquist was requested to provide committee members with a current copy of the organizational structure of this department.

*Resolution Authorizing the Creation of a Procurement Officer-Building Inspector Position for the Community Development Division and Freezing an Associate Building Inspector Position within the Planning and Development Department:* Mr. Munaretto made a motion, seconded by Ms. Donner, to recommend the County Board approve the above resolution. The motion carried on a roll call vote of four ayes (Donner, Heisler, Munaretto and Hill) and two nays (Donley and Schuster).

**REPORTS TO COMMITTEE:**

*Chicago Metropolitan Agency for Planning:* None.

*Community Development Block Grant Commission:* None.

*Historic Preservation Commission:* None.

*Housing Commission:* None.

**MISCELLANEOUS:** None.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

Noting no further business, Mr. Heisler made a motion, seconded by Ms. Donner, to adjourn the meeting at 11:12 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION:**

Resolution Authorizing the Creation of a Procurement Officer-Building Inspector Position for the Community Development Division and Freezing an Associate Building Inspector Position within the Planning and Development Department

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