

**AGENDA**  
**MCHEMRY COUNTY BOARD**  
**667 WARE ROAD – COUNTY BOARD ROOM**  
**WOODSTOCK, ILLINOIS**  
**TUESDAY, AUGUST 16, 2011 – 7:00 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVOCATION/PERSONAL REMARKS (Pete Merkel)
4. INTRODUCTORY ROLL CALL
5. MINUTES OF PREVIOUS MEETINGS (July 19, 2011)
6. CHAIRMAN'S REMARKS/REPORTS
7. SPECIAL RECOGNITION/REPORTS
  - 7.1 Proclamation to Recognize Dave Brandt for his Dedicated Public Service to Stormwater Management in McHenry County
8. SPECIAL PRESENTATIONS
  - 8.1 UDO Technical Review Report
9. ZONING BOARD OF APPEALS
  - 9.1 ZBA CONSENT AGENDA
    - A. Exb. #10-30: Hartland Township, Ronald/Rhonda Lenzi, request reclass of A1-A1C, RECOMMEND APPROVAL
    - B. Exb. #11-17: Grafton Township, Jensen Trust, request reclass of A1-A1C, RECOMMEND APPROVAL
    - C. Exb. #11-30: Chemung Township, Phillip/Diana/Eric Bird, request reclass of A1-A2, RECOMMEND APPROVAL
  - 9.2 ZBA REGULAR AGENDA
  - 9.3 ZBA UNFINISHED BUSINESS
10. PLATS
11. PUBLIC COMMENT
12. NEW AND UNFINISHED BUSINESS
13. APPOINTMENTS
  - 13.1 McHenry County Emergency Telephone System Board
  - 13.2 McHenry County Housing Authority
14. STANDING COMMITTEE CHAIRMAN UPDATES
15. ROUTINE CONSENT AGENDA
  - 15.1 RECEIPT OF STATUTORY REPORTS AND PLACED ON FILE
    - A. County Clerk
    - B. Emergency Management Agency
    - C. Public Defender
    - D. County Recorder
    - E. Sheriff's Report
    - F. Treasurer's Report
  - 15.2 APPROVE THE FOLLOWING RECOMMENDATIONS
    - A. BUILDING PROJECTS
    - B. FINANCE AND AUDIT
      - (1) Resolution Authorizing the Acceptance of a State of Illinois Emergency Management Assistance (EMA) Grant Program Agreement for FY2011

- (2) Resolution Authorizing Reclassification of Position #010-0028-07 and Position #010-0012-05 in the Planning & Development Department
- (3) Resolution Authorizing Workers' Compensation Claim Settlement No. 10-3200-13
- (4) Resolution Allocating Qualified Energy Conservation Bond Volume Cap and Approving a Project for Purposes of the American Recovery and Reinvestment Tax Act of 2009

C. HUMAN RESOURCES

D. LAW & JUSTICE

E. LEGISLATIVE AND INTERGOVERNMENTAL AFFAIRS

F. LIQUOR & LICENSE

G. MANAGEMENT SERVICES

H. NATURAL AND ENVIRONMENTAL RESOURCES

I. PLANNING AND DEVELOPMENT

- (1) Resolution Recognizing McHenry County's Class III Groundwater Designated Areas for Protection from Contamination to be Incorporated into the Sensitive Aquifer Recharge Area Overlay Map

J. PUBLIC HEALTH AND HUMAN SERVICES

K. TRANSPORTATION

- (1) Resolution Authorizing a Budget Line Item Transfer in the Division of Transportation FY2010-2011 Budget for Fuel, Oil and Grease
- (2) Resolution Approving an Intergovernmental Agreement with the City of Crystal Lake for Construction for the Walkup Road Project
- (3) Resolution Approving an Engineering Services Agreement and Appropriating Funds for the Countywide Safety Studies Project

16. ORDINANCES

16.1 For Review

16.2 For Action

17. ADMINISTRATOR'S REPORT

18. MEMBERS' COMMENTS

19. EXECUTIVE SESSION

20. OTHER BUSINESS, AS NEEDED

21. ADJOURNMENT

**\*\*All emergency appropriations require a two-thirds vote (16) of the Members of the County Board**

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
JULY 19, 2011

Chairman of the Board – Kenneth D. Koehler (District 2)

<b>District 1</b> Robert Bless Anna May Miller Marc Munaretto Robert Nowak	<b>District 2</b> J.S. "Scott" Breeden James Heisler Kenneth Koehler Donna Kurtz	<b>District 3</b> Mary L Donner Nick Provenzano Kathleen Bergan Schmidt Barbara Wheeler
<b>District 4</b> Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	<b>District 5</b> Tina Hill John P Jung Jr. Virginia Peschke Paula Yensen	<b>District 6</b> Randall Donley Diane Evertsen Mary McCann Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, July 19<sup>th</sup>, 2011.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by County Clerk Katherine Schultz with Members of the Board, department heads and visitors participating. Ms. Kurtz gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Wheeler and Draffkorn. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-two members responding. Ms. Wheeler arrived after the roll call.

MINUTES

Chairman Koehler asked for a motion to approve County Board minutes from June 21<sup>st</sup>, 2011. Several board members said they did not have the minutes (they receive their packets electronically).

Chairman Koehler asked for a motion to postpone approval and bring them back at the August 2<sup>nd</sup> meeting.

Ms. Schuster made a motion seconded by Mr. Heisler to postpone voting on the June 21<sup>st</sup> County Board minutes until the August 2<sup>nd</sup> meeting so that everyone has a chance to see them.

Noting no discussion, the Chairman asked for a voice vote, the ayes having it he declared the motion to postpone voting on the June 21<sup>st</sup> County Board minutes until the August 2<sup>nd</sup> meeting has passed.

CHAIRMAN'S REMARKS

Chairman Koehler spoke briefly on the extreme storm that occurred on Monday July 11<sup>th</sup> and then asked Dave Christensen, EMA Director to speak on the happenings from that storm. Of note was that a Disaster Declaration for McHenry County was declared by the Chairman as it was in Lake County primarily to get mutual aid to be able to come into McHenry County and help out on a larger scale.

Mr. Christensen said indeed the storm was extreme bringing a 30 mile wide wall of 70 mph winds across the county leaving in its path a large amount of debris, downed trees and power lines. Much of the county was without power for anywhere from hours to days. ComEd worked around the clock throughout our county as well as others in the path of this storm to restore power to the hundreds of thousands who were left in the dark. Mr. Christensen commended the many departments and volunteers that came together during and after this storm to help both county facilities and citizens alike to get through quite a difficult situation. He said Valley Hi was at risk when the power went out and the backup generators did not run the chillers. The state was called but did not respond for 48 hours at which time they said there were unable to find a generator. Our own resourceful people found a generator, got it installed and cooled down Valley Hi. Animal Control was also an issue; they have a small generator to keep the meds cool but that was it. A generator was brought in from Ogle County to help with that and also a generator was brought in from Champaign County IL for the DOT because they were only partially powered out there. A generator was also acquired and brought out to Wonder Lake for a water tower. There were many people/counties/companies involved in helping to keep the county running.

Mr. Christensen said he had long discussions with ComEd most every day for updates as people were feeling like they were not getting the service they deserved. With every part of the county being affected by this storm ComEd couldn't get to everyone first. The most affected people were those at the end of the power line with only a few customers on the line and a well. As ComEd assessed priorities, the biggest bang is the dense urban areas so they were worked on first. Mr. Christensen found out that ComEd does not have a relationship with counties, they're set up to work with municipalities so the county was not part of the link when the teleconferencing was done by ComEd each day, however that has been corrected and we are now. He has invited ComEd to a Metro-County Coordinators meeting so that they can start having dialogue and attack this problem from a bigger scale.

Mr. Christensen said on Friday he held a "hot wash" which is a discussion of what they did right and/or wrong. He asks for three negatives and three positives and focuses on those things and in doing so they found things they can do better next time. One of the things they will improve upon is communication between staff, although it's not bad, it can be improved upon. Also we are lacking a notification system for our volunteers. We have now bought into a notification system so that we can avoid this problem in the future, it is web based and he can do it from home. The annual cost is \$300. Another glitch they found and learned from is that all of the technology that operates the cooling system is computerized, so they had to get that back up.

Mr. Provenzano asked about the generator out at Valley Hi. Chairman Koehler explained that staff ordered/rented a generator for Valley Hi from Action Electric at 1:30 p.m. and it was delivered at 6:15 p.m. from Elmhurst. Fortunately, there were staff and electricians ready and waiting to hook this generator up. He extended a thank you to Action Electric for their excellent work during a difficult time. As well, he thanked departments for their team work in getting things done. Chairman Koehler said the county will be addressing the issue of having different sized portable generators for back up for just this kind of emergency in the future.

Mr. Provenzano said so many were without power would we be able to use the notification system?

Mr. Christensen responded that it can go to any device, computers, cell phones etc. and cell towers were still running for about six hours into the storm, so the initial call out would be covered. The Chairman said we all rely on our power and we had water here but there were places that did not have water. We had water here for people who needed it but had no way to get the message out. Mr. Christensen added that the Red Cross donated 100 cases of water and a retailer donated another 200 cases of water. Because of the communication issue he spread it out to the townships to disburse.

Mr. Heisler asked why there were no warning sirens activated. Mr. Christensen said that this storm did not meet the criteria to sound a weather warning siren; there was no rotation to this storm it was a wall of wind. To sound a siren the rotation must be seen and reported or the radar sees it. The problem with the radar for McHenry County is that it's above us, one is down in Marseilles and one is just west of Milwaukee, so they might not see a ground level rotation. Mr. Christensen pointed out that the county has no sirens but some municipalities do. Apparently some of those municipalities sounded all clear sirens. He has asked for and received from areas with sirens what their criteria is for sounding their sirens. He is working on a county wide Siren Policy that he would look for them to adopt so that if the siren goes off it is for the same reason everywhere. He noted that the county does not control any sirens. The county has NOAA weather radios, which he recommends, that sounded a half hour before the storm hit.

Ms. Schuster said years ago there was a grid to be able to get information out to people if there was no other means of communication, we would have key people who could get out and make sure others were watching them. She thinks it is a good idea to engage the townships in this. Mr. Christensen said he will follow through on this to see where it's at.

Mr. Merkel talked about the burn issue and was glad to see that the burning times had been extended through the 20<sup>th</sup>. He asked if that date could be extended through the end of the month because there are areas that have been overwhelmed and the extra time would be helpful, not to mention chipping and burning in this heat is difficult and hopefully some extra time will bring a little bit cooler weather. Also, if the trees have a chance to dry out, the burning will go faster and create less smoke. Chairman Koehler said yes the time can be extended.

Also, Mr. Merkel asked if the county has a list of cooling centers that have been designated by individual municipalities that we can send people to. Mr. Christensen said yes EMA does have a partial list. Through Adam they did put a link out to give names of cooling centers within the county and the State of IL just put out a webpage where you can put your zip code in and it will tell you cooling centers nearby. The EMA recommends going to libraries or any municipal building to cool off if that is the closest location for an individual. Mr. Merkel suggested at the next MCCOG meeting it could be suggested that we put all cooling centers on one list for everyone so that it is a quick reference for everyone. The Chairman said in some of the more rural townships themselves, they need to be

able to have a generator of their own to support their offices or buildings so that they can have the ability to care for some of the residents in their area.

Mr. Hammerand asked if we have a relationship with any of the radio stations so that we could get our message out that way. Mr. Christensen responded that he did not contact the radio stations, but he did receive inquiries from the newspapers. Mr. Hammerand asked about the generator that was left out at Valley Hi. The Chairman said that this is something that will need to be discussed. They're thinking they might be able to put it on a trailer so that it's available to be moved around as needed. Lastly, Mr. Hammerand also pointed out that although no rotation in the storm was reported, many cornfields were twisted and there was a Shag Bark Hickory tree in Wonder Lake that twisted up like a corkscrew before it broke. Both are indicative of circling winds.

Ms. Donner suggested that at some point we should have a link put up explaining things that happen in these kinds of storms. Such as sometimes power is turned on and then turned off to bring power to the rest of the neighborhood; reminding people that you can pull the cord on your garage door opener, you don't need electricity to get the garage door opened; when you have a gas stove some people don't know that with an electric start you can use a match. These are tips that the public could use and there are many more that we could possibly put out there.

Ms. Yensen said she works in another county and has been involved in emergency planning and it seems like it was always coordinated between municipalities and stakeholders and the county was always involved in the emergency management element. She was told that in McHenry County things are not coordinated that way and wondered if that was true. Mr. Christensen responded that different emergency managers do things in different ways. Of note was that on Friday he received three calls from communities needing help or advising him of what their status was. Because it was so quiet on Tuesday he had his staff call every community and township to see if they were alright and to see if there was anything they needed. He repeated this on Thursday. He has done two things to try and rectify this; One is to use a form of reporting that communities and townships can use to quickly update the EMA on what is going on in their area; and also in the fall he is looking to form a coordinating council where he brings together representatives from various communities from the townships to meet monthly and have a training session with each meeting where they talked about different things i.e. the sirens, how they get mutual aid etc. Where he used to work they did this and there was always a standing room only attendance. Mr. Christensen said between a formal reporting method and this coordinating council where we get used to working with one another, everyone will come together. He confirmed for Ms. Yensen that he is looking to be the convener of the different governmental entities from townships to cities to villages to talk about coordination of emergency plans and to have a protocol of best practices that are being utilized from one entity to another.

Chairman Koehler told the board that DOT was out as soon as this storm happened and they had every county road cleaned up within 24 hours and then were out helping townships and other areas that needed help. He asked if we are continuing to help those townships that can't get things cleaned up. Mr. Korpalski said they have only had three requests and we are offering aid until they don't need it any more. Ms. Schuster said there was an issue on Kishwaukee Valley Road just West of Rte.14 where a power line went down and she wasn't happy with the signage that was put up, which wasn't put up until just about the last day at which time they put up road block barricades, but even then people were driving through it. Mr. Korpalski responded that all of their signage was spoken for and they had no power so they couldn't make additional signs. Once again, Chairman Koehler thanked all of the staff for the work that was done.

#### SPECIAL RECOGNITION/REPORT

Mr. Bianchi came forward to introduce new staff members to the State's Attorney's Office. The new Chief of the Civil Division is Donna Kelly. Also introduced was Jessica Dreher, Assistant State's Attorney. Both were welcomed.

#### SPECIAL PRESENTATIONS

##### *8.1 Recap of first year of Valley Hi Operating Board*

Mr. Austin said a year ago this spring Mr. Annarella joined the county and has brought energy and enthusiasm to Valley Hi. A year ago this month the Valley Hi Operating Board was started.

Mr. Annarella said that one of the highlights is financial successes over the last year under the leadership of the Operating Board. Before the Operating Board started the operating income was in the red and over the last year Valley Hi has slowly climbed up their revenue and in May Valley Hi had an operating income of almost \$60,000 before the depreciation of the building, which continues to show improvement. When looking at fiscal year 2010 Mr. Annarella said they finished the year in the red but with the projections of the first six months there is a \$750,000 swing into the black to close what our current fiscal year is. Mr. Annarella said we got there by having reduction in

over time; when a position becomes vacant they split the position into two part-time positions for weekend coverage. They also joined a Nursing Home Purchasing Group through the county's Purchasing Department that allows us to have buying power that has access to thousands of homes across the state, so there are better vendors at a better price. He said there are some better systems in place to control purchasing and case mix. The County Board has set a blend of resident case mix of roughly 80% Medicaid and then 20% being either Medicare and/or private pay. This morning when their census was done they show having 18 Medicare residents. This is in part due to having a community marketing liaison going out and marketing our therapy services that we have been able to improve upon. Chairman Michling, Chairman of the Valley Hi Operating Board came forward. He told the board that Valley Hi is a jewel in the county, not only for its building but for the people who work there. Mr. Michling said the Operating Board has created a mission statement, developed a strategic plan and has implemented some goals and objectives. They are committed to delivering the highest quality of care and being fiscally responsible and hold Mr. Annarella and his staff accountable as the reputation of Valley Hi will not be delivered from the board but from the people that work within Valley Hi. Mr. Michling said the board feels there is a great staff on board at Valley Hi with Mr. Annarella and he sees nothing but positives for Valley Hi in the future.

Ms. Hill asked in regard to the shrinking resources from the government she wondered if in the strategic planning they have ways of addressing what kind of responsibility that the county is going to be facing with having to increase resources. Mr. Annarella said unfortunately that is a daily task but the biggest thing they can do is stay ahead of the curve with what the discussions are at Springfield and Washington and adjust their case mix of clients that they serve or the types of clients within those case mixes based upon what those funding levels are. Valley Hi does not draw on the General Fund and they intend to keep it that way.

Chairman Koehler thanked Mr. Annarella and Mr. Michling for their presentation.

#### ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition. Ms. Evertsen removed #10-27; Ms. Kurtz removed #11-21.

Ms. Hill made a motion seconded by Ms. McCann to approve the following Petitions:

Exb #11-10; McHenry Twp; George/Shirley Gariffa; reclass R1-R1V

Exb #11-24; McHenry Twp; Daniel/Karen Meier; reclass R1-R1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Draffkorn. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the ZBA Consent Agenda with two items removed has passed.

Ms. Hill made a motion seconded by Ms. McCann to approve the following Petition:

Exb #10-27; Greenwood Twp; Miguel/Zenaida Carbajal; reclass A1-A1C

Chairman Koehler asked for any discussion. Ms. Evertsen said after reading the staff analysis she sees that the petitioner did have his equipment stored on commercial property in the past and now wishes to store his business equipment on AG zoned property that he owns but rents out. There is no unique characteristic and she believes the equipment should not be stored on AG property. Ms. McCann commented that is different because there is commercial area around the area in which his property is located, although she does have an issue with the amount of fuel that can be stored as this is only a 7 acre parcel. She said the Health Department had the Fire Marshall go out and look at this as well.

Ms. McCann made a motion seconded by Ms. Donner to **amend** the Petition to **add Condition #12 to read That the total fuel storage capacity shall be limited to 1,000 gallons and that the fuel storage facility shall meet IL EPA and State Fire Marshall's regulations for fuel storage containment.**

Chairman Koehler asked for any discussion on the motion to amend. Some board members commented that although they are in agreement with this amendment even 1,000 gallons is a lot if it were to leak into a sensitive aquifer which this property has. This is a small fix to a big problem. Ms. McCann noted that the EPA regulations say that the containment size has to be equivalent to contain the total storage tank; so the containment area has to be able to collect a thousand gallons of the gasoline should there be a spill plus a calculated amount for stormwater. Ms. Miller said the underlying zoning is A1, are farmers allowed to store fuel and this amount. Mr. Kelly of the ZBA said they are allowed by right if they meet those requirements to store fuel on their property in AG zoning if they meet the criteria for those permits. They try not to specially condition that because a lot of agricultural properties around the county have fuel storage.

Noting no further discussion on the motion to amend, Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to amend to **add Condition #12 to read that the total fuel storage capacity shall be limited to 1,000 gallons and that the fuel storage facility shall meet IL EPA and State Fire Marshall's regulations for fuel storage containment has passed.**

Chairman Koehler asked for any discussion on the main motion.

Mr. Donley said this request does not fit with our 2030 Plan and he is against this request.

Mr. Munaretto said he has gone along with maximum use of the land uses but it seems with this request that the underlying reason for this request for a CUP on the property is that business is not good and he can't afford an industrial site. He relocated from an industrial site to 7 acres that he owns and intends to operate an industrial business on an agricultural site. He does not support this request. Other board members agreed with these comments. Ms. Peschke added that when she votes on zoning the first thing to look at is adjacent land use and around this property is a pheasant farm, grain farm, horses and one large residential area. She is particularly concerned about the environmental concerns, so she will be voting against this request.

Ms. Schuster said this request does not fit Standards 2,3,4,5 and 9 and the environmental issues are very important, she will be voting against this petition.

Noting no further discussion, Chairman Koehler asked for a roll call vote on the motion to approve Exb #10-27 as amended. The following members responded aye: none. Nay: Nowak, Peschke, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Draffkorn. The vote being twenty-three (23) nays noting one (1) absent, the Chairman declared the **motion to approve Exb #10-27 as amended has failed.**

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petition:  
Exb #11-21; Nunda Twp; T-Mobile/Nunda Fire; reclass R1/R1C-R1V/R1CV

Chairman Koehler asked for any discussion. Ms. Kurtz said this request is offensive to the neighbors in the area and they have very limited ability to stop a tower from happening given the location of this. The tower is 54 feet higher than the average tower, so it's a variation and that is the only reason this has come before the board today. She said with the small exception of Article V of this ordinance in which it states "whether the conditions upon which the application for variations are based on unique in some respect", she is using this as an opportunity to say this is unique because we're talking about a variation that is four stories beyond the stated acceptable level of 75 feet and also a tower that is located in a neighborhood. She will be voting against this request. Mr. Kurtz noted that we need to be working through the Legislative Committee to get this cell tower law changed.

Mr. Bless said we need to look at the fact that public safety is affected by this it's not just strictly a cell tower.

Mr. Provenzano agreed with Mr. Bless but he is disturbed that the uses have been mixed for a capital enterprise for T-Mobile in addition to the Nunda Twp FPD. This private/public partnership that they talk about is concerning because they don't talk about how much additional height the FPD needed in their communications yet we know that T-Mobile wants to go as high as it can because that what generates the number of intercepted calls for their cell which generates into dollars. He is concerned that the FPD wrapped this up into public safety when it seems that there is a little bit more commercialization here at play.

Ms. Schmidt said this is in her area on Rte. 176 by the river bordering on residential but is quite commercial. She wants better reception down in the river valley so she would be for this and could understand why the FPD might want to improve on their communications.

Ms. McCann pointed out that there was a situation in Wonder Lake when a cell tower was put up there where the added pad and coverage increased the speed of the stormwater off the property which can cause greater problems in the neighborhood. She said the ZBA may have to look at stormwater as more of an issue and possibly change our ordinance to that extent.

Board members talked for and against this variance request due to additional height being requested, the potential health issues as well as the potential for better service to residents as well as the FPD.

Noting no further discussion, Chairman Koehler asked for a roll call vote on the motion to approve Exb #11-21.

The following members responded aye: Nowak, Schmidt, Bless, Breden, Donley, Donner, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Peschke, Provenzano, Salgado, Schuster, Wheeler, Yensen, Evertsen, Hammerand, Heisler, Hill, Jung and Kurtz. Absent: Draffkorn. The vote being eleven (11) ayes and twelve (12) nays noting one (1) absent, the Chairman declared the **motion to approve Exb #11-21 has failed.**

ZBA REGULAR AGENDA

None

PLATS

None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment. The following people spoke:

Patty Boyd of McHenry	regarding/for	increase of employee wages
James Kennedy of LITH	regarding/for	Valley Hi Operating Board
Dawn Van Hoorn of Wonder Lake	regarding/for	increase of employee wages
Marcia Millman of Crystal Lake	regarding	cell towers
Lori McConiville of Crystal Lake	regarding	cell towers
Deb Ramirez of Woodstock	regarding/for	increase of employee wages

Noting no others wishing to speak, Chairman Koehler closed public comment.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Ms. Peschke made a motion seconded by Ms. Donner to approve the following Appointments:

13.1 McHenry County Tuberculosis Board	
James H. Mowery	term to 06/30/2014
13.2 McHenry County Housing Authority	
Robert P. Routzahn	term to 06/01/2016
13.3 McHenry County Housing Commission	
Jerry Monica	term to 04/30/2013
13.4 Valley Hi Cemetery Board	
Katherine C. Schultz	term to 08/01/2014
Mark L. Justen	term to 08/01/2014
Michael Murray	term to 08/01/2014

Chairman Koehler asked for a roll call vote. The following members responded aye: Nowak, Peschke, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Provenzano and Draffkorn. The vote being twenty-two (22) ayes noting two (2) absent, the Chairman declared the motion to approve appointments has passed.

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Heisler said that the Legislative Committee meeting on July 28<sup>th</sup> has been cancelled.

Ms. McCann said that the Environmental Committee was postponed until July 27<sup>th</sup> at 8:30 at which time they will discuss drought and drought planning. Mr. Christensen will be sharing his expertise because we are on the verge of a drought in McHenry County and we need to look at what our options might be.

Ms. Hill said P & D has started reviewing the Unified Development Ordinance (UDO) and they had the consultants in to explain how they are going to address it and how it will be organized. They did the first half and the second half will be done this Thursday. Several board members were there and she appreciated that so that we can stay educated as the process goes along. She encouraged board members once again to attend on Thursday morning.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Salgado removed item #15.2 B4; Ms. Wheeler removed #15.2 B1; Ms. Evertsen removed #15.2 B3; and Mr. Merkel removed #15.2 G1.

Ms. Yensen made a motion seconded by Mr. Heisler to approve the Routine Consent Agenda with four items removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke and Draffkorn. The vote being twenty-two (22) ayes noting two (2) absent, the Chairman declared the motion to approve the Routine Consent Agenda with four items removed has passed.

*15.2 B1 Resolution authorizing a salary adjustment to Position No. 020-0024-08 (Network Engineer II) in the IT departmental roster*

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

Chairman Koehler asked for any discussion. Ms. Wheeler noted that with this resolution that came through HR and Finance, we lost an employee making \$59,000 who was with the county for three years during which time he received his Masters degree and went through extensive training on his own and we lost him to a private organization where he making about \$20,000 more. We are now in a situation where we have to pay even more because we don't pay our trained help enough. The question arises in light of the ongoing wage increase discussions are we paying our employees property. She will be supporting this resolution.

Ms. Salgado said there was discussion at committee and she supports this as well. She sees this type of situation coming up again from different departments. She did ask that the salary grade be revisited and adjusted so that this makes sense and should this person leave and we replace this person we wouldn't have to go through coming back to the board. The resolution does not indicate that this was reviewed at all, she wondered if it had been. Mr. Ivetic responded that they did discuss this both at HR and Finance Committees and it was part of the recommendation to instead of just picking out one position at this time and trying to make adjustments, instead it has been five years since we had the classification study done so in the next several months we will take a look and review all positions within like this instance the IT Department to see how it can be or should be reconfigured and salaries adjusted.

Ms. Salgado asked if all positions and salaries would be reviewed. Mr. Ivetic said that would be a decision as part of the budget process to be determined as to what level and extend we would want to review the entire classification system at this time. Generally five years is the extent of looking at a salary structure before it is reviewed again. Mr. Austin commented that after discussion with both committees named there was a consensus that we need to take a look in the short term about how we are structuring IT and position ourselves there. Also, maybe look at some other departments that are most easily transferrable to the private sector. The larger question on looking at all of our grades, that would be something we would need to put into the budget process as this does take a third party to take a look at where we are in our positions.

Mr. Hammerand said some positions are unique and he suggested maybe negotiating contracts with the employee so that we actually have them for a period of time rather than having them in a wage hours setting. These people in IT are 24/7 employees all year round. Ms. McCann noted that they have the same problem with stormwater engineers.

Noting no other discussion, Chairman Koehler asked for a roll call vote on the motion to approve #15.2 B1.

The following members responded aye: Nowak, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Nay: Provenzano and Donley. Absent: Peschke and Draffkorn. The vote being twenty (20) ayes and two (2) nays noting two (2) absent, the Chairman declared the **motion to approve #15.2 B1 has passed**.

*15.2 B3 Resolution authorizing acceptance of an IL Department of Commerce and Economic Opportunity (DCEO) Energy Rebate and an emergency appropriation to the Facilities Management fiscal year 2010-2011 budget*

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

Chairman Koehler asked for any discussion.

Ms. Evertsen made a **motion** seconded by Mr. Breeden **to amend** the resolution in **Paragraph #1 to remove the word "social"**, so that the **third line will read "to environmental and economic stewardship through green practices"**

Chairman Koehler asked for any discussion on the motion to amend. Mr. Provenzano asked why the word was there. Mr. Sarbaugh responded that he thinks Mr. Hadley was trying to show the general public that we are doing our civic duty and trying to follow our green policy.

Noting no other discussion on the motion to amend, the Chairman asked for a voice vote, the ayes having it noting a few nays, the **motion to amend removing the word social in paragraph #1 has passed**

Chairman Koehler asked for any discussion on the main motion. Noting none, the Chairman asked for a roll call vote. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke, Wheeler and Draffkorn. The vote being twenty-one (21) ayes noting three (3) absent, the Chairman declared the **motion to approve #15.2 B3 as amended has passed.**

15.2 B4 *Resolution authorizing increasing the Mileage Reimbursement Rate effective July 19, 2011*  
Mr. Breeden made a motion seconded by Ms. Yensen to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Salgado said she is against this and noted that this is not something we do not have to do by law. She asked why we are asking to change this in the middle of the budget year. Mr. Sarbaugh responded that a couple of years ago when we were going through the fuel crisis that we are now going through again, the county board changed its budget policy to put in there that when the cost of fuel was fluctuating we would bring forward if the IRS changed its rate and that we would be consistently set with the rate of the IRS. The IRS has put out this new increase through December 31<sup>st</sup> and at that time they will establish a new rate for next year. So to put this in the budget process it will be done the first month of our new fiscal year because they will be setting a new rate as of January 1<sup>st</sup>. The policy says we will bring it forth to reconsider not that we have to change it. Mr. Austin said the mileage reimbursement is for any county employee doing county business not just county board members or elected officials. It was pointed out that this is reimbursement for out of pocket expenses and nothing more.

Ms. Schmidt made a **motion** seconded by Mr. Breeden **to amend** the resolution in the **Now Therefore paragraph** to read "to assist with the expense of fuel consumption by employees who are required to travel in their own vehicles on county business" **eliminating elected officials and county board members**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said board members and elected officials are employees of the county and she disagrees with this amendment. Ms. Kurtz said she was surprised that she would/could receive reimbursement for her mileage and she is against this amendment. Ms. Salgado pointed out that we do limit what the reimbursement amount is on other things so this would not be the first time that we would not be reimbursing at what we could fully reimburse. The individuals can still get the money if they filed for that difference on their own doing taxes, it just wouldn't be paid at this time. Mr. Hammerand said it's not always true that you can take it off on your taxes it depends on what your status is when and how you file.

Noting no other discussion on the motion to amend, the Chairman asked for a voice vote, the nays having it, the Chairman declared the **motion to amend 15.2 B4 eliminating elected officials and county board members has failed.**

Chairman Koehler asked for any further discussion on the main motion to approve. Noting none, the Chairman asked for a roll call vote. The following members responded aye: Nowak, Schuster, Yensen, Bless, Breeden, Evertsen, Hammerand, Hill, Jung, Kurtz, McCann, Merkel, Miller and Koehler. Nay: Provenzano, Salgado, Schmidt, Wheeler, Donley, Donner, Heisler and Munaretto. Absent: Peschke, and Draffkorn. The vote being fourteen (14) ayes and eight (8) nays noting two (2) absent, the Chairman declared the **motion to approve #15.2 B4 has passed.**

15.2 G1 *Resolution setting the Holiday Schedule for 2012*  
Ms. Schuster made a motion seconded by Ms. Yensen to approve the above-named resolution.

Chairman Koehler asked for any discussion. Mr. Merkel said last year there was a change because Lincoln's Birthday and President's Day is redundant. He asked if there was any discussion about reducing days off and how it affects benefits or pay. Mr. Austin responded that they didn't discuss reducing the number of holidays. With Lincoln's Birthday the state courts make this a holiday so a large number of staff must be off regardless of what the board does here. About four years ago the move was made to keep the building open and then provide a floating holiday, which has been successful. Mr. Merkel said we are on the high end of holidays off with pay. One day he looks at is Good Friday; many municipalities don't have this day off.

Mr. Merkel made a **motion** seconded by Ms. Yensen to **amend** the resolution **to remove Good Friday as a holiday.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Salgado is against taking days away. This is one way we can show appreciation to employees. Mr. Provenzano agreed. Ms. Kurtz asked if the board might consider letting other faiths opt to use the Good Friday day off as a different day off and they would work on Good Friday. Chairman Koehler said this is not speaking to the motion on the floor.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the **motion to amend to remove Good Friday as a holiday has failed.**

Chairman Koehler asked for any discussion on the main motion. Mr. Merkel did vote for pay increases for employees just for the record. With the timing with the union contracts because of that holiday and the diverse work group we're seeing in this country he suggested that we could make this an additional Personal Day to employees. The building would be open on Good Friday and this would give employees the option to take a day off of their choosing. He would like the HR or Management Services Committee, whichever is appropriate, to look at this because it will have an effect on the cost. He believes there is a cost savings by having this as a personal day vs. a holiday.

Mr. Merkel made a **motion** seconded by Ms. Kurtz to **amend** the resolution **to eliminate Good Friday as a holiday and add one (1) additional Personal Day.**

Chairman Koehler asked for any discussion on the motion to amend. Ms. Hill said we have no idea how many people are going to continue to take off Good Friday as their choice and we could end up not having enough staff to keep a building open. She suggested sending the calendar back and if people have concerns they should go to the committee meetings when they are being discussed. Chairman Koehler asked how this affects the courts. Mr. Austin said this is holiday set by the Supreme Court so there will not be court employees here on that day. Ms. Kurtz suggested that we consider in the future some approach where we are showing some latitude for other religions. Ms. Schmidt agreed.

Noting no further discussion, Chairman Koehler asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the **motion to amend to eliminate Good Friday as a holiday and add one (1) additional Personal Day has failed.**

Chairman Koehler asked for any further discussion on the main motion. Noting none, the Chairman asked for a roll call vote on the original motion to approve. The following members responded aye: Nowak, Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donley, Donner, Evertsen, Hammerand, Heisler, Hill, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke and Draffkorn. The vote being twenty-two (22) ayes noting two (2) absent, the Chairman declared the **motion to approve #15.2 G1 has passed.**

#### ORDINANCES

##### 16.2 For Action

###### *A. Ordinance Setting the Duties and Responsibilities of the Office of County Administrator*

Ms. Schuster made a motion seconded by Ms. Hill to approve the above-named Ordinance.

Chairman Koehler asked for any discussion. Ms. Salgado said when this was put on review she asked for one of the missing parts to be put back in under A – Duties and Responsibilities. She felt it was important that everyone be aware of this change, in the past in order for the Administrator to dismiss an appointed department head it would need to be taken to a liaison committee; that has now been stricken. Ms. Miller said she has some reservations on this change, perhaps there should be some discussion if a department head is going to be dismissed.

Mr. Provenzano asked if legal counsel reviewed this change. Mr. Austin said it was their suggestion.

Mr. Provenzano asked if this is being done because of previous lessons learned. Ms. Rein said she did not write the opinion on it. Mr. Austin commented that this is largely an administrative change. Prompting this right now is the change that was made in the Personnel Manual. That says that employees can be disciplined up to and including termination by their supervisor which is inconsistent with the Ordinance for the County Administrator which says he/she must take this action to a standing committee. He thinks this goes along with other professional counties in the state. Mr. Austin said there will be a time when his position needs to be replaced and it makes recruiting for his position a little easier. This change makes clear the administrative and policy making, there is no grey area. From a practical stand point he said this is how the county has operated in the six years he has been here.

Mr. Hammerand said he always wanted the employment and selection to go through committee and he thinks we should do something with this. Who does the hiring? Mr. Austin said the HR Department helps in the recruiting and

advertising and leg work with applications. There has been quite a bit of hiring of department heads in the last few years and he thinks we have a good process in place.

Mr. Hammerand made a **motion** seconded by Ms. Miller **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution."

Mr. Austin said the reality is that when you are hiring a department head level position he doesn't believe we have done it without some kind of hiring agreement on the terms of the employment.

Chairman Koehler asked for any discussion on the motion to amend. Ms. Rein said this was reviewed and a recommendation was made to the Management Services Committee on the language to be used. She believes Christina Webb went to their meeting and explained the reasons behind the language. Ms. Miller agrees with Mr. Hammerand, and feels that things have gone well because of this paragraph being in place. Ms. Salgado doesn't agree with this amendment saying that department heads should be running their department. If the board does not like what the Administrator is doing it is up to the board to intervene. Ms. Schuster said she would prefer that this went back to committee because there seem to be issues.

Chairman Koehler asked Mr. Hammerand and Ms. Miller if they wanted to remove their motion to amend and allow this to go back to committee. Both said yes.

Mr. Hammerand made a **motion** seconded by Ms. Evertsen **to return this Ordinance back to committee for further discussion.**

Chairman Koehler asked for any discussion on the motion to return this back to committee. Board members felt that this has been discussed at length and has had review by legal counsel and should be voted on this evening.

Noting no further discussion, Chairman Koehler asked for a voice vote, the nays having he, the Chairman declared the **motion to return this Ordinance back to committee for further discussion has failed.**

Chairman Koehler asked for any further discussion.

Mr. Hammerand made a **motion** seconded by Ms. Miller **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution."

Chairman Koehler asked for any discussion on the motion to amend. Ms. Miller said she disagreed with this at committee and she is comfortable with moving this forward and voting tonight.

Noting no further discussion, the Chairman asked for a voice vote on the motion to amend, the nays having it, the Chairman declared the motion **to amend to put the first paragraph that is lined out back in** "the County Administrator shall, with the approval of the appropriate county board committee, recommend the appointment of non-elected department heads to McHenry County Board for approval by resolution **has failed.**

Chairman Koehler asked for any further discussion on the main motion.

Ms. McCann commented that we are employees of the county and it is her understanding that department heads are employees and she doesn't think that comes through in this amendment. Mr. Munaretto reminded the board that when we adopted the County Administrator form of government we relinquished the control of the day to day business of the county in an effort to have a professional manager assume those tasks, duties and responsibilities. These are not our employees, we do not direct them; we have nothing to do with them. The board sets policy and this policy is executed by department heads and staff through the County Administrator. Mr. Hammerand said he thinks we should review the minutes of the meeting when this document was put together and this paragraph was put in and you will see why it was done.

Noting no further discussion, Chairman Koehler asked for a voice vote, being too close to call, the Chairman asked for a roll call vote on the motion to approve #16.2 A. The following members responded aye: Provenzano, Salgado, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donner, Evertsen, Heisler, Hill, Jung, Kurtz, Merkel and Koehler. Nay: Nowak, Donley, Hammerand, McCann, Miller and Munaretto. Absent: Peschke and Draffkorn. The vote being sixteen (16) ayes and six (6) nays noting two (2) absent, the Chairman declared the **motion to approve the Ordinance setting the Duties and Responsibilities of the County Administrator has passed.**

#### ADMINISTRATOR'S REPORT

Mr. Austin said Mr. Hadley sent him an e-mail saying that the Northwest Herald quick cast has a story on our green building and the work we've done, so look for that tomorrow. Next Tuesday the Valley Hi Operating Board will meet with new members. At the August 2<sup>nd</sup> board meeting there will be a presentation on Assessments from Mr. Ross. Lastly, he passed out a copy of the contract between McHenry County and the McHenry County EDC. This is a good time to review what is and is not in this contract.

#### MEMBERS' COMMENTS

Ms. Yensen said she attended the McHenry County 22<sup>nd</sup> Judicial Circuit Court Mental Health Court Program for the graduation ceremony. She said it was a great experience listening to the graduates tell their stories and what this program has meant to them. Ms. Yensen said we approved the Personnel Policy and it's come to her attention there is a section in it that stated that employees are not permitted to provide legal advice. She thought that the Public Defender was an employee of the county, so are they prohibited in providing legal advice to their clients. Mr. Austin said they are a hybrid type of employment and they are the exception to the rule. Mr. Austin asked Ms. Yensen to have the employee give him a call. Chairman Koehler asked Ms. Yensen to talk to Mr. Austin in private because of the nature of this.

Ms. Miller thanked the DOT for the job they did on our roadways after the storm last week. Also, she received a couple of call regarding Walkup Road. There are some areas where the grass had gotten real high, she called the DOT and they got out there and got the weeds cut down.

Mr. Merkel congratulated the Woman's World Cup Soccer team on their successes. One of the players is a graduate from Prairie Ridge.

Ms. Schuster asked about Walkup Road at the intersection of Hill and Walkup heading north, the sidewalk is not straight and she wondered why. Mr. Korpalski said this was required by the ADA.

Mr. Hammerand thanked everyone involved in getting the county up and running again after the storm. He saw many people helping one another, running extension cords etc. which is inconsistent with normal life, and it was very nice to see.

#### EXECUTIVE SESSION

Chairman Koehler said there was a need to go into executive session to discuss Personnel and Employment and Collective Bargaining.

Mr. Bless made a motion seconded by Ms. Wheeler to go into executive session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Nowak, Provenzano, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Donner, Evertsen, Jung, Kurtz, McCann, Merkel, Miller, Munaretto and Koehler. Absent: Peschke, Salgado, Donley, Draffkorn, Hammerand, Heisler and Hill. Chairman Koehler declared a quorum present with seventeen members responding.

Ms. Miller made a motion seconded by Ms. Hill to return to open session.

Chairman Koehler asked for a roll call vote. The following members responded: Provenzano, Schmidt, Schuster, Wheeler, Yensen, Bless, Breeden, Evertsen, Hill, Kurtz, McCann, Merkel, Miller and Koehler. Absent: Nowak, Peschke, Salgado, Donley, Donner, Draffkorn, Hammerand, Heisler, Jung and Munaretto

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Chairman Koehler told the board that we will need to be talking about County Board salaries as we go into the next year. Something to keep in mind.

ADJOURNMENT

Mr. Provenzano made a motion seconded by Mr. Breeden to adjourn at 12:15 a.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 16<sup>th</sup> day of August, A.D., 2011.

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Kenneth D. Koehler, Chairman  
McHenry County Board

ATTEST:

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Katherine C. Schultz, County Clerk

**PROCLAMATION  
TO RECOGNIZE DAVE BRANDT  
FOR HIS DEDICATED PUBLIC SERVICE TO STORMWATER MANAGEMENT IN  
MCHENRY COUNTY**

**WHEREAS**, Dave Brandt has served the residents of McHenry County in helping to design and implement programs to manage stormwater; and

**WHEREAS**, Dave Brandt provided valuable expertise and advice to the Stormwater Management Committee since its inception in 1992; and

**WHEREAS**, Dave Brandt served on the Stormwater Technical Advisory Committee from 1997 to 1998 and again from 2009 to 2011; and

**WHEREAS**, Dave Brandt's knowledge and dedication to public service in the area of stormwater management is exemplary.

**NOW, THEREFORE BE IT PROCLAIMED**, by this County Board of McHenry County, Illinois that we recognize the 19 years of public service that Dave Brandt has provided to McHenry County residents; and

**BE IT FURTHER PROCLAIMED**, that the County Clerk is hereby requested to distribute a certified copy of this Proclamation to Dave Brandt, the County Administrator, the Director of Planning and Development, and that it be spread upon the records of the McHenry County Board.

**DATED** at Woodstock, Illinois, this 16<sup>th</sup> day of August, A.D., 2011.

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KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

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KATHERINE C. SCHULTZ, County Clerk



McHenry County Unified Development Ordinance

## TECHNICAL REVIEW MEMORANDUM

June 2011

Prepared by  
Camiros, Ltd.  
Barrick, Switzer, Long, Balsley & Van Evera  
Baxter & Woodman

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## INTRODUCTION

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This memorandum outlines the findings of the technical review of the McHenry County ordinances that will be consolidated into a new Unified Development Ordinance, performed by the consultant team. The purpose of this review is three-fold. First, the review provides our understanding of the County's current development regulations. Second, it allows for the identification of additional problems and issues not identified during initial meetings and interviews with County staff and stakeholders. Third, it allows for the introduction and discussion of concepts and regulatory approaches that will set direction for substantive revisions to be included in the new UDO.

The review of the existing ordinance is based on sound development regulation practices found within a "good ordinance." A good UDO combines rational substantive controls with fair procedures, which, when reasonably applied, assure that the pattern of development and redevelopment protects the status quo where warranted and facilitates change where desired. The UDO must be well organized, easy to use, and have standards and procedures that are clear, understandable and designed to regulate effectively. It must provide a framework that allows for predictable results and fulfillment of County objectives.

Many of the issues identified during interviews with key stakeholders and County staff are very detailed in nature and are not covered under the broad drafting direction set by this technical review. However, these issues have been catalogued and will be incorporated into the drafts of the UDO.

## I. GENERAL APPROACH

---

Input from stakeholders has indicated that the current ordinances are difficult to use. There are a number of reorganization techniques that can help make McHenry County's Unified Development Ordinance (UDO) more user-friendly and clarify the application of various provisions.

***The UDO should contain a greater use of illustrations, tables and flowcharts, which would make it more user-friendly.***

The UDO should supplement written requirements with illustrations and photographs to more effectively communicate information to users. The UDO would also benefit from greater use of tables and flowcharts. For example, as zoning districts are grouped into larger articles by general land use category – agricultural, residential, commercial, etc. - tables can summarize permitted and conditional uses, and dimensional standards. Tables can also be used to summarize requirements for common development regulations, such as permitted encroachments, off-street parking requirements and sign regulations. Flowcharts for the various zoning applications that include the recommending and approving bodies and timelines would also assist users in understanding how these applications are processed.

***All terms, including uses, in the UDO should be defined.***

All definitions should be located in a single article, essentially creating a glossary of terms. By consolidating all definitions in one article, the risk of redefining terms differently throughout the UDO and creating inconsistencies and conflicts is eliminated. Currently, zoning definitions are contained in Article 2, while other ordinances, such as the sign ordinance, have their own set of definitions within them; the UDO should bring all definitions from the various ordinances together.

Existing definitions need to be evaluated and updated for clarity, and checked for any conflicts between those ordinances that make up the UDO and other sections of the County Code. Key terms that are undefined must be included, which is especially important for uses. Many times, interpretation difficulties in the application of an ordinance are the result of the lack of definitions for uses and common terms.

Finally, the guiding rule for the revision of current definitions and the crafting of new definitions is that they should only define terms and exclude any regulations. Any regulations or conditions should be included within a separate section of the ordinance for use standards.

***The UDO should make use of numerous cross-references in order to ensure that a user can identify all applicable regulations. This includes cross-references to documents outside the UDO as well.***

The nature of development regulations often makes it necessary to refer to a number of different articles or even other ordinances outside the UDO to determine whether a particular action is or is not allowed. The need to review multiple sections is unavoidable. However, the process can be greatly streamlined by the logical organization of the individual articles, and then liberal

use of cross-references to help the user find related provisions. In addition, cross-references should cite other relevant provisions of the larger County Code to identify all applicable regulations for both users and administrators, such as the Stormwater Management Ordinance, Access Management Ordinance and Health Ordinance.

***The rewrite should ensure internal consistency in terminology and "voice."***

The integrity of development regulations hinges on the internal consistency of the various details. Consistent terminology should be used throughout the various provisions. As a simple example, early in the revision process the decision should be made whether to use the term setback or yard, rather than using them interchangeably. In addition, because different authors have written different sections of and amendments to the ordinances, it is an amalgam of different "voices," which reflect the background of authors – attorneys, planners, board or commission members, engineers, etc. An overall rewrite will eliminate this type of inconsistency.

***The Ordinance should follow a logical system of compartmentalization.***

The Ordinance should follow a consistent, structured pattern from beginning to end. One way to improve the organizational structure and, in turn, its ease of use, is to employ a system of compartmentalization. This is a technique whereby similar items of information are grouped together by regulatory categories and purpose. Once regulations are grouped with similar regulations into their respective articles, lengthy articles with unrelated information, which users oftentimes find daunting and frustrating, are eliminated. (See Section VII of this report for an overview of the proposed UDO's organization, which reflects this system of compartmentalization.)

## II. ADMINISTRATION

---

Administrative procedures within the UDO should be easy to understand for all users. Much of this can be achieved by a logical reorganization where the purpose and definition of each application, the process and timelines, and the approval standards are clearly laid out for each application. However, more substantive revision is required for some current regulations, as well as codification of certain practices that are part of the review and approval process but not necessarily included in the current regulations.

### A. General Approach

***The administrative provisions should be organized into four separate articles to clarify how applications are processed.***

Currently, zoning administrative provisions are organized into two articles (Article 7 – Variations, and Article 8 - Administration and Enforcement) and a separate ordinance for subdivision regulations. This organization fragments certain applications, such as variations, where approval standards are located in Article 7 but the process is found in Article 8. To make the process clear for applicants, the following organization is recommended:

- Article 3. Unified Development Ordinance Administrators
- Article 4. Application Process
- Article 5. Zoning Applications
- Article 6. Subdivision Applications

#### *Article 3. Unified Development Ordinance Administrators*

This article would list all the powers related to boards, commissions, committees and officials involved in UDO administration, which would include zoning and subdivision regulations. By listing the responsibilities of these bodies and officials for all applications, including subdivision and conservation design, it becomes easier for the user to understand how an application is processed. At a minimum, the following boards, commissions, committees and officials should be included:

- County Board, including the role of the Planning and Development Committee
- Zoning Board of Appeals
- McHenry County Hearing Officer
- Code Enforcement Officer
- Department of Planning and Development
- Staff Plat Review Committee

#### *Article 4: Application Process*

The rules for processing the various applications and approvals should be consolidated into one article. Current administrative procedures would be reviewed for consistency with Illinois statutes and grouped into the following three sections:

- Filing of applications
- Notice requirements
- Public hearing procedures

*Article 5: Zoning Applications*

All zoning applications would be consolidated into this article, which would include the following applications:

- Zoning Amendments
- Variations (including unique variation approval standards for certain uses, such as cell towers)
- Conditional Use Permit
- Site Plan Review (new application)
- Zoning Interpretations (new application)
- Sign Permit
- Zoning Appeals
- Temporary Use Permit

To the degree possible, the following structure should be used for the provisions of each application:

- Purpose
- Applicability
- Authority
- Procedure and Timelines
- Approval Standards

To further distinguish between the different applications and clarify the various processes in this article, “process flowcharts” would be included that take an applicant through the process step-by-step – from submittal of the initial application to a final decision by the appropriate body.

In order to make the administration of the various applications more predictable, zoning processes should have clear timeframes for each step of the process, including deadlines established for the submitted application to be heard at a public hearing, and from the close of the public hearing to the final approval. While it is understood that sometimes these deadlines have to change due to the Board’s schedule or at the request of the applicant, general timeframes and deadlines are necessary to assist in overall management of expectations.

*Article 6. Subdivision Applications*

This article would include the process for subdivision application and approval, including any special requirements for the conservation design process. This article would only describe the process; the design and approval standards for subdivision and conservation design would be contained in a separate article. Timelines will also be established for each step in the subdivision approval process.

***The UDO should include an up-to-date description of how to conduct a public hearing and what is required in the record of such hearing.***

The preparation of a clear record in a public hearing is crucial to defend decisions on appeals. In a public hearing before the Zoning Board of Appeals it is important that the Illinois Supreme Court’s requirement of a hearing which encompasses the basic notions of due process and which embodies the rules of fair play are included. First, the Chairman should determine whether there are any attorneys representing the petitioner, as well as any attorneys representing

a group of objectors. If there are, then the attorney can serve as the spokesperson for the objectors and present evidence, whether in the form of testimony, written documents or exhibits, in an orderly fashion and in the same manner in which a petitioner presents evidence. After the petitioner presents their case, it is best to allow questions of each witness after their presentation by the petitioner. In the event that a question has already been raised by some other objector, there is no requirement that a second objector be allowed to speak to ask the same question.

During the petitioner's presentation, Board members should feel free to ask questions on the record. When the petitioner has finished with their presentation, the Chairman should call on the objector to present their case. All witnesses should testify under oath and exhibits should be clearly marked and entered into the record. In the case of variations and conditional uses, there is a requirement that findings of fact be discussed on the record and entered into evidence. The key to defending any decision is to ensure that the factors are read into the record individually and discussed even though some evidence may be duplicative or applicable to more than one factor - each should still be discussed individually. Further, Illinois case law has held that findings of fact cannot be mere generalizations parroting the words of the ordinances.

It is recommended that the UDO include a complete description of the public hearing process, including what is read into the record, that meets these requirements.

## **B. Zoning Applications**

***The zoning amendment provisions should contain approval standards that match the criteria established by Illinois courts to evaluate applications.***

The current standards for zoning text and map amendments in the Zoning Ordinance do not match those established by Illinois case law, specifically the "LaSalle/Sinclair Factors." The Illinois Supreme Court first addressed the issue of when land use restrictions go too far in *LaSalle National Bank v. County of Cook*, 12 Ill.2d 40, 145 N.E.2d 65 (Ill. 1957) and the subsequent case of *Sinclair Pipe Line Co. v. Village of Richton Park*, 19 Ill.2d 370, 167 N.E.2d 406 (Ill. 1960). These factors are used to evaluate whether to uphold a local zoning decision, therefore it is recommended that these standards be included in the review of amendment applications to ensure consistency in approvals and denials, and so that a finding of fact is on the record for each application. These standards are provided in the table below. It is important to keep in mind that the approval of amendments is based on a balancing of these factors, not a finding that each and every standard has been met.

STANDARDS FOR ZONING AMENDMENTS		
Standards	Map Amendments	Text Amendments
The existing use and zoning of nearby property.	X	
The extent to which property values of the subject property are diminished by the existing zoning.	X	
The extent to which the proposed amendment promotes the public health, safety and welfare of the County.	X	X
The relative gain to the public, as compared to the hardship imposed upon the applicant.	X	X
The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property in question for one (1) or more of the uses permitted under the existing zoning classification.	X	
The length of time that the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.	X	
The evidence, or lack of evidence, of community need for the use proposed by the applicant.	X	
The consistency of the proposed amendment with the Comprehensive Plan.	X	X
The consistency of the proposed amendment with the intent and general regulations of this Ordinance.		X
Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.		X
That the proposed amendment will benefit the residents of the County as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.	X	X
Whether the proposed amendment provides a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan.		X
The extent to which the proposed amendment creates nonconformities.	X	X
The trend of development, if any, in the general area of the property in question.	X	
Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.	X	
The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.		X

In addition, the current ordinance language only allows a property owner to apply for a map amendment. The Ordinance should state that any property owner in the unincorporated County may apply for a text amendment as well. Also, the notice requirements should clearly state that only published notice is required for text amendments, and that posted and mailed notice is not applicable.

***Conditional uses should have a sunset clause that allows for simple expiration if discontinued or not utilized after approval.***

An issue with conditional uses frequently cited as problematic is that, essentially, a second conditional use approval is required to remove an existing conditional use from a property. Conditional uses should have a simple expiration – a sunset clause – that goes into effect automatically if they are not acted upon or if they are discontinued. The following three standards are an example of these expirations:

1. For new construction, the conditional use approval should expire within two years of the date of approval if a building permit has not been issued and substantial construction has not started.
2. For conditional uses approved for an existing structure or on land where no structure is planned, if the structure or land remains vacant for a period of one year, then the conditional use should expire.
3. The conditional use approval should expire when an approved conditional use has ceased operations for a continuous period of one year because of discontinuation or abandonment, similar to a nonconforming use. This provision should include specific flexibilities for those conditional uses that are seasonal in nature and for uses that could be affected by acts of God, such as crop failure for agriculture related uses.
4. At the request of the property owner.

Other than an administrative verification that the conditional use has not been acted upon or discontinued, no additional processing would be required. These timeframes can be adjusted as deemed appropriate.

***There are currently limits on the types of variations that can be granted, which creates inflexibility in UDO application and may not adequately address unique situations.***

The variation provisions contain limitations on which types of variations can be applied for. Because the purpose of a variation is to respond to unique situations and hardships, most modern ordinances do not place limits upon these requests. Restrictions on variation applications can also lead to situations where applicants are forced into using other zoning approvals, such as planned unit development, to circumvent ordinance provisions, when this is not the intent of these other approvals. Unless there are specific public policy reasons for limiting the Board of Zoning Appeals' discretion, it is recommended that limitations on variation applications be eliminated. If limitations are retained, these limitations should be drafted in the negative – i.e., those types of specific variations that may not be requested. For example, the County may want to specifically state that conditions on gravel pits cannot be varied.

***The administrative variation procedure should be better integrated into the UDO so that applicants are aware of the process.***

The County currently has an administrative variation procedure in a separate ordinance that should be integrated into the UDO under the variation procedures. Currently, the ordinance cites Illinois statutes for the permitted variations as well as the review and processing of such variations. In order to make the UDO more user-friendly, these provisions should be included in the Ordinance, rather than cited, so that the process is clear.

***The UDO should include a process for zoning interpretations.***

Because a zoning regulations cannot adequately or clearly address every possible aspect of regulation, modern ordinances include a process for zoning interpretations by which a property owner or board or commission member may request an interpretation of a specific ordinance provision. This would be a

formal application filed with the Code Enforcement Officer, who renders a decision in writing, which can be appealed to the Zoning Board of Appeals. The County appears to have an ad hoc process for zoning interpretations, but it is recommended that this process be described and codified in the administrative provisions in order to keep a written record of interpretation requests, which leads to predictable and consistent application of the regulations.

***It may be appropriate to incorporate a site plan review process.***

The incorporation of a site plan review process can help ensure that the new development meets the intent of development regulations, Comprehensive Plan policies and the character of McHenry County. If the County desires a mechanism for review of new development, there are three key issues related to instituting a site plan review process. These are:

1. What developments are subject to site plan review? Many ordinances require large-scale developments to receive site plan approval and specifically exclude single-family and two-family dwellings. For example, multi-family and townhouse developments and non-residential developments over a certain square footage, such as sites over 20,000 square feet in area, are common thresholds for site plan review. In addition, a number of ordinances also require site plan review for all conditional uses as part of approval, as the County does now.
2. What are the standards for site plan review? A typical list of criteria used for evaluating site plans include the following categories:
  - Site design: The location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
  - Landscaping, screening and open space: Proper buffering, stormwater management, drainage, and preservation of existing natural resources.
  - Circulation systems and parking: Adequate and safe access to the site for motor vehicles, pedestrians and bicyclists, traffic movements, traffic impact analysis and design of parking lots or structures to minimize adverse impacts.

The implementation of a site plan review process is also an opportunity to add basic form standards to the UDO for larger developments. These standards can address basic design elements, such as scale, siting and massing, without becoming rigid architectural standards.

3. Who will review applications? There are a number of options for a review body. Some ordinances use a committee comprised of key County staff, while others grant existing committees, such as the Planning and Development Committee of the County Board, approval power. This can also be refined so that site plan review is required as part of other zoning applications, which is appropriate for conditional use applications. One option for the County is to utilize the existing Staff Plat Review Committee to conduct site plan reviews, as the Committee is established, meets regularly and involves the various departments in the County that would provide input on new development.

***The County should include a simple process for zoning map corrections that is administrative in nature.***

For map corrections required due to drafting errors on a zoning map, there is no requirement under Illinois law for a public hearing and formal notification provisions, as those corrections would not amount to a map amendment. They are defined as scrivener's error.

Under *55 ILCS 5/5-12014* the term "map amendment" is defined as an amendment to the map of a zoning ordinance, which affects an individual parcel or parcels of land. The statute also contains a provision which states the following: "if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board." Under this scenario, no formal notification or public hearing would be required and the amendment could simply be effected by a majority vote at the County Board. Despite the fact that the correction may not be needed as the result of a comprehensive rezoning by the County, but rather was a correction necessary due to an old error recently discovered, it is likely that Illinois courts would allow for the same County Board approval process to correct the error. This process would not simply be administrative, but could be raised by either the County or a property owner, reviewed by the planning department and Zoning Board of Appeals, and then forwarded to the full County Board for a vote to correct the error in the map.

***The current Zoning Ordinance requires the annual recertification of the County's zoning map, which is an unnecessary administrative procedure.***

Illinois enabling legislation does not require a County or municipality to recertify their zoning map on an annual basis. During the course of a year, the County, at various times, reviews and updates the zoning map as needed. To require recertification on a yearly basis is unnecessary and is rarely done in Illinois communities. This requirement should be eliminated.

***The nonconformity provisions should clearly spell out what types of changes and/or alterations are permissible, which would build greater flexibility into the Ordinance, thereby reducing variation requests.***

In any ordinance update, the intent is to eliminate as many nonconformities as possible. Many are eliminated when districts are revised to address existing conditions, however, some properties and uses will remain nonconforming. Therefore, the nonconformities section should be rewritten for clarity and include provisions for three types of nonconformities: 1) uses; 2) structures; and 3) lots of record. What is important to remember is that the intent of nonconformity provisions is to allow structures and uses that have been grandfathered to be maintained, but to limit their expansion and to encourage their gradual elimination.

For example, while the nonconforming structure provisions contain allowances for maintenance, the Ordinance is silent on additional permissions and restrictions such as:

- Normal repair, replacement, restoration, maintenance or improvement is permitted for any nonconforming structure, so long as it does not create any new nonconformity or increase the nonconformity.
- Structural alterations to any nonconforming structure are permitted so long as they do not create any new nonconformity, with the exception that any alteration is permitted if it is required by law, necessary to restore the structure to a safe condition, or eliminates the nonconformity.
- A nonconforming structure cannot be expanded, extended, enlarged, added to or increased in intensity.
- A nonconforming structure cannot be relocated, in whole or in part, to any other location on the same zoning lot, or to any other zoning lot, unless it conforms to all zoning regulations.
- If the nonconforming structure is destroyed, any subsequent structure must comply with all regulations of the zoning district in which it is located.
- If a nonconforming structure is damaged or destroyed, by any means not within the control of the owner/tenant, by more than a certain percentage of replacement value (such as the current Ordinance's 50%) then it cannot be restored. The Ordinance should also define how to calculate replacement value, limit the amount of time permitted to obtain a building permit (for example, a year), and prohibit an owner/tenant who did the damage themselves from rebuilding/restoring.

***Certain flexibilities should be built into the nonconformity provisions.***

While the current Ordinance allows a nonconforming residential structure to build an addition, many communities build in an additional flexibility that allows an existing dwelling that is nonconforming in terms of the side or rear wall to extend that nonconforming wall when building an addition. This type of provision is very useful in allowing additions to existing homes, as it encourages continued investment in existing older neighborhoods, preserves the housing stock, and is a way to reward property owners who propose to construct additions to older homes. Requiring the wall of an addition to set back to meet yard requirements can increase the expense of building an addition and result in additions that are out of character with the home; this type of provision would eliminate this situation.

Another situation that the County faces are lots that are technically made nonconforming when land area is taken for roadways by the Illinois Department of Transportation. Currently, the policy is that these existing lots of record that lose lot area to right-of-way are considered nonconforming. The UDO should clearly state that parcels should not be made nonconforming due to right of way acquisition.

***The nonconforming lot provisions should clearly define what makes a lot nonconforming and what actions make a lot illegal, including the enforcement of illegal lots.***

The conveyance of a portion of an existing lot through sale, lease, or gift without proper local government approval creates an illegal lot and is a zoning violation.

Under *Ganley v. City of Chicago*, 18 Ill.App.3d 248, 252, 309 N.E.2d 653, 656 (1974), the Court held that the fact that a conforming parcel of land had been platted into lot sizes that were individually less than the minimum specifications required by the zoning ordinance would not vest the owner of the parcel with the right to evade the zoning ordinance by establishing nonconforming lots from that parcel. In *Ganley*, the Court supported the municipalities ability to refuse to issue building permits for the lots for three individual residences because the lots were platted into lot sizes that were less than the minimum required by the required by the zoning regulations. Essentially, the lots as platted were rendered unbuildable due to the fact that they did not conform to the minimum lot sizes in the zoning ordinance.

The UDO should include a clear definition for an illegal lot. For enforcement purposes, the UDO can state that the County will not issue building permits in these situations.

***The nonconformity provisions should allow a discontinued or abandoned nonconforming use to extend its validity for good cause, but this should be limited in order to encourage the gradual elimination of nonconforming uses.***

The County allows the Code Enforcement Officer to grant an extension of time for a nonconforming use that has been discontinued or abandoned if the owner submits a letter stating his/her intention to continue the use. This allows nonconforming uses to continue, essentially, in perpetuity so long as a letter is submitted before the approval expires, in direct opposition to the intent of the general nonconformity provisions that seek the gradual elimination of nonconforming uses. One recommendation is to eliminate this provision entirely.

However, if the provision is maintained, it is recommended that this process be tightened up so that the ultimate goal of eliminating nonconforming uses is still valid. Again, similar to the conditional use process, the power to extend the nonconforming use should remain with the Code Enforcement Officer and the following added to the process:

- Standards to evaluate whether the extension is valid
- Require the applicant, in the request letter, to show good cause for why an extension is needed
- Limit the number of extensions allowed to a maximum of two
- Allow the Code Enforcement Officer to determine timeframes for the extensions on a case-by-case basis

***The UDO should make clear that certain zoning applications only apply to zoning regulations and are not applicable to other development regulations in the UDO, such as the subdivision standards.***

As part of the administrative provisions, it should be clear how certain standards apply. Certain procedures are only applicable for certain regulations. The UDO should state that the following applications only pertain to zoning regulations, i.e., those regulations that deal with the use of private property already recorded as a lot of record and not the public right-of-way or the subdivision of land. In general, these are:

- The variance process is only applicable to zoning regulations, including the unique variance procedures for communications towers
- The zoning amendment process is only for zoning regulations (text amendments) and the zoning map (map amendments)
- Appeals of the Zoning Administrator's decision are limited to decisions on zoning regulations

Related to this, the sign ordinance should be considered a part of the zoning regulations and subject to the zoning process (amendments and variations) given the fact that the authority to regulate signs in the unincorporated areas is derived from the County Code relating to zoning and the authority to regulate and restrict the location and use of structures. Municipalities have clear power to regulate the character and control of the location of signs and billboards, however, counties do not have parallel citation in the County Code. Therefore it is necessary to relate a County authority to regulate signs to the express language outlined in the statute governing zoning authority.

### **C. Subdivision Applications**

***The subdivision application and approval process should be clearly defined within the UDO, including the responsibilities of those who review, comment and approve the application.***

Reorganization of the subdivision application process will create a better understanding of the process. An effective way to accomplish this is to separate the process and submittal requirements from the site improvement standards by creating a separate article (Article 6. Subdivision Applications) that includes the process and all timeframes and submittal requirements. A cross-reference would be included to the site improvement standards, which would be consolidated into a separate article (see Section IV for recommended revisions to those standards). In addition, the UDO should cross-reference the County Planning and Development Fee Schedule and remove all specific fees, including impact fees, from the UDO.

There are two issues related to the review of proposed subdivision applications. The first is the make-up of the Staff Plat Review Committee (SPRC). Currently, the voting members of the SPRC are the Director of Planning and Development, Code Enforcement Officer, County Engineer and Director of Environmental Health. It is recommended that the Stormwater Chief Engineer be made a voting member of the SPRC. The second issue is that other individuals and organizations are forwarded copies of the application for review and comment as

non-voting members, such as the Fire Protection District, the township highway commissioners, utility companies and the like. An issue heard in the stakeholder interviews is that, while these groups may receive the various plats, they are not afforded enough time to review and comment, and the current regulations do not require their comments to be submitted as part of review; as a result, the forwarding of the plats can serve as more of a courtesy notice.

The UDO update affords the County the opportunity to define the membership of the SPRC, and in particular who serves as a voting member, and adjust the timeframes for review, comment and approval from outside agencies so that their comments are part of the record. Three outside agencies should be considered as potential voting members of the SPRC: the Township Highway Commissioner, the Fire Protection District and the School District. As drafting proceeds, further discussions with staff and County boards and commissions will determine the make-up of the SPRC, as careful thought should be given to the voting members of the SPRC. Finally, the process timelines can be modified so that the various agencies who receive the plats are given appropriate time to review and comment on the plats.

In the stakeholder interviews, the Township Highway Commissioner was suggested as a voting member of the SPRC. However, given the fact that the Township Highway Commissioner derives his/her powers from Illinois Highway Code, and the Code itself does not specifically state that a township can legally adopt roadway standards on its own, it is unlikely that a township could enforce standards different than those included in the statutory language of the Highway Code. Therefore, the idea of adding the Township Highway Commissioner as a voting member of the SPRC will require additional review and discussion. (See discussion on roadway standards in Section VI (Site Improvement Standards) for township input on roadway standards.)

***The UDO needs to clarify how ordinance regulations apply to lots in contiguous ownership.***

Current regulations do not address how ordinance regulations apply to lots in contiguous ownership. For example, a property owner owns two contiguous lots and builds a home (principal structure) on one lot and a detached garage (accessory structure) on the other. Because these are two separate lots of record, if the bulk regulations are applied as if this is one zoning lot, there will be issues with nonconformities if the property owner decides to sell one of the lots.

In order to ensure that new nonconforming lots are not created, one of the most straightforward means of addressing this situation is to require property owners to deed restrict or consolidate the lots. Further, the County can also create its own deed restriction form, where the County can require notification if the deed restriction is removed from the property. From a legal perspective, the enabling legislation of 55 ILCS 5/5-12001 of the County Code grants McHenry County the authority to regulate and restrict the location and use of structures for the purpose of promoting the public health, safety, morals, comfort and general

welfare, conserving the values of property throughout the County. This statutory section contains language that states:

*[t]he powers by this Division given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted, but provisions may be made for (i) the gradual elimination of the uses of unimproved lands or lot areas when the existing rights of the persons in possession are terminated or when the uses to which they are devoted are discontinued, (ii) the gradual elimination of uses to which the buildings and structures are devoted if they are adaptable to permitted uses, and (iii) the gradual elimination of the buildings and structures when they are destroyed or damaged in major part...See 55ILCS 5/5-12001.*

The County would have to rely on this language and draft language in an ordinance requiring a deed restriction or consolidation in an effort to eliminate future nonconformities. In the event that someone challenged this as lacking statutory authority, the reasonable alternative would be to simply not allow the bulk restrictions to be applied to both lots as if they were one lot which would likely result in an inability on the part of the property owner to build as they would want. More information is needed on this issue however to craft specific language for an ordinance, but arguably it can be upheld on the basis of Section 5/5-12001.

***The standards for approval of a subdivision should be directly linked to the subdivision standards.***

Subdivision is defined as the division of land into two or more parcels, therefore approval standards need to be directly related to standards applicable to the division of land. The UDO must clearly state that new lots need to meet the lot dimension standards of the applicable zoning district, the required improvements for site development and other ordinances of the County not included in the UDO, such as the Stormwater Management Ordinance, Access Management Ordinance and Health Ordinance. Other standards, such as the potential use and design of a structure, are not part of land division and should not be considered as part of subdivision review and approval. To address those issues, it is recommended to include a new site plan review process.

### III. PLANNED DEVELOPMENTS

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Traditionally, planned developments (PD) are a special regulatory technique included in many development regulations in recognition of the fact that flexibility may be needed for the development or redevelopment of areas that lend themselves to an individual, innovative planned approach. The County currently has three types of planned development: planned development – estate district (PD-E), planned development – residential district (PD-R), and commercial, office, research, light industrial planned development (CORI). Based on evaluation of the current regulations there are a number of revisions that could lend greater flexibility to development within the County.

***There is limited application for the three types of planned development currently in place, and could be eliminated.***

#### Planned Development – Estate District (PD-E)

With the adoption of Conservation Design (CD), the utility of the PD-E District is questionable. Many of the standards for this district are included in the CD regulations and the intent of these regulations generally aligns with the goals of Conservation Design. In fact, some of the standards could be used to further augment the CD regulations.

It should be noted that an issue with the current regulations for this district is that the linkages to the referenced “McHenry County Comprehensive Plan Map” have been broken with the adoption of the new 2030 Comprehensive Plan, so its applicability is invalid. For those PD-E Districts that exist as of the time of UDO adoption, special provisions would be included in the planned development and nonconformity provisions that grandfather these developments.

#### Planned Development – Residential District (PD-R)

As this district has not been used, it could be eliminated from the Ordinance. Like the PD-E, the linkages to the referenced “McHenry County Comprehensive Plan Map” have been broken with the adoption of the new 2030 Comprehensive Plan so its applicability is invalid.

#### Commercial, Office, Research, Light Industrial Planned Development (CORI)

As this district has not been used, it could be eliminated from the Ordinance. The intent of flexible non-residential development could be accomplished through a more modern planned development approach.

***A new planned development process, such as that seen in modern ordinances, would give the County a tool to encourage innovative development and implement policies of the Comprehensive Plan, such as mixed-use development.***

A modern planned development is a development guided by a total integrated design plan in which one or more of the zoning regulations are waived to allow flexibility and creativity in site and building design, in accordance with general guidelines that accrue benefits to the County and the public interest. Planned development is typically included in ordinances as a distinct category of conditional use. In particular, the planned development technique is intended to allow for flexibility in the application of zoning requirements based upon detailed review of individual proposals in exchange for additional benefits to the County

and public. This special regulatory technique is included in ordinances in recognition of the fact that flexibility may be needed in the application of required district dimensional regulations, and occasionally use regulations, for the development or redevelopment of areas that lend themselves to an individual, innovative planned approach. For example, a shortcoming of the current three types of PD is that none allow for mixed-use - this new approach would help to address that.

The County can adopt a planned development procedure that would be a single development application approved as a conditional use in appropriate districts. The underlying district regulations, including use, bulk and yard requirements, would apply unless the applicant makes a strong case for exceptions to these regulations and provides the County with a public benefit. These exceptions to district regulations are considered relative to the merit and appropriateness of the development.

In the PD process, there must be a give and take between the developer and the County within the proposal. PD requirements should define the types of amenities or elements desired in exchange for the flexibility and bonuses offered through the process. It is important to remember that, because of its inherent flexibility, the PD process can become a surrogate for the variation process. When a property owner does not want to meet existing district requirements or they want to add a use that is not permitted in the underlying district, they often request a PD where they do not have to demonstrate a hardship or practical difficulty, as would be required under a variation. Therefore, it is important to list which public benefits or amenities are required to qualify for the exceptions to the zoning district standards so that petitioners cannot circumvent basic zoning district requirements without providing measurable benefits to the County. Examples of some of the public benefits that can be considered in determining whether an exception should be granted include:

- Neo-traditional design including, but not limited to, mixed-use development, traditional neighborhood development and transit-oriented development
- Community amenities, including plazas, malls, formal gardens, public art, and pedestrian and transit facilities
- The use of green building and sustainable design techniques
- Preservation and reuse of historic structures
- Preservation of natural features above that required by the UDO
- Open space and recreational amenities above that required by the UDO
- Affordable housing
- Senior housing

This is not a definitive list but rather a suggested list of public amenities and benefits. In some cases, the actual development itself may be a public benefit. For example, in areas where there is a demand for senior housing, a senior housing planned development can itself be considered a public benefit.

While a PD is usually approved as a conditional use, the approval process is not simply that of a conditional use. Because of the complex nature of the application, there are additional steps that require County review and approval, and offer opportunities for public input. An outline of one approach to this process is provided below.

- Pre-Application Meeting with County Staff: Prior to the formal filing of an application for a PD, the applicant meets with staff to discuss the proposed development. The purpose of the pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan or preliminary plan.
- Concept Plan: Before submitting a formal application for a PD, the applicant presents a concept plan to the Planning and Development Committee for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. Any opinions or advice provided at the meeting are not binding with respect to any official action on the subsequent formal application.
- Preliminary Plan: Following the concept plan, the detailed preliminary plan is submitted, where a formal public hearing is held on the PD application and conditional use. This process would generally follow that of conditional use approval process.
- Final Plan: Because all issues and concerns with the PD should be resolved during the preliminary plan and public hearing that takes place as part of that approval, the final plan approval is intended to be a technical confirmation of the approved preliminary plan. If there are numerous changes between the approved preliminary plan and the final plan, then the plan requires resubmittal as a new application. Typically the County staff reviews the final plan for conformance with the approved preliminary plan, which is then forwarded on to the County Board for approval or denial.

The new provisions would also integrate the conditional use, site plan review and plat processes into the PD process.

The County must decide in which districts PD is desirable. Because a PD is a conditional use, it can be restricted only to certain districts, such as higher density residential areas, to encourage better design of multi-family developments, and commercial districts, to allow for innovative developments such as mixed-use. Similar to the current planned developments, the County may want to limit use exceptions to non-residential districts. Also districts like the A-1, A-2, I-1 and I-2 Districts should prohibit PD in order to preserve land for agricultural and industrial uses respectively.

## IV. ZONING DISTRICTS

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The zoning districts within the current Ordinance should be reviewed and provisions restructured so that the districts reflect the established development patterns of the County and link to the policies of the Comprehensive Plan and Water Resources Action Plan. In some cases, new districts may be needed to both implement these plans and properly address existing development patterns.

### A. Use Structure

***The County should adopt the modern generic use approach to address permitted and conditional uses within the districts.***

A complete revision of the permitted and conditional use structure within the zoning districts is recommended. The recommended approach is based upon the concept of "generic uses." Currently, McHenry County employs a specific use approach. This type of approach has become disfavored in modern practice because of its length and inability to respond to new and emerging uses. Inherent in a specific use approach is the requirement that every possible use desired by the community must be included in the use list or, by virtue of exclusion, it is prohibited.

In addition, the County has created a loophole around this restriction by allowing uses that are not listed in the use table to be included in a district if they are similar to other listed uses, subject to interpretation by the Code Enforcement Office (Section 304.3). This means, while uses should be tailored to the purpose of each district, that refinement can be negated by this permission. The generic use structure would eliminate this loophole.

For this reason, the generic use approach is recommended to better address permitted and conditional uses within the districts. For example, specific uses such as barber shops, beauty parlors and tailors would be replaced by the generic use "personal services establishment." Modern practice has moved toward this approach because of two main benefits. First, it eliminates the need for extensive and detailed lists, and the permitted and conditional use sections of the ordinance become shorter and easier to use. Secondly, the generic use approach provides staff with greater flexibility to review and permit those uses that may be desirable for the community, but not specifically listed, within the broad context of the use definition. Generic uses have the advantage of being broad enough to include a wide range of uses, eliminating the need for amendments as new uses emerge. However, the County would still have the ability to exclude less desirable uses or those that should be limited in location right within the use definition.

***Current uses are not properly defined.***

All uses listed within each district should be defined within the UDO. If the generic use approach is adopted, definitions take on additional importance. First, each generic use must be defined. The generic use definition includes both examples of that type of use and specifically *excludes* those uses that are not part of the generic use definition. For example, the definition for "retail goods establishment" will specifically state "adult bookstores" are not considered a

"retail goods establishment." This means that an "adult bookstore" must be specifically permitted within a district in order to locate there; it cannot come in under the umbrella of "retail goods establishment." The second important element of generic use definitions is that any use that is permitted elsewhere within the UDO and is listed separately cannot be considered part of a generic use category. For example, if a district specifically permits "drive-thru facilities," "drive-thru facilities" are not allowed in other districts unless they are listed within the use table (i.e., they are not automatically part of a restaurant).

***Additional use standards for certain permitted and conditional uses are needed, and should be organized within one article.***

Article 4 (Section 407. Standards for Permitted Uses) and Article 5 (Conditional Uses) contains use standards for certain permitted and conditional uses. In order to understand all conditions that apply to certain uses, these should be consolidated into one article and cross-referenced in the use tables. For those uses that have been given the same set of conditions as part of zoning approval, those conditions should be incorporated into the UDO as use standards in order to make the approval process consistent and predictable. Also, the standards found in various ordinances that are currently outside the zoning ordinance, such as agricultural trailers, telecommunications equipment and earth material extraction sites, should also be incorporated into this article.

Use standards are also important in a generic use approach in order to ensure that the impacts of uses are properly addressed. If there is a specific type of use within a generic use category that requires special consideration, that can be addressed within the use standards. For example, if pet day care establishments are permitted under the category of "personal service establishments," there may be a desire for special standards for this type of use for areas of outdoor recreation to buffer nuisance impacts.

***The UDO should contain a comprehensive list of temporary uses with appropriate standards.***

Section 404.3 lists a variety of temporary uses. However, many of the temporary uses in this list are controlled only by how long the use may operate. Standards should be added to the Ordinance that control various aspects of these temporary uses - for example, parking requirements, buffering and screening requirements, siting standards, and districts where these uses are permitted.

## **B. Dimensional Standards**

***How various yard and bulk standards are applied should be evaluated and revised for consistent and easy application, and include new requirements that implement County policy.***

As part of the UDO drafting process, the application of all yard and bulk regulations will be evaluated. In addition, looking at County policies contained in plans such as the Water Resources Action Plan, additional controls may be necessary. Three areas that have been identified to date include the following:

#### Yards should be set as minimums and uncoupled from the building line

The Ordinance establishes the building line as the required yard line, which can create a series of problems. One example is residential estates with deep setbacks. A large setback creates unique siting conditions, such as enough space to allow certain accessory structures in the front yard. This situation can be simply resolved by unlinking the building line from required yard line. The UDO should only require a minimum yard dimension – typically called a “minimum setback,” creating a building envelope where property owners can site their building.

#### Yards should be measured from building walls

Current yards are measured from building overhangs. This creates difficulties in measurement in the field and also discourages architectural elements, such as eaves that create shadowing on building facades. Typically, ordinances measure yards from the building wall and then allow for a certain amount of encroachment for architectural features. This approach would simplify yard measurement and incentivize good design.

#### An impervious surface control should be added to the district regulations

The Water Resources Action Plan and the Stormwater Management Ordinance both seek to reduce the amount of impervious surface coverage on a lot. This becomes a zoning issue when looking at percentages of total lot coverage allowed. The more impervious surface located on a zoning lot, the less water can be absorbed. A key zoning control to address this situation is that of a maximum impervious surface requirement. While the County does have building coverage controls, without other controls it cannot effectively manage impervious surface on a lot. The building coverage control, coupled with yard and height restrictions, primarily helps to control the overall volume of a structure. Therefore the recommendation is to enhance this control with that of a maximum impervious surface requirement to control the total amount of impervious surface on the lot.

### **C. Agricultural Districts**

#### ***The UDO should clearly define what qualifies as an agricultural use.***

The County Code is specific on what qualifies as agricultural purposes; however, the list is so broad and expansive that most activity that could relate even in the slightest to farming would qualify:

*"The powers by this Division given shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted .... nor shall they be exercised so as to impose regulations, eliminate uses, buildings, or structures, or require permits with respect to land used for agricultural purposes, which includes the growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, other than parcels of land consisting of less than 5 acres from which \$1,000 or less of agricultural products were sold in any calendar year in counties with a population between 300,000 and 400,000 or in counties contiguous to a county with*

*a population between 300,000 and 400,000, and other than parcels of land consisting of less than 5 acres in counties with a population in excess of 400,000, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures for agricultural purposes may be required to conform to building or set back lines and counties may establish a minimum lot size for residences on land used for agricultural purposes....”*

Further, in this Division, “agricultural purposes” include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.” Some Illinois case law does exist interpreting this section and attempting to better define what will qualify as an agricultural use. A few of those cases are outlined below:

#### Representative Case Law

- In deciding whether zoning as agricultural land is valid, question is not whether parcel of land is or is not profitable farmland, but whether parcel is suited for its zoned purpose. (*Racich v. County of Boone*, 192 Ill.Dec. 940, 254 Ill.App.3d 311, 625 N.E.2d 1095 (2<sup>nd</sup> Dist. 1993))
- In determining whether activity involving use of land has agricultural purpose, as required for agricultural use exemption from county regulation, courts look to nature of activity itself rather than to property owner's ultimate business objectives. (*County of DeKalb v. Vidmar*, 190 Ill.Dec. 667, 251 Ill.App.3d 419, 622 N.E.2d 77 (2<sup>nd</sup> Dist. 1993))

#### Relevant Illinois Attorney General Opinions

- Property which is operated as a game breeding and hunting preserve area pursuant to the provisions of the Wildlife Code is used for agricultural purposes, within the meaning of § 5-12001 of the Counties Code and is exempt from county zoning regulation. (1992 Op.Atty.Gen. No. 92-004.)
- The building of a hog confinement structure was an agricultural use whose regulation by zoning was not permitted by state statute. (1978 Op.Atty.Gen. No. S-1377.)
- Where a dwelling, even though situated on land zoned for agricultural purposes, was used only for residential purposes by persons not engaged in agriculture, county had authority to require permits for the erection, maintenance, repair, alteration, remodeling or extension of such dwellings. (1976 Op.Atty.Gen. No. S-1109.)
- Where a dwelling on land zoned for agricultural purposes was occupied by a person not engaged in agriculture and was used only for residential purposes and not for agricultural purposes, county could charge fee for issuance of permit to erect, maintain, repair, alter, remodel or extend such dwelling. (1976 Op.Atty.Gen. No. S-1109.)
- While a zoning ordinance which simply classifies land for agricultural use was not violative of state statute a zoning ordinance which imposed conditions precedent to the use of lands for agricultural purposes, prohibited outright operation of concentrated livestock production facilities located within the specified distance of certain classifications of

zoned property when approved for operations at such locations was denied and provided that the facilities for livestock purposes and not used for the production of livestock for an 18 month term would revert to a non-concentrated livestock operation classification unless time extensions were granted, would clearly violate statutory prohibition against the imposition of zoning regulations with respect to land used or to be used for agricultural purposes and amendment to the county zoning ordinance prohibiting certain land uses within the specified distance of properly zoning concentrated livestock production facilities did not violate paragraph, since it in no way regulated land used for agricultural purposes. (1974 Op.Atty.Gen. No. S-694.)

Using the County Code and the interpretations rendered by case law and the Attorney General, a definition for agricultural uses will be crafted.

***The A-1 District should be reserved for primarily agricultural purposes.***

The current A-1 District allows for a variety of non-agricultural uses, such as athletic fields, arenas, heliports, hospitals, golf courses and similar uses; it seems to have evolved into a "catch-all" district for a variety of uses that are difficult to place in other districts. The A-1 District uses should be refined so that it functions exclusively as an agricultural district. Other non-agriculture-related uses should be eliminated from the district and allowed in the appropriate non-residential districts. The revision of the use structure of the A-1 District must also address uses that the County has struggled with in controlling the scope of, such as landscaping businesses and commercial storage, and new uses that may be appropriate, such as wind farms. (See additional recommendation for a new R-MU Rural Mixed-Use District at the end of this section.)

***The current A-2 District has been cited as problematic as it breaks up agricultural land.***

Many of the stakeholders with agricultural interests cited the A-2 District as being counter to agricultural preservation. Carving out five-acre lots for single-family homes has disrupted continuous land areas of agriculture. One option is to eliminate the district from the UDO. However, there are valid reasons to keep the district in place. The purpose of the A-2 District was to allow for family farms to be maintained, for example, providing an adjacent home so that family members can continue to farm, and estate planning. Therefore, if maintained, the County should strengthen the criteria that allow for this division of land within the agricultural areas. One current requirement mandates that land be unsuitable for agriculture or have barriers to agricultural purposes. While some specific criteria are included, such as LESA scores, woodlands and steep slopes, the language can be strengthened so that it is clear what type of land is appropriate for the application of the A-2 District. In addition, standards need to be strengthened for preservation of those natural resources on the site, through buffering and siting standards. Without additional controls on how the A-2 lot is developed, new development could negatively impact natural resources. These regulations should also be supplemented with a requirement for regular boundaries to the lot (i.e., as "square" as possible) to prevent meandering of the boundaries to split off the five acres only because the land is unsuitable for farming and creating a lot that is almost entirely comprised of natural resources.

An additional preference could be established for rezoning of new A-2 District lots that have an existing farmhouse. It is not recommended to require this, but as a general standard it should be included. Finally, the application process for creating a new A-2 District lot should allow only one petition at a time to prevent a “loophole” subdivision process.

***In addition to farming, the agricultural areas of the County also include a variety of agriculture-related businesses (farmstands, agri-tourism and agri-entertainment) that have an impact on the function of these areas and need to be regulated in the UDO.***

One of the County’s key issues in agricultural areas are accessory agricultural uses such as farmstands and U-pick opportunities, horse shows, banquet/event facilities, and seasonal events like pumpkin patches, hay rides or corn mazes. We will work to create a definitive list of agriculture-related businesses in these areas. It will be important to define each of these uses, and distinguish those that are permanent from those that are temporary. Each of these uses will need standards that mitigate and minimize their impacts to adjacent uses and the general area. These standards should incorporate conditions that have been applied in past approvals and address common issues. Finally, as temporary uses are distinguished from permanent uses, it will be necessary to determine the approval methods. These uses would be approved one of three ways: by conditional use, by temporary use permit and permitted by-right with standards. (See additional recommendation for a new R-MU Rural Mixed-Use District at the end of this section.)

***The County may want to create a new Rural Mixed-Use District to address the variety of agricultural businesses seen in the County.***

One option to deal with the variety of agriculture-related businesses in the agricultural areas is to create a special district for those uses, the R-MU Rural Mixed-Use District. While this district would allow agricultural, commercial and residential uses – hence, its name as a mixed-use district – it would focus on providing a place for more intensive uses that have found themselves in more rural and/or agricultural parts of the County, such as landscaping businesses, commercial storage and certain types of agri-tourism and agri-entertainment, for example wineries and banquet halls/event facilities. The benefit of a new district is two-fold. First, this creates a home for these types of uses within the County where they can predictably locate. The more intensive uses can also be split into permitted and conditional uses within the district, so that certain uses would still be subject to the conditional use evaluation and approval process. Second, because this is a rezoning to a new district, the district standards can include a full range of buffering, screening, access and other development standards that create a more compatible environment with neighboring districts and uses.

## **D. Residential Districts**

***There may be a need for a new residential district to address former summer cottages that have been converted to year-round homes where current standards create significant nonconformities.***

Many of the former summer cottages along the Fox River have been converted into year-round residences. The unique development and siting of homes within these lots do not align with the current district requirements, which also do not take into account the unique characteristics of developing along the riverfront. This creates significant areas of nonconformities and requires property owners to obtain variances for simple improvements. The most direct way to address this problem is to craft a zoning district for these areas specifically, where lot area and width, yard and siting requirements could be tailored to match the established pattern of development.

***Certain yard and bulk standards for residential districts should be refined.***

Stakeholders have indicated that certain yard and bulk standards within the residential districts can be revised to be more applicable to existing conditions. Examples of these include the following:

- The required front yard provision is confusing, as is the application of the averaging provision. This is currently applied by allowing the property owner to choose either the required minimum yard or the averaging provision. This needs to be made clear in the Ordinance as the current provision is written to come into applicability when 60% or more of the block is developed. Based on the variability seen in the County, the residential front yard should be revised as a series of options. This should include the ability to use the historically platted setback if that is available. Essentially, a property owner would have three options for a front yard: 1) a set minimum dimension; 2) an averaging provision; or 3) the historically platted front yard dimension. As part of this revision, the front yard averaging provision should also be refined so that it is easier to apply.
- Because the County has a significant number of smaller residential lots, many measuring 50 feet in width, the current 10 foot side yard requirement for residential lots may be excessive. The County can address this issue with a proportional control for lots less than the required width, such as 10% of lot width. This would eliminate variations for these existing smaller lots.
- Residential lots located along the waterfront require special provisions that address their unique orientation and the range of distinct accessory structures that come with waterfront access. This includes provisions regarding the orientation of yards, as many structures are oriented with their front yard to the water and the rear yard to the street, which then impacts the permitted locations for accessory structures. The UDO should also include regulations that respond to unique platting situations where the lot line located parallel to the waterline does not coincide with the waterline, effectively creating a "no man's land" for a portion of the lot between the lot line and the waterline.

## **E. Non-Residential Districts**

***The commercial districts should be restructured and linked to their desired form and function.***

The current Zoning Ordinance has three commercial districts. The B-2 Liquor Business District provides controls over the location of bars and liquor stores. In order to continue to limit the location of these specific uses within the County, the B-2 District should be retained. However, the County should consolidate the B-1 Neighborhood Business District and the B-3 General Business District into a single district. A key control within the B-1 Neighborhood Business District and the B-3 General Business District is the limitation on the size of businesses within each of these districts. This is an older zoning technique that can create issues of nonconformities and variations, and should be eliminated. In addition, this limitation actually encourages larger buildings that create more impervious surface, especially in the B-3 District. If the issue is scale and character within these two districts – i.e., how to distinguish neighborhood pedestrian scale from larger auto-oriented commercial scale – this can be accomplished through building dimensional and siting standards and basic building form controls. A local business would have a different “look” and scale than a larger commercial use.

***The County may want to allow for mixed-use development, as described in the Comprehensive Plan.***

The Comprehensive Plan speaks at length about allowing for mixed-use development, but the current districts do not encourage this type of development. The current use structure allows for a single dwelling within the B-1 District and no residences in the B-3. With the consolidation of the B-1 and B-3 District into a single business district, this new B-1 District should be revised to allow “dwellings above the ground floor,” removing the restriction of only one dwelling. The use type - “dwellings above the ground floor” – is a modern zoning use that allows for mixed-use development but requires the ground floor to be commercial in nature, thereby preserving the commercial nature of the district.

## **F. Special Purpose Districts**

***To protect the County’s groundwater supply, the sensitive aquifer recharge area (SARA) map can be converted into an overlay district.***

Using the Water Resources Action Plan’s (WRAP) recommendations of Section 2 – Part 2B (Land Use and Zoning), a Sensitive Aquifer Recharge Area (SARA) Overlay District can be drafted. The intent of this overlay district is to control development in these areas to minimize adverse impacts to natural recharge functions.

As stated in the WRAP: “Any development that involves grading or paving over large tracts of land, such as shopping centers, parking lots, and high density housing developments, can be particularly damaging to the soil’s natural recharge ability. High-intensity developments also generate pollutants, such as salt, herbicides, pesticides, nutrients, and petroleum by-products that can contaminate surface and/or groundwater. In sensitive recharge areas, leaks or

spills from landfills, chemical storage facilities, and industrial or manufacturing facilities involving solvents or other polluting chemicals can contaminate groundwater.” Therefore, it is anticipated that the SARA Overlay District would include the following provisions:

- A list of prohibited uses within the overlay district
- An alternative maximum impervious surface requirement that is stricter than the underlying district. Flexibilities can be built into this control by allowing a property owner to use the underlying district’s requirement if they utilize Stormwater Best Management Practices to off-set the run-off of the additional impervious area.
- If site plan review is included, it should include special site plan review standards for development located in the SARA Overlay District.

Similar to the way that the Floodplain Ordinance is administered, development within the SARA Overlay District should be subject to on-site verification that the proposed development is within the SARA boundaries. In addition, provisions are needed to determine how to handle development on a lot where only a portion of the lot is in the SARA boundaries. At a minimum, this should trigger automatic site plan review.

For ease of administration, the SARA Overlay District should be mapped via ordinance. Rather than a rezoning where an overlay district is mapped on the Official Zoning Map, the UDO would state where the SARA map exists and how it is applied, and include reference to a map that the County can adopt separately from the Official Zoning Map. This will have the same legal effect as long as it is adopted via ordinance.

***The County may find utility in a new special purpose district for natural resource protection and open space.***

The County has a significant amount of open space. Due to the size and amount of land area occupied by open space, an appropriate approach would be to create a special purpose district. An Open Space District offers two benefits. The first is that the use within the district is protected as it is the only type of use allowed – for example, only natural resource preservation and passive recreation areas, with the appropriate accessory structure controls, are allowed within the district. Additional uses such as active recreation and more extensive park-type structures could be allowed by right or by conditional use. The second is that, if someone desired to change to the use of that area, a rezoning is required, allowing the County control over the redevelopment of that parcel.

## V. SITE DEVELOPMENT STANDARDS

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Site development standards regulate the other aspects of site development other than the principal use, and the dimensions and siting of the principal building on the site. These are the standards that regulate landscape, the placement and design of off-street parking, exterior lighting, measurement methodologies, accessory structures and uses, signs and permitted encroachments. It is recommended that the new UDO include a comprehensive set of site development standards.

In the UDO, the proposed structure for site development standards would be covered under the following articles:

- Article 15: Site Development Standards, including general on-site improvement regulations, accessory structures and uses, and permitted encroachments.
- Article 16: Off-Street Parking and Loading
- Article 17: Landscape and Screening
- Article 18: Signs

One of the issues brought up by the County and by stakeholders is the need for stronger property maintenance standards. Those issues of property maintenance that can be addressed within the scope of the UDO, such as the storage of vehicles and maintenance of required yards, will be addressed within the appropriate articles. In this example, the storage of vehicles would be addressed in the parking article and the maintenance of required yards in landscape.

### A. General Development Standards

***The UDO should clearly describe the general site improvement regulations that apply throughout the County.***

The general provisions for on-site development should consolidate the various standards found throughout the current Zoning Ordinance that typically apply to all districts, including standards such as prohibitions of view obstruction at corners, restrictions on the number of principle buildings in certain districts, and requirements that all lots front on a street. In addition, the current regulations should be supplemented with a number of standards. These would include performance standards to control the impacts from higher intensity uses such as noise, odor, glare and vibrations. Where the County has other ordinances in place to regulate these impacts, the UDO should include a cross-reference to those sections.

***The UDO should be updated to include a full range of exterior lighting standards.***

Currently, only the Conservation Design standards include standards for exterior lighting. In the UDO update, a full range of exterior lighting standards should be applied County-wide, including the design and intensity of building-mounted lighting, light poles in residential and non-residential districts, neon tubing, and illumination of signs, structures and canopies. Tailored lighting standards may be needed for certain uses, such as gas stations, where excessive lighting is both a

safety and aesthetic issue. Many of the “best practice” standards on appropriate exterior lighting are based on information gathered and model ordinance standards created by the International Dark-Sky Association, a non-profit organization that seeks to minimize light pollution and conserve energy. These standards provide a preliminary basis for exterior lighting regulations, but would be adjusted to address the County specifically.

However, one concern is the ability to enforce these requirements. Many of these requirements can be written as self-enforcing, such as the requirements for installation of fully-shielded lighting fixtures, requirements for downlighting and prohibitions on uplighting, and prohibitions on floodlights. In addition, for larger developments subject to site plan review, the site plan review submittals requirements should require a lighting plan that shows footcandles at the lot line. However, for smaller developments, there may still be a need to verify footcandle intensities at the lot line. In order to enforce such standards, the County should assess what equipment is needed to measure light trespass and how enforcement would be conducted.

***The accessory structure section of the existing UDO is limited and should be updated to include a comprehensive list of accessory structures.***

Few accessory structures are regulated in Section 306 of the current Zoning Ordinance. In addition, the controls on accessory structures are not tailored to the variety of structures than can occur in a county as diverse as McHenry County. The UDO needs to clearly define and regulate what is considered an accessory structure, and what limitations apply to each in terms of size and dimension, height and permitted location. By regulating accessory structures more specifically, the County can eliminate the current restriction that permits accessory structures to cover only 20% of the maximum building coverage of a lot. Such a blanket restriction can create difficulties for certain types of accessory structures and actually work to effectively prohibit common structures as they cannot be constructed within the size limitations to be practical.

Because the current Ordinance is not very specific on what qualifies as an accessory structure, it will be necessary to define them. For some, in addition to size and height controls, it will also be necessary to regulate in which yards structures may or may not locate. For example, residential estates in more rural parts of the County may have a principal building that is setback a significant distance from the front lot line. In those cases, a simple regulation that prohibits accessory structures in the front yard would be unreasonable, as the generous setback creates a situation where certain accessory structures are appropriate in the front yard. However, not all of the above accessory structures are regulated through individual sets of standards. Many are permitted simply through a permitted encroachments table, where the location in relation to the required yards is restricted.

Finally, many sustainable regulations fall under the provisions for accessory structures (solar, wind and geothermal energy, electric car charging stations, etc.). Controls over how these newer accessory structures are installed will be included. There may also be a need for provisions that allow the installation of community-based alternative energy arrangements (solar, wind, geothermal). This describes a situation where neighbors on adjacent properties construct a

communal alternative energy system between their properties. While any equipment used would be subject to the standards for an individual system, a community-based system would need to provide an agreement between neighbors as to access, operation and maintenance of the system, which should be filed with the County. This works similarly to a shared parking arrangement. It is important to note that the agreement filed with the County is for informational purposes only, and that the County will not enforce such a private agreement.

***There is limited regulation of permitted encroachments. A permitted encroachments table would clarify where most types of accessory structures and architectural features may encroach into required yards.***

The current Ordinance is silent in terms of permitted encroachments. A permitted encroachment is defined as the permission of an architectural feature, such as eaves, or an accessory structure, such as a garage, to locate within a required yard. Currently, any type of encroachment into a required yard requires a variation, which may be the result of the definition of a yard beginning at the building line and measurement of a yard from any overhangs. The benefits of allowing permitted encroachments is two-fold. First, it creates flexibilities in the siting of structures on a lot. Second, it encourages good building design (façade articulation, shadowing, etc.) by accommodating good design features in structures, such as eaves, balconies, bay windows, chimneys, sills, belt courses and ornamental features.

## **B. Off-Street Parking**

***Off-street parking requirements should address the full range of off-street parking and loading elements.***

In order to be comprehensive, the off-street parking provisions should be revised to address the following:

- Permitted location of off-street spaces for all districts
- Parking lot design (surfacing, lighting, curbing, marking, etc.)
- Minimum parking space measurements
- Accessible parking set asides (parking for persons with disabilities)
- Required stacking spaces for drive-through facilities
- Parking flexibilities, such as shared parking and land-banked parking
- Required number of off-street spaces per use
- Storage of commercial and recreational vehicles in residential districts
- Storage of junked or wrecked vehicles
- Location and design of off-street loading
- Bicycle parking

Parking regulations should also consider the design and appearance of parking areas, addressing factors such as the permitted location of off-street spaces, construction standards like surfacing and bumper stops, stacking space requirements for drive-through facilities and provisions that encourage cross-access easements between adjacent commercial uses. Many of these are already addressed within Section 405, which will be updated to include modern standards, such as permitting the construction of parking lots with semi-pervious materials. The UDO should also clearly state how parking spaces can be used, in

that they can only be used for car storage and not, for example, to store other materials on the site or for motor vehicle repair.

The parking design standards will also take into account some of the unique circumstances within unincorporated McHenry County, which has both rural and more urban areas. In certain rural areas, especially the agricultural districts and the potential new R-MU District, all parking lots should not require paving. For example, overflow lots for rural businesses may only be used for a few months out of the year. In these circumstances, gravel lots may be appropriate.

***Parking requirements should reflect local demand and national standards.***

Similar to the current Zoning Ordinance, the parking requirements should include a table that establishes requirements for a certain amount of off-street parking for each use. This allows for tailoring of parking requirements to the nature and physical make-up of each use. In addition, when the use structure is finalized in the UDO, the listing of parking requirements by use will match the uses within that structure making it clear how much parking is required for each use within the UDO.

***The County should consider including a maximum parking restriction.***

As important as creating the right minimum number of spaces required, the County should consider including a maximum number of parking spaces allowed on-site. This would be particularly important for large developments that typically have no issue in providing the minimum number of spaces and often want to provide a significant amount of excess spaces. For example, specific maximums could be applied to commercial developments over a certain square footage, such as 20,000 square feet of gross floor area. Another alternative for maximum parking is to include a maximum percentage of spaces permitted for all uses, such as setting 125% of the minimum number of spaces as the maximum number of spaces allowed. An additional element that can be added, whether parking maximums are included or not, is to require all parking areas that exceed the minimum number to pave the excess area with semi-pervious materials.

***The County should consider adding certain parking flexibilities into the UDO.***

Another component of off-street parking requirements is to allow for certain flexibilities as to how much required parking need be provided on-site. These include the following:

Shared Parking

The current Zoning Ordinance allows for joint parking, but requires the uses to provide the sum total of spaces on the site. An additional flexibility that can be added to this provision is to calculate how much parking is actually needed by uses that share a parking lot when developed jointly, based on their intensity of use during the hours of the day. The following table provides is an example of this (this would be tailored specifically to McHenry County). The minimum required number of spaces for each use is calculated according to UDO requirements. The required number of spaces for each use is then applied to the percentages for each time, according to the appropriate land use category, to

determine the number of required spaces. This is done for each time category. Finally, the numbers are summed for all land uses within each timeframe and the highest sum total in a timeframe is the required number of spaces, which, due to the percentages, is less than would be required by simply summing the requirements at 100%.

SHARED PARKING CALCULATION						
LAND USE	Weekday			Weekend		
	Mid-7am	7am-6pm	6pm-Mid	Mid-7am	7am-6pm	6pm-Mid
Residential	100%	55%	85%	100%	65%	75%
Commercial	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	45%	70%	100%
Hotel/Motel	100%	65%	90%	100%	65%	80%
Movie Theater	0%	70%	100%	5%	70%	100%
Office	5%	100%	5%	0%	60%	10%
Industrial	5%	100%	5%	0%	60%	10%

Land Banked Parking

The Ordinance could also allow for land banking for developments that require a large amount of parking, such as a shopping center. With land banking, only a certain percentage of the parking area is required to be constructed during initial development. The remainder of the parking area is kept as green space, reducing the amount of impervious surface on the site and improving the appearance of the area with additional landscape. Only if the demand increases such that the County sees a need to expand parking facilities is that land area (or a portion of it) called in and paved for parking spaces. The County could also allow the owner to subdivide and sell off the land banked area if the land has not been called in for parking three years after development, which encourages large developments to take advantage of the land banking provision.

Car-Sharing Bonus

The UDO should allow a reduction in the amount of parking required if the parking area shares spaces with a car-sharing program, such as “Zip Cars” or “iGo” (i.e., the intent is not to require additional spaces for car sharing above that required by ordinance). At a minimum, car sharing programs should be permitted in parking lots and parking structures. This type of bonus would be especially appropriate near incorporated municipalities.

***The UDO should specify the amount and design of loading spaces.***

Currently the Zoning Ordinance does not provide specific requirements for loading spaces, stating only that there needs to be a space on-site if a use ships or receives goods. This should be updated to a specific number of required loading spaces based on floor area, with appropriate exemptions for smaller businesses and a maximum number of loading spaces required. The loading requirements should also include design standards that address permitted location (distance from street intersections, which yards the loading space may or may not be located in, distance from abutting residential, etc.), surfacing requirements, required access control and permitted signs, and screening.

***The UDO should require bike parking as part of some new parking lots.***

Similar to vehicular parking requirements, certain uses could be required to provide bike parking. Generally the uses required to provide bike spaces include multi-family dwellings, retail, office, schools, places of worship, parks and entertainment uses. In addition to the number of bike spaces required, the provisions need to be supplemented with design and siting requirements:

- Bike parking facilities should provide racks or lockable enclosed lockers where the bicycle may be safely locked by the user.
- For residential uses, required bicycle parking should allow a variety of options for placement, such as in garages, storage rooms and other resident-accessible secure areas, and exclude space within dwelling units or on balconies.
- For parking lots over a certain size, a reduction in the number of parking spaces could be permitted when a certain number of bike spaces are provided.

Because of the varied nature of McHenry County, bike parking requirements cannot be applied throughout the County as a whole. This type of requirement would be most appropriate in those areas near the incorporated municipalities. Therefore, bike parking requirements in the County should be tied to a series of triggers that would determine when they are required. However, in no case would the Ordinance prohibit voluntary installation of bike parking facilities.

### **C. Landscape and Screening**

***The current Zoning Ordinance is limited to screening standards and should be updated to include site landscape for all aspects of development.***

The Zoning Ordinance only addresses landscape in terms of screening in Section 308. These requirements do not provide the County with a comprehensive and consistent landscape scheme. The contribution of landscape to the visual quality of the built environment cannot be overemphasized. In addition to its aesthetic benefits, green space provides environmental benefits. For example, landscaped parking lots allow for stormwater absorption and reduce the heat island effect.

It is recommended that the UDO include landscape requirements for:

- Interior of parking lots
- Perimeter of parking lots
- Buffer yards between incompatible zoning districts and between incompatible uses
- On-lot landscaping requirements for higher intensity uses (multi-family, commercial and industrial) through building foundation landscape and landscape yards
- Screening requirements for refuse containers, loading areas, drive-thrus and outdoor sales, display and storage

Allowances would be built into each of these requirements that specific stormwater run-off absorption techniques are permitted and encouraged, such as landscape islands designed to absorb stormwater and the use of bio-swales and rain gardens as part of interior parking lot landscaping.

***Design standards for landscape are necessary for proper implementation.***

Basic landscape design standards should be included as part of the UDO, for example: prohibition of invasive species, minimum planting sizes, ongoing maintenance of required landscaping, replacement of dead or diseased plant material, etc. These standards are important because they assure a significant landscape impact by controlling the level of maturity required for plant types at the time of installation. Plantings that are too young (i.e., too small) could result in an insufficient level of landscape improvements during the first several years of a project and may not perform the intended screening and beautification functions until the plants mature.

***Once landscape requirements are in place, the challenge will be to bring existing developed sites into compliance.***

Landscape should be required when modification of parking lots and significant building permits are requested. When building additions or expansions are undertaken, the percentage of landscape required should be proportionally linked to the proposed additional building area. Existing parking lots should be required to comply with landscape requirements when a certain number of parking spaces are added to the lot or if the lot is reconstructed. A simpler but less flexible alternative would be to establish a time period over which all sites must be brought into compliance with the landscape standards. For example, all property owners must install the required landscape within a two year time period.

#### **D. Signs**

***The County's sign regulations should be completely revised.***

Sign regulation is one of the most defining aspects of a community's character. While the County has broad legal authority to control signs based on traffic and safety considerations, the exercise of that authority raises serious economic and constitutional issues. As such, sign regulations must be based on well-conceived and careful policy considerations. Good regulations must balance the needs of businesses and others to communicate with the public, and the needs of communities to protect the public welfare.

Sign standards should address the construction and design of signs, and to distinguish between the different types of permanent signs, prohibited signs, exempt signs, and temporary signs. For these reasons we believe that the County's current sign ordinance should be completely revised to create regulations that are clear, understandable and easily administered, legally sound, and strike a balance between the needs of businesses to advertise and the aesthetic concerns of the community.

***The standards for permanent signs need to be evaluated to adjust permitted number, size and height.***

Each type of permanent sign should be regulated by maximum height, maximum sign area, permitted districts, setback requirements and permitted locations. There are a number of issues related to each permanent sign type and the appropriate standards when located in the various districts.

Freestanding Signs

The current freestanding sign regulations are perhaps the most confusing section of the Sign Ordinance. Sections 502.3 through 502.6 appear to regulate freestanding *pole* signs, while Section 504 regulates *monument* signs. If this is the case, the distinction needs to be made clear.

In terms of freestanding pole signs, the maximum sign area of 260 square feet seems excessive, as do maximum heights (as related to setback) of 35 and 40 feet in business and industrial districts. Pole signs should relate to the character and form of each district. While the restriction of pole signs to the non-residential districts should be maintained, the maximum area and height should be reevaluated and adjusted for each individual district. Certain special circumstances, such as signs located near expressways, can be considered and allow for larger signs if needed. Setbacks from the lot line should be adjusted accordingly.

Monument signs are permitted in the residential and non-residential districts and the dimensional requirements align with those seen in many other communities. We would recommend maintaining these standards.

Wall Signs

Wall signs appear to include traditional wall signs, projecting signs and awning signs, and are permitted in the non-residential districts. The maximum area is controlled by an overall sign area for all types. Most sign ordinances separate these types of signs so that sizes, permissions and installation locations can be tailored by district. Also, because the regulations use an overall sign area, these can lead to out of scale signs, as a property owner may choose to use the square footage for one wall sign.

It is recommended to separate these three types of signs into separate sign categories, with their own standards.

Projecting Signs

Projecting signs are typically regulated by the amount of projection from the structure's façade, clearance, a limit on the number of projecting signs permitted, especially when used in a multi-tenant building, and maximum sign area standards by district. Projecting signs should be permitted only in non-residential districts.

Awnings and Canopies

It is recommended that awnings and canopies used as signs be limited to non-residential districts and standards included that regulate the amount of projection from the structure's façade, clearance, location regulations, and percentage of advertising allowed on awning or canopy.

### Wall Signs

Regulating wall signs by a proportional measurement, as is done now, should be maintained though it is likely that the multipliers will need to be reduced since they would no longer include three sign types. The County should also consider allowing wall signs in residential districts for any non-residential uses that may be located in those districts, such as places of worship or schools.

### Window Signs

Window signs do not appear to be regulated in the current sign ordinance, though an assumption could be made that they are part of overall wall sign calculation. The UDO should regulate both temporary and permanent window signs in order to maintain window transparency. Many communities use a 30% coverage limitation to address the total area covered by permanent and temporary window signs. Window signs should be permitted in non-residential districts.

Finally, it appears that only agriculture-related and temporary signs are permitted in agriculture districts. If some non-agriculture uses are permitted in those districts, such as places of worship or an agriculture business such as a feed store, the County may want to allow monument signs and wall signs, similar to non-residential uses in residential districts.

### ***Temporary sign standards should be enhanced, so that the variety of temporary signs are controlled.***

Currently all temporary signs are considered exempt under one category of "temporary signs." However, there are a variety of temporary sign that need their own set of standards. The following are examples of typical temporary signs:

- A-Frame Signs
- Banners
- Construction Signs
- Political Signs
- Real Estate Signs
- Temporary Pole Signs
- Temporary Wall Signs

For each of these types, and any others the County may see frequently, standards should be crafted for each that include setback, permitted timeframe, maximum size, and maximum number of temporary signs per lot. The County may also want to evaluate whether or not some temporary signs should require a sign permit. If a certain type of temporary sign, such as banners, tend to proliferate in the County and begin to be used as more of a permanent sign, requiring a sign permit would help to control this.

In defining the types of temporary signs, the UDO itself must be content-neutral, which means it must be applied regardless of the message of the sign. The current regulations in the McHenry County sign ordinance are content-neutral because they apply to all temporary signs and require any type of temporary sign to be removed within 30 days after the purpose for the sign has been completed. However, the current approach does not offer a refined control over the types of

temporary signs present in the community. In addition, a new state statute has imposed new regulation over a certain type of temporary sign.

The new exception to temporary signs are political campaign signs. Illinois law now provides that a non-home rule municipality may not: “[p]rohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State ... 65 ILCS 5/11-13-1 (12) (West 2011).”

As long as the sign regulations refrain from regulating the actual message of the sign, which would render a First Amendment dilemma, the County is well within its power and authority to regulate temporary signs. A temporary sign can be defined but then further refined to include the "type" of sign, i.e. real estate signs and construction signs, but not regulate the content of the actual sign. The language of the ordinance will need to be clear to maintain content neutrality.

***The Sign Ordinance only vaguely addresses electronic signs, generally regulating them as changeable copy signs.***

Electronic signs are signs where informational content is changed or altered on a fixed display screen composed of electrically illuminated segments. The closest requirement in the current Ordinance is that of changeable copy signs. However, this is an outdated provision, as changeable copy signs are generally thought of as bulletin board signs where letter are manually changed. The County should clearly state its position on these sign types in the UDO. It is recommended that the County allow electronic message signs, as this has become an acceptable alternative in most communities to the older manually changeable copy signs because they present a neater, more coordinated and modern appearance.

Generally, electronic signs are regulated as one of the two following types: 1) electronic display screen, which is a sign (or portion of a sign) that displays an electronic image or video, which may or may not include text (i.e., TV screens) and includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays; or 2) an electronic message sign, which uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Both types of electronic signs should be clearly defined, and permitted or prohibited where appropriate.

Like many communities, it is recommended that the County limit electronic signs to electronic message signs, prohibiting electronic display screens altogether. By creating a specific provision for electronic message sign, the Ordinance can include specific controls needed for electronic message signs, such as permitted locations by district, spacing between electronic signs, limitations on brightness, and timeframes for the message to change over.

***A master sign plan requirement can be added to the UDO to require sign coordination for multi-tenant developments.***

Many communities require master sign plans when a new multi-tenant development is constructed. For example, in a multi-tenant development, the master sign plan can be written so that only one ground sign (whether pole or

monument) is permitted for the development, which identifies the name and address of the development and includes one identification sign per business, all of equal size. Permitted signs for each individual business can then be described in terms of placement, sign area and permitted sign types. For example, in a single-story development, all wall and window signs can be coordinated at the same height with the same maximum sign area. The master sign plan does not dictate color or content of the signs, but rather placement and size. This achieves a look that is coordinated and organized, even if there are a number of different fonts, styles and colors used.

***Specific regulations are needed for billboards.***

Currently, the County regulates billboards as a freestanding sign. It is recommended that the County create specific regulations for billboards, separate from freestanding signs, including regulations on location, size and the like. Any regulations crafted for billboards in the County must be in line with the Highway Advertising Control Act. For signs located on interstate highways and primary highways, both municipalities and counties must be in compliance with the Highway Advertising Control Act of 1971. This Act specifically references a County's ability to regulate signs when it outlines in Section 7 of the Act that "[i]n zoned commercial and industrial areas, whenever a state, county or municipal zoning authority has adopted laws or ordinances, which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of this Act and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of Section 6 shall not apply to the erection of signs in such areas."

The creation of separate billboard standards is particularly important if the freestanding sign regulations are revised, as those regulations will be tailored to the districts. In addition, the UDO should also address whether or not electronic billboards should be permitted. If the County would like to permit these, a series of standards for illumination, brightness and minimum duration of message must be crafted. Additionally, if the County would like to encourage electronic billboards, provisions for "trade-offs" of nonconforming existing billboards can be included. For example, for every three nonconforming billboards are taken down, one new electronic billboard can be erected. This creates an incentive to remove nonconformities.

## VI. SITE IMPROVEMENT STANDARDS

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***The requirements for subdivision, including Conservation Design, should be consolidated into one section with standards rewritten so that requirements are as clear as possible.***

The subdivision regulations contain a series of standards for site improvement when a lot is to be divided. These standards cover streets, drainage, utilities and a variety of other improvements. In addition, the Conservation Design (CD) regulations should be integrated into the subdivision regulations so that the standards of a subdivision are consistent with the standards of Conservation Design.

As site improvement standards are drafted, the language should be written as definitive as possible, eliminating terms such as "encourage," "discourage" and "minimize," so that applicants understand what is required.

***Stormwater management requirements within the subdivision regulations need to be updated by cross-reference.***

The current requirements for stormwater management should be eliminated and replaced with a cross-reference to the County's adopted Stormwater Management Ordinance. (This assignment does not include revisions to the Stormwater Management Ordinance.)

***Right-of-way requirements need to be evaluated, updated and coordinated as needed.***

A topic frequently mentioned during stakeholder interviews were the issues involved in roadway standards. Part of the confusion stems from the fact the subdivision regulations contain County roadway standards, which may conflict with those used by the township. This conflict needs to be resolved in the UDO, as the County cannot enforce township roadway standards.

The Township Highway Commissioner of each township has powers and duties provided for in Article 6 of the Illinois Highway Code - 60 ILCS 1/73-5 (West 2011). Such duties include: laying out, altering, widening, or vacating township or district roads (605 ILCS 5/6-201.2); constructing, maintaining, and repairing of roads within the district (605 ILCS 5/6-201.7); and a general charge of the roads of his district, repairing and improving the roads so far as practicable and cooperating and assisting in the construction and improvement of such roads (605 ILCS 5/6-201.8).

Given the fact that the Township Highway Commissioner derives his powers from Illinois Highway Code, and the Code itself does not specifically state that a township can legally adopt roadway standards on its own, it is unlikely that a township could enforce standards different than those included in the statutory language of the Highway Code. However, given the fact that the statutory language does state that the Highway Commissioner has the power to cooperate and assist in the construction and improvement of such roads, the County could take into account the desires of the township with regard to roadway standards and could incorporate such into its standards.

It is recommended that the County organize a meeting of Township Highway Commissioners to work as an advisory body during the UDO drafting to compile a list of roadway standards that could be applied County-wide.

In summary, the following issues will be addressed within the updated roadway standards, based on further discussion with the County:

- Create clear roadway standards, which can be drafted with the input of the Township Highway Commissioners.
- Determine if cul-de-sacs should be allowed. Currently the regulations ask that the use of cul-de-sacs be “minimized.” The UDO can outright prohibit cul-de-sacs or prohibit them except in certain defined and limited circumstances. If they are retained, the diameter should be updated to a sufficient width that allows for fire vehicle access.
- Determine in which instances sidewalks should be required, if not in all new developments. To create a more walkable environment within new developments, the County should consider requiring all developments to provide sidewalks, however this will require further discussion as the installation of sidewalks also requires the maintenance of sidewalks.
- Include standards that require new subdivisions to connect to existing subdivisions. This should address auto, bike and pedestrian access.
- Clarify maintenance responsibilities for roadways.
- Clarify roadway dedications prior to new subdivisions, particularly for those subdivisions that are located adjacent to state routes, where the Illinois Department of Transportation has jurisdiction.
- Determine if private roadways should be prohibited. If there is a need for roadways that do not meet the general County standards for right-of-ways, such as narrower roads for CD, standards acceptable to all jurisdictions should be drafted and adopted into the UDO, rather than defaulting to private roads as a “loophole” for not meeting the standards.

***The Conservation Design Development Subdivision Ordinance is currently an addendum to the Subdivision Ordinance. Standard subdivision regulations and CD regulations should be consolidated into one ordinance for ease of use and understanding.***

As the application process for conservation design is identical to that of a traditional subdivision (described in Section A1103), the two ordinances should be consolidated into one process. The additional submittal requirements for a CD would be identified in the submittal requirements for the various plats.

***The UDO should have a process for exceptions to subdivision requirements.***

The CD currently has a provision for variations (Section A1121) that appears to require the applicant to follow the zoning ordinance variation process. If the County would like to allow exceptions to CD or subdivision requirements, a separate process should be created for that which is not tied to zoning. Currently only the CD speaks of variations to the regulations; it is recommended that this be expanded as a permitted exceptions to subdivision regulations. It is also

recommended to use the term "exception" to distinguish this process for subdivision regulations from zoning regulations.

One process that the County could use for these subdivision exceptions is to generally follow the subdivision approval process. When an applicant presents their application, they may request exceptions to certain standards. This would then require a recommendation on these exceptions from the Staff Plat Review Committee, which would be forwarded to the Planning and Development Committee for their recommendation and finally to the County Board for their approval or denial. It will be important to clearly state that exceptions apply only to subdivision regulations – zoning regulations, such as minimum lot area and lot width, are subject to zoning variations, not exceptions.

***It should be clear to UDO users when a CD is triggered as the required type of subdivision.***

Currently the CD may be triggered automatically or the applicant may voluntarily choose to use the CD regulations. During stakeholder interviews, many stated that it was unclear when a CD is required. Part of this is likely due to organization, as the CD regulations are currently an addendum to the subdivision regulations.

Also, a required CD may be triggered either automatically or cumulatively. The use of these terms may also be confusing. The two can be consolidated into one section as "Required Conservation Design," where the calculation of cumulative triggers would be illustrated.

Finally, the Water Resources Action Plan also recommends that high priority recharge areas be added as a trigger for CD. More specifically, the subdivision ordinance should be revised to require an inventory of high priority recharge areas on the site and within 200 feet of the boundary of the site. These would become a one of the triggers for CD.

***The County may want to strengthen the design standards contained within the CD regulations.***

In many of the CD required design standards, the requirements are written in language that encourages, rather than requires, their application, and allows for significant leeway in implementation by the use of terms such as "where possible." In order to ensure that a CD fulfills its purpose and goals, this language should be strengthened through additional standards and more specific requirements. For example, the following requirements can be augmented:

- Section A1107 (Conservation Design Procedures) should be renamed Conservation Design Principles to more accurately reflect that these are principals for development. They provide general guidance to the application of a CD, rather than specific procedures.
- Section A1108.1 states that "sites shall be clustered where possible." Typically, CD requires clustering of sites and includes specific standards for maximum number of sites in a cluster, spacing between clusters, and how the clusters themselves should be sited and linked within the development.

- Within Section A1108.1, the encroachment of clusters into natural areas is to be avoided unless there are “no practical alternatives.” This language is rather open-ended and allows any applicant to make the case that there is no alternative. For a CD, encroachment into these listed natural areas should be prohibited, but, if the County would like to include some flexibility, there should be standards in place for evaluating that it is necessary, with a requirement that the developer provide something in kind to make up for the loss of such areas.
- The maintenance of scenic views from adjacent roadways is required, which can be supplemented with standards that describe how the scenic roadway must be maintained. These type of regulations are similar to those seen in Scenic Roadway Overlay Districts.
- The current buffer requirements are a minimum 30 feet from the perimeter of the development, increased to 50 feet if the perimeter abuts deeded open space or a natural area. For a CD, this is a relatively small buffer; it is recommended to increase this buffer width (many communities require a 100 foot buffer). However, if the current widths are maintained, the County should consider increasing the buffer along any part of the perimeter that abuts an agricultural use to 100 feet. This will help to create more compatibility between the CD and agricultural uses, as agriculture has numerous impacts in terms of noise, odor, dust and the like.
- In Section A1111, permeable paving is encouraged. The County can take this one step further and require that all parking spaces above the minimum number required be paved with a permeable surface where the soil is able to absorb the excess water.
- The exterior lighting standards may no longer be necessary, as it is proposed to add exterior lighting standards to the UDO generally.
- The subdivision regulations and CD standards for roadways should be aligned. While there may be some unique roadway characteristics in the CD that can be included in the standards, it is important that subdivisions of either type have the same requirements, especially if a CD is redeveloped at a later time.

***Bulk requirements and density limitations in the CD need to be clarified.***

There are a number clarifications needed within the bulk and density limitations of a CD. In principle, the full build-out of a CD should have a density equal to that of the underlying zoning, though the actual development sites are smaller, clustered and preserve more open space than the underlying zoning district regulations would. There are a number of issues in the current regulations that need to be evaluated and, if retained, identified with a purpose statement for their application. It is recommended that the CD remain density neutral, which is how conservation design developments are generally written throughout the country. To achieve this, two specific provisions need to be reconsidered:

- It is unclear why “per acreage” is used. This reduces the number of dwelling units that could be constructed, which may discourage the use of CD on a voluntary basis. By allowing a straightforward density calculation (maximum density equals the number of dwelling units permitted in the gross acreage) more units would be permitted but would not exceed the number allowed by underlying zoning. However, if

the gross acreage and underlying zoning district density is used, it is important to supplement many of the existing standards with more rigid requirements as described above (clustering requirements, etc.) to ensure proper design.

- For similar reasons, elimination of the density bonuses should be considered. In some cases, some of the qualifying items should be general requirements for a basic CD. Others should be used as qualifying "trade-offs" that developers can utilize if they encroach into natural areas. In particular, maintaining and/or reusing existing historic structures on the development site should be required.

Also, it is unclear if a CD is permitted within the A-1 and A-2 Districts. The regulations state that a CD is permitted in any district. Since a decrease in lot size is not permitted for the A-2 and A-1 Districts, this means that the underlying zoning district regulations would apply, which then means that the CD is not truly applicable to these districts (clustering would not apply, the site sizes remain the same, etc.). If this is true, the ordinance should state that the CD is applicable in the residential and non-residential districts only.

## VII. ORDINANCE OUTLINE

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### ***Overview***

The UDO should follow a consistent, structured pattern from beginning to end. One way to improve the organizational structure and, in turn, its ease of use, is to employ a system of compartmentalization. This is a technique whereby similar items of information are grouped together by regulatory categories and purpose. Once all similar regulations are grouped into their respective articles, lengthy articles with unrelated information, which users oftentimes find daunting and frustrating, are eliminated.

Based upon the current regulations contained within the various ordinances, the following structure illustrates the compartmentalization approach for the McHenry County Unified Development Ordinance.

- Article 1: Title, Purpose and Intent
- Article 2: Definitions
- Article 3. Unified Development Ordinance Administrators
- Article 4. Application Process
- Article 5. Zoning Applications
- Article 6. Subdivision Applications
- Article 7: Planned Unit Developments
- Article 8: Introduction to Zoning Map
- Article 9: Agricultural Zoning Districts
- Article 10: Residential Zoning Districts
- Article 11: Commercial Zoning Districts
- Article 12: Industrial Zoning Districts
- Article 13: Special Purpose Zoning Districts
- Article 14: Use Standards
- Article 15: Site Development Standards
- Article 16: Off-Street Parking and Loading
- Article 17: Landscape and Screening
- Article 18: Signs
- Article 19: Site Improvement Standards
- Article 20: Nonconformities
- Article 21: Enforcement

Each title is described in more detail below. These descriptions do not include recommendations for revisions; they only outline content.

### ***Organization***

#### Article 1: Title, Purpose and Intent

This article introduces the UDO. It includes the overall purpose and intent, its application to land and structures within McHenry County, and the transition rules upon adoption of the UDO or any amendments to the Ordinance. This mimics the current provisions of Article 1 and 9 of the County's Zoning Ordinance.

#### Article 2: Definitions

This article would contain all the definitions within the UDO, consolidating those in the Zoning Ordinance and those in other ordinances. As stated earlier, definitions should only *define* uses and terms, and not regulate.

#### Article 3. Unified Development Ordinance Administrators

This article would list all the powers related to boards, commissions, committees and officials involved in UDO administration, which would include zoning and subdivision regulations. By listing the responsibilities of these bodies and officials for all applications, including subdivision and conservation design applications, the process becomes easier for the user to understand how the application will be processed. At a minimum, the following boards, commissions, committees and officials should be included:

- County Board, including the role of the Planning and Development Committee
- Zoning Board of Appeals
- McHenry County Hearing Officer
- Code Enforcement Officer
- Department of Planning and Development
- Staff Plat Review Committee

#### Article 4: Application Process

The rules for processing the various applications and approvals should be consolidated into one article. Current administrative procedures would be reviewed for consistency with Illinois statutes and grouped into the following three sections:

- Filing of applications
- Notice requirements
- Public hearing procedures

#### Article 5: Zoning Applications

All zoning applications would be consolidated into this article, which would include the following applications:

- Zoning Amendments
- Variations
- Conditional Use Permit
- Site Plan Review (new application)
- Zoning Interpretations (new application)
- Zoning Appeals
- Sign Permit
- Temporary Use Permit

To the degree possible, the following structure would be used for each application:

- Purpose
- Applicability

- Authority
- Procedure and Timelines
- Approval Standards

Article 6. Subdivision Applications

The process for subdivision application and approval would be found in this article, including any special requirements for the Conservation Design process. This article would only describe the process; the design and approval standards for subdivision and Conservation Design are contained in a separate article.

Article 7: Planned Developments

If planned developments are included, the provisions are rather detailed, containing both a series of requirements and an application process. Therefore PD requirements are better organized within their own article.

Article 8: Introduction to Zoning Districts

This title is standard ordinance language that introduces the zoning districts and the zoning map.

Article 9: Agricultural Zoning Districts

Article 10: Residential Zoning Districts

Article 11: Commercial Zoning Districts

Article 12: Industrial Zoning Districts

Article 13: Special Purpose Zoning Districts

These articles would each contain the use and dimensional regulations, as well as any design standards, for each district grouped by larger land use category, rather than a single matrix as is the current organization.

While no map changes are expected, it is anticipated that additional districts could be created as part of the rewrite process, such as a residential district for the homes originally located along the river, a rural business mixed-use district and an overlay district for the sensitive aquifer recharge areas. These would be integrated within the appropriate articles.

Article 14: Use Standards

All use standards for principal uses (permitted and conditional uses) would be found in Article 14. This would be an enhancement of the standards contained in Article 5 of the current Zoning Ordinance. It is anticipated that conditions commonly attached to conditional uses would be incorporated into the UDO. This article would also include regulations on permitted temporary uses.

Article 15: Site Development Standards

This title covers a variety of on-site improvements outside of the principal building or use on a zoning lot. It is divided into three sections:

1. General On-Site Improvement Regulations: This section consolidates various standards, including standards such as how to the various bulk and yard regulations are calculated, exterior lighting provisions, view obstruction, etc. These regulations are found throughout the ordinances within various sections.

2. Accessory Structures and Uses: All accessory structure and use provisions would be brought together in this article. The current accessory uses and structures will be evaluated for their comprehensiveness, and the permitted type, size, location, etc. for all types should be included in the update.
3. Permitted Encroachments: These standards delineate which accessory structures and architectural features can be located within required yards. Conventional zoning terminology is to call these “permitted encroachments.” These are best presented in table format.

Article 16: Off-Street Parking and Loading

Parking and loading standards would be located here. Various parking requirements (required number of spaces per use, required loading spaces, etc.) should be placed into table format.

Article 17: Landscape and Screening

One of the recommendations is to include comprehensive landscape and screening requirements. These would be located within this article.

Article 18: Signs

This article would include the sign provisions of the County’s sign ordinance.

Article 19: Site Improvement Standards

Various site improvements standards from the current subdivision regulations and Conservation Design addendum would be consolidated in this article.

Article 20: Nonconformities

This article would include specific provisions for regulating: 1) nonconforming uses; 2) nonconforming structures; and 3) nonconforming lots of record. It should clearly define what a nonconformity is, and explain what changes and/or alterations are permissible for each type of nonconformity. Also, this article would include an explanation of grandfathering provisions.

Article 21: Enforcement

This article would include all the enforcement provisions for the UDO.

# CAMIROS

## MEMORANDUM

**DATE:** August 9, 2011  
**TO:** McHenry County  
**FROM:** Camiros, Ltd.  
**SUBJECT:** Technical Review Memorandum Commentary

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This memorandum summarizes the major comments and concerns of the Planning and Development Committee and the Zoning Board of Appeals in regard to the Technical Review Memorandum, as presented on July 7<sup>th</sup> and July 21<sup>st</sup>. In most cases, these refinements reflect zoning concerns that will be refined during the Unified Development Ordinance drafting process.

### **Planning and Development Committee**

#### Conditional Uses

- The UDO needs to minimize the number of conditional uses within the ordinance.
- Those standards that are typically applied to common conditional uses as part of approval should be incorporated into the ordinance.
- The UDO must make the differences between a grandfathered use and an illegal use clear.
- The Technical Review Memorandum proposes a sunset clause for conditional uses. With such a sunset clause, the UDO must be clear how this applies to conditional uses approved prior to the adoption of the new ordinance. One option is to amortize existing conditional use approvals that have not been acted upon and have exceeded the sunset clause timeframes with a revocation sent by a general notice.

#### Agricultural Issues

- Agriculture needs to be clearly defined and in line with state regulations, as proposed in the Technical Review Memorandum. This will need to include a definition of agriculture-exempt structures and how those buildings are regulated within the A-1 and A-2 Districts.
- When evaluating the uses allowed in agricultural areas, the impacts of parking and vehicle storage should be considered as a factor in whether the use is permitted, conditional or prohibited.

#### New Zoning Districts

- The County may have a need for an Equine Estate District, similar to ones in communities like Barrington Hills, or should review the types and extent of equine uses allowed in the Estate Districts.
- There is a caution regarding the creation of more districts that can potentially break up the agricultural areas, such as the proposed R-MU District and the above equine district.

### Subdivision Standards

- Countywide roadway standards are desirable and new roads should be built to County standards. The County should work with Township Highway Commissioners to create a single set of roadway standards. However, with new standards in place, the subdivision regulations will need to address existing private roads.
- Common open space, managed by the homeowner's association or another qualified agency, should be required for all subdivisions.

### New Development

- New development should include an "assured supply of water" standard as part of the approval standards.
- Development should occur contiguous to municipalities. Zoning principles, in addition to the zoning amendment standards, should be added to districts to ensure that they are approved in the most appropriate areas.

### Zoning Board of Appeals

#### Conditional Uses

- Currently, approved conditional uses are typically valid for 10 or 20 years, which is a relatively unique provision within zoning. There are two approaches to this issue:
  1. If maintained, the UDO should clearly state that conditional uses are valid for 10 years, unless this timeframe is modified by the County Board.
  2. This expiration date can be eliminated. In most communities, conditional uses remain valid as long as the use is active and complies with all standards of the ordinance and conditions imposed as part of approval.

#### Zoning Map Correction Process

- As described in the Technical Review Memorandum, the addition of a simple map correction process would be beneficial for the County. This process should require notification of the property owner that such a correction is being processed.
- Elimination of the annual re-certification of the Zoning Map will also make administration of the ordinance and map easier. However, an annual report from staff that catalogues zoning changes over the year should be implemented administratively (i.e., not a requirement within the ordinance).

#### Zoning Interpretations

- A formal process for zoning interpretations was considered beneficial, though the ZBA cautioned about the amount of responsibility concentrated in the Code Enforcement Officer's position for this process and the amount of time such applications may take.

#### Environmental Performance Standards

- Lighting and sound performance standards are needed. As recommended in the Technical Review Memorandum, environmental performance standards should be drafted for the UDO. In particular, controls are needed for lighting and noise/sound.

### New Districts

- Zoning principles, in addition to the zoning approval standards should be added to districts in order to ensure that they are approved in the most appropriate areas. These criteria would supplement the zoning standards of the amendment process. For example, one standard proposed was that the R-MU District should not be allowed in aquifer recharge areas. In another example, similar to the comments of the Planning and Development Committee, commercial districts should be mapped contiguous to incorporated areas.
- Evaluation of the R-MU Rural Mixed-Use District should be undertaken when the district is drafted in order to assess if the correct types of uses have been allowed and that the district serves its proposed purpose.
- Landscaping businesses should be conditional uses within the R-MU District.
- The open space district should allow for active recreation. There may be a need to distinguish open spaces between those that allow active recreation and those that preserve natural areas.

### Agricultural Issues

- The A-2 District needs to be refined to meet its original purpose:
  1. Allow farmers to divide their farmhouse from the farmland, or
  2. Allow new homesteads for family members who work on the family farm.

### Subdivision Standards

- Subdivision standards should address the shape of new lots, to encourage regular lots.
- Connectivity between subdivisions is key. Sidewalks are also necessary.
- Conservation design needs stricter controls to achieve its purpose.

### Commercial Districts

- Commercial uses should be located contiguous to incorporated municipalities.
- The ZBA has questioned the recommendation that the B-1 and B-3 Districts be combined, as the current zoning has been working. Some B-3 District areas are almost industrial in nature.

**ZONING BOARD OF APPEALS REPORT**

**TO THE MCHENRY COUNTY BOARD**

**PETITION #: 10-30**

1. **Petitioner:** Ronald and Rhonda Lenzi
2. **Request:** Conditional Use Permit to allow the ~~outdoor~~<sup>\*</sup> storage of commercial equipment and vehicles on the parcel in question and for the operation of a nursery center and landscape business thereon and to allow a sign in conjunction therewith.  
*\*('outdoor' struck during hearing.)*
3. **Location and size of property in question:** The subject property consists of 4.6 acres and is located on the northwest corner of U.S. Route 14 and Hartland Road in Hartland Township, McHenry County, Illinois, with no common address.
4. **Date and time of hearings:** March 9, 2011 @ 1:30 PM and May 11, 2011 @ 1:30 PM  
**Date and time of the voting meeting:** June 28, 2011 @ 9:30 AM
5. **Location of hearing and voting meeting:** McHenry County Administration Building, 667 Ware Road, Woodstock, Illinois 60098, Conference Room B
6. **Present at hearing:**
  - A. ZBA Members: Chairman Richard Kelly, Linnea Kooistra, Edward Haerter, Elizabeth Scherer, Charles Eldredge (Present 03-09-11); Edward Haerter, Linnea Kooistra, Elizabeth Scherer, Charles Eldredge, Vicki Gartner (Present 05-11-11) - - (*Vicki Gartner read 03-09-11 transcript prior to vote. Dave Stone read transcripts prior to vote.*)
  - B. Witnesses: Ronald Lenzi
  - C. Attorney: Doreen T. Paluch
  - D. Public: Kim Kolner - County Staff, Darrell Moore - County Staff, Melissa Rath, Russ Evertsen, Nancy Schietzelt, Jim Davidson, Joe Carpenter, Rich Loughren

**Items of evidence:** Plats of Survey (2), site plan, photographs, revised site plan

**7. SUMMARY OF TESTIMONY AT HEARING - March 9, 2011:**

Chairman Kelly opened the hearing and stated that the Petitioners were before the Board requesting a Conditional Use Permit to allow the outdoor storage of commercial equipment and vehicles on the parcel in question and for the operation of a nursery center and landscape business thereon and to allow a sign in conjunction therewith.

Doreen Paluch, attorney for the Petitioners, stated that there have been commercial vehicles stored on site for approximately the past year and a half. They would like to continue that use, as well as the operation of a nursery center as a future use. Ms. Paluch explained that the Petitioners are seeking the Conditional Use for 4.6 acres of a 12-acre parcel. That portion of the property was chosen for the Petition in order to avoid impact on wetlands located on the property and taking the buffer zone into consideration.

Ronald Lenzi, one of the owners of the subject property, was called as a witness. Mr. Lenzi has been a landscape contractor for 17 years and has had a business located in McHenry County during that time. The current nature of his business is lawn care and landscaping, including perennial gardens and natural stone. He would like to continue that business as well as the additional uses noted previously. Mr. Lenzi and his wife have owned the subject property since November of 2008. Other than nursery stock, the property was vacant at the time of purchase. Since that time, the Lenzis have continued to operate the property as a nursery.

A Plat of Survey of the entire property and a Plat of Survey of the subject property were submitted as Exhibit A. A Site Plan outlining the boundaries of the wetland buffer was submitted as Exhibit B. Ms. Paluch noted that the boundaries of the subject property basically follow the outline of the wetland buffer boundary. Exhibit C, photographs of the subject property, depict some improvements that were made to the subject property after it was purchased by Mr. and Mrs. Lenzi, including planted trees along the road for screening and a newly landscaped entryway. In addition to landscaping, Mr. Lenzi indicated that he has also installed a gravel driveway and 100' x 150' parking area since purchasing the property, which he obtained the proper stormwater permitting for. A chain link fence was also installed around the gravel parking area, as well as lighting and a security system.

Ms. Paluch asked Mr. Lenzi what vehicles and equipment are currently stored in the parking area. Mr. Lenzi stated that there are enclosed trailers, tools for nursery activities, snowplows and other trucks and tractors used in conjunction with his business. There may be additional vehicles as his business grows as well. Mr. Lenzi noted that he increased the height of some berms around the property to allow for further screening from neighboring properties. In addition to the berms, there are additional trees and foliage that contribute to the screening buffer. Mr. Lenzi indicated that the area outside of the storage/parking area would be used for nursery stock and an organic garden.

With regard to the proposed nursery center, Mr. Lenzi stated that he would like the ability to not only sell nursery stock and perennials, but also to sell products related to the care and landscaping of nursery items, such as gravel, mulch, etc. He also intends to construct a building for the business use inside of the fenced-in area within the next couple of years.

Mr. Lenzi stated that the properties surrounding the subject property are zoned agriculturally. Most of the property across the street is cornfield. One neighboring property contains a single family residence and some outbuildings. Approximately one mile down Route 14 from the subject property is an existing nursery, Oney's Tree Farm. Across the street from Oney's is another nursery. Mr. Lenzi pointed out that some of his neighbors were present at the hearing and were in support of the proposed use of his property, as it has been improved.

Responding to concerns by the McHenry County Division of Transportation, Mr. Lenzi stated that he intends to have customers entering the site using access from Hartland Road. He currently does not feel that the existing storage of commercial vehicles and equipment has had any impact on traffic in the area. The employees, two other than Mr. Lenzi, typically access the site in the morning and afternoon and then

leave for their homes. Semis would only access the property once or twice per year, so Mr. Lenzi does not anticipate that causing problems as they enter from Hartland Road.

While there is currently a port-a-potty on site, Mr. Lenzi indicated that improvements would be made with regard to sanitation facilities once the building is constructed.

Hartland Township submitted suggestions for conditions that they would like to see enforced with the Conditional Use. One of their comments was that no permanent structures be constructed on site, however the Petitioner asks that that not be imposed so that he is able to construct a building to store equipment and operate the nursery center. The Township also asked that there be no residence on site. Mr. Lenzi does not anticipate any residence on site in the future (*Note: At the following hearing, Mr. Lenzi amended his response to indicate that he may wish to construct a residence in the future and would not want any limitation as to the construction of a residence on site*). Thirdly, Hartland Township would like retail sales to be prohibited on site. Mr. Lenzi would like to have retail sales as well as wholesale in connection with his business. The Township further requests that there be no signage allowed on the site. Mr. Lenzi believes that it is necessary to have a sign identifying the location of his business. He noted that the existing sign on the property was erected within the requirements of the McHenry County Sign Ordinance. He may wish to enlarge the sign in the future to include all aspects of his business. Hartland Township suggested that a time limit of 10 years be placed upon the Conditional Use. Mr. Lenzi stated that he would hope to operate the business for 15 to 20 years. Additionally, the Township recommended that there be no composting or burining on the site. Mr. Lenzi intends to continue to utilize composting and burning as an agricultural purpose on his property, within the requirements of the County. Next, the Township stated that they would recommend that there be no fuel or oil stored on the site. Mr. Lenzi said there is not currently any stored on site, but he would like the ability to store fuel, but not oil in the future. He noted that most nurseries have outside storage of fuel on site. With regard to hours of operation, Hartland Township recommended 5:00 AM to 10:00 PM Monday through Saturday. The Petitioner would also like the ability to operate the retail end of the business on Sundays from 8:00 AM to 3:00 PM and would like the Monday through Saturday hours to be from 7:00 AM to 4:30 PM, although there may be times that employees would be on site as late as 8:00 PM (*Note: At the following hearing, Mr. Lenzi clarified that he would like to have hours of operation be 7:30 AM to 5:00 PM*). Mr. Lenzi addressed the Standards for Conditional Use.

Linnea Kooistra expressed concern for the possible storage of fertilizer on the subject property due to the very high potential for aquifer contamination.

Elizabeth Scherer asked whether snowplowing is a part of the business in the winter. Mr. Lenzi explained that he does do snowplowing. He stores the snowplows on the subject property and occasionally salt for de-icing.

Staff directed the Petitioner's attention to Article 5, Page 23 of the Zoning Ordinance in reference to landscape waste composting. They recommended Mr. Lenzi look into the IEPA regulations, as a landscape waste composting facility may require amending the Petition request. Ms. Paluch stated that any composting would only be done in conjunction with the farming activities on site and not as a retail part of the business. Staff had no immediate concerns with regard to the proposed use.

Melissa Rath, who owns Deep Cut Perennial Nursery approximately four miles away from the subject property, spoke in support of the Petition. She indicated that Mr. Lenzi's nursery is not near the extent of Countryside Nursery.

Russ Evertsen, a neighbor of Mr. Lenzi's, noted that the subject property is kept in immaculate condition. Even though he is able to see the vehicles stored on site, he pointed out that they are lined up neatly and the site is very clean.

#### **SUMMARY OF TESTIMONY AT HEARING - May 11, 2011:**

Ms. Paluch presented a revised site plan to be added to the Petition. The site plan was marked as Exhibit D. Identified on the site plan was the previously discussed wetland buffer, as well as the gravel area surrounded by a chain link fence. Additionally, there are locations of parking facilities and material storage bins designated on the plan.

Further explaining the revised site plan, Mr. Lenzi pointed out that there is a 60' x 70' area designated as a landscape holding yard, where trees and shrubs would be kept. Inside of the fenced-in area, Mr. Lenzi noted that there is a 30' x 50' garage proposed for vehicles. That structure is not intended to be used for offices or any part of the retail business. Mr. Lenzi's intention is to continue storing commercial vehicles outside until such a time as that structure is erected and the vehicles and equipment can be kept indoors. North of the proposed garage is an area designated for fuel tank storage. North of that area is designated for employee parking. Further north would be concrete landscape material bins. They would house mulch, gravel and sand. No bulk salt or fertilizer is proposed to be stored in that location. To the east of the material bins is proposed a 60' x 40' agricultural building to be used to store tools and agricultural equipment. South of the agricultural building are proposed additional parking spaces to be used mainly by retail customers coming to the nursery center.

Ms. Paluch asked Mr. Lenzi if he had contacted the McHenry County Division of Transportation concerning access to the property. He indicated that he had been in touch with Ray Beets who had determined that there would be minor impact to the road for the proposed use. Based on the aerial photograph contained within the Staff Report, Mr. Lenzi estimated that the existing Hartland Road access is approximately 175 feet from Route 14.

Mr. Lenzi clarified that he would not be operating a composting facility. He would generally bring grass, leaves or manure back to his property for his own compost to be put into the organic garden. Other materials, such as timbers, concrete or railroad ties would go to construction sites to be handled appropriately.

The Petitioner chose to strike the word "outdoor" from their request to allow for both indoor and outdoor storage.

8. **Planning & Development Department Staff Report-Comments and Conclusions:**  
*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

Conditional Use Request

The Conditional Use request is not in conflict with the surrounding agriculture and vacant uses. The requested conditional use will not affect the current zoning, which is *A-1 Agriculture*. The *2030 Plan* text is neutral as it relates to the request. The requested conditional use is not in conflict with the *2030 Future Land Use Map* designation of AGRICULTURAL.

The petitioner must provide evidence in the hearing that the proposed use will meet the requirements set forth in the *2000 McHenry County Zoning Ordinance* for a Conditional Use.

#### **BACKGROUND**

The PIQ is approximately 4.6 acre in area (PIN 07-34-200-015). There are no structures on the site.

#### **STAFF ANALYSIS – CONDITIONAL USE REQUEST**

*The purpose of the Conditional Use is to establish standards for those uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.*

1) *Current Land Use:*

The requested conditional is not in conflict with the surrounding agricultural and vacant land uses.

2) *Zoning:*

The requested conditional use will not affect the current zoning, which is *A-1 Agriculture* district.

3) *2030 Comprehensive Plan text:*

The text of the 2030 Comprehensive Plan does not support or oppose the proposed use. More information is needed to determine how the proposed use will impact the natural resources in the area. However, the required wetland buffers have been accommodated for. The site plan indicates that the majority of the PIQ would be used for the growth of landscaping plants.

4) *2030 Comprehensive Plan Future Land Use map:*

The requested conditional use is not in conflict with the map designation of AGRICULTURAL

5) *Environmental Factors:*

According to the SARA map, the PIQ has a high potential for aquifer contamination. The PIQ does not contain any wetlands, floodplains or floods-of-record. The McHenry County Soil and Water Conservation District Natural Resources Inventory report was received and it indicated that impacts to natural resources from the proposed use would be minimal. Please refer to L10-036-3620 for more information. The Illinois Department of Natural Resources (IDNR) indicated that additional information is needed to determine if the project will have an adverse impact on protected state resources. The initial report indicated that Blanding's Turtles, Common Moorhens, Least Bitterns and Yellow-Headed Blackbirds maybe in the vicinity of the PIQ.

## NOTES

- All requirements of Article 5, Section 502.3 STANDARDS FOR CONDITIONAL USE must be met, and
- Staff will have additional comments based upon the testimony presented during the public hearing.

9. **Soil and Water Conservation District Report:** For additional information refer to NRI #L10-036-3620.
10. **Illinois Department of Conservation:** The consultation has been received.
11. **SUMMARY OF VOTING MEETING DISCUSSION:**

Chairman Kelly opened the voting meeting, and stated that there were 11 proposed conditions:

1. The Conditional Use Permit shall expire 20 years from the date of approval by the McHenry County Board or sooner if the activities requested in the Conditional Use Permit are discontinued for a period of more than 12 consecutive months.
2. The commercial equipment and vehicles stored on-site shall be limited to those owned or leased by the property owners of record and used in connection with the nursery center and landscaping business. All vehicles must have current plate registration.
3. Activities related to the Conditional Use shall be restricted to those areas so designated on the attached site plan (received/ date stamped May 6, 2011).
4. Storage of off-site generated landscape waste and outdoor storage of salt is prohibited.
5. Production and use of compost must meet any applicable IEPA regulations.
6. Storage of fuel for the landscape business shall be limited to 500 gallons. Said fuel tank shall be surrounded with a containment bunker.
7. Hours of operation for the nursery center and landscape business shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday, and 8:00 a.m. to 3:00 p.m. on Sunday.
8. Restroom facilities shall be provided for employee use in accordance with Article IX and X of the McHenry County Public Health Ordinance.
9. If any structure or part thereof within the Conditional Use Permit area is used for the nursery center or landscape business, and not for a strictly agricultural purpose, then said structure or relevant portion thereof shall be made to meet applicable commercial building codes and obtain all required permits for such a use.
10. A sign limited to 50 square foot of sign face is allowed on the property subject to the McHenry County Sign Ordinance and the Highway Advertising Control Act of 1971, 225ILCS 440/1 as amended. Said sign must obtain all necessary permits.
11. All other federal, state and local laws shall be met.

Elizabeth Scherer made a motion to approve the proposed conditions. David Stone seconded the motion. The Board voted 7-0 to approve the conditions. Mr. Stone made a motion to recommend approval of the request, subject to the 11 approved conditions. Vicki Gartner seconded the motion. Mr. Stone stated that he believes the requested use

meets the Standards for Conditional Use and that the use was minimal. Ms. Gartner pointed out that the property is very well maintained and the Petitioner appears to be compliant with the Ordinances. The Board agreed and was in favor of the request. They believed all concerns that they had would be addressed through the approved conditions.

**12. Facts that support recommending *approval* of the request:**

- 1.) The property is well maintained and buffered from surrounding properties.
- 2.) The Petitioner is responsible and willing to adhere to proposed conditions.
- 3.) The Standards for Conditional Use, listed in Article 5, under Section 502.3 of the McHenry County Zoning Ordinance have been met to the satisfaction of the Zoning Board of Appeals.

**13. Facts that support recommending *denial* of the request: None**

**14. Motion:** Made by David Stone, seconded by Vicki Gartner for a Conditional Use Permit to allow the storage of commercial equipment and vehicles on the parcel in question and for the operation of a nursery center and landscape business thereon and to allow a sign in conjunction therewith, subject to the following conditions:

1. The Conditional Use Permit shall expire 20 years from the date of approval by the McHenry County Board or sooner if the activities requested in the Conditional Use Permit are discontinued for a period of more than 12 consecutive months.
2. The commercial equipment and vehicles stored on-site shall be limited to those owned or leased by the property owners of record and used in connection with the nursery center and landscaping business. All vehicles must have current plate registration.
3. Activities related to the Conditional Use shall be restricted to those areas so designated on the attached site plan (received/date stamped May 6, 2011).
4. Storage of off-site generated landscape waste and outdoor storage of salt is prohibited.
5. Production and use of compost must meet any applicable IEPA regulations.
6. Storage of fuel for the landscape business shall be limited to 500 gallons. Said fuel tank shall be surrounded with a containment bunker.
7. Hours of operation for the nursery center and landscape business shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday, and 8:00 a.m. to 3:00 p.m. on Sunday.
8. Restroom facilities shall be provided for employee use in accordance with Article IX and X of the McHenry County Public Health Ordinance.
9. If any structure or part thereof within the Conditional Use Permit area is used for the nursery center or landscape business, and not for a strictly agricultural purpose, then said structure or relevant portion thereof shall be made to meet applicable commercial building codes and obtain all required permits for such a use.
10. A sign limited to 50 square foot of sign face is allowed on the property subject to the McHenry County Sign Ordinance and the Highway Advertising Control Act of 1971, 225ILCS 440/1 as amended. Said sign must obtain all necessary permits.

11. All other federal, state and local laws shall be met

**15. Vote:** 7 - AYES; 0 - NAYS; 0 - ABSTAIN

*Ed Haerter - Aye*  
*Elizabeth Scherer - Aye*  
*Linnea Kooistra - Aye*  
*David Stone - Aye*  
*Vicki Gartner - Aye*  
*Charles Eldredge - Aye*  
*Rich Kelly - Aye*

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL**

1 were asking for other information because of the  
2 area, but I don't see any supplementals or  
3 anything.

4 MS. KOLNER: As far as I know the petitioner  
5 has been in contact with them to supply them with  
6 all the information that they requested. I don't  
7 believe either of us have heard anything further  
8 from IDNR on what they've done with that  
9 information.

10 MS. SCHERER: Okay.

11 CHAIRMAN KELLY: Okay. I would take a  
12 motion in regard to the proposed Conditional Use.

13 MR. STONE: So moved.

14 MS. GARTNER: Second.

15 CHAIRMAN KELLY: Motion by Mr. Stone.

16 Seconded by Ms. Gartner.

17 Discussion, Mr. Stone.

18 MR. STONE: Yes. I guess I'm supposed to --  
19 prior to the record that I read the transcript.

20 I think this application meets the  
21 standard for Conditional Uses and I don't see any  
22 problem with it whatsoever. I know there was  
23 some concern about the aquifer, but I think this  
24 gentleman is already out -- nothing in the way he

1 operates changes what he's doing now other than  
2 having some people come in and walk around where  
3 he's got some plants. It's all even outside as I  
4 understand it. So this is a pretty minimal usage  
5 and I'm in favor of it.

6 CHAIRMAN KELLY: Thank you. Ms. Gartner?

7 MS. GARTNER: I would agree with what  
8 Mr. Stone said. And this is a very  
9 well-maintained piece of property. The  
10 Petitioner seems to be very compliant with the  
11 ordinances and with the conditions, too, so I  
12 would be in favor.

13 CHAIRMAN KELLY: Thank you. Mr. Eldredge?

14 MR. ELDREDGE: Yes. I was out to the site  
15 several times. And each time I thought it was  
16 remarkably well-maintained. I believe he has met  
17 the standards for Conditional Use. I have a  
18 moderate concern about how close the driveway is  
19 to Route 14, but I think that that's an issue 15  
20 or 20 years in the future, not currently. And  
21 since the division of transportation has approved  
22 it as it presently stands, I'm certainly not  
23 going to object. So I'm going to be voting in  
24 favor.

1           CHAIRMAN KELLY: Mr. Haerter?

2           MR. HAERTER: I agree with all the comments  
3           thus far. As far as the traffic is concerned  
4           this is right next to a very busy nursery right  
5           on Highway 14 and they exit and enter actually  
6           right on 14, whereas these people would at least  
7           be on the road that goes onto 14, there's a stop  
8           sign in between. So I don't think the traffic  
9           concerns are -- I think it was actually much to  
10          do about nothing at this point. So I would be in  
11          favor of the petition.

12          CHAIRMAN KELLY: Thank you. Mrs. Scherer?

13          MS. SCHERER: I know this isn't the proper  
14          place to put it, but before I vote, we discussed  
15          on 5/11 that the area that the trucks were to be  
16          stored in was not marked on the survey. Has that  
17          been completed? Do we have a good marking on the  
18          plat of survey as to where the trucks are going  
19          to be stored?

20          MS. KOLNER: The site plan that was  
21          submitted at the last hearing, the plan that I  
22          have here is dated May 6th, and I believe that's  
23          the one that's also referenced in Condition  
24          No. 3, does have a garage. And it says garage,

1 30 by 50 for vehicles. And that will be where  
2 the trucks will be stored inside as well as it  
3 says there's two employee parking spots as well  
4 as six spots outside. Those are subject to  
5 change depending on any parking requirements.

6 MS. SCHERER: But all the trucks that he  
7 owns are capable of fitting within the 30 by 50  
8 building?

9 THE WITNESS: Uh-huh.

10 MS. SCHERER: Okay. That's fine. I agree  
11 with what's been stated previously. There was a  
12 neighbor that was here stating also that the  
13 property is extremely well-maintained. I think  
14 all of my issues that they covered with regard  
15 to -- the conditions have covered all my concerns  
16 with regard to the petition, and I am definitely  
17 in favor.

18 CHAIRMAN KELLY: Ms. Kooistra?

19 MS. KOOISTRA: Yes. This property is  
20 located near the corner of Hartland Road and  
21 Route 14 west of Woodstock. It's in an A-1 area  
22 surrounded by farmland. A majority of this is a  
23 wetland area. There is 100 percent of the parcel  
24 is sensitive aquifer recharge area, so there were

1 concerns for contamination into that aquifer. So  
2 with the addition of a containment site around  
3 the fuel storage I believe that we have addressed  
4 that well. Otherwise, this is really all  
5 agricultural type business with a nursery center.  
6 It will be a small type operation. It's not a  
7 large site. There's Olny's Tree Nursery down the  
8 road that does a similar thing with Christmas  
9 trees and brings in items and is very busy. And  
10 as was stated by Mr. Haerter the traffic on  
11 Route 14 there, it's a retail operation, would be  
12 much more intense use than what this is going to  
13 be.

14 So I think with the conditions we  
15 have put on this, I think that handles any  
16 concerns about the environment at this site, so  
17 I'm in favor of the request.

18 CHAIRMAN KELLY: And I agree with the  
19 comments that have been made. I go by this  
20 property all the time and it's well-maintained,  
21 and this is one of those that's going to be, I  
22 hope, addressed in the new ordinance that this is  
23 really an agricultural business that probably  
24 should be allowed by right under certain

1 exceptions and not have to come in as a  
2 Conditional Use.

3 I agree the Petitioner has met all  
4 the standards. I'm in favor of the request. And  
5 I'll call for the vote. Mr. Haerter?

6 MR. HAERTER: Yes.

7 CHAIRMAN KELLY: Ms. Scherer?

8 MS. SCHERER: Yes.

9 CHAIRMAN KELLY: Ms. Kooistra?

10 MS. KOOISTRA: Yes.

11 CHAIRMAN KELLY: Mr. Stone?

12 MR. STONE: Yes.

13 CHAIRMAN KELLY: Ms. Gartner?

14 MS. GARTNER: Yes.

15 CHAIRMAN KELLY: Mr. Eldredge?

16 MR. ELDREDGE: Yes.

17 CHAIRMAN KELLY: And I will vote yes. This  
18 will go to the County Board with a 7-to-0 vote  
19 recommending approval. At this time, then, the  
20 hearing is closed.

21 (Which were all the  
22 proceedings had in  
23 said matter on said  
24 date.)

IN THE MATTER OF THE APPLICATION	)	
OF RONALD LENZI AND RHONDA LENZI FOR AN	)	10-30
AMENDMENT OF THE ZONING ORDINANCE	)	
OF McHENRY COUNTY, ILLINOIS FOR	)	CONDITIONAL USE
CONDITIONAL USE	)	

WHEREAS, your Petitioners RONALD LENZI AND RHONDA LENZI have filed a petition with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use as it relates to the McHenry County Zoning Ordinance, and of such Ordinance as amended, as it relates to the real property more fully described as:

That part of the Northeast Quarter of Section 34, Township 45 North, Range 6, East of the Third Principal Meridian described as follows: Commencing at the Northeast corner of the said Northeast Quarter; thence South 00 degrees 08 minutes East along the East line thereof, 399.00 feet; thence North 89 degrees 32 minutes West parallel with the North line of the said Northeast Quarter, 193.3 feet to the Place of Beginning; thence South 21 degrees 01 minutes East, 57.7 feet; thence South 34 degrees 27 minutes East 48.7 feet; thence South 55 degrees 20 minutes East, 36.2 feet; thence South 77 degrees 37 minutes East, 33.9 feet; thence South 88 degrees 55 minutes East, 51.9 feet to the West right of way line of Hartland Road; thence South 00 degrees 08 minutes West along said West right of way line, 519.1 feet to the North right of way line of US Route 14; thence North 85 degrees 52 minutes West, along said North right of way line, 413.0 feet; thence North 02 degrees 37 minutes East, 17.3 feet; thence North 30 degrees 46 minutes East, 50.2 feet; thence North 38 degrees 06 minutes East, 73.2 feet; thence North 19 degrees 32 minutes East, 132.4 feet; thence North 02 degrees 04 minutes West, 119.0 feet; thence North 38 degrees 28 minutes West, 94.1 feet; thence North 33 degrees 02 minutes West, 26.0 feet; thence North 14 degrees 10 minutes West 25.8 feet; thence North 00 degrees 35 minutes East, 47.1 feet; thence North 18 degrees 52 minutes East, 89.1 feet to the South line of the North 399.00 feet of the said Northeast Quarter; thence South 89 degrees 32 minutes East, along said South line, 188.3 feet to the Place of Beginning, in McHenry County, Illinois.

Part of PIN 07-34-200-015

More commonly known as vacant parcel located at the Northwest corner of U.S. Route 14 and Hartland Road, in Hartland Township.

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is "A-1" Agriculture, but a Conditional Use be granted to allow storage of commercial equipment and vehicles on the Parcel in Question and for the operation of a Nursery Center and Landscape Business thereon and to allow a sign in conjunction therewith.

WHEREAS, the subject property consists of approximately 4.6 acres in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did recommend by a vote of 7 ayes and 0 nays the

granting of a Conditional Use to allow storage of commercial equipment and vehicles on the Parcel in Question and for the operation of a Nursery Center and Landscape Business thereon and to allow a sign in conjunction therewith on the property in question with the following condition(s):

1. The Conditional Use Permit shall expire 20 years from the date of approval by the McHenry County Board, or, sooner if the activities requested in the conditional use permit are discontinued for a period of more than twelve (12) consecutive months.
2. The commercial equipment and vehicles stored on site shall be limited to those owned or leased by the property owner(s) of record and used in connection with the nursery center and landscaping business. All vehicles must have current plate registration.
3. Activities related to the conditional use shall be restricted to those areas so designated on the attached Site Plan (received/date-stamped May 6, 2011).
4. Storage of off-site generated landscape waste and outdoor storage of salt is prohibited.
5. Production and use of compost must meet any applicable IEPA regulations.
6. Storage of fuel for the Landscape Business shall be limited to 500 gallons. Said fuel tank shall be surrounded with a containment bunker.
7. Hours of operation for the Nursery Center and Landscape Business shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday and 8:00 a.m. to 3:00 p.m. on Sunday.
8. Restroom facilities shall be provided for employee use in accordance with Article IX and X of the McHenry County Public Health Ordinance.
9. If any structure, or part thereof, within the Conditional Use Permit area is used for the Nursery Center or Landscape Business and not for a strictly agricultural purpose, then said structure, or relevant portion thereof, shall be made to meet applicable commercial building codes and obtain all required permits for such a use.
10. A sign, limited to 50 square foot of sign face, is allowed on the property subject to the McHenry County Sign Ordinance and the Highway Advertising Control Act of 1971, 225ILCS 440/1 et seq. as amended. Said sign must obtain all necessary permits.
11. All other federal, state, and local laws shall be met.

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

Whereas, the McHenry County Board has determined that the standards for a Conditional Use Permit as set forth in the McHenry County Zoning Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Zoning Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow storage of commercial equipment and vehicles on the Parcel in Question and for the operation of a Nursery Center and Landscape Business thereon and to allow a sign in conjunction therewith with the following condition(s):

1. The Conditional Use Permit shall expire 20 years from the date of approval by the McHenry County Board, or, sooner if the activities requested in the conditional use permit are discontinued for a period of more than twelve (12) consecutive months.

2. The commercial equipment and vehicles stored on site shall be limited to those owned or leased by the property owner(s) of record and used in connection with the nursery center and landscaping business. All vehicles must have current plate registration.
3. Activities related to the conditional use shall be restricted to those areas so designated on the attached Site Plan (received/date-stamped May 6, 2011).
4. Storage of off-site generated landscape waste and outdoor storage of salt is prohibited.
5. Production and use of compost must meet any applicable IEPA regulations.
6. Storage of fuel for the Landscape Business shall be limited to 500 gallons. Said fuel tank shall be surrounded with a containment bunker.
7. Hours of operation for the Nursery Center and Landscape Business shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Saturday and 8:00 a.m. to 3:00 p.m. on Sunday.
8. Restroom facilities shall be provided for employee use in accordance with Article IX and X of the McHenry County Public Health Ordinance.
9. If any structure, or part thereof, within the Conditional Use Permit area is used for the Nursery Center or Landscape Business and not for a strictly agricultural purpose, then said structure, or relevant portion thereof, shall be made to meet applicable commercial building codes and obtain all required permits for such a use.
10. A sign, limited to 50 square foot of sign face, is allowed on the property subject to the McHenry County Sign Ordinance and the Highway Advertising Control Act of 1971, 225ILCS 440/1 et seq. as amended. Said sign must obtain all necessary permits.
11. All other federal, state, and local laws shall be met.

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Chairperson, McHenry County Board  
 McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
 County Clerk

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_

RECEIVED  
MAY - 6 2011  
KANE COUNTY  
LANDING AND ZONING DEPT.

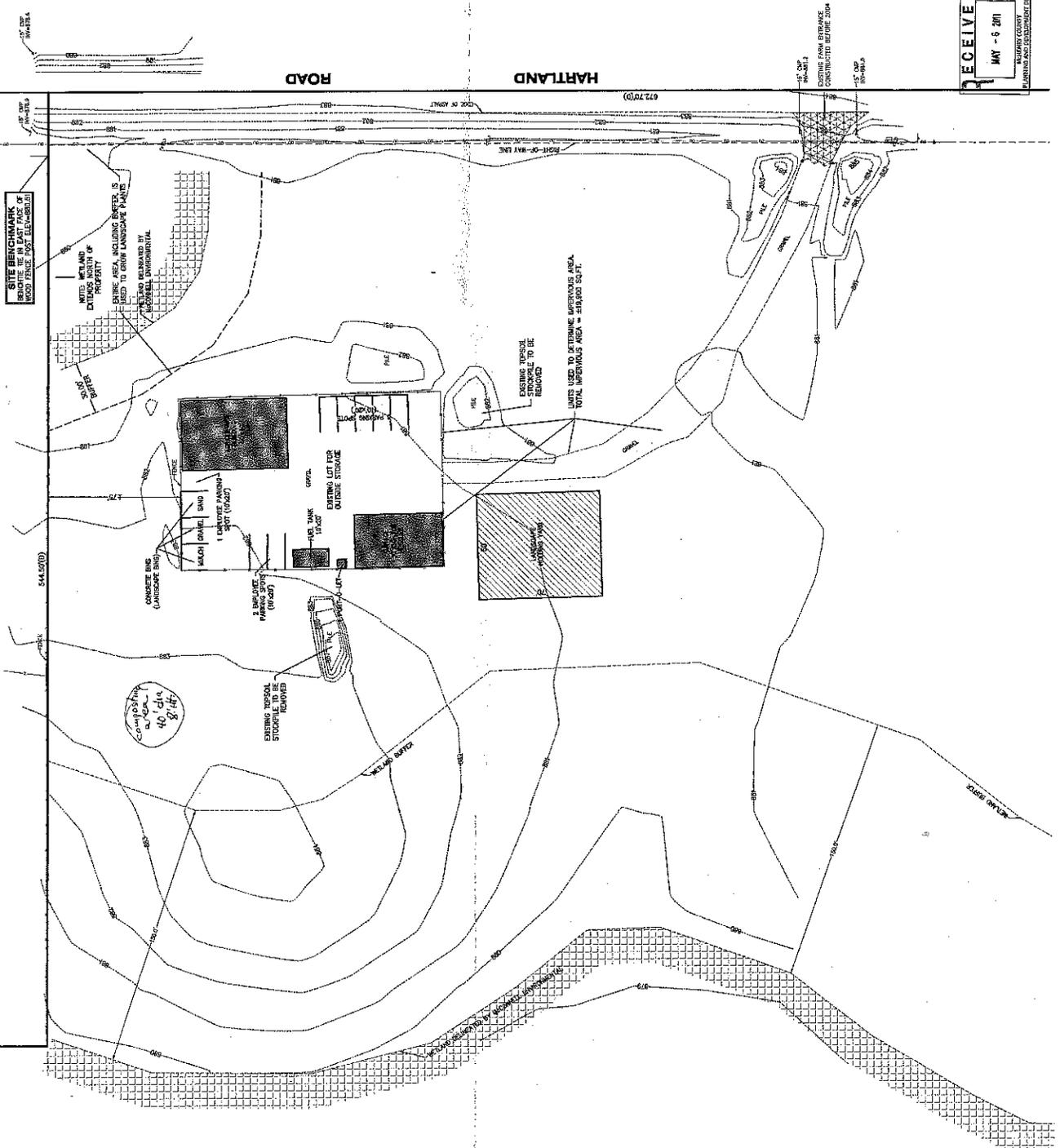
**LENZI LANDSCAPING**

DATE	NO.	DESCRIPTION

CLIENTS:  
**RON LENZI**  
8340 WATSON CIR

**EXCEPTION**

**PROJECT BENCHMARK:**  
SINCE THE BENCHMARK IS LOCATED IN AN UNUSUAL LOCATION, THE BENCHMARK IS A 1/2" DIA. GALV. STEEL ROD IN A 2" DIA. PVC PIPE. THE BENCHMARK IS 10' SOUTH OF THE CENTERLINE OF THE ROAD AND 10' WEST OF THE CENTERLINE OF THE DRIVE. THE BENCHMARK IS 10' SOUTH OF THE CENTERLINE OF THE ROAD AND 10' WEST OF THE CENTERLINE OF THE DRIVE. THE BENCHMARK IS 10' SOUTH OF THE CENTERLINE OF THE ROAD AND 10' WEST OF THE CENTERLINE OF THE DRIVE.



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# Staff Report for the McHenry County Zoning Board of Appeals

**Petition:** # 10-30

**Hearing Date:** March 9, 2011

**Applicant:** Ronald Lenzi and Rhonda Lenzi, owners of record.

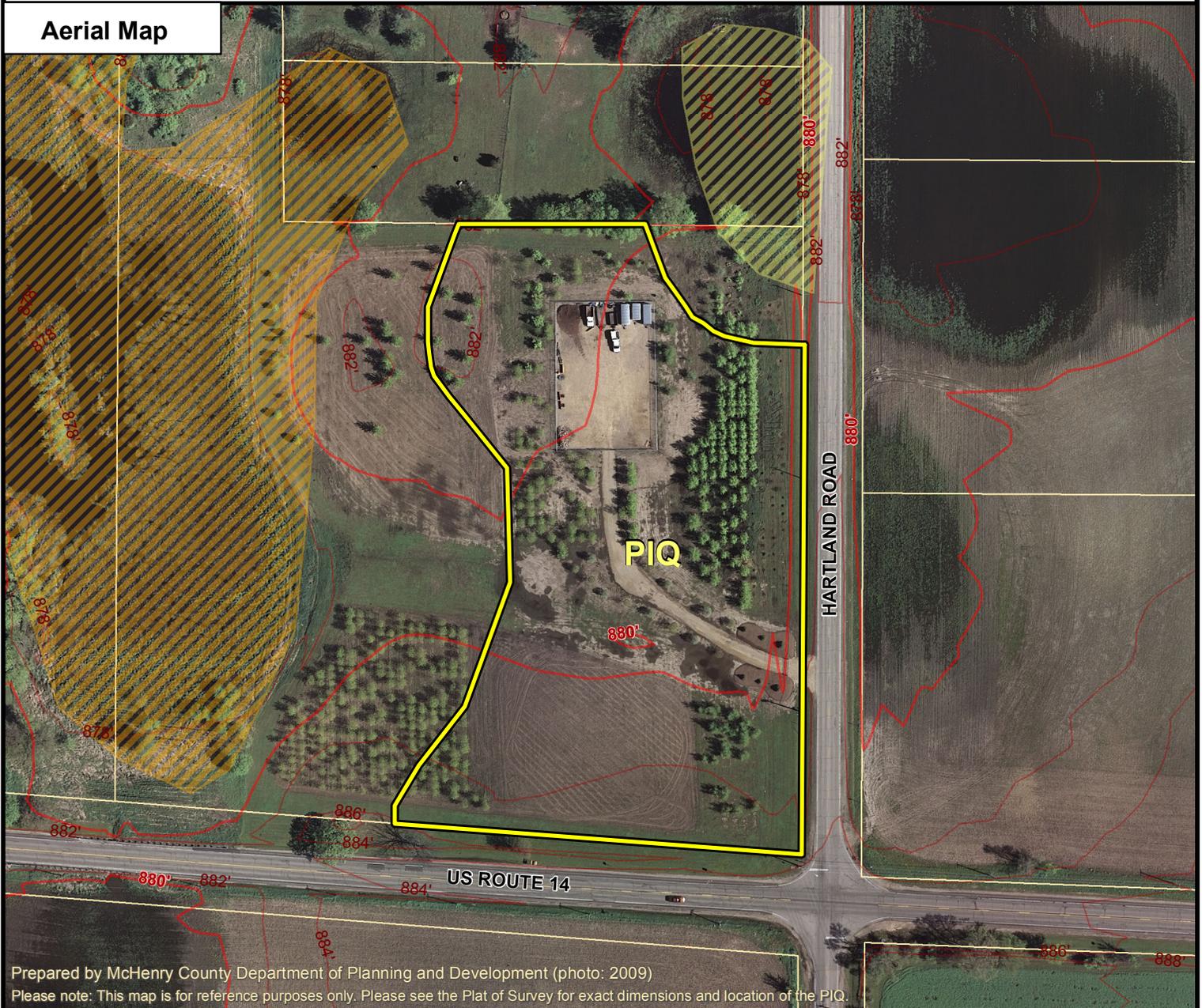
**Request:** Conditional Use to allow the ~~outdoor~~ storage of commercial equipment and vehicles on the Parcel in Question and for the operation of a Nursery Center and Landscape Business thereon and to allow a sign in conjunction therewith.

**Location:** The Property in Question (PIQ) consists of 4.6 acres and is located at the Northwest corner of U.S. Route 14 and Hartland Road, in Hartland Township.

**Address:** no common address

**PIN:** 07-34-200-015

## Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2009)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

### Elevation

(feet above sea level)

— 10-foot contours

— 2-foot contours

### ADID Wetland Map 2005

High Functional Value Wetland (hfvw)

High Quality Wetland (hqw)

Wetland (w)

Farmed Wetland (fw)

Feet

150

75

0

150

300

1 inch equals 150 feet



## Staff Report for the McHenry County Zoning Board of Appeals

### STAFF COMMENTS

*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

### Conditional Use Request

The Conditional Use request is not in conflict with the surrounding agriculture and vacant uses. The requested conditional use will not affect the current zoning, which is *A-1 Agriculture*. The *2030 Plan* text is neutral as it relates to the request. The requested conditional use is not in conflict with the *2030 Future Land Use Map* designation of AGRICULTURAL.

The petitioner must provide evidence in the hearing that the proposed use will meet the requirements set forth in the *2000 McHenry County Zoning Ordinance* for a Conditional Use.

### BACKGROUND

The PIQ is approximately 4.6 acre in area (PIN 07-34-200-015). There are no structures on the site.

### STAFF ANALYSIS – CONDITIONAL USE REQUEST

*The purpose of the Conditional Use is to establish standards for those uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.*

1) Current Land Use:

The requested conditional is not in conflict with the surrounding agricultural and vacant land uses.

2) Zoning:

The requested conditional use will not affect the current zoning, which is *A-1 Agriculture* district.

3) 2030 Comprehensive Plan text:

The text of the 2030 Comprehensive Plan does not support or oppose the proposed use. More information is needed to determine how the proposed use will impact the natural resources in the area. However, the required wetland buffers have been accommodated for. The site plan indicates that the majority of the PIQ would be used for the growth of landscaping plants.

4) 2030 Comprehensive Plan Future Land Use map:

The requested conditional use is not in conflict with the map designation of AGRICULTURAL

5) Environmental Factors:

According to the SARA map, the PIQ has a high potential for aquifer contamination. The PIQ does not contain any wetlands, floodplains or floods-of-record. The McHenry County Soil and Water Conservation District Natural Resources Inventory report was received and it indicated that impacts to natural resources from the proposed use would be minimal. Please refer to L10-036-3620 for more information. The Illinois Department of Natural Resources (IDNR) indicated that additional information is needed to determine if the project will have an adverse impact on protected state resources. The initial report indicated that Blanding's Turtles, Common Moorhens, Least Bitterns and Yellow-Headed Blackbirds maybe in the vicinity of the PIQ.

### NOTES

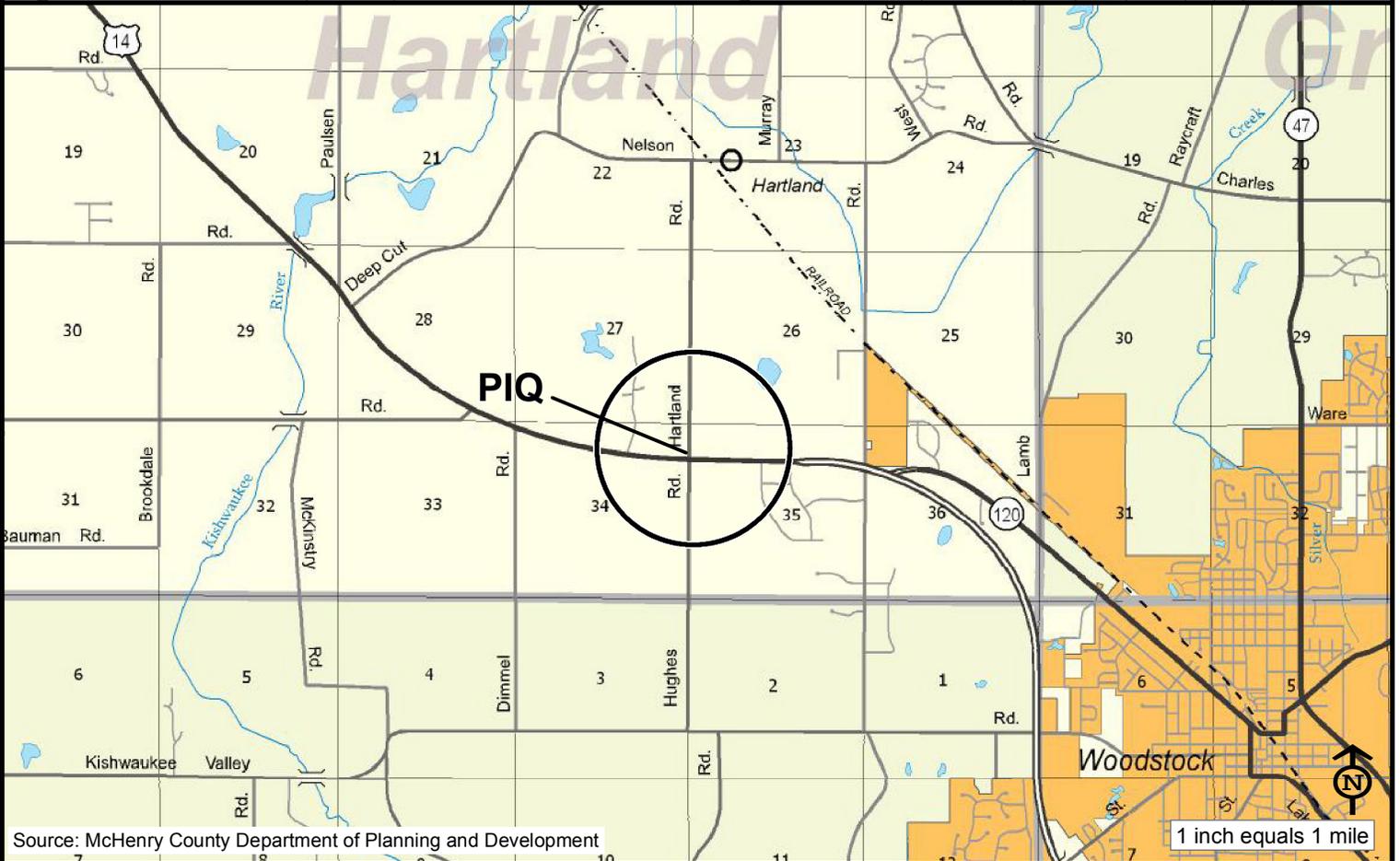
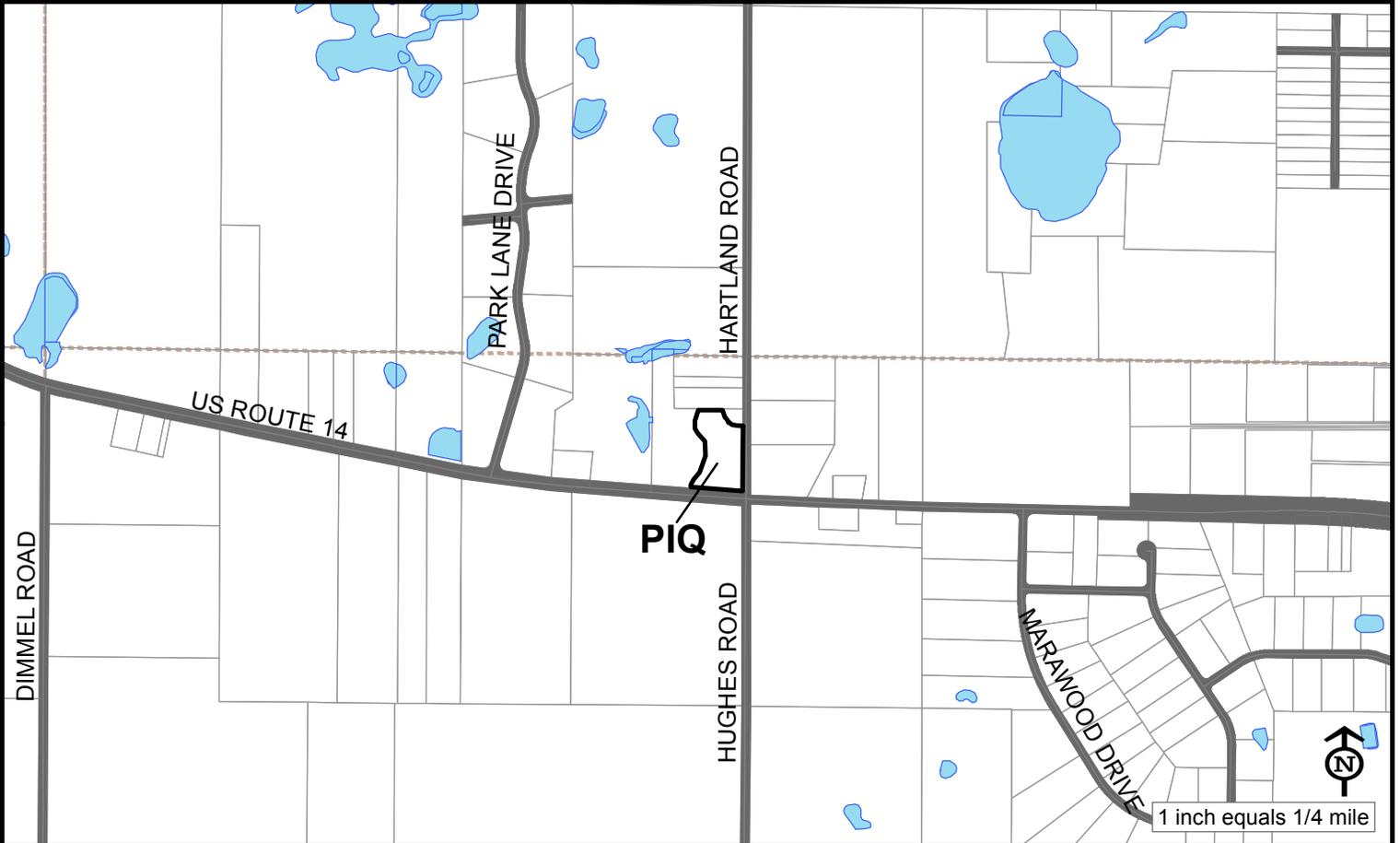
- All requirements of Article 5, Section 502.3 STANDARDS FOR CONDITIONAL USE must be met, and
- Staff will have additional comments based upon the testimony presented during the public hearing.

Report prepared February 18, 2011 by Kimberly S. Kolner, Associate Planner  
McHenry County Department of Planning & Development

Location Map

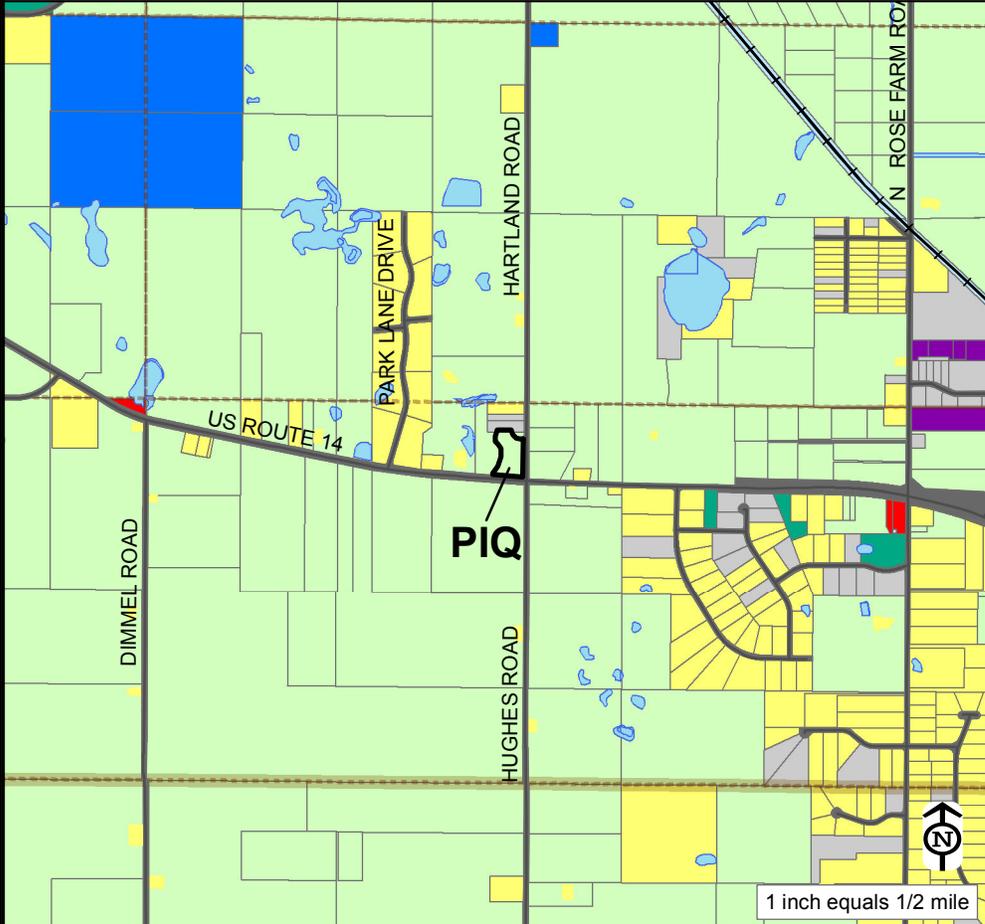
Petition for Reclassification

Hartland Township



Source: McHenry County Department of Planning and Development

### Current Land Use Map



### Current Land Use of the PIQ

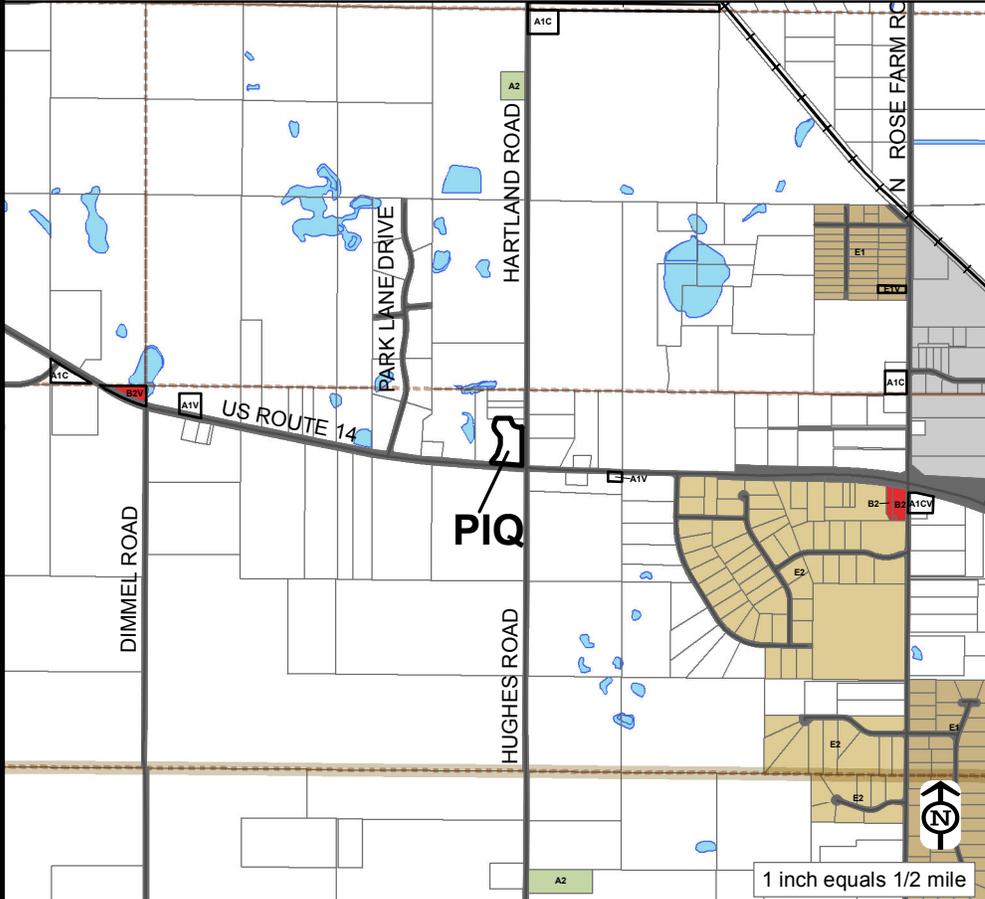
Agriculture

### Land Use Adjacent to the PIQ

North: Vacant  
 South: Agriculture  
 East: Agriculture  
 West: Agriculture

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities

### Zoning Map



### Current Zoning / PIQ:

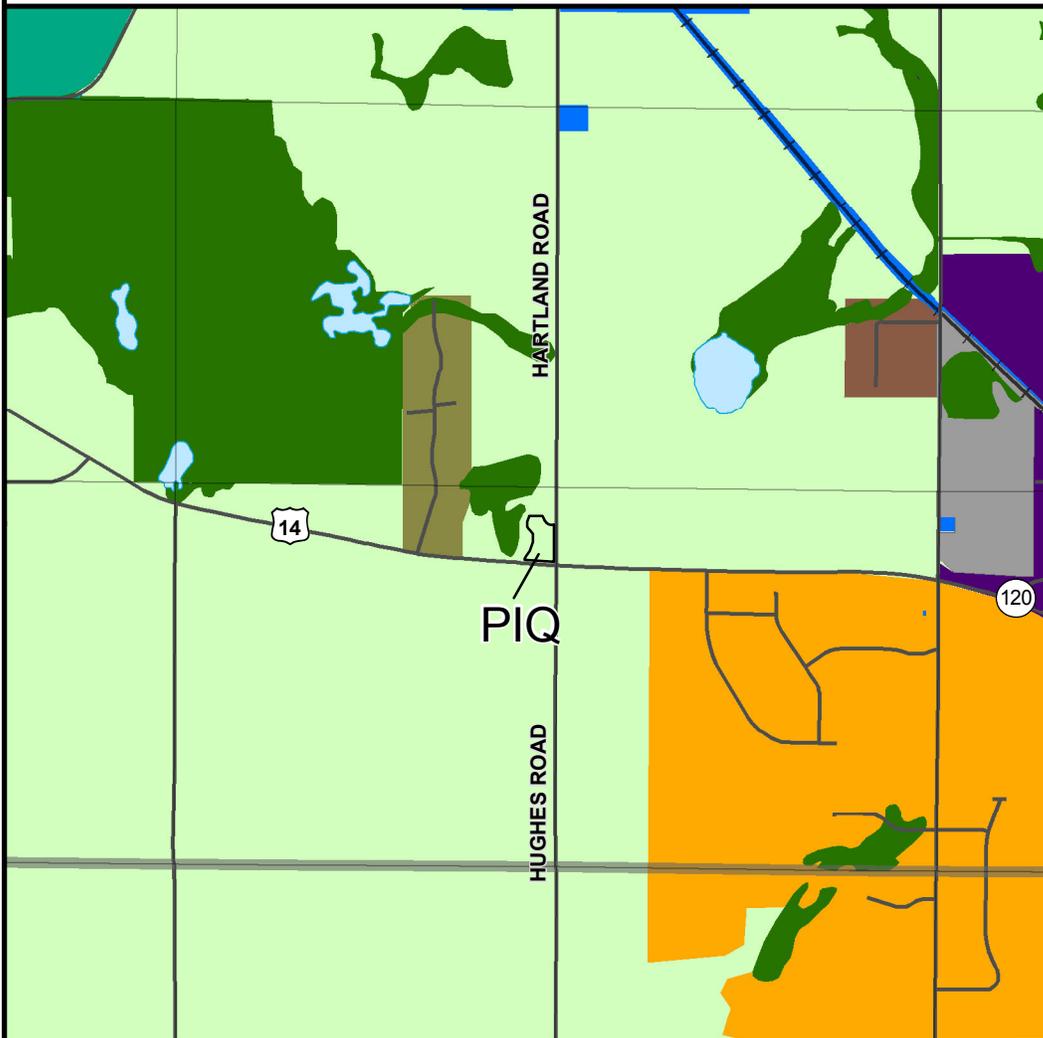
**A-1 Agriculture**

### Adjacent Zoning

North: A-1 Agriculture  
 South: A-1 Agriculture  
 East: A-1 Agriculture  
 West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquour Business
- B-3 General Business
- O Office / Research
- I-1 Light Industry
- I-2 Heavy Industry
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

# McHenry County 2030 Comprehensive Plan Future Land Use Map



## Future Land Use Map Designation

*AGRICULTURAL*

- Agricultural
- Open Space
- Environmentally Sensitive Area
- Estate
- Isolated Estate
- Residential
- Isolated Residential
- Retail
- Mixed Use
- Office, Research, Industrial
- Gov't, Institutional, Utilities
- TOD Existing Rail Station
- TOD Future Rail Station
- Active Earth Extraction Site
- Municipality

Scale: 1 inch = 1/2 mile



## Township Plan Designation

Hartland Township: *Agriculture*

## Municipal Plan Designations

Woodstock: *No Designation*

## McHenry County 2030 Comprehensive Plan – Text Analysis

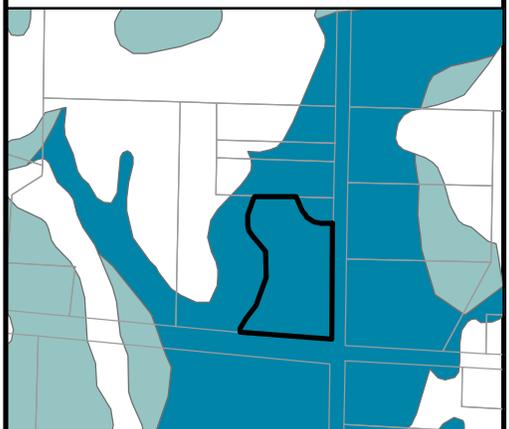
### Land Use

**AGRICULTURAL** – represents existing agricultural areas, including cropland, pastureland, farm yards and farmsteads, that should remain in agricultural use though the 2030 planning horizon. Development in the Agricultural district should be strictly limited to agriculture, agricultural residences, and agricultural support uses. (p. 134)

### Sensitive Aquifer Recharge Areas

The site does contain “high contamination potential” zones. However, there are no wetlands, floodplains, or floods of record on the PIQ.

## Sensitive Aquifer Recharge Areas (SARA)



- High Contamination Potential
- Moderate Contamination Potential

### Community Character & Housing

The request does not involve any new housing and therefore no text is applicable.

### Agricultural Resources

Objective: *"Maintain and protect the most productive agricultural lands, where appropriate, by discouraging nonagricultural growth in these areas."* (p. 29)

The proposed conditional use would not impact the underline zoning of A-1 Agriculture District. The site plan indicates that the entire area including buffers is used to grow landscape plants.

### Greenways, Open Space & Natural Resources

Objective: *"Promote land uses that... minimize the impact on land, water, energy, and other natural resources"...* (p. 43)

The Illinois Department of Natural Resources (IDNR) indicated that additional information is needed to determine if the project will have an adverse impact on protected state resources. The initial report indicated that Blanding's Turtles, Common Moorhens, Least Bitterns and Yellow-Headed Blackbirds maybe in the vicinity of the PIQ.

### Water Resources

Objective: *"Preserve, improve, and replenish the quality and quantity of existing groundwater resources."* (p. 63)

The site is within a "high contamination potential" zones or *Sensitive Aquifer Recharge Area*. However, the PIQ does not contain any wetlands, floodplains or floods-of-record. There are wetlands near the PIQ and the required wetland buffers are accommodated for and shown on the site plan.

### Economic Development

There is no text that applies to the proposed uses.

### Infrastructure

Objective: *"Encourage future development on the County to concentrate adjacent to existing infrastructure and maximize use and efficiency of existing facilities."* (p. 103)

The PIQ is located at the intersection of U.S. Route 14 and Hartland Road.

---

### 2030 Comprehensive Plan Analysis

The text of the 2030 Comprehensive Plan does not support or oppose the proposed use. More information is needed to determine how the proposed use will impact the natural resources in the area. However, the required wetland buffers have been accommodated for. The site plan indicates that the majority of the PIQ would be used for the growth of landscaping plants.

## ZONING BOARD OF APPEALS REPORT

### TO THE MCHENRY COUNTY BOARD

#### **PETITION #: 11-17**

1. **Petitioner:** Kathleen P. Jensen, Trustee of the Kathleen P. Jensen 2009 Trust, Owner of Record
2. **Request:** Renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence.
3. **Location and size of property in question:** The subject property consists of 5.503 acres and is located on the northeast corner of Illinois Route 47 and Foster Road in Grafton Township, McHenry County, Illinois. Common address: 7090 Route 47, Huntley, Illinois.
4. **Date and time of hearing and voting meeting:** July 13, 2011 @1:30 PM
5. **Location of hearing and voting meeting:** McHenry County Administration Building, 667 Ware Road, Woodstock, Illinois 60098, Conference Room B
6. **Present at hearing:**
  - A. ZBA Members: Chairman Richard Kelly, Charles Eldredge, Vicki Gartner, Edward Haerter, Patricia Kennedy, John Rosene, Elizabeth Scherer
  - B. Witnesses: Kathleen Jensen, Carl Jensen
  - C. Attorney: None
  - D. Public: Kim Kolner – County Staff

**Items of evidence:** None

#### **7. SUMMARY OF TESTIMONY AT HEARING:**

Chairman Kelly opened the hearing and stated that the Petitioners were before the Board requesting the renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence located thereon.

Kathleen Jensen stated that the request has not changed from the previous Petition. The trailer home has remained the same in the same location. She would like the same conditions to apply to the property that were implemented under the previous petition.

Ms. Jensen stated that her son lives in the trailer. He has a medical condition that requires the Petitioner to be close to him. She has no intention of using the trailer as a rental. She noted that there had previously been a different trailer on the property prior to the construction of the residence that Ms. Jensen lived in. That trailer burned down.

Ms. Jensen addressed the Standards for Conditional Use. Although the subject property is surrounded on two or three sides by a Ready Mix operation run by her

family, the other surrounding properties are agricultural, which she believes are consistent with the proposed use. Ms. Jensen does not feel that the proposed use would have a negative impact on surrounding properties, especially since it is screened by trees and not visible from Route 47.

Staff noted that, although Page 2 of the Staff Report shows that the trailer is located within the floodplain, an engineer who worked with the property at the time of the original hearing 10 years ago had determined that the trailer would be located 2 feet above the flood zone elevation. Staff also indicated that there had not been any complaints on the previously requested use in the past ten years. As nothing is changing, they were in support of the request.

Chairman Kelly stated that the Endangered Species Consultation process had been terminated. The Soil and Water Conservation District report had been received and was discussed.

8. **Planning & Development Department Staff Report-Comments and Conclusions:**  
*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

#### Conditional Use Request

The Conditional Use request is not in conflict with the surrounding agricultural and earth extraction uses. The requested conditional use will not affect the current zoning, which is A-1 Agriculture. In regard to the text of the 2030 Plan, the conditional use request is not in conflict with any of the objectives or policies. The requested conditional use is a pre-existing and low intensity use. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of high & moderate contamination potential and floodplains areas but there is no new construction proposed with the conditional use. The requested conditional use is not in conflict with the 2030 Future Land Use Map designation of Environmentally Sensitive Area & Mixed-Use.

Staff recommends approval, subject to appropriate conditions.

#### **BACKGROUND**

The PIQ is approximately 5.52 acres in area (PIN 18-04-400-008). The site plan shows that there is a single-family residence, a shed, a shop, a garage, and a trailer located within the PIQ. There was a prior conditional use which expired February 20, 2011 to allow a trailer home to be located on the property, under Petition #00-80.

#### **STAFF ANALYSIS - CONDITIONAL USE REQUEST**

*The purpose of the Conditional Use is to establish standards for those uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.*

- 1) Current Land Use:

The requested conditional use, being a pre-existing established use in the area, and because of its low-intensity, is not in conflict with the surrounding agricultural and earth extraction uses.

2) Zoning:

The requested conditional use will not affect the current zoning, which is A-1 Agriculture district.

3) 2030 Comprehensive Plan text:

In regard to the text of the 2030 Plan, the conditional use request is not in conflict with any of the objectives or policies. The requested conditional use is a pre-existing and low intensity use. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of high & moderate contamination potential and floodplains, but there is no new construction proposed with the conditional use.

4) 2030 Comprehensive Plan Future Land Use map:

The requested conditional use is a low-intensity use and therefore it is not in conflict with the map designation of ENVIRONMENTALLY SENSITIVE AREA & MIXED-USE.

5) Environmental Factors:

According to the SARA map, the PIQ has a high & moderate potential for aquifer contamination. The PIQ does contain floodplains. There are no wetlands or floods-of-record within the conditional use area. The McHenry County Soil and Water Conservation District Natural Resources Inventory letter was received and it indicated that a full report would not be necessary. Please refer to L00-096-2397 for more information. The Illinois Department of Natural Resources (IDNR) indicated that impact on protected state resources would be unlikely and the consultation has been terminated.

**NOTES**

- All requirements of Article 5, Section 502.3 STANDARDS FOR CONDITIONAL USE must be met, and
- Staff will have additional comments based upon the testimony presented during the public hearing.

9. **Soil and Water Conservation District Report:** For additional information refer to NRI L00-096-2397.

10. **Illinois Department of Conservation:** The consultation has been terminated.

11. **SUMMARY OF VOTING MEETING DISCUSSION:**

Chairman Kelly opened the voting meeting immediately following the hearing and stated that there were proposed conditions listed as follows:

1. The Conditional Use Permit shall be limited to 10 years from the date of approval by the McHenry County Board.
2. The trailer shall be removed at the expiration of the Conditional Use Permit unless the Conditional Use Permit is extended by the McHenry County Board.

3. The trailer home shall be limited to a 12'x34' trailer and shall be located on the existing concrete pad west of the existing out-buildings as illustrated on Exhibit 1, which is attached hereto.
4. The trailer home shall be used for residential purposes only.
5. All federal, state and local laws shall be met.

Charles Eldredge made a motion to approve the five conditions, as proposed. Elizabeth Scherer seconded the motion. The Board voted 7-0 to approve the conditions. Mr. Eldredge made a motion to recommend approval of the request, subject to the conditions. Vicki Gartner seconded the motion. Mr. Eldredge noted that the request is merely for a renewal of a use that has received no complaints for over 10 years. The Board felt that the Standards for Conditional Use could be met and were in favor of the request.

**12. Facts that support recommending *approval* of the request:**

- 1.) The Standards for Conditional Use, listed in Article 5, under Section 502.3 of the 2000 McHenry County Zoning Ordinance have been met to the satisfaction of the Zoning Board of Appeals.
- 2.) There have been no violations since the use began 10 years ago.
- 3.) The occupant of the trailer is the son of the Petitioner and requires care.

**13. Facts that support recommending *denial* of the request: None**

**14. Motion:** Made by Charles Eldredge, seconded by Vicki Gartner for a renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence, subject to the following conditions:

1. The Conditional Use Permit shall be limited to 10 years from the date of approval by the McHenry County Board.
2. The trailer shall be removed at the expiration of the Conditional Use Permit unless the Conditional Use Permit is extended by the McHenry County Board.
3. The trailer home shall be limited to a 12'x34' trailer and shall be located on the existing concrete pad west of the existing out-buildings as illustrated on Exhibit 1, which is attached hereto.
4. The trailer home shall be used for residential purposes only.
5. All federal, state and local laws shall be met.

**15. Vote:** 7 - AYES; 0 - NAYS; 0 - ABSTAIN

*Ed Haerter - Aye*  
*Elizabeth Scherer - Aye*  
*Vicki Gartner - Aye*  
*Charles Eldredge - Aye*  
*John Rosene - Aye*  
*Patricia Kennedy - Aye*  
*Rich Kelly - Aye*

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL**

1 Scherer.

2 Discussion on the conditions? Anything  
3 further?

4 (No response.)

5 MEMBER ELDREDGE: Nothing further.

6 CHAIRMAN KELLY: At this time I'll call for the vote.

7 MEMBER HAERTER: Yes.

8 MEMBER SCHERER: Yes.

9 MEMBER GARTNER: Yes.

10 MEMBER ELDREDGE: Yes.

11 MEMBER ROSENE: Yes.

12 MEMBER KENNEDY: Yes.

13 CHAIRMAN KELLY: And I'll vote yes. The conditions  
14 will be recommended 7 to 0.

15 At this time I'll take a motion in regard  
16 to the proposed conditional use subject to the five  
17 conditions.

18 MEMBER ELDREDGE: So moved.

19 MEMBER GARTNER: I'll second.

20 CHAIRMAN KELLY: Motion by Mr. Eldredge; second by Ms.  
21 Gartner.

22 Discussion, Mr. Eldredge?

23 MEMBER ELDREDGE: Well, the petitioner is coming in to  
24 renew a conditional use that has been in existence without

1 event and without any complaints for more than 10 years.  
2 The purpose of the conditional use is to permit a disabled  
3 child to -- I gather an adult child to live on the premises,  
4 retain independence while being cared for by his family.  
5 The use, given the surrounding area, does not seem to have  
6 any impact on neighbors of any kind. While there is an  
7 issue with the sensitive aquifer recharge area and a  
8 possible floodway, it has operated without any problems for  
9 more than 10 years. The standards for conditional use have  
10 been met in my judgment, and therefore I support this.

11 CHAIRMAN KELLY: Thank you. Mr. Haerter.

12 MEMBER HAERTER: You can't see this thing from highway  
13 47. You can barely see it from Foster Road. It's certainly  
14 an innocuous use surrounded by earth extraction, ag land.  
15 On the other side of the road there's a gravel pit that will  
16 eventually come all the way down to 47. And there's a  
17 compelling use for this family to have this use at this  
18 site. So I would be in favor of it.

19 CHAIRMAN KELLY: Thank you. Ms. Gartner.

20 MEMBER GARTNER: I only want to add that originally the  
21 petitioner asked for 20 years and was only given 10 and is  
22 only requesting for additional 10 at this point.

23 A That's all they give you is 10.

24 MEMBER GARTNER: Okay. And so kind of wish you had the

1 20 to begin with, but --

2 A Yes.

3 MEMBER GARTNER: -- another 10.

4 A They only give you 10 at a time.

5 MEMBER GARTNER: Okay. So I would be in favor of it.

6 CHAIRMAN KELLY: Mr. Rosene.

7 MEMBER ROSENE: I agree with everything that's been  
8 said.

9 CHAIRMAN KELLY: Mr. Scherer.

10 MEMBER SCHERER: I think we have had two excellent  
11 summaries of this petition, and I have nothing further to  
12 add.

13 CHAIRMAN KELLY: Ms. Kennedy.

14 MEMBER KENNEDY: I agree with what's already been said.  
15 I think it was said clearly and fully. I agree.

16 CHAIRMAN KELLY: And I agree. I believe all the  
17 standards have been met.

18 I'll call for the vote.

19 MEMBER HAERTER: Yes.

20 MEMBER SCHERER: Yes.

21 MS. GARTNER: Yes.

22 MEMBER ELDREDGE: Yes.

23 MEMBER ROSENE: Yes.

24 MEMBER KENNEDY: Yes.

1                   CHAIRMAN KELLY: And I'll vote yes.

2                                   This will go to the County Board with a 7  
3           to 0 vote recommending approval.

4                                   The hearing is closed.

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IN THE MATTER OF THE APPLICATION OF )  
KATHLEEN P. JENSEN 2009 TRUST UNDER )  
DECLARATION OF TRUST DATED OCTOBER 21, )  
2009, KATHLEEN P. JENSEN TRUSTEE, OWNER )  
OF RECORD, FOR AN AMENDMENT OF THE )  
ZONING ORDINANCE OF McHENRY COUNTY, )  
ILLINOIS, FOR A CONDITIONAL USE PERMIT. )

**CONDITIONAL USE PERMIT  
ORDINANCE NO. 11-17**

WHEREAS, your Petitioner KATHLEEN P. JENSEN 2009 TRUST UNDER DECLARATION OF TRUST DATED OCTOBER 21, 2009, KATHLEEN P. JENSEN TRUSTEE, OWNER OF RECORD, has filed a petition with the McHenry County Zoning Board of Appeals requesting the issuance of a Conditional Use as it relates to the McHenry County Zoning Ordinance, and of such Ordinance as amended, as it relates to the real property more fully described as:

That part of the Southeast Quarter of Section 4, Township 43 North, Range 7 East of the Third Principal Meridian, described as follows: Beginning at the southwest corner of said Southeast Quarter, said corner being 0.20 foot west of the centerline of State Route No. 47; thence easterly along the south line of said Southeast Quarter, a distance of 562.60 feet; thence northerly, parallel with the centerline of said State Route No. 47, a distance of 424.40 feet; thence westerly, parallel with said south line of the Southeast Quarter, a distance of 566.99 feet to the west line of said Southeast Quarter; thence southerly along said west line, a distance of 424.44 feet to the Place of Beginning, in McHenry County, Illinois, containing 5.503 acres, more or less.

Permanent Parcel Index Number: 18-04-400-008

More commonly known as 7090 Route 47, Huntley, Illinois

WHEREAS, the Petition requests no reclassification of the subject property from its present classification which is "A-1" Agriculture, but a renewal of Conditional Use Permit #00-80 be granted to allow a temporary trailer home on the subject property in addition to the permanent residence located thereon.

WHEREAS, the subject property consists of approximately 5.503 acres in which no reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did recommend by a vote of 7 ayes and 0 nays the granting of a renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence located thereon with the following conditions:

1. The Conditional Use Permit shall be limited to ten (10) years from the date of approval by the McHenry County Board.
2. The trailer shall be removed at the expiration of the Conditional Use Permit unless the Conditional Use Permit is extended by the McHenry County Board.
3. The trailer home shall be limited to a 12' x 34' trailer and shall be located on the existing concrete pad west of the existing outbuildings as illustrated on Exhibit 1, which is attached hereto.

4. The trailer home shall be used for residential purposes only.
5. All federal, state, and local laws shall be met.

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

Whereas, the McHenry County Board has determined that the standards for a Conditional Use Permit as set forth in the McHenry County Zoning Ordinance and the Illinois Compiled Statutes have been met.

NOW, THEREFORE BE IT ORDAINED, that the Zoning Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the issuance of a renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence located thereon with the following condition(s):

1. The Conditional Use Permit shall be limited to ten (10) years from the date of approval by the McHenry County Board.
2. The trailer shall be removed at the expiration of the Conditional Use Permit unless the Conditional Use Permit is extended by the McHenry County Board.
3. The trailer home shall be limited to a 12' x 34' trailer and shall be located on the existing concrete pad west of the existing outbuildings as illustrated on Exhibit 1, which is attached hereto.
4. The trailer home shall be used for residential purposes only.
5. All federal, state, and local laws shall be met.

If any part, sentence, clause, or provision of this ordinance is adjudged to be unconstitutional or invalid, the remainder of this Ordinance shall not be affected thereby.

This Ordinance shall be in full force and effect from and after its passage as by law provided.

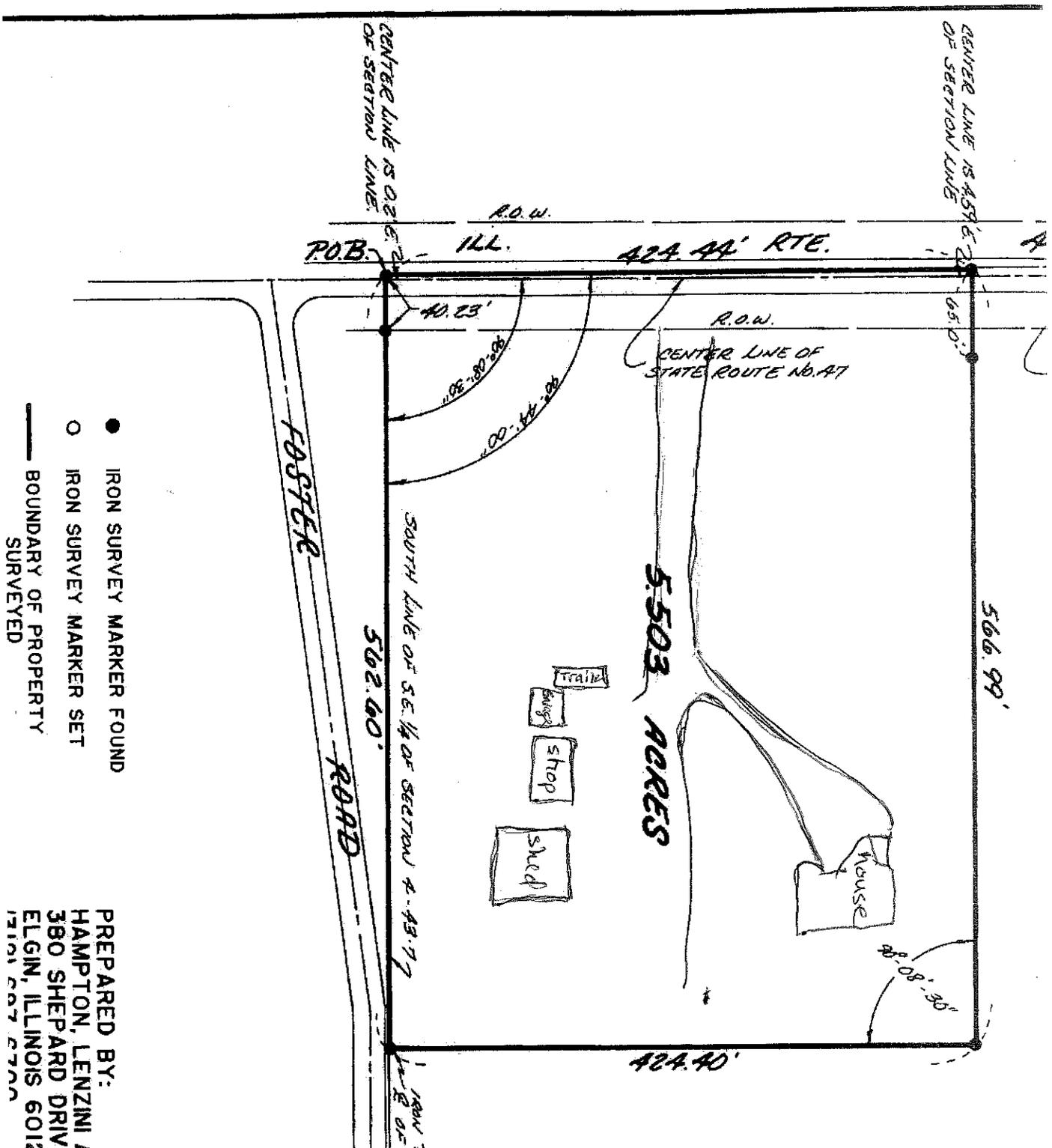
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 Chairperson, McHenry County Board  
 McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
 County Clerk

NUMBER VOTING AYE: \_\_\_\_\_  
 NUMBER VOTING NAY: \_\_\_\_\_  
 NUMBER ABSTAINING: \_\_\_\_\_  
 NUMBER ABSENT: \_\_\_\_\_



- IRON SURVEY MARKER FOUND
- IRON SURVEY MARKER SET
- BOUNDARY OF PROPERTY SURVEYED

PREPARED BY:  
 HAMPTON, LENZINI &  
 380 SHEPARD DRIVE  
 ELGIN, ILLINOIS 6012  
 (708) 207-2700

# Staff Report for the McHenry County Zoning Board of Appeals

**Petition:** # 11-17

**Hearing Date:** July 13, 2011

**Applicant:** Kathleen P Jensen, trustee of the Kathleen P. Jensen 2009 Trust, owner of record.

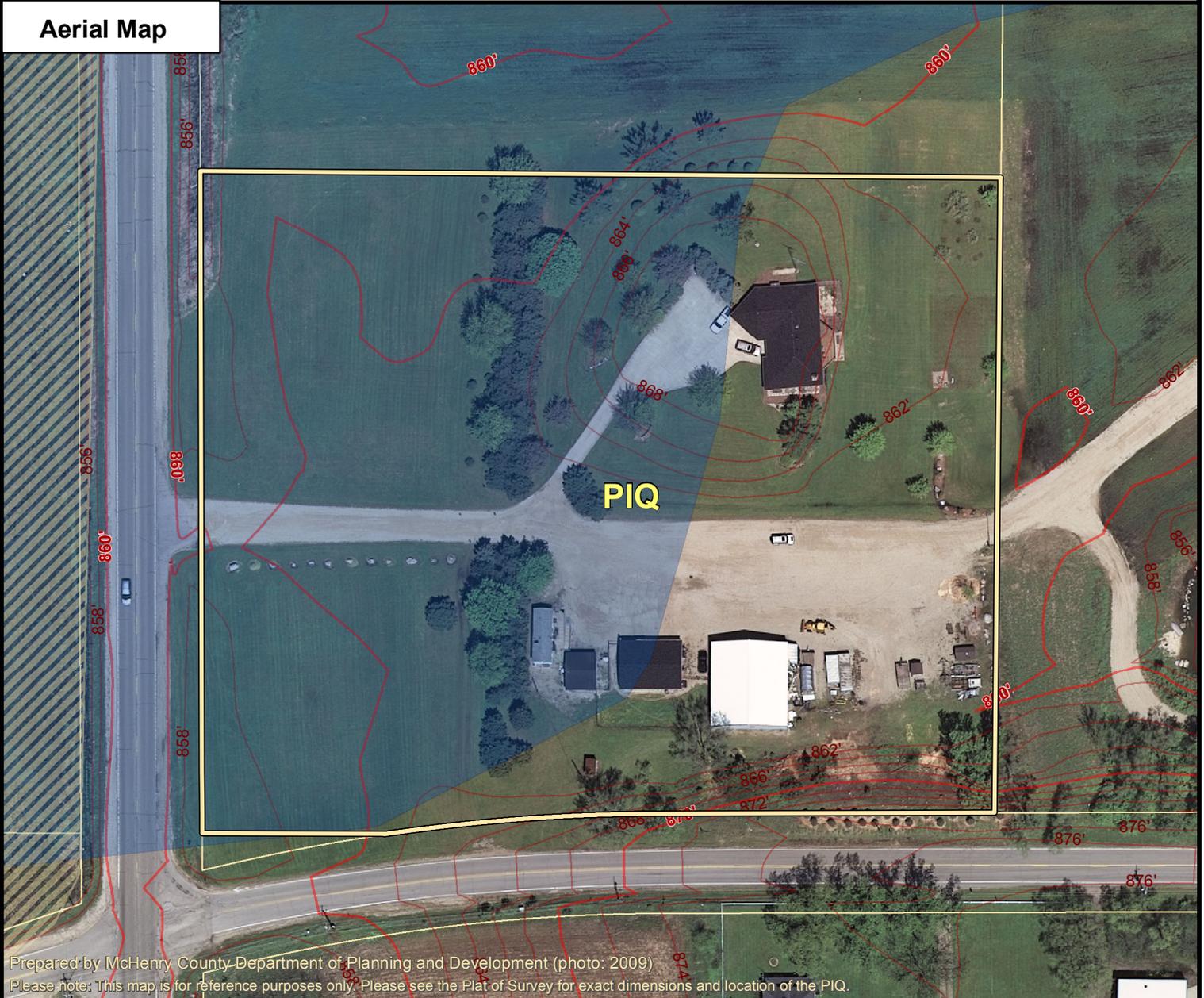
**Request:** Renewal of Conditional Use Permit #00-80 to allow a temporary trailer home on the subject property in addition to the permanent residence located thereon.

**Location:** The Property in Question (PIQ) consists of 5.503 acres and is located on the northeast corner of Illinois Route 47 and Foster Road, in Grafton Township.

**Address:** 7090 Route 47, Huntley, Illinois

**PIN:** 18-04-400-008

## Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2009)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

### Elevation

(feet above sea level)

- 10-foot contours
- 2-foot contours

### ADID Wetland Map 2005

- High Functional Value Wetland (hfw)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

### FEMA Flood Hazard Areas

- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Feet   
1 inch equals 100 feet



# Staff Report for the McHenry County Zoning Board of Appeals

## STAFF COMMENTS

*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

### Conditional Use Request

The Conditional Use request is not in conflict with the surrounding agricultural and earth extraction uses. The requested conditional use will not affect the current zoning, which is *A-1 Agriculture*. In regard to the text of the *2030 Plan*, the conditional use request is not in conflict with any of the objectives or policies. The requested conditional use is a pre-existing and low intensity use. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of high & moderate contamination potential and floodplains areas but there is no new construction proposed with the conditional use. The requested conditional use is not in conflict with the *2030 Future Land Use Map* designation of Environmentally Sensitive Area & Mixed-Use.

Staff recommends approval, subject to appropriate conditions.

## BACKGROUND

The PIQ is approximately 5.52 acres in area (PIN 18-04-400-008). The site plan shows that there is a single-family residence, a shed, a shop, a garage, and a trailer located within the PIQ. There was a prior conditional use which expired February 20, 2011 to allow a trailer home to be located on the property, under Petition #00-80.

## STAFF ANALYSIS – CONDITIONAL USE REQUEST

*The purpose of the Conditional Use is to establish standards for those uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.*

### 1) Current Land Use:

The requested conditional use, being a pre-existing established use in the area, and because of its low-intensity, is not in conflict with the surrounding agricultural and earth extraction uses.

### 2) Zoning:

The requested conditional use will not affect the current zoning, which is *A-1 Agriculture* district.

### 3) 2030 Comprehensive Plan text:

In regard to the text of the *2030 Plan*, the conditional use request is not in conflict with any of the objectives or policies. The requested conditional use is a pre-existing and low intensity use. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of high & moderate contamination potential and floodplains, but there is no new construction proposed with the conditional use.

### 4) 2030 Comprehensive Plan Future Land Use map:

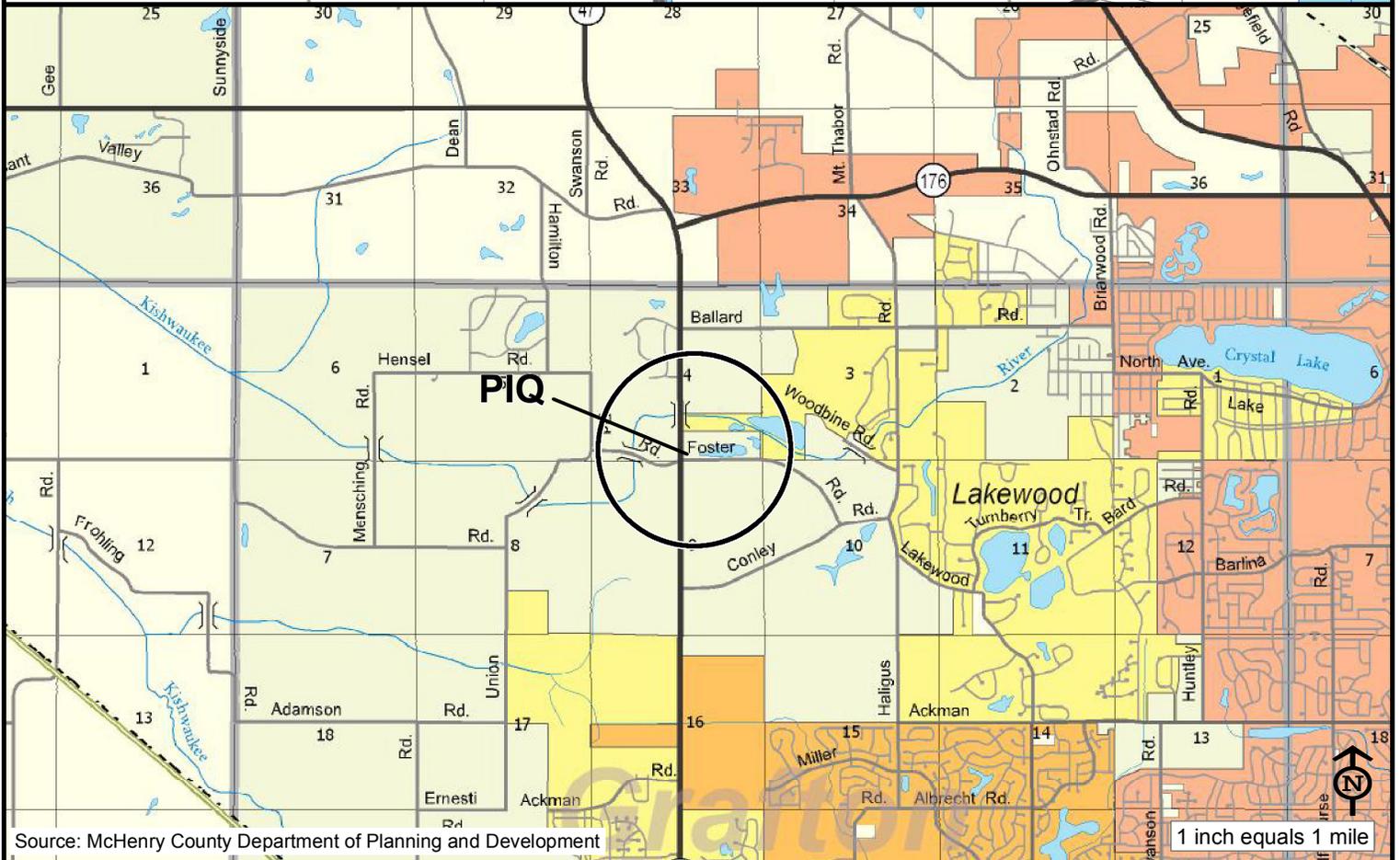
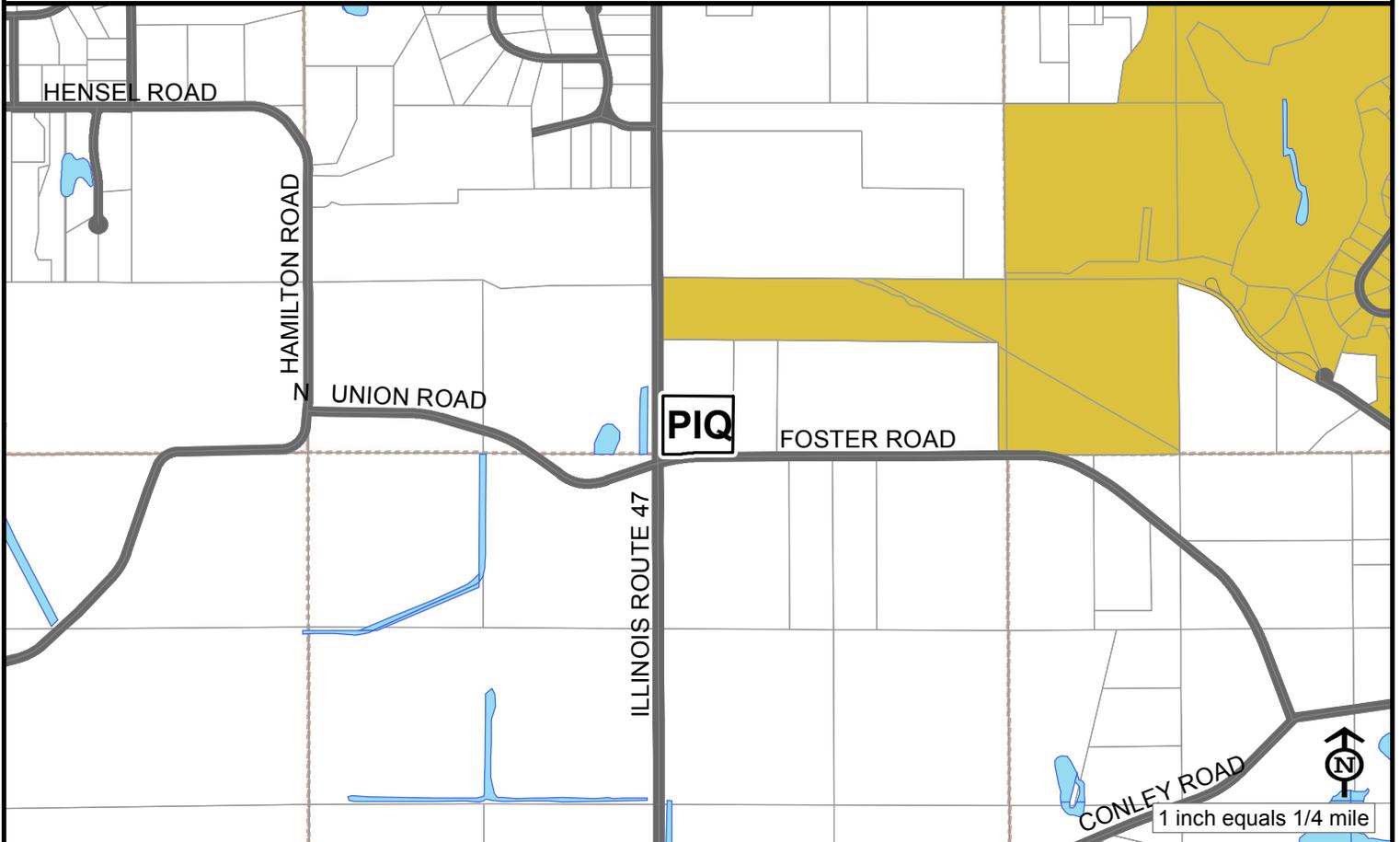
The requested conditional use is a low-intensity use and therefore it is not in conflict with the map designation of ENVIRONMENTALLY SENSITIVE AREA & MIXED-USE.

### 5) Environmental Factors:

According to the SARA map, the PIQ has a high & moderate potential for aquifer contamination. The PIQ does contain floodplains. There are no wetlands or floods-of-record within the conditional use area. The McHenry County Soil and Water Conservation District Natural Resources Inventory letter was received and it indicated that a full report would not be necessary. Please refer to L00-096-2397 for more information. The Illinois Department of Natural Resources (IDNR) indicated that impact on protected state resources would be unlikely and the consultation has been terminated.

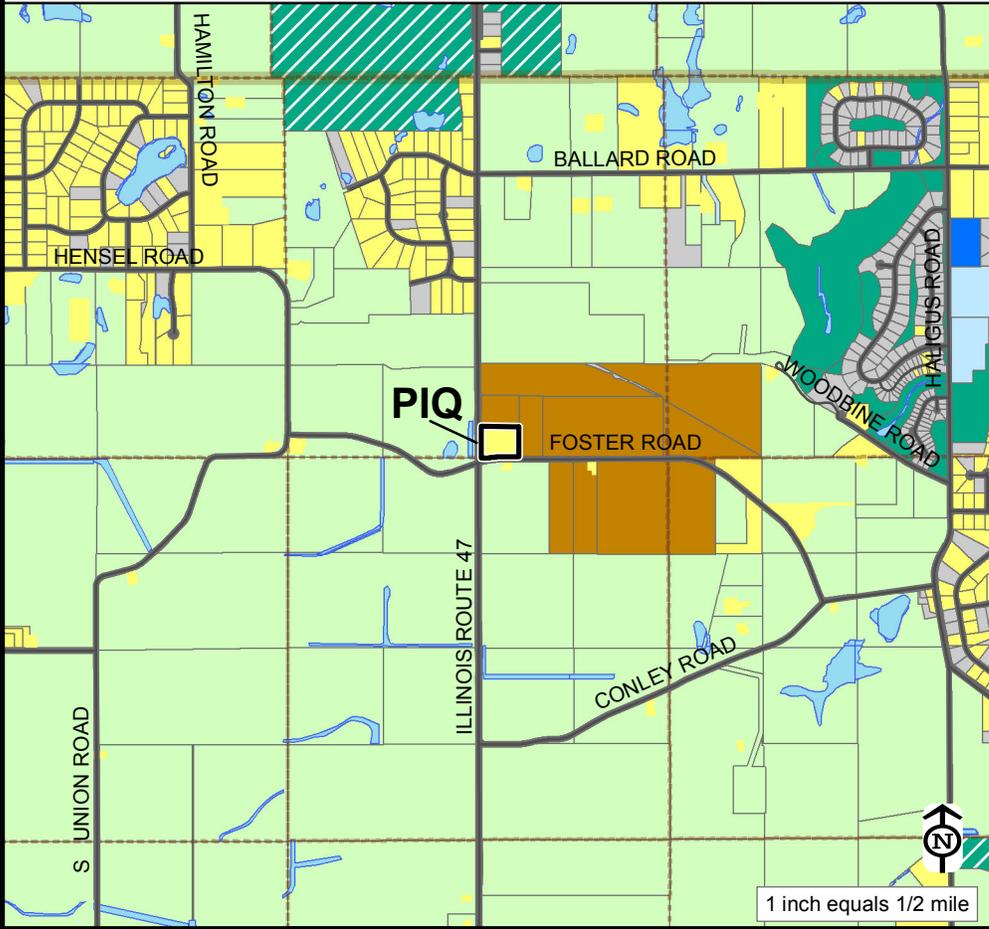
## NOTES

- All requirements of Article 5, Section 502.3 STANDARDS FOR CONDITIONAL USE must be met, and
- Staff will have additional comments based upon the testimony presented during the public hearing.



Source: McHenry County Department of Planning and Development

### Current Land Use Map



### Current Land Use of the PIQ

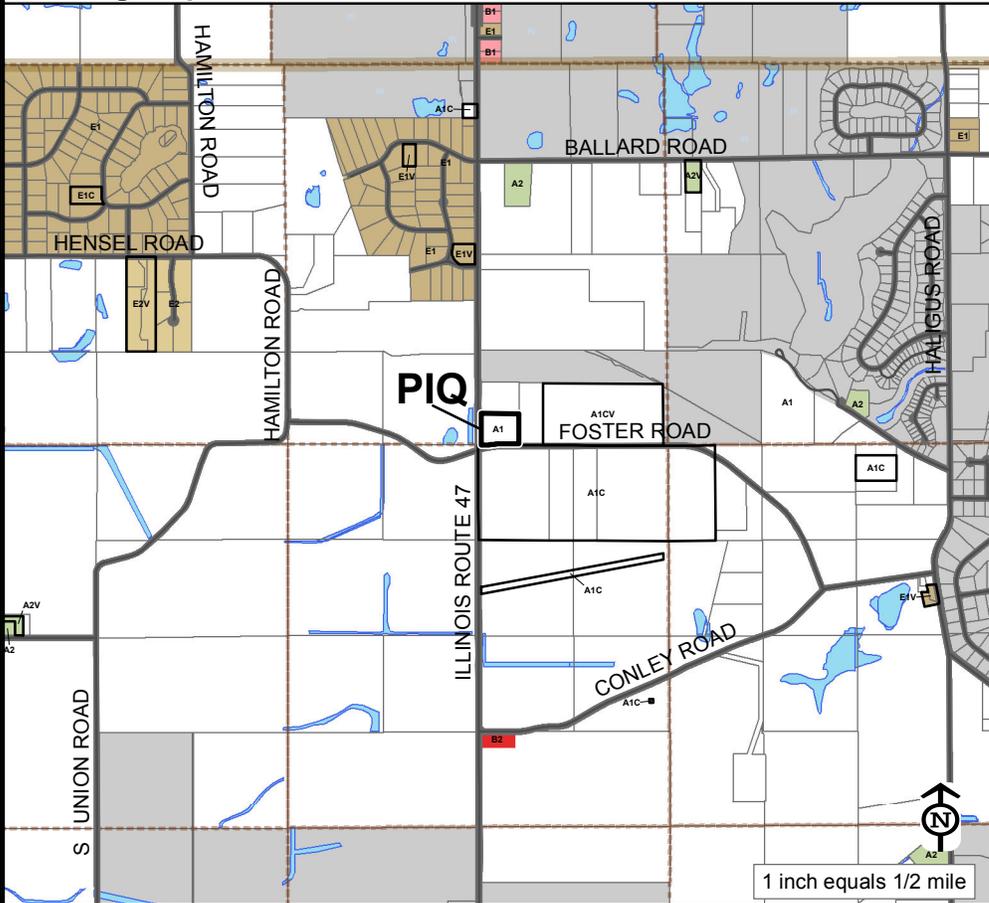
Single-Family Residential

### Land Use Adjacent to the PIQ

North: Earth Extraction  
 South: Agriculture  
 East: Earth Extraction  
 West: Agriculture

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities

### Zoning Map



### Current Zoning / PIQ:

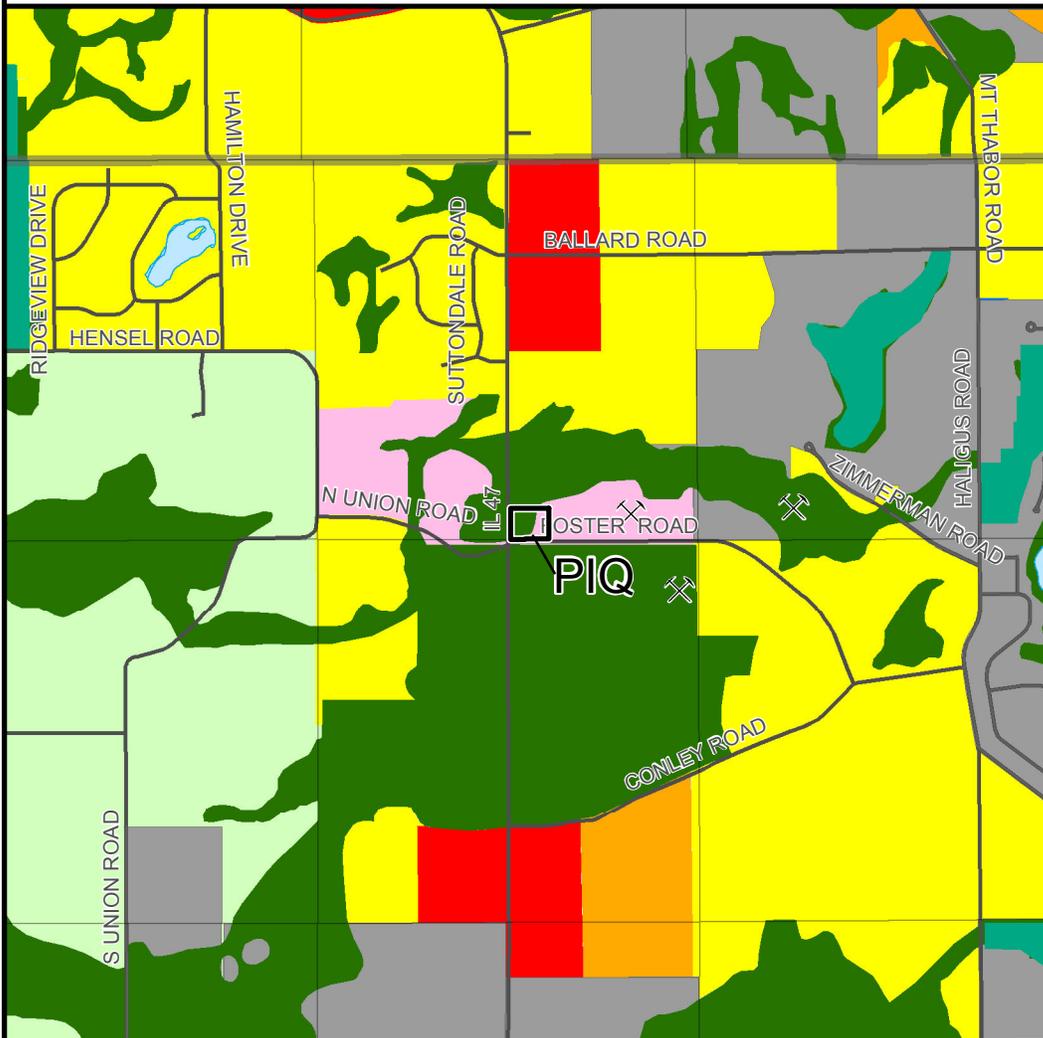
A-1 Agriculture

### Adjacent Zoning

North: A-1 Agriculture  
 South: A-1C Agriculture  
 East: A-1 Agriculture  
 West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquour Business
- B-3 General Business
- O Office / Research
- I-1 Light Industry
- I-2 Heavy Industry
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

# McHenry County 2030 Comprehensive Plan Future Land Use Map



## Future Land Use Map Designation ENVIRONMENTALLY SENSITIVE AREA & MIXED USE

- Agricultural
  - Open Space
  - Environmentally Sensitive Area
  - Estate
  - Isolated Estate
  - Residential
  - Isolated Residential
  - Retail
  - Mixed Use
  - Office, Research, Industrial
  - Gov't, Institutional, Utilities
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/2 mile

### Township Plan Designation

Grafton Township: *Agriculture*

### Municipal Plan Designations

Lake In The Hills: *No Designation*  
 Lakewood: *Mixed-Use*  
 Huntley: *No Designation*  
 Crystal Lake: *Agriculture/Rural Residential*

### McHenry County 2030 Comprehensive Plan – Text Analysis

#### Land Use

**Environmentally Sensitive** – Includes existing floodplains, floodways, wetlands 10 acres and larger from the Advanced Identification (ADID) inventory, and most McHenry County Natural Area Inventory (MCNAI) sites. In order to present the geographic distribution of environment resources countywide, Environmentally Sensitive areas are also mapped within existing municipal boundaries. Development near Environmentally Sensitive areas must be designed to minimize adverse impacts to natural resources. This is particularly true regarding unique resources such as the HUM Prairie. (p. 134)

#### Sensitive Aquifer Recharge Areas

The site does contain “high and moderate contamination potential” zones. There are also floodplains and floods of record within the PIQ. There are no wetlands within the conditional use area.

### Sensitive Aquifer Recharge Areas (SARA)



- High Contamination Potential
- Moderate Contamination Potential

### Community Character & Housing

Objective: *"Promote a mix of housing types and values to meet the needs of all segments of the population."* (p. 15)

### Agricultural Resources

Objective: *"Maintain and protect the most productive agricultural lands, where appropriate, by discouraging nonagricultural growth in these areas."* (p. 29)

The requested conditional use is a pre-existing and low-intensity use.

### Greenways, Open Space & Natural Resources

Policy 9: *"Protect environmentally sensitive areas from negative impacts of adjacent land uses."* (p.57)

The Illinois Department of Natural Resources (IDNR) indicated that adverse impacts on protected state resources are unlikely and the consultation was terminated.

### Water Resources

Objective: *"Preserve, improve, and replenish the quality and quantity of existing groundwater resources."* (p. 63)

The *Sensitive Aquifer Recharge Areas (SARA)* map indicates that the soils in this vicinity have a "high & moderate aquifer contamination" potential. The area also contains floodplains. There are no wetlands or flood-of-record within the conditional use area.

### Economic Development

No applicable text.

### Infrastructure

No applicable text.

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### 2030 Comprehensive Plan Analysis

In regard to the text of the *2030 Plan*, the conditional use request does not adversely impact any of the objectives or policies. The requested conditional use will have minimal impact on agricultural resources. The requested conditional use is a pre-existing and low intensity use. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of high & moderate contamination potential and floodplains but there is no new construction proposed with the conditional use.



**ZONING BOARD OF APPEALS REPORT**  
**TO THE MCHENRY COUNTY BOARD**

**PETITION #: 11-30**

1. **Petitioner:** Eric Bird, Phillip Bird and Diana Bird
2. **Request:** Reclassification from the "A-1" Agriculture District to the "A-2" Agriculture District.
3. **Location & size of property in question:** The property in question consists of five acres and is located on the south side of State Line Road approximately ½ mile east of the intersection of State Line Road and Lilja Road, Harvard, Illinois in Chemung Township. The common address is 22001 State Line Road, Harvard, Illinois.
4. **Date and time of hearing and voting meeting:** July 14, 2011 @ 1:30 P.M.
5. **Location of hearing and voting meeting:** McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098, Administration Building, 667 Ware Road, Conference Room B
6. **Present at hearing:**
  - A. ZBA Members: Richard Kelly – Chairman, Edward Haerter, Vicki Gartner, Charles Eldredge, John Rosene, Elizabeth Scherer, Patricia Kennedy
  - B. Witnesses: Eric Bird
  - C. Attorney: None
  - D. Public: Kim Kolner – County Staff
7. **Items of evidence:** None
8. **SUMMARY OF TESTIMONY AT HEARING:**

Chairman Kelly called the meeting to order and explained that the Petitioners were before the Board requesting reclassification from the A-1 Agriculture District to the A-2 Agriculture District.

Eric Bird stated that he is one of the owners of the subject property, which is located approximately a mile and a half west of Big Foot. Mr. Bird noted that they would like to rezone a five-acre portion of the 124-acre property, which currently contains several buildings spread out over the five acres. He noted that it would not be feasible to farm the property between structures and that there was at least 50 percent of the parcel containing impediments to agriculture. In addition to the buildings, there are also many trees along the north and west sides of the property.

Mr. Bird indicated that the subject property could meet all three of the required Plat Act exceptions. He addressed the Standards for Amendment, noting that the reclassification would have no impact on surrounding areas.

Vicki Gartner asked what the purpose was of the proposed division of the five acres from the remaining acreage. Mr. Bird indicated that he and his father had purchased the surrounding land. Neither of them resides on the subject property and would like to sell it off to someone who could use it and maintain the buildings. Mr. Bird noted that the structures on the property are currently being rented out. The tenants have an interest in possibly purchasing the subject property if it is split off.

Staff felt that the Standards for Amendment could be met, as well as the requirements for A-2 reclassification. They were in favor of the request.

Chairman Kelly stated that the Endangered Species Consultation process had been terminated. The Soil and Water Conservation District report had been received.

**9. Planning & Development Department Staff Report-Comments and Conclusions:**

*The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.*

Request for Reclassification

This request is consistent with the surrounding zoning and compatible with adjacent land uses. The 2030 *Comprehensive Plan* text supports Agricultural uses in this vicinity. Staff believes that the request meets the requirements set forth in the 2000 McHenry County Zoning Ordinance for an A-2 reclassification and recommends approval.

**BACKGROUND**

The PIQ is approximately 5.00 acres, of the 83.14 acres identified by PIN 01-02-300-001 AND 01-02-100-001. The remaining 78.14 acres are currently zoned "A-1" Agriculture District and are not a part of this petition. The plat of survey of the PIQ shows that there are multiple farm buildings and a single family residence.

**STAFF ANALYSIS - CONDITIONAL USE REQUEST**

- 1) Current Land Use:  
The requested reclassification is consistent with the surrounding agricultural uses.
- 2) Zoning:  
The requested reclassification is consistent with the surrounding A-1 Agriculture district.
- 3) 2030 Comprehensive Plan text:  
In regard to the text of the 2030 *Plan*, the requested reclassification will have minimal impact on agricultural resources because the proposed "A-2" Agriculture District will allow for the land to continue to be used for an

agricultural purpose. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of moderate & high contamination potential, however additional development is unlikely and there are no flood-hazard areas. The requested reclassification is consistent with the *2030 Future Land Use Map* designation of *Agriculture*.

4) *2030 Comprehensive Plan Future Land Use map:*

The requested reclassification is consistent with the map designation of AGRICULTURAL.

5) *Environmental Factors:*

The PIQ is a part of a Sensitive Aquifer Recharge Area, and it has a Moderate & High Aquifer Contamination potential, however additional development is unlikely and there are no hydric soils, wetlands, or floodplain. Even though Prime Farmland Soils cover 61.71% of the site, the overall LE score is 59.86. The McHenry County Soil and Water Conservation District Natural Resources Inventory full report was received. Please refer to NRI 11-024-3675 for more information. The Illinois Department of Natural Resources (IDNR) indicated that impact on protected state resources would be unlikely and the consultation has been terminated.

**NOTES**

- The Petitioner must meet the STANDARDS FOR AMENDMENT, listed in Article 8, Section 807.2 of the *2000 McHenry County Zoning Ordinance*
  - One of the exceptions to the Plat Act listed in Section 303.1 (2A) of the *2000 McHenry County Zoning Ordinance*
  - The criteria establishing unsuitability for farming as defined in Section 303.1 (2C) of the *2000 McHenry County Zoning Ordinance*
  - Staff will have additional comments based upon the testimony presented during the public hearing.
10. **Soil and Water Conservation District Report:** for further information refer to report number: **11-024-3675. LE: 59.86**
11. **Illinois Department of Natural Resources:** The consultation has been terminated for this petition.
12. **SUMMARY OF VOTING MEETING DISCUSSION:**  
Chairman Kelly called the meeting to order immediately following the hearing. Charles Eldredge made a motion to recommend approval of the request. Patricia Kennedy seconded the motion. Mr. Eldredge noted that he was in favor of the request because the requested reclassification would allow the continuation of rural homestead buildings that might otherwise deteriorate or be demolished. The Board agreed that it was a “classic” A-2 request and were in favor of the reclassification.
13. **Facts that support recommending *approval* of the request:**

- 1.) The Standards for Amendment, listed in Article 8, under Section 807.2 of the McHenry County Zoning Ordinance, have been met to the satisfaction of the Zoning Board of Appeal members.
- 2.) The parcel has impediments to Agriculture and an LE score of 59.86.
- 3.) A Plat Act exception has been met.

14. **Facts that support recommending *denial* of the request:** None

15. **Motion:** Made by Charles Eldredge, seconded by Patricia Kennedy to recommend approval for the reclassification of property from the "A-1" Agriculture District to the "A-2" Agriculture District.

16. **Vote:** 7 - AYES; 0 - NAYS; 0 - ABSTAIN

Ed Haerter - Aye  
Elizabeth Scherer - Aye  
Vicki Gartner - Aye  
Charles Eldredge - Aye  
John Rosene - Aye  
Patricia Kennedy - Aye  
Rich Kelly - Aye

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR APPROVAL**

1           CHAIRMAN KELLY: I'll call the meeting back  
2 to order. This is a voting meeting on  
3 Petition 11-30. It's petitioner's request for  
4 reclassification from A-1 to A-2. At this time  
5 I'll take a motion.

6           MR. ELDREDGE: So moved.

7           MS. KENNEDY: Second.

8           CHAIRMAN KELLY: Motion made by  
9 Mr. Eldredge, seconded by Ms. Kennedy.  
10 Discussion, Mr. Eldredge?

11           MR. ELDREDGE: Well as Kim noted, this is  
12 exactly the reason that the A-2 classification  
13 was created. I often criticize A-2 petitions,  
14 because I think they are misused in some cases,  
15 but this is exactly what it is for, to permit the  
16 continuation of the rural style homestead  
17 buildings, which in the absence of A-2 would  
18 probably either deteriorate or be demolished.

19                   I think it's an appropriate  
20 subdivision in this case. I think it has no  
21 impact on the surrounding land whatsoever, except  
22 to enhance by preserving some old character to  
23 the area, so I'm in support of the petition.

24           CHAIRMAN KELLY: Thank you. Mrs. Gartner?

1 MS. GARTNER: I would agree with that.

2 CHAIRMAN KELLY: Mr. Rosene?

3 MR. ROSENE: I would agree with that.

4 CHAIRMAN KELLY: Mrs. Scherer?

5 MS. SCHERER: This is part of 125-acre  
6 parcel. The LESA score is 59.86, which meets the  
7 criteria for that. The petitioners are selling  
8 off the buildings to maintain the farmland, and I  
9 agree that it's a classic reason why A-2 was  
10 created.

11 CHAIRMAN KELLY: Thank you. Mrs. Kennedy?

12 MS. KENNEDY: I agree with the comments that  
13 have already been made. I was out to visit the  
14 property. I've studied it on the Athena and the  
15 County's website, and in addition to the comments  
16 that have already been made, there are several  
17 A-2 units out there, and this is very much in  
18 keeping with the area, and as has been stated,  
19 the reason for A-2 zoning in the first place. I  
20 certainly support it.

21 CHAIRMAN KELLY: Thank you. Mr. Haerter?

22 MR. HAERTER: I agree with the comments that  
23 have been made. I believe they met all the  
24 standards for A-2 and meet, as the Chairman

1 brought up during the hearing, all three of the  
2 Plat Act exceptions recognized by McHenry County  
3 for A-2.

4 This is very common. Big farmers  
5 in this area have purchased many of the smaller  
6 pieces and have incorporated them into their  
7 farms, and holding onto a piece of property like  
8 this is nothing but a problem for them, so they  
9 have been getting rid of them. As has been said,  
10 this is exactly what A-2 is created for, so I'd  
11 be in favor of it.

12 CHAIRMAN KELLY: And I agree. I think all  
13 the standards of 807 have been met, as well as  
14 the Plat Act and the scores. I'll call for the  
15 vote. Mr. Haerter?

16 MR. HAERTER: Yes.

17 CHAIRMAN KELLY: Mrs. Scherer?

18 MS. SCHERER: Yes.

19 CHAIRMAN KELLY: Ms. Gartner?

20 MS. GARTNER: Yes.

21 CHAIRMAN KELLY: Mr. Eldredge?

22 MR. ELDREDGE: Yes.

23 CHAIRMAN KELLY: Mr. Rosene?

24 MR. ROSENE: Yes.

1 CHAIRMAN KELLY: Ms. Kennedy?

2 MS. KENNEDY: Yes.

3 CHAIRMAN KELLY: And I'll vote yes. This  
4 will go to the County Board with a 7 to 0 vote  
5 recommending approval. At this time the hearing  
6 is closed.

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9 (Which were all the  
10 proceedings had in  
11 said matter on said date.)

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IN THE MATTER OF THE APPLICATION )  
OF PHILLIP BIRD, DIANA BIRD, AND ERIC BIRD )  
FOR AN AMENDMENT OF THE ZONING ORDINANCE )  
OF McHENRY COUNTY, ILLINOIS TO RECLASSIFY )  
**THE SUBJECT PROPERTY** )  
**FROM THE "A-1" AGRICULTURE DISTRICT** )  
**TO "A-2" AGRICULTURE DISTRICT** )

#11-30

WHEREAS, your Petitioners PHILLIP BIRD, DIANA BIRD AND ERIC BIRD have filed a petition with the McHenry County Zoning Board of Appeals requesting reclassification of the subject property from the **"A-1" Agriculture District to "A-2" Agriculture District** as it relates to the McHenry County Zoning Ordinance, and of such Ordinance as amended, as it relates to the real property more fully described as:

Part of the west half of the southwest quarter and part of the northwest fractional quarter of section 2 in township 46 north range 5 east of the third principal meridian, being described as follows: commencing at the northwest corner of the said west half of the northwest fractional quarter; north 89 degrees 44 minutes 53 seconds east along the north line thereof, 330.00 feet to the place of beginning; thence south 00 degrees 15 minutes 07 seconds east, 496.57 feet; thence north 89 degrees 44 minutes 53 seconds east parallel with the said north line, 438.61 feet; thence north 00 degrees 15 minutes 07 seconds west 496.57 feet to the north line of the said west half of the fractional northwest quarter, thence south 89 degrees 44 minutes 53 seconds west along said north line 438.61 feet to the place of beginning, in McHenry County, Illinois.

**P.I.N. #\_ part of 01-02-300-001 and 01-02-100-001**

More commonly known as **22001 Stateline Rd. Harvard, Illinois 60033**

WHEREAS, the Petition requests **reclassification of the subject property from its present classification which is "A-1" Agriculture District to "A-2" Agriculture District.**

WHEREAS, the subject property consists of approximately 5.0 acres in which reclassification is contemplated.

WHEREAS, a hearing on said petition was held before the Zoning Board of Appeals of McHenry County in the manner and the form as prescribed by the Ordinance and Statute; and

WHEREAS, as a result of said hearing, the taking of evidence, and the viewing of the exhibits advanced thereat, the Zoning Board of Appeals of McHenry County did **recommend by a vote of 7 ayes and 0 nay the granting of the reclassification of the subject property from its present classification which is "A-1" Agriculture District to "A-2" Agriculture District.**

WHEREAS, the McHenry County Board has considered the recommendation as submitted by the Zoning Board of McHenry County.

WHEREAS, the McHenry County Board has determined that the requirements for reclassification of the subject property have been met.

NOW, THEREFORE BE IT ORDAINED, that the Zoning Ordinance and the Zoning Maps of McHenry County, and such Ordinances and such maps as amended, be and the same are hereby amended to allow the **reclassification of the subject property from its present classification which is "A-1" Agriculture District to "A-2" Agriculture District.**

This Ordinance shall be in full force and effect from and after its passage as by law provided.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:

\_\_\_\_\_  
County Clerk

NUMBER VOTING AYE: \_\_\_\_\_

NUMBER VOTING NAY: \_\_\_\_\_

NUMBER ABSTAINING: \_\_\_\_\_

NUMBER ABSENT: \_\_\_\_\_

# Staff Report for the McHenry County Zoning Board of Appeals

**Petition:** # 11-30

**Hearing Date:** July 14, 2011

**Applicant:** Eric Bird, Phillip Bird, and Diana Bird, owners of record

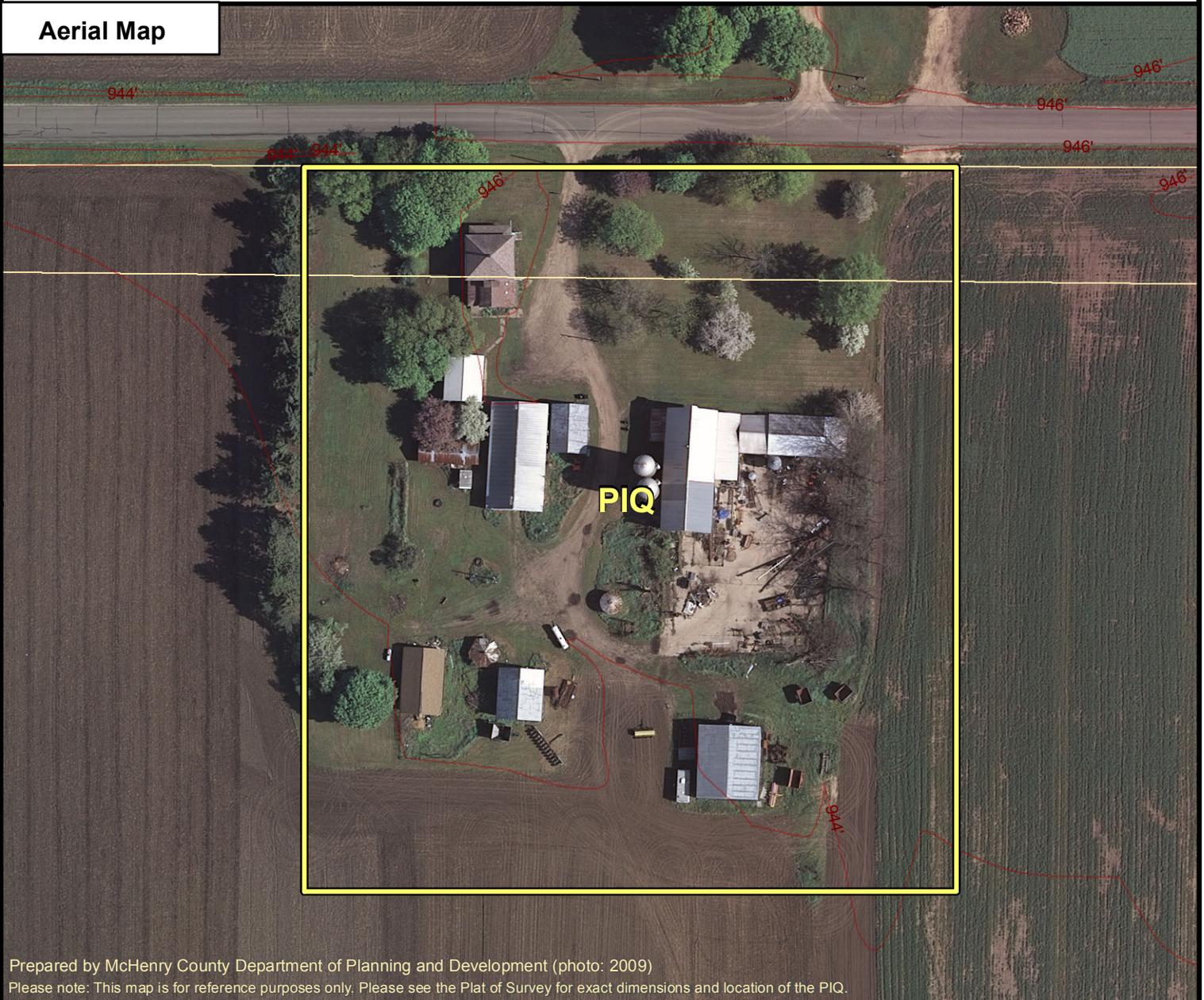
**Request:** A reclassification from the "A-1" Agriculture District to the "A-2" Agriculture District

**Location:** The Property in Question (PIQ) consists of 5.00 acres and is located on the south side of the State Line Road approximately 1/2 mile east of the intersection of State Line Road and Lilja Road, in Harvard, Illinois, in Chemung Township

**Address:** 22001 State Line Road, Harvard, Illinois 60033

**PIN:** Part of 01-02-300-001 and Part of 01-02-100-001

## Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2009)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

## Elevation

(feet above sea level)

- 10-foot contours
- 2-foot contours

Feet 

1 inch equals 100 feet



# Staff Report for the McHenry County Zoning Board of Appeals

## STAFF COMMENTS

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

### Request for Reclassification

This request is consistent with the surrounding zoning and compatible with adjacent land uses. The *2030 Comprehensive Plan* text supports Agricultural uses in this vicinity. Staff believes that the request meets the requirements set forth in the 2000 McHenry County Zoning Ordinance for an A-2 reclassification and recommends approval.

## BACKGROUND

The PIQ is approximately 5.00 acres, of the 83.14 acres identified by PIN 01-02-300-001 AND 01-02-100-001. The remaining 78.14 acres are currently zoned "A-1" Agriculture District and are not a part of this petition. The plat of survey of the PIQ shows that there are multiple farm buildings and a single family residence.

## STAFF ANALYSIS – CONDITIONAL USE REQUEST

1) Current Land Use:

The requested reclassification is consistent with the surrounding agricultural uses.

2) Zoning:

The requested reclassification is consistent with the surrounding *A-1 Agriculture* district.

3) 2030 Comprehensive Plan text:

In regard to the text of the *2030 Plan*, the requested reclassification will have minimal impact on agricultural resources because the proposed "A-2" Agriculture District will allow for the land to continue to be used for an agricultural purpose. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of moderate & high contamination potential, however additional development is unlikely and there are no flood-hazard areas. The requested reclassification is consistent with the *2030 Future Land Use Map* designation of *Agriculture*.

4) 2030 Comprehensive Plan Future Land Use map:

The requested reclassification is consistent with the map designation of AGRICULTURAL.

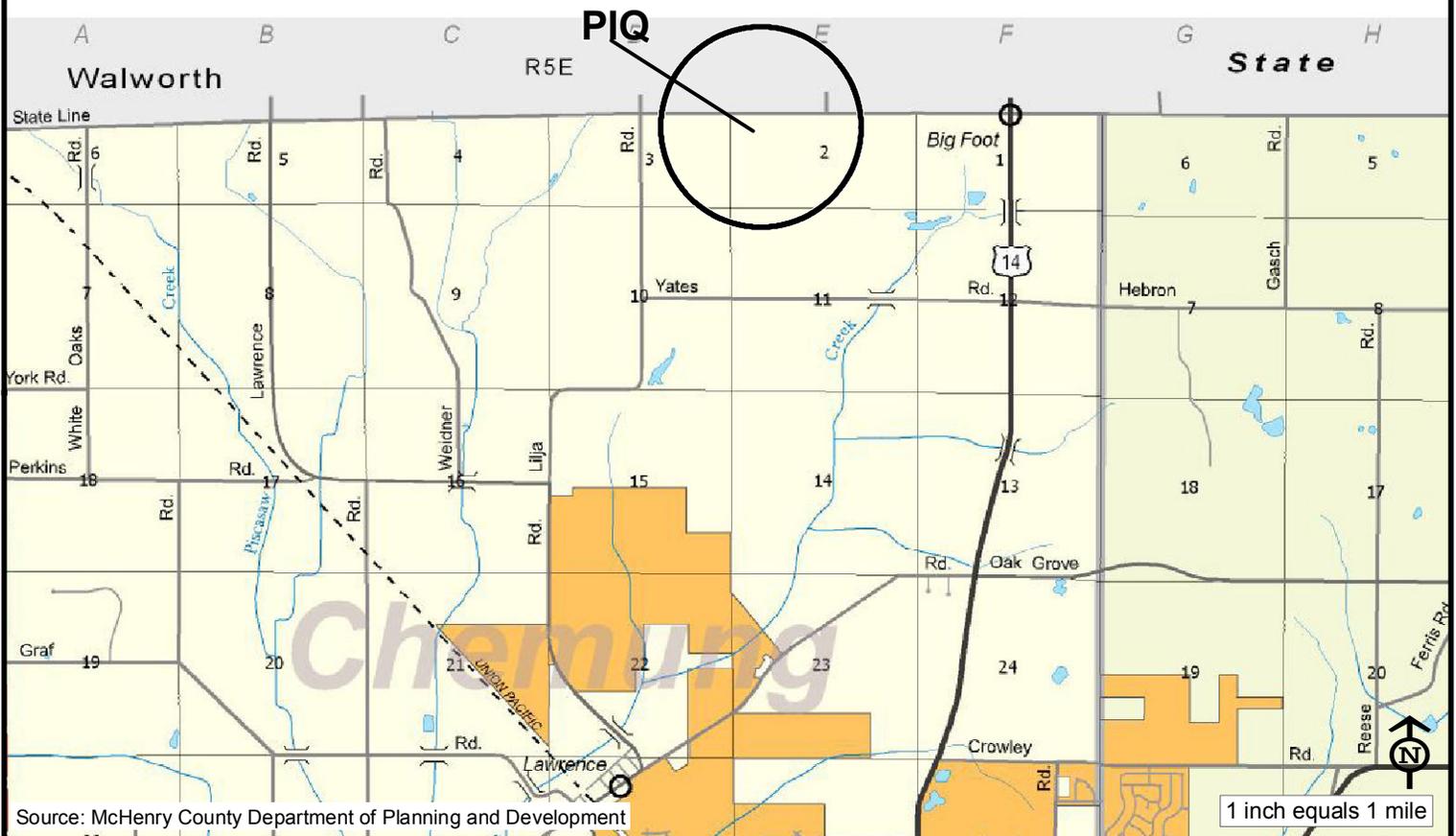
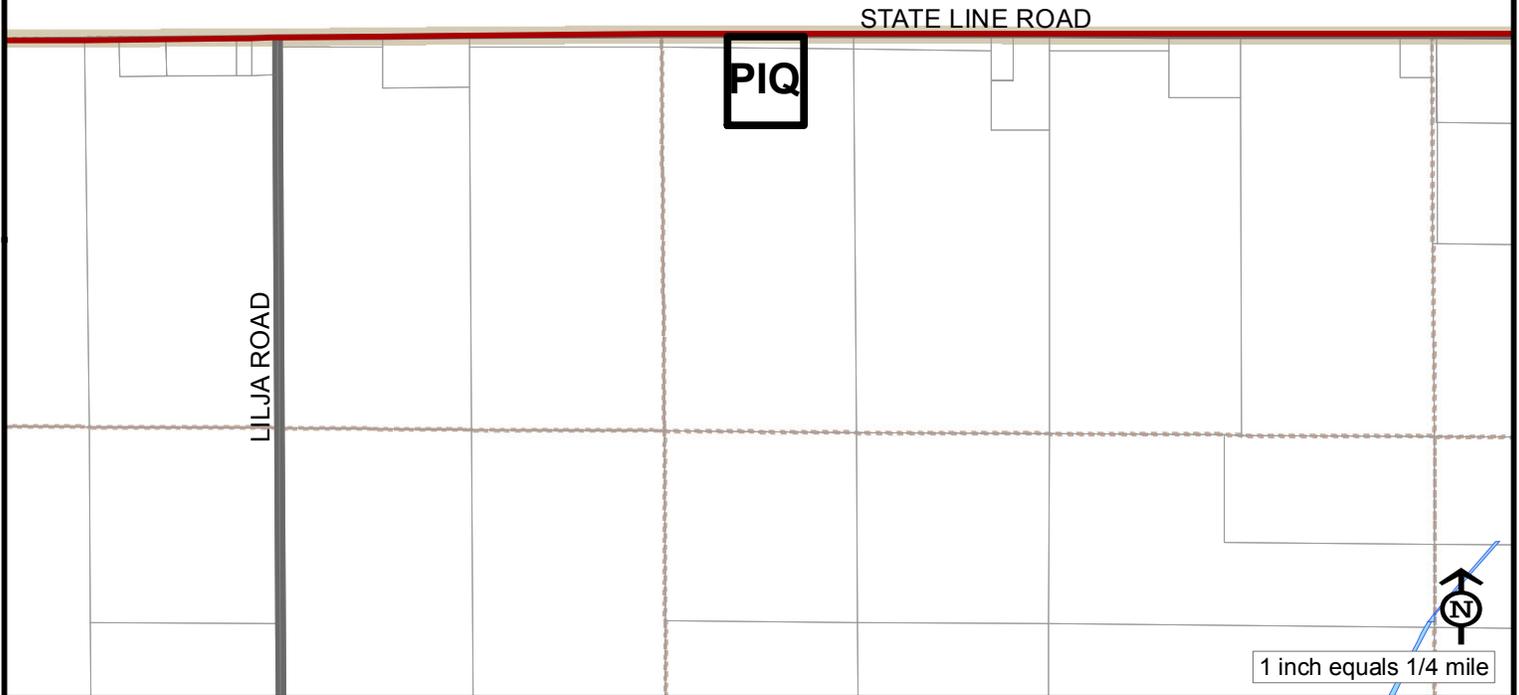
5) Environmental Factors:

The PIQ is a part of a Sensitive Aquifer Recharge Area, and it has a Moderate & High Aquifer Contamination potential, however additional development is unlikely and there are no hydric soils, wetlands, or floodplain. Even though Prime Farmland Soils cover 61.71% of the site, the overall LE score is 59.86. The McHenry County Soil and Water Conservation District Natural Resources Inventory full report was received. Please refer to NRI 11-024-3675 for more information. The Illinois Department of Natural Resources (IDNR) indicated that impact on protected state resources would be unlikely and the consultation has been terminated.

## NOTES

- The Petitioner must meet the STANDARDS FOR AMENDMENT, listed in Article 8, Section 807.2 of the *2000 McHenry County Zoning Ordinance*
- One of the exceptions to the Plat Act listed in Section 303.1 (2A) of the *2000 McHenry County Zoning Ordinance*
- The criteria establishing unsuitability for farming as defined in Section 303.1 (2C) of the *2000 McHenry County Zoning Ordinance*
- Staff will have additional comments based upon the testimony presented during the public hearing.

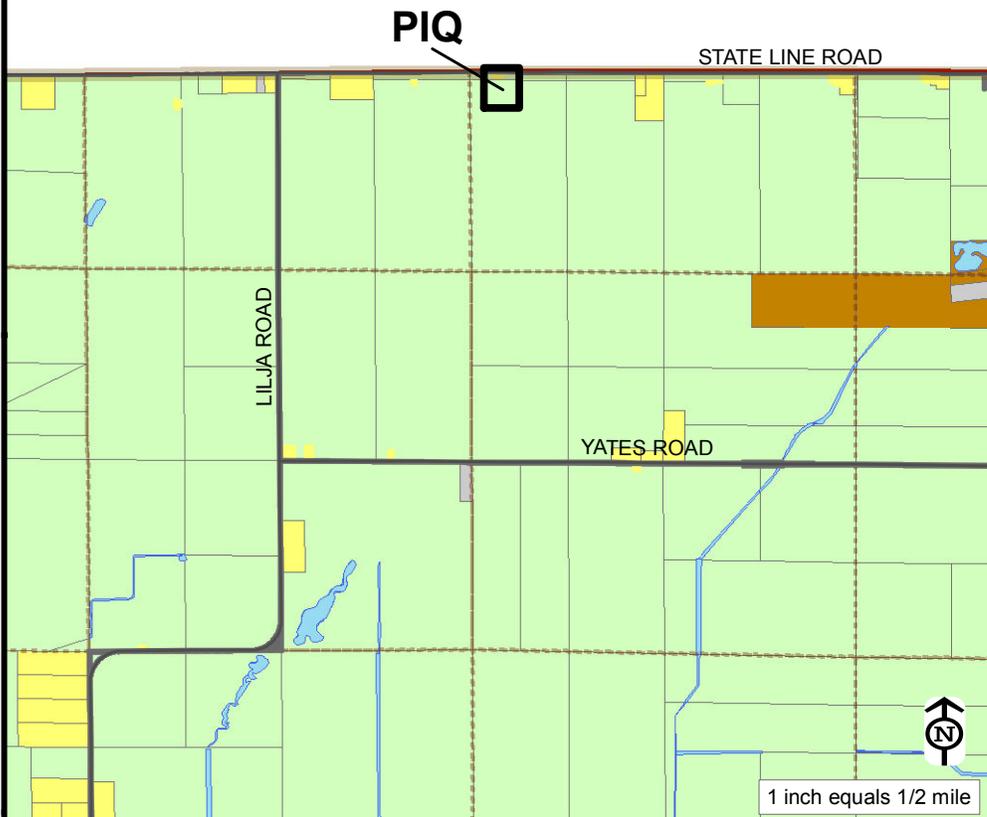
Walworth County, Wisconsin



Source: McHenry County Department of Planning and Development

### Current Land Use Map

Walworth County, Wisconsin



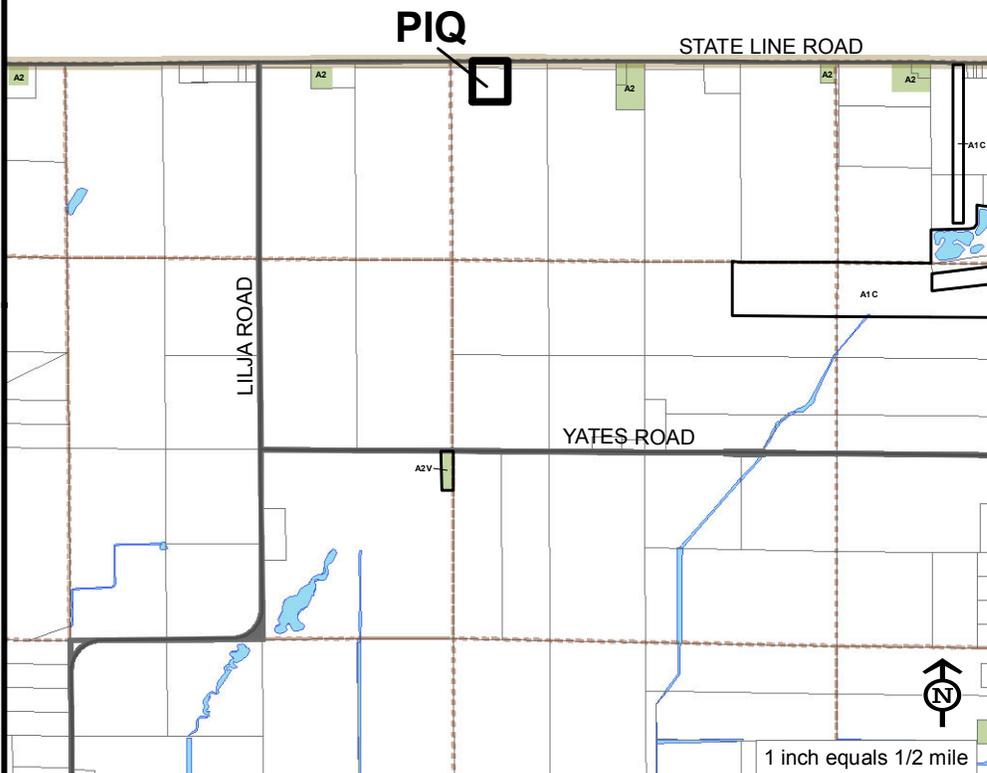
### Current Land Use of the PIQ Agriculture & Single-Family Residential Land Use Adjacent to the PIQ

North: Walworth Co. WI  
 South: Agriculture  
 East: Agriculture  
 West: Agriculture

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities

### Zoning Map

Walworth County, Wisconsin



### Current Zoning / PIQ:

**A-1 Agriculture**

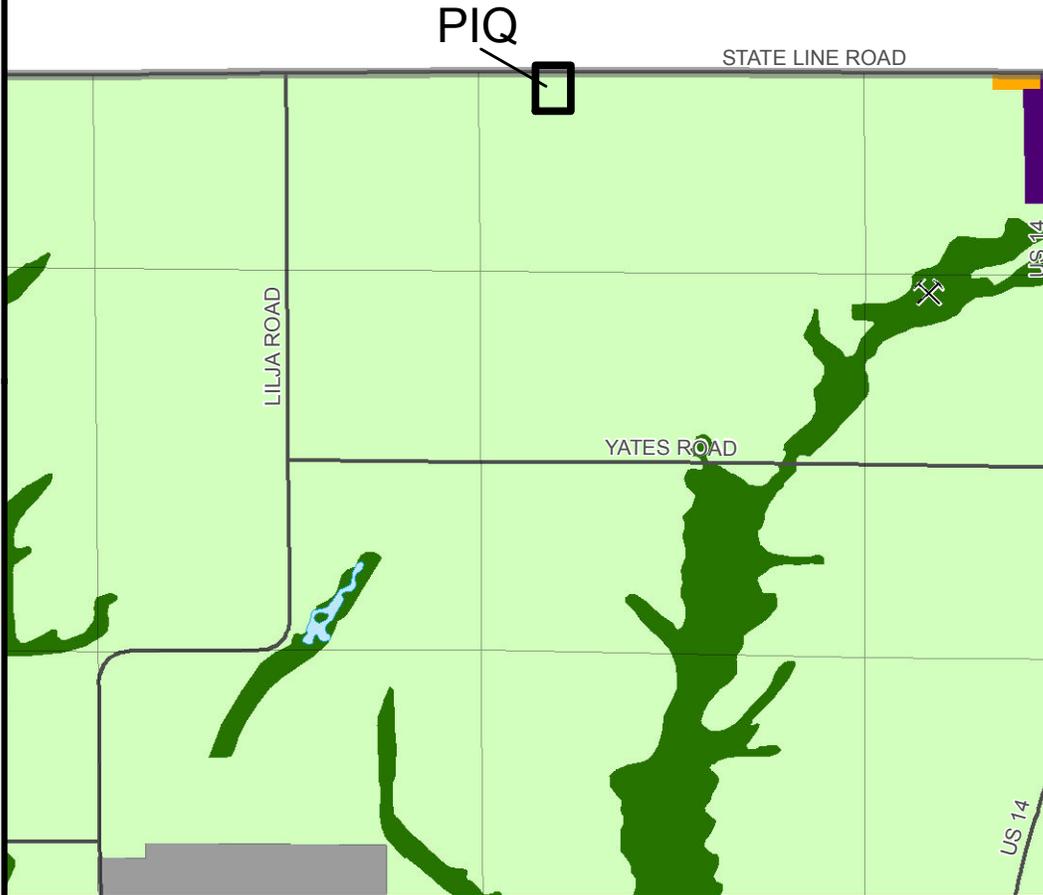
### Adjacent Zoning

North: Walworth Co. WI  
 South: A-1 Agriculture  
 East: A-1 Agriculture  
 West: A-1 Agriculture

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Liquor Business
- B-3 General Business
- O Office / Research
- I-1 Light Industry
- I-2 Heavy Industry
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

# McHenry County 2030 Comprehensive Plan Future Land Use Map

Walworth County, Wisconsin



## Future Land Use Map Designation

**AGRICULTURAL**

- Agricultural
  - Open Space
  - Environmentally Sensitive Area
  - Estate
  - Isolated Estate
  - Residential
  - Isolated Residential
  - Retail
  - Mixed Use
  - Office, Research, Industrial
  - Gov't, Institutional, Utilities
  - TOD Existing Rail Station
  - TOD Future Rail Station
  - Active Earth Extraction Site
  - Municipality
- Scale: 1 inch = 1/2 mile

## Township Plan Designation

Chemung Township: *Agriculture*

## Municipal Plan Designations

None

## McHenry County 2030 Comprehensive Plan – Text Analysis

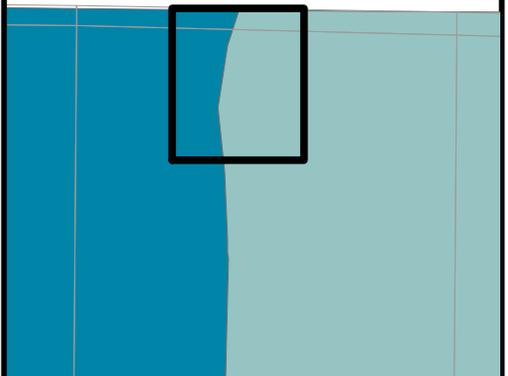
### Land Use

**AGRICULTURAL** – represents existing agricultural areas, including cropland, pastureland, farm yards and farmsteads, that should remain in agricultural use though the 2030 planning horizon. Development in the Agricultural district should be strictly limited to agriculture, agricultural residences, and agricultural support uses. (p. 134)

### Sensitive Aquifer Recharge Areas

The site does contain “high & moderate contamination potential” zones. There are also floodplains and floods of record within the PIQ. There are no wetlands within the conditional use area.

## Sensitive Aquifer Recharge Areas (SARA)



- High Contamination Potential
- Moderate Contamination Potential

## Community Character & Housing

*"The County has the long-established housing pattern of farmsteads. Existing farmsteads support the farming way of life and make it possible for great expanses of agricultural fields and natural areas. Residents of on these large-acre lots have a connection to the land...." "It is this way of life that still gives McHenry County its rural character. It fosters the protection of nature, the recharging of aquifers, and the preservation of the County's rich resources for future generations." (p. 23)*

Reclassification to A-2 Agriculture zoning would preserve the essential aspects of Agricultural character.

## Agricultural Resources

Objective: *"Use the LE portion of the LESA (productivity portion) to determine most productive land." (p. 29)*

Objective: *"Recognize the cultural, social, recreational, conservation, economic, environmental, and aesthetic benefits provided by agricultural land use." (p. 29).*

The Plan recommends agriculture as a future land use in this area. The weighted average LE Score is 59.86 and is due to the man-made improvements on the property. Reclassification to A-2 Agriculture is defined in the 2000 Zoning Ordinance as an Agriculture district. The reclassification therefore would be compatible with the existing agricultural land uses in the vicinity.

## Greenways, Open Space & Natural Resources

Objective: *"Promote land uses that... minimize the impact on land, water, energy, and other natural resources"... (p. 43)*

Policy 30: *"Encourage protection of land that connects or expand existing natural areas, including agricultural lands." (p. 58)*

The Illinois Department of Natural Resources (IDNR) indicated that adverse impacts on protected state resources are unlikely and the consultation was terminated.

## Water Resources

Objective: *"Preserve, improve, and replenish the quality and quantity of existing groundwater resources." (p. 63)*

The Sensitive Aquifer Recharge Areas (SARA) map indicates that the soils in this vicinity have a moderate & high potential for aquifer contamination. Reclassification to A-2 Agriculture would be compatible with the existing agricultural land uses and would preserve open space. Since the farmstead exists already, no increased impact to water or natural resources should result.

## Economic Development

No applicable text.

## Infrastructure

No applicable text.

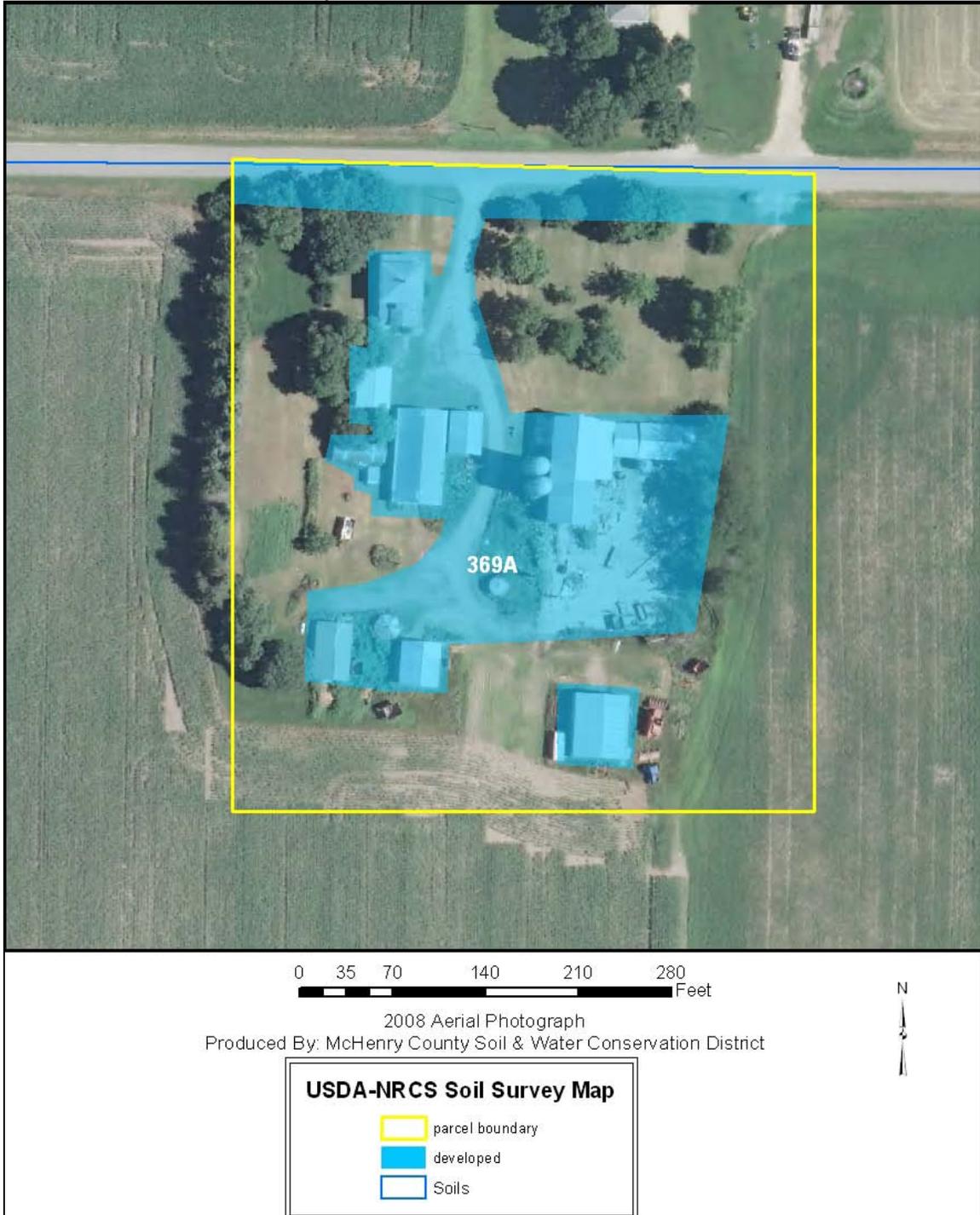
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## 2030 Comprehensive Plan Analysis

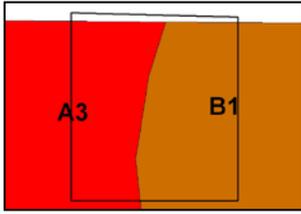
In regard to the text of the 2030 Plan, the requested reclassification will have minimal impact on agricultural resources because the proposed "A-2" Agriculture District will allow for the land to continue to be used for an agricultural purpose. IDNR indicated that adverse impacts to protected resources are unlikely. The conditional use area does contain areas of moderate contamination potential however there are no flood-hazard areas. The requested reclassification is consistent with the 2030 Future Land Use Map designation of Agriculture.

## EXECUTIVE SUMMARY OF NRI REPORT # 11-024-3675

*It is the opinion of the McHenry County Soil and Water Conservation District Board of Directors that this report as summarized on this page is pertinent to the requested zoning change. The soil information provided in this report is generated from maps and data obtained in McHenry County Soil View and the new soil survey.*

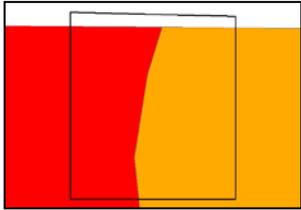


**Groundwater Contamination Potential and Recharge Areas:**



**Aquifer Sensitivity Map** (\*This is the area beneath the soil profile down to bedrock)

The Geologic features map indicates the parcel is comprised of 2.61 acres of A3 and 2.12 acres of B1 geologic limitations. A3 (red areas on map) has a high aquifer contamination potential. B1 has a moderately high potential for aquifer contamination (orange areas of map).

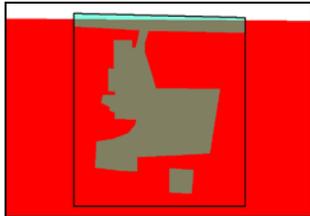


**Sensitive Aquifer Recharge Areas** (Includes the soil profile and underlying geology).

The Sensitive Aquifer Recharge Map indicates the parcel is within an area designated as Sensitive Aquifer Recharge. Approximately, 2.61 acres is identified as high (red) and 2.12 acres is identified as moderately high (orange) potential.

**Soil Leachability Map** (This is only the soil profile within the parcel from the surface down to approx. 5 feet).

- The Soil Leachability Index indicates 0% of the parcel has a moderate or high leaching potential for fertilizers (includes household use).



**Soil Permeability Map** (This is only the soil profile within the parcel from the surface down to approx. 5 feet. Soil permeability is a reflection of the speed in which water (with or without pollutants) can move through the soil profile.)

- The USDA-NRCS Soil Survey Map of the area indicates 61.71% or 3.03 acres of the parcel has soils which are highly permeable, allowing water to rapidly move through the soil profile. Highly permeable areas are identified in red.

**Soil Limitations (This evaluates the parcel from the surface down to approximately 5 feet.):**

**Basement Limitations**

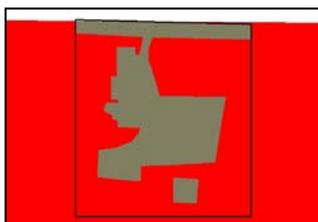
The NRCS Soils Survey indicates 0% of this parcel is composed of soils with a severe limitation for basements.

**Septic Limitations**

The NRCS Soils Survey indicates 0% of this parcel are composed of soils with a severe or very severe limitation for septic systems.

**Erosion Ratings**

The NRCS Soils Survey indicates 0% of the parcel has a severe erosion rating.



**Prime Farmland Soils**

The Natural Resources Conservation Service (NRCS) Soil Survey indicates that approximately 3.032 acres or 61.71% of the parcel are composed of prime farmland soils.

**Hydric Soils**

The NRCS Soil Survey indicates 0% of the parcel is comprised of hydric soils.

**Floodplain Information:**

**The Flood Insurance Rate Map**

Indicates 100-year floodplain is present on 0% of this parcel.

**Flood of Record Map (Hydrologic Atlas)**

The Flood of Record Map for this area indicates previous flooding on 0 acres of the parcel.

**Wetland Information:**

**USDA-NRCS Wetland Inventory**

The NRCS Wetlands Inventory identifies 0 acres of wetlands on the parcel.

**ADID Wetland Inventory**

The ADID Wetland Study indicates there are no wetlands on the parcel.

**Cultural Resources:** None identified

**Woodlands:** The parcel is contains mature trees around the existing structures on the parcel.

**Agricultural Areas:** Office Maps indicate agricultural there are no agricultural areas on or adjacent to the parcel.

**Land Evaluation Site Assessment (LESA):** The Land Evaluation score for the parcel is 59.86.

---

**CONCERNS OF THE MCSWCD BOARD**

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Due to the high potential for aquifer contamination and the parcel's location within a sensitive aquifer recharge area, care should be exercised when mixing and applying fertilizers and chemicals. In these areas, contaminants from any source can move rapidly through these sand and gravel deposits to wells or nearby streams. In addition, this thick surficial aquifer is commonly hydraulically connected to underlying aquifers.

# PLAT OF SURVEY

Part of the West Half of the Southwest Quarter and part of the Northwest Fractional Quarter of Section 2 in Township 46 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of the said West Half of the Northwest Fractional Quarter; thence North 89 degrees 44 minutes 53 seconds East along the North line thereof, 330.00 feet to the Place of Beginning; thence South 00 degrees 15 minutes 07 seconds East, 496.57 feet; thence North 89 degrees 44 minutes 53 seconds East parallel with the said North line, 438.61 feet; thence North 00 degrees 15 minutes 07 seconds West, 496.57 feet to the North line of the said West Half of the Fractional Northwest Quarter; thence South 89 degrees 44 minutes 53 seconds West along said North line 438.61 feet to the Place of Beginning, in McHenry County, Illinois.

STATE OF WISCONSIN

STATE LINE ROAD



RECEIVED  
 MAY 23 2011  
 ZONING BOARD OF APPEALS



LEGEND	
● FOUND IRON BAR	⊙ SET IRON BAR
⊗ FOUND NAIL	⊙ SET NAIL
⊕ FOUND SPIKE	⊙ SET SPIKE
✱ FOUND CROSS	⊙ SET CROSS
○ FOUND IRON PIPE	⊙ FOUND MONUMENT
(M) MEASURED	(D) DEED (R) RECORD

**NOTE:** Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.

- No distance should be assumed by scaling.
- No underground improvements have been located unless shown and noted.
- No representation as to ownership, use, or possession should be hereon implied.
- This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

CLIENT: ERIC BIRD  
 DRAWN BY: AFG CHECKED BY: WJV  
 SCALE: 1"=40' SEC. 2 T. 46 R. 5 E.  
 BASIS OF BEARING: ASSUMED  
 P.I.N.: 01-02-100-001  
 JOB NO.: 110126 I.D. UPD  
 FIELDWORK COMP.: 4/8/11 BK. PG.  
 ALL DISTANCES SHOWN IN FEET AND DECIMAL PARTS THEREOF CORRECTED TO 68° F. REF: 100061A

STATE OF ILLINOIS )  
 COUNTY OF McHENRY ) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 4/12 A.D., 20 11.

Vanderstappen Surveying & Engineering, Inc.  
 Design Firm No. 184-002792

By: *William J. Vanderstappen*  
 Illinois Professional Land Surveyor No. 2709

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

## APPOINTMENTS

TUESDAY, AUGUST 16, 2011

\* \* \* \* \*  
APPOINTMENT BY COUNTY BOARD CHAIRMAN  
\* \* \* \* \*

**BE IT RESOLVED**, BY THE McHENRY COUNTY BOARD THAT THE FOLLOWING APPOINTMENTS BE AND ARE HEREBY ADOPTED:

		<u>Expiration Date</u>
13.1	<u>McHENRY COUNTY EMERGENCY TELEPHONE SYSTEM BOARD</u> Charles Amati                      Woodstock Police Department	11/30/2013
13.2	<u>McHENRY COUNTY HOUSING AUTHORITY</u> Daniel A. Bell	06/01/2016

**DATED** AT WOODSTOCK, ILLINOIS, THIS 16TH DAY OF AUGUST, A.D., 2011.

\_\_\_\_\_  
Kenneth D. Koehler, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
Katherine C. Schultz, County Clerk

Requestor: KCSCHULT  
Performance Accounting

COUNTY CLERK'S OFFICE—JULY 2011

Page 1 of 1

Date/Time of Report: 8/5/2011 08:16:02

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Monthly Activity

**FILED**  
McHENRY COUNTY, IL

AUG - 5 2011

*Katherine C. Schultz*  
COUNTY CLERK

Style: Tabular

Dept: 14

Org:

Summarize by: OCA Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
140001	County Clerk	8010	Misc. County Clerk Fees	\$0.00	\$12,559.75	\$0.00	(\$12,559.75)	0.00%
140001	County Clerk	8020	County Clk Tax Redemption Ft	\$0.00	\$14,705.82	\$0.00	(\$14,705.82)	0.00%
140001	County Clerk	9510	Interest Income	\$0.00	\$352.41	\$0.00	(\$352.41)	0.00%
140005	Automation Fun	8033	County Clerk Automation Fees	\$0.00	\$1,194.00	\$0.00	(\$1,194.00)	0.00%
140005	Automation Fun	9510	Interest Income	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
140005	Automation Fun	9990	UTILIZATION OF FUND BALA	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
				\$0.00	\$28,811.98	\$0.00	(\$28,811.98)	0.00%

COUNTY CLERK'S OFFICE—JULY 2011

Requestor: KCSCHULT  
Performance Accounting

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Year Activity

Style: Tabular

Dept: 14

Org:

Summarize by: OCA Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
140001	County Clerk	8010	Misc. County Clerk Fees	\$190,000.00	\$120,753.72	\$0.00	\$69,246.28	63.55%
140001	County Clerk	8020	County Clk Tax Redemption Fe	\$180,000.00	\$119,463.70	\$0.00	\$60,536.30	66.37%
140001	County Clerk	9510	Interest Income	\$2,000.00	\$1,559.70	\$0.00	\$440.30	77.99%
140005	Automation Fun	6033	County Clerk Automation Fees	\$13,000.00	\$8,547.00	\$0.00	\$4,453.00	65.75%
140005	Automation Fun	9510	Interest Income	\$125.00	\$78.10	\$0.00	\$46.90	62.48%
140005	Automation Fun	9990	UTILIZATION OF FUND BALA	\$29,375.00	\$0.00	\$0.00	\$29,375.00	0.00%
				\$414,500.00	\$250,402.22	\$0.00	\$164,097.78	60.41%

Requestor: KCSCHULT  
Performance Accounting

COUNTY CLERK'S OFFICE—JULY 2011

Page 1 of 1  
Date/Time of Report: 8/5/2011 08:16:28

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Monthly Activity

Style: Tabular

Dept: 13

Org:

Summarize by: OCA Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
130001	County Election	9443	State Reimb - Election Judges	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
130001	County Election	9444	State Reimb - Elections Early Vo	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
130001	County Election	9840	Miscellaneous	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
				\$0.00	\$0.00	\$0.00	\$0.00	0.00%

Requestor: KCSCHULT  
Performance Accounting

COUNTY CLERK'S OFFICE—JULY 2011

Page 1 of 1  
Date/Time of Report: 8/5/2011 08:16:35

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Year Activity

Style: Tabular

Dept: 13

Org:

Summarize by: OCA Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
130001	County Election	9443	State Reimb - Election Judges	\$35,000.00	\$47,070.00	\$0.00	(\$12,070.00)	134.49%
130001	County Election	9444	State Reimb - Elections Early Vo	\$0.00	\$30,600.00	\$0.00	(\$30,600.00)	0.00%
130001	County Election	9840	Miscellaneous	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
				\$35,000.00	\$77,670.00	\$0.00	(\$42,670.00)	221.91%



David A. Christensen  
Director

# McHenry County Emergency Management Agency

[www.mchenrycountyil.gov](http://www.mchenrycountyil.gov)

[ema@co.mchenry.il.us](mailto:ema@co.mchenry.il.us)

Robert E. Ellsworth, Jr., CEM  
Assistant Director

## McHenry County Emergency Management Agency Monthly Report for July, 2011 By David A. Christensen, Director

### **Response:**

The 11<sup>th</sup> of July brought severe weather which affected every corner of the county. High winds and torrential rain knocked out power to nearly 70% of the county. This outage in some areas lasted 5.5 days. EMA efforts were primarily expended in determining the scope of the disaster, acquiring needed resources (principally generators and potable water), debris removal coordination, and networking the various county and municipal response agencies. EMA staff (Robert, Robin, and Betty) worked tirelessly to ensure local jurisdiction unmet needs were documented and conveyed to appropriate departments or IEMA.

Subsequent storms brought additional power outages and light damage. Due to the difficulties encountered during the storm of the 11<sup>th</sup>, EMA established a Flash Reporting system for the municipalities and townships. This system will further enhance our situational awareness and give us the capability to identify resource shortages and expedite state and mutual aid assistance.

EMA Deputy Director(s) responded to Crystal Lake for a structure fire to assist a family with temporary housing. (20 July 2011)

The EMA Volunteers assisted Algonquin with the Founders Days events, including the parade. Primary role was communications assistance. (29-31 July 2011)

Weather events (including activation of the EOC radio room) on 7/11, 7/19, 7/23, and 7/27.

### **Preparedness:**

Director Christensen assisted as an Exercise Evaluator for Eastern Illinois University emergency management exercise. By teleconference, he also attended the IESMA Executive Board and International Association of Emergency Managers meetings.

Director Christensen also attended the Illinois Terrorism Task Force (ITTF) EM Committee meeting in Antioch, the IESMA Emergency Management Assistance Team meeting, and the ITTF Chairs and Full meeting. These efforts continue to establish McHenry County's leadership role in Illinois Emergency Management.

Additional meeting / committees included McHenry County ETSB, Natural and Environmental Resources Committee, Law and Justice Committee, Finance, and Safety/Security.

Local Emergency Planning Committee met on the 19<sup>th</sup> of June to discuss a number of topics, including Tier II filings. On the same day the Disaster Planning Committee met. The committee was introduced to the Citizen Corps concepts, as well as the newly proposed McHenry County Emergency Management Coordinating Council. Both committees will be retasked to assist the

coordinating council in bringing about a unified and cohesive response and planning effort in the county.

EMA is working with ComEd to find a common ground, whereby the county is privy to municipal power information. This information will allow a more informed response to issues facing the county as a whole. Currently, ComEd is not geared to work directly with the counties. This arrangement has served them well in the more urban counties, however is not a workable solution in a county like McHenry with vast rural areas.

Director Christensen and Assistant Director Ellsworth met with McHenry County ETSB, SEECOM, and Sheriff's Office Dispatch to discuss and plan for a back-up dispatch station in the EOC Radio Room. This option will give back-up to SEECOM and overflow capability to Sheriff's Dispatch, as well as provide EMA with a CAD terminal. (15 July 2011)

EMA, County Administration, and County IT met to discuss backup support for McHenry County College. The discussion centered on a microwave link between EMA (and tower) to MCC. Space is available on the tower, however additional porting is required. (26 July 2011)

**Mitigation:**

Director Christensen assisted the Water Resources Steering Committee with drought planning. Subsequent actions will further involve EMA in the planning, mitigation, and preparedness efforts related to this vital resource.

**Planning:**

Director Christensen and Tom Annarello (Valley Hi) met to discuss patient evacuation / sheltering and mutual aid capabilities. An additional meeting was set up to bring in the Collaborative Healthcare Urgency Group.

Assistant Director Ellsworth began to install a new notification system which at first pass will be used to notify our EMA staff and volunteers of call outs and events, eventually it will be set up to notify county department heads and all employees of critical information/direction.

EMA continues to work with McHenry County College to ensure complete disaster planning.

**Vehicle Status:**

#53 was placed out of service twice for issues related to steering and suspension.

#54 was placed out of service once for air conditioning and once for normal maintenance.

#52 was scheduled for repair due to numerous problems – brakes (master cylinder), exhaust manifold leak, and a transmission leak.

#55 is scheduled for installation of previously purchased HVAC

- RACES volunteers conducted weekly Monday night and Saturday radio nets.
  - Emergency Services Volunteers met as a whole and in committee(s) to further preparedness efforts.
-

**MCHENRY COUNTY EMERGENCY MANAGEMENT AGENCY  
SUMMARY OF MONTHLY HOURS FOR JULY**

<b><u>VOLUNTEER DIVISION</u></b>	<b><u>TOTAL HOURS WORKED</u></b>
Administration	178.25
Dive Support	2.50
Information Technology	Included
Public Information	Included
Radio Amateurs	173.00
Search and Rescue	35.75
Shelter Management	2.00
Special Needs	Included
Telecommunications	55.75
Weather	32.75
Monthly hours donated for the County by all EMA Volunteers	480.00
<b>TOTAL HOURS DONATED FOR THE YEAR 2011</b>	<b>3008.75</b>

The Administrative staff donated the following number of hours: Deputy Director Early, 34.50; Deputy Director Locke, 34.75; Deputy Director Rospopo, 17.50.

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*EMA facilities were used for 22 work days by ETSB, GIS, Sheriff's Office, and Records storage for meetings and training.*

**EMA ROOM UTILIZATION - JULY**

<b><u>DATE</u></b>	<b><u>DEPT</u></b>	<b><u>OPERATIONS ROOM</u></b>
7/12	HEALTH DEPT & DOT	NO OR REDUCED ELECTRICITY IN THEIR BLDGS
7/21	SHERIFF'S OFFICE	ADP (AUTOMATIC DATA PROCESSING) TRAINING
<b><u>DATE</u></b>	<b><u>DEPT</u></b>	<b><u>MEETING ROOM</u></b>
7/1 - 7/22	E911	FIELD BASE REPORTING & RECORDS MANAGEMENT TRAINING
7/21 PM	EMA	SAR (SEARCH & RESCUE) DIVISION MEETING
7/26 PM	EMA	RACES (RADIO AMATEUR CIVIL EMERGENCY SERVICES) DIVISION MTG

To: The Honorable Michael J. Sullivan, Chief Judge  
The Honorable Michael Caldwell  
The Honorable Michael Chmiel  
The Honorable Joseph Condon  
The Honorable Maureen McIntyre  
The Honorable Sharon Prather  
The Honorable Charles Weech

**PUBLIC DEFENDER REPORT**

	<u>July, 2011</u>	<u>July, 2010</u>
Defendant's Assigned	297	424
Defendant's Disposed	265	391
Total Number of Charges Disposed	592	900
Felonies	138	219
Misdemeanors	436	650
Juveniles	17	27
Other	1	4

Respectfully Submitted,

Mark G. Cook  
Public Defender

MC:do

cc: County Clerk  
McHenry County Board  
Kathy Keefe, Clerk of the Circuit Court  
Dan Wallis, Trial Court Administrator

Requestor: KABEACH  
Performance Accounting

Page 1 of 1

Date/Time of Report: 8/2/2011 13:42:33

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Monthly Activity

**FILED**  
McHENRY COUNTY IL

AUG 02 2011

Style: Tabular

Dept: 15

Org:

Summarize by: OCA 150100 Recorders Automation Fund

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: included

**Recorders Automation Fund**  
**(To be used for automation per Statute)**

*Katherine A. Ludwig*  
COUNTY CLERK

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150100	Recorders Automation Fu	8160	Recorder Automation Fees	\$0.00	\$47,813.00	\$0.00	(\$47,813.00)	0.00%
150100	Recorders Automation Fu	8165	Service Fees	\$0.00	\$1,750.00	\$0.00	(\$1,750.00)	0.00%
150100	Recorders Automation Fu	9510	Interest Income	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
150100	Recorders Automation Fu	9990	UTILIZATION OF FUND BALAN	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
				\$0.00	\$49,563.00	\$0.00	(\$49,563.00)	0.00%

Requestor: KABEACH  
Performance Accounting

Page 1 of 1

Date/Time of Report: 8/2/2011 13:42:41

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Year Activity

**FILED**  
MCHENRY COUNTY, IL

AUG 02 2011

Style: Tabular

Dept: 15

Org:

Summarize by: OCA 150100 Recorders Automation Fund

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

**Recorders Automation Fund**  
**(To be used for automation per Statute)**

*Kathleen C. Schubert*  
COUNTY CLERK

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150100	Recorders Automation Fu	8160	Recorder Automation Fees	\$780,000.00	\$456,807.00	\$0.00	\$323,193.00	58.57%
150100	Recorders Automation Fu	8165	Service Fees	\$70,000.00	\$44,835.00	\$0.00	\$25,165.00	64.05%
150100	Recorders Automation Fu	9510	Interest Income	\$2,500.00	\$1,465.42	\$0.00	\$1,034.58	58.62%
150100	Recorders Automation Fu	9990	UTILIZATION OF FUND BALAN	\$150,947.00	\$0.00	\$0.00	\$150,947.00	0.00%
				<b>\$1,003,447.00</b>	<b>\$503,107.42</b>	<b>\$0.00</b>	<b>\$500,339.58</b>	<b>50.14%</b>

Requestor: KABEACH  
Performance Accounting

Page 1 of 1

Date/Time of Report: 8/2/2011 13:41:24

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Monthly Activity

**FILED**  
McHENRY COUNTY, IL

AUG 02 2011

*Katherine C. Schultz*  
COUNTY CLERK

Style: Tabular  
Dept: 15  
Org:  
Summarize by: OCA 150005 County Recorder Secondary Summarize by: (None)  
Primary Detail by: OCA Secondary Detail by: Object Lvl 3  
Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150005	County Recordr	7105	Tax Transfer Stamps	\$0.00	\$121,297.00	\$0.00	(\$121,297.00)	0.00%
150005	County Recordr	8060	Recording Fees	\$0.00	\$73,549.00	\$0.00	(\$73,549.00)	0.00%
150005	County Recordr	8064	Housing Surcharge-County Por	\$0.00	\$1,651.50	\$0.00	(\$1,651.50)	0.00%
				\$0.00	\$196,497.50	\$0.00	(\$196,497.50)	0.00%

Requestor: KABEACH  
Performance Accounting

Page 1 of 1  
Date/Time of Report: 8/2/2011 13:41:32

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Year Activity

**FILED**  
McHENRY COUNTY, IL

AUG 02 2011

*Kathleen C. Ludwig*  
COUNTY CLERK

Style: Tabular  
Dept: 15  
Org:  
Summarize by: OCA 150005 County Recorder Secondary Summarize by: (None)  
Primary Detail by: OCA Secondary Detail by: Object Lvl 3  
Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150005	County Record	7105	Tax Transfer Stamps	\$1,200,000.00	\$731,192.25	\$0.00	\$468,807.75	60.93%
150005	County Record	8060	Recording Fees	\$1,150,000.00	\$692,444.91	\$0.00	\$457,555.09	60.21%
150005	County Record	8064	Housing Surcharge-County Port	\$25,000.00	\$15,705.50	\$0.00	\$9,294.50	62.82%
				<b>\$2,375,000.00</b>	<b>\$1,439,342.66</b>	<b>\$0.00</b>	<b>\$935,657.34</b>	<b>60.60%</b>

Requestor: KABEACH  
Performance Accounting

Page 1 of 1

Date/Time of Report: 8/2/2011 13:42:09

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Monthly Activity

**FILED**  
McHENRY COUNTY IL

AUG 02 2011

*Kathleen R. Schubert*  
COUNTY CLERK

Style: Tabular

Dept: 15

Org:

Summarize by: OCA 150010 Housing Surcharge - Recorder Portion Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept	Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150010	Housing Surcharge - Recorder Por	8064	Housing Surcharge-County Portio		\$0.00	\$0.00	\$0.00	\$0.00	0.00%
150010	Housing Surcharge - Recorder Por	8065	Housing Surcharge-Recorder Por		\$0.00	\$1,651.50	\$0.00	(\$1,651.50)	0.00%
150010	Housing Surcharge - Recorder Por	9510	Interest Income		\$0.00	\$2.98	\$0.00	(\$2.98)	0.00%
150010	Housing Surcharge - Recorder Por	9990	UTILIZATION OF FUND BALANC		\$0.00	\$0.00	\$0.00	\$0.00	0.00%
					\$0.00	\$1,654.48	\$0.00	(\$1,654.48)	0.00%

Requestor: KABEACH  
Performance Accounting

Page 1 of 1

Date/Time of Report: 8/2/2011 13:42:17

County of McHenry  
Revenue Financial Analysis Inquiry  
Fiscal Period: Month 08 2011 Appn Yr: 2011  
Act/Bal: Year Activity

**FILED**  
McHENRY COUNTY, IL

AUG 02 2011

*Katharine C. Schulz*  
COUNTY CLERK

Style: Tabular

Dept: 15

Org:

Summarize by: OCA 150010 Housing Surcharge - Recorder Portlon Secondary Summarize by: (None)

Primary Detail by: OCA Secondary Detail by: Object Lvl 3

Accrued Revenue: Included

OCA	OCA Title	Object Lvl 3	Object Lvl 3 Title	Appn/Dept	Budget	Cash Revenue	Accrued Rev	Under/(Over)	% of Budget
150010	Housing Surcharge - Recorder Por	8064	Housing Surcharge-County Portio		\$0.00	\$0.00	\$0.00	\$0.00	0.00%
150010	Housing Surcharge - Recorder Por	8065	Housing Surcharge-Recorder Por		\$25,000.00	\$15,705.50	\$0.00	\$9,294.50	62.82%
150010	Housing Surcharge - Recorder Por	9510	Interest Income		\$100.00	\$30.29	\$0.00	\$69.71	30.29%
150010	Housing Surcharge - Recorder Por	9990	UTILIZATION OF FUND BALANC		\$37,341.00	\$0.00	\$0.00	\$37,341.00	0.00%
					<b>\$62,441.00</b>	<b>\$15,735.79</b>	<b>\$0.00</b>	<b>\$46,705.21</b>	<b>25.20%</b>

County of McHenry  
General Ledger Inquiry  
Month 08 2011  
Account / Balance: Monthly Activity

**FILED**  
MCHENRY COUNTY, IL

AUG 02 2011

Inquired Key:  
Dept: Appn Yr: 2011  
Fund: 474 Illinois Housing Surcharge Fund Subfund:  
Grant / Detail: Project / Detail:  
Org:

*Katherine A. DeLong*  
COUNTY CLERK

Gl Acct / Sub	Titles	Beginning Bal	Debit	Credit	Ending Bal
1101	Equity in Pooled Cash	30,186.00	29,727.00	30,186.00	29,727.00
	Total for 1101	30,186.00	29,727.00	30,186.00	29,727.00
1105	1015 Recorders Office Receivable	0.00			0.00
	Total for 1105	0.00	0.00	0.00	0.00
2222	320000 Due to State of Illinois	-30,186.00	30,186.00	29,727.00	-29,727.00
	Total for 2222	-30,186.00	30,186.00	29,727.00	-29,727.00
3353	Fund Balance - Undesignated	0.00			0.00
	Total for 3353	0.00	0.00	0.00	0.00
	Totals	-0.00	59,913.00	59,913.00	-0.00

County of McHenry  
 General Ledger Inquiry  
 Month 08 2011  
 Account / Balance: Year Activity

Inquired Key:  
 Dept: Appn Yr: 2011  
 Fund: 474 Illinois Housing Surcharge Fund Subfund:  
 Grant / Detail: Project / Detail:  
 Org:

Gl Acct / Sub	Titles	Beginning Bal	Debit	Credit	Ending Bal
1101	Equity in Pooled Cash	47,565.00	282,699.00	300,537.00	29,727.00
	Total for 1101	47,565.00	282,699.00	300,537.00	29,727.00
1105	1015 Recorders Office Receivable	0.00	0.00	0.00	0.00
	Total for 1105	0.00	0.00	0.00	0.00
2222	320000 Due to State of Illinois	-47,565.00	300,537.00	282,699.00	-29,727.00
	Total for 2222	-47,565.00	300,537.00	282,699.00	-29,727.00
3353	Fund Balance - Undesignated	0.00	0.00	0.00	0.00
	Total for 3353	0.00	0.00	0.00	0.00
	Totals	-0.00	583,236.00	583,236.00	-0.00

STATE OF ILLINOIS  
 McHenry County Sheriff's Office  
 Correctional Bureau  
 2200 N. Seminary Ave  
 Woodstock, IL 60098

**County Jail Population Report**

MCHENRY

July, 2011

(County)

(Month and Year)

	Non-Sentenced		Regular Sentenced		Sentenced Weekend	
	Number of New Bookings	Total Number of Days of Non Sentenced	Number of New Sentenced	Total Number of Days Regular Sentenced	Number of New Sentenced	Total Number of Days W/E Sentenced
Male	563	4,083	33	383	5	69
Female	89	269	6	105	4	108
Juvenile Male	5	20	0	0	0	0
Juvenile Female	1	1	0	0	0	0
Totals	658	4,373	39	488	9	177

*Please mail reports by the 10th day of each month. All figures for current month only.*

**COUNTY BOARD REPORT  
JULY 2011**

**PRISONER COUNT FOR THE MONTH**

TOTAL MALES RECEIVED	606
TOTAL FEMALES RECEIVED	100
TOTAL PRISONERS RECEIVED	706
TOTAL PRISONERS DISCHARGED	724
AVERAGE PRISONER COUNT PER DAY	524
PRISONER RECORDS PREPARED	706
COURT PROCESSES RECEIVED	1,093
COURT PROCESSES SERVED	745
PRISONERS TRANSPORTED FOR ICE and US MARSHALS	989
PRISONERS TRANSPORTED FOR WARRANT PICK-UPS	120
PRISONERS TAKEN TO LOCAL COURT	677
MILEAGE CONVEYING PERSONS	10,679
MILEAGE SERVING COURT PROCESSES	9,440
MILEAGE PATROLLING AND INVESTIGATING	160,706
GASOLINE USED FOR SHERIFF'S POLICE	11,434.40 gallons

**ACCIDENT INVESTIGATIONS HANDLED**

TOTAL NUMBER OF ACCIDENTS	105
PEDESTRIAN	0
FATALITIES	1
INJURY	24
NO INJURY	58
PROPERTY DAMAGE	11
CITY VEHICLE	3
	<u>JULY 2010</u>
DEER	9
	<u>JULY 2010</u>
BY AVOIDING DEER	1
HIT & RUN	2
WARNING TICKETS ISSUED	365
TICKETS ISSUED	711

**SHERIFF  
McHENRY COUNTY**

McHenry County, Illinois

Treasurer's Report

June 2011

7/18/2011

FILED  
MCHENRY COUNTY, ILL  
JUL 20 2011  
Percent of Year Elapsed: 58%  
Katharine  
COUNTY CLERK

Fund	Fiscal Year Beginning Balance	6/11 Beginning Balance	6/11 Inflows	YTD Inflows	6/11 Outflows	6/11 YTD Outflows	6/11 End Balance
1 General Fund	\$46,021,352.32	\$28,097,010.98	\$22,736,655.42	\$60,179,938.44	\$-7,630,800.54	\$62,997,429.92	\$43,202,860.84
6 RTA Sales Tax - County Portion	\$17,754,774.06	\$18,131,547.06	\$709,852.69	\$4,908,732.73	\$-357,295.47	\$-4,179,892.62	\$18,483,904.28
7 Energy Efficiency Block Grant Fund	\$134,004.96	\$14.74	\$8,743.15	\$322,094.93	\$-8,743.00	\$-456,085.99	\$14.89
10 Veterans Asst Commission Fund	\$1,140,444.17	\$889,596.07	\$174,254.86	\$178,704.42	\$-37,416.51	\$-292,714.17	\$1,026,434.42
11 Veterans Asst Comm Bus Fund	\$6,747.27	\$6,752.32	\$83	\$5.88	\$0.00	\$0.00	\$6,753.15
15 Ill Municipal Retirement Fund	\$4,491,288.41	\$1,306,216.98	\$2,528,265.19	\$4,947,607.12	\$-837,648.11	\$-6,442,061.47	\$2,996,834.06
16 Social Security Fund	\$3,131,008.62	\$1,321,991.77	\$2,277,508.80	\$6,990,518.08	\$-982,253.68	\$-7,504,279.81	\$2,617,246.89
20 Highway Dept Relocation Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21 Highway Fund	\$5,311,818.63	\$1,726,410.35	\$3,532,135.74	\$7,332,577.34	\$-798,790.80	\$-8,164,640.68	\$4,459,755.29
22 Motor Fuel Tax Fund	\$20,639,642.80	\$17,958,080.03	\$379,567.88	\$3,109,622.40	\$-823,977.96	\$-6,235,595.25	\$17,513,669.95
23 Matching Fund	\$16,309,852.25	\$15,085,867.65	\$540,126.95	\$1,125,285.60	\$-198,813.14	\$-2,007,756.39	\$15,427,381.46
24 County Bridge Fund	\$4,006,196.96	\$4,222,858.58	\$484,596.66	\$1,496,936.07	\$-76,197.56	\$-871,875.35	\$4,631,257.68
25 Co Option Motor Fuel Tax Fund	\$9,985,574.54	\$9,209,479.05	\$339,403.82	\$2,931,455.19	\$-163,189.16	\$-3,531,336.02	\$9,385,693.71
30 Mental Health (708) Board	\$7,869,901.69	\$1,521,048.67	\$6,160,589.54	\$6,296,720.01	\$-1,289,411.69	\$-7,774,395.18	\$6,392,226.52
31 MH Rural & Migrant Proj Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
32 MH Screening Assessmnt Service	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
33 MH Title XX Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
34 MH Captal Development Fund	\$126,268.20	\$126,581.58	\$26.01	\$339.39	\$0.00	\$0.00	\$126,607.59
35 IDHS Grants	\$165,677.25	\$256,805.73	\$476.38	\$-177,362.22	\$-24,448.11	\$244,518.97	\$232,834.00
36 MH Managed Care Fund	\$26,618.18	\$0.00	\$0.00	\$12.02	\$0.00	\$-26,630.20	\$0.00
37 Project Success	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
38 Child Initiative Grant	\$200,735.69	\$-45,366.18	\$172,492.08	\$800,133.15	\$-126,405.68	\$-1,000,148.62	\$720.22
39 DCFS Initiatives	\$2,506.87	\$22,403.16	\$101,921.24	\$283,177.55	\$-51,017.27	\$-212,377.29	\$73,307.13
40 HD Rural & Migrant Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
41 Veterinary Capital Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
42 Dental Care Clinic Fund	\$412,478.58	\$457,786.58	\$84,392.86	\$398,001.24	\$-46,199.30	\$-314,499.68	\$495,980.14
45 TB Care & Treatment Fund	\$-471,105.07	\$332,691.03	\$234,508.73	\$238,311.06	\$-22,651.73	\$-164,868.10	\$544,548.03
50 Juvenile Drug Abuse Fund	\$6,040.10	\$3,247.58	\$1,552.93	\$12,917.37	\$0.00	\$-14,156.96	\$4,800.51
51 DUI Task Force Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
52 Ill Criminal Justice Auth Fund	\$28,853.91	\$40,312.92	\$4.97	\$38,006.84	\$0.00	\$-26,542.86	\$40,317.89
53 Probation Service Fee Fund	\$1,038,699.90	\$877,016.59	\$31,536.64	\$193,741.91	\$-64,505.43	\$-388,394.01	\$844,047.80
54 Livescan Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
55 EMDT Fund	\$51,496.36	\$44,286.36	\$1,602.50	\$-5,607.50	\$0.00	\$0.00	\$45,888.86

McHenry County, Illinois

Treasurer's Report

7/18/2011

June 2011

Percent of Year Elapsed: 58%

Fund	Fiscal Year Beginning Balance	6/11 Beginning Balance	6/11 Inflows	YTD Inflows	6/11 Outflows	YTD Outflows	6/11 End Balance
56 Coroner's Fund	\$16,977.98	\$34,206.65	\$1,778.93	\$22,389.49	\$-9,000.00	\$-12,381.89	\$26,985.58
57 Marine Patrol Safety Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
58 DUI Conviction Fund	\$33,631.04	\$42,523.84	\$2,512.80	\$11,405.40	\$0.00	\$0.00	\$45,036.44
59 Prairie Shield Grant Fund	\$19,699.47	\$58,462.43	\$1.41	\$54,708.30	\$-58,463.84	\$-74,407.77	\$0.00
60 Maint/Child Support Collection	\$276,900.11	\$260,348.56	\$9,437.11	\$68,694.99	\$-12,077.28	\$-87,886.71	\$257,708.39
61 Law Library Fund	\$505,931.78	\$520,053.91	\$23,050.39	\$168,206.35	\$-18,375.38	\$-149,409.21	\$524,728.92
62 Circuit Court Doc Storage Fund	\$507,967.33	\$281,641.69	\$64,701.19	\$434,054.57	\$-58,475.56	\$-654,154.58	\$287,867.32
63 Circuit Court Automation Fund	\$240,740.19	\$163,182.35	\$64,039.23	\$449,944.93	\$-13,062.19	\$-476,525.73	\$214,159.39
64 Circuit Court Clerk Oper & Admin F	\$100,643.99	\$123,522.47	\$7,285.59	\$49,486.11	\$-9,766.12	\$-29,088.16	\$121,041.94
65 Geographic Info Systems	\$1,518,907.86	\$1,582,954.01	\$56,465.35	\$464,824.82	\$-57,167.19	\$-401,480.51	\$1,582,252.17
66 Circuit Clerk Electronic Citation Fun	\$0.00	\$11,466.28	\$4,372.61	\$21,988.89	\$0.00	\$-6,150.00	\$15,838.89
70 County Clerk Automation Fund	\$87,309.36	\$89,360.59	\$1,149.07	\$7,431.10	\$0.00	\$-4,230.80	\$90,509.66
75 Co Recorder Automation Fund	\$1,029,395.69	\$1,234,070.43	\$61,064.49	\$450,374.70	\$-74,203.27	\$-258,030.74	\$1,221,739.65
80 Co Treasurers Automation Fund	\$384,975.44	\$359,409.60	\$529.94	\$17,049.93	\$-599.36	\$-42,685.19	\$359,340.18
81 Treas Passport Services Fund	\$86,644.00	\$115,439.91	\$22,364.44	\$88,930.58	\$-7,194.24	\$-44,964.47	\$130,610.11
85 Animal Shelter Fund	\$18,852.22	\$17,538.01	\$52.16	\$789.86	\$0.00	\$-2,051.91	\$17,590.17
87 Senior Services	\$2,996,588.06	\$2,197,509.37	\$859,505.86	\$783,185.91	\$-176,017.96	\$-898,776.70	\$2,880,997.27
90 McHenry Co Workforce Network	\$233,458.48	\$261,982.35	\$385,392.63	\$1,709,857.92	\$-362,739.32	\$-1,678,680.74	\$264,635.66
95 Emerg Telephone Systems Board	\$2,050,618.95	\$1,897,068.36	\$225,239.16	\$1,450,174.10	\$-120,592.21	\$-1,499,077.74	\$2,001,715.31
100 Comm Develop Block Grant Fund	\$29,235.60	\$51,878.75	\$393,028.53	\$4,268,935.28	\$-372,947.80	\$-4,226,211.40	\$71,959.48
101 Home Grant Program Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
102 Neighborhood Stabilization Program	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
210 Lease Resolution	\$-140,410.84	\$-140,410.84	\$0.00	\$0.00	\$0.00	\$0.00	\$-140,410.84
215 Series 2001 Certificate Fund	\$0.00	\$0.00	\$0.00	\$521,857.50	\$0.00	\$-521,857.50	\$0.00
220 Series 2001-A Certificate Fund (MH	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
225 Series 2002 A Certificate Fund	\$0.00	\$0.00	\$0.00	\$417,175.00	\$0.00	\$-417,175.00	\$0.00
230 Dbt Cert Ser 2003C Cert Fd (Jail)	\$0.00	\$0.00	\$0.00	\$586,516.25	\$0.00	\$-586,516.25	\$0.00
231 Debt Cert Series 2005A - Jail	\$0.00	\$0.00	\$0.00	\$339,748.75	\$0.00	\$-339,748.75	\$0.00
232 Taxable Debt Cert Series 2005B - J	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
233 Series 2006A Debt Certificates	\$0.00	\$0.00	\$0.00	\$589,031.25	\$0.00	\$-589,031.25	\$0.00
234 Series 2007A Debt Certificates	\$0.00	\$0.00	\$0.00	\$528,780.50	\$0.00	\$-528,780.50	\$0.00
235 Dbt Cert Ser 2003A Cert Fd (Cly Ct	\$0.00	\$0.00	\$0.00	\$325,653.75	\$0.00	\$-325,653.75	\$0.00
236 Series 2007B Debt Certificates	\$0.00	\$5,451.59	\$0.00	\$5,466,201.59	\$0.00	\$-5,460,750.00	\$5,451.59

McHenry County, Illinois

Treasurer's Report

7/18/2011

June 2011

Percent of Year Elapsed: 58%

Fund	Fiscal Year Begining Balance	6/11 Begining Balance	6/11 Inflows	YTD Inflows	6/11 Outflows	YTD Outflows	6/11 End Balance
240 Series 2008 Debt Certificates	\$0.00	\$0.00	\$0.00	\$470,028.00	\$0.00	\$-470,028.00	\$0.00
242 Series 2010A Debt Certificates	\$0.00	\$0.00	\$112,275.00	\$800,722.99	\$-112,275.00	\$-800,722.99	\$0.00
243 Series 2010B Debt Cert(Recovery)	\$0.00	\$0.00	\$82,167.50	\$273,959.42	\$-82,167.50	\$-273,959.42	\$0.00
310 Employee Benefit Fund	\$2,946,429.60	\$3,360,859.14	\$519,342.96	\$7,634,529.95	\$-1,147,171.75	\$-7,847,929.20	\$2,733,030.35
320 Liability Insurance Fund	\$12,469,573.39	\$10,862,605.50	\$1,914,062.04	\$1,965,046.25	\$-145,878.86	\$-1,803,830.96	\$12,630,788.68
350 Valley Hi	\$27,236,775.27	\$26,304,246.53	\$3,622,458.60	\$13,490,235.25	\$-644,881.72	\$-11,445,187.11	\$29,281,823.41
352 Valley Hi Bus Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
410 Revolving Loan Fund	\$371,664.03	\$554,609.76	\$25,066.07	\$208,011.80	\$0.00	\$0.00	\$579,675.83
415 Health Scholarship Fund	\$6,772.68	\$6,777.75	\$0.83	\$5.90	\$0.00	\$0.00	\$6,778.58
430 Working Cash I Fund	\$331,919.91	\$331,624.91	\$54.52	\$-240.48	\$0.00	\$0.00	\$331,679.43
440 Working Cash II Fund	\$469,530.99	\$469,624.53	\$57.90	\$151.44	\$0.00	\$0.00	\$469,682.43
471 Greenwood Drainage District	\$23,182.95	\$22,179.22	\$4,608.04	\$4,624.81	\$0.00	\$-1,020.50	\$26,787.26
472 Kishwaukee Drainage District	\$2,802.09	\$2,804.19	\$0.35	\$2.45	\$0.00	\$0.00	\$2,804.54
473 Hebron Drainage District	\$28,460.82	\$10,233.98	\$9,968.50	\$9,978.83	\$-6,046.89	\$-24,283.86	\$14,155.79
474 Illinois Housing Surcharge Fund	\$47,565.00	\$30,267.00	\$30,186.00	\$252,972.00	\$-30,267.00	\$-270,351.00	\$30,186.00
480 Highway Agency Fund	\$1,315,558.89	\$1,404,595.46	\$82,139.15	\$602,237.85	\$-132,199.13	\$-563,261.26	\$1,354,535.48
485 Valley Hi Class Fund	\$17,570.49	\$21,674.44	\$2,612.70	\$12,535.05	\$0.00	\$-5,818.40	\$24,287.14
490 Payroll Agency Fund	\$-951.95	\$-951.95	\$874,543.81	\$6,402,505.87	\$-874,543.81	\$-6,402,505.87	\$-951.95
600 Inheritance Tax Agency Fund	\$156.13	\$156.13	\$0.00	\$217,207.44	\$0.00	\$-217,207.44	\$156.13
602 Unclaimed Property Agency Fund	\$215,176.85	\$229,350.23	\$-1.67	\$19,567.78	\$-3,140.37	\$-8,536.44	\$226,208.19
605 Deposits by Court Order	\$166,884.48	\$167,009.35	\$20.59	\$145.46	\$0.00	\$0.00	\$167,029.94
610 Advance Tax Deposits Agency Fd	\$10,943.51	\$338,445.95	\$0.00	\$327,502.44	\$-327,502.44	\$-327,502.44	\$10,943.51
612 Protested Taxes Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
614 Forfeited Tax Agency Fund	\$41,323.39	\$46,334.69	\$3,440.56	\$8,451.86	\$0.00	\$0.00	\$49,775.25
616 Tax Sale Escrow Agency Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
618 Tax Sale II Escrow Agency Fund	\$580,692.98	\$581,127.47	\$71.65	\$506.14	\$0.00	\$0.00	\$581,199.12
620 Condemnation Fund	\$601,148.92	\$442,617.88	\$155,065.68	\$420,259.64	\$-10,920.00	\$-434,645.00	\$586,763.56
622 Interest Earned on RE Taxes	\$8,149.75	\$408.88	\$414.54	\$-7,326.33	\$0.00	\$0.00	\$823.42
624 Mobile Home Privilege Tax	\$-201.67	\$-201.67	\$0.00	\$0.00	\$0.00	\$0.00	\$-201.67
626 Agricultural Roll Back	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
630 P.I.L.O.T Agency	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
635 Narcotics Asset Forfeiture	\$1,856.86	\$21,582.40	\$342.65	\$21,259.46	\$-4,229.39	\$-5,420.66	\$17,695.66
637 Federal Forfeiture Asset Fund	\$1.18	\$1.18	\$0.00	\$0.00	\$0.00	\$0.00	\$1.18

McHenry County, Illinois

Treasurer's Report

7/18/2011

June 2011

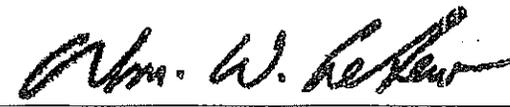
Percent of Year Elapsed: 58%

Fund	Fiscal Year Beginning Balance	6/11 Beginning Balance	6/11 Inflows	YTD Inflows	6/11 Outflows	YTD Outflows	6/11 End Balance
640 Drug Traffic Prevention	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
645 Special Road Assessment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
650 Subdivision Review Fees	\$32,403.50	\$25,019.08	\$3.08	\$-7,381.34	\$0.00	\$0.00	\$25,022.16
715 Co Hwy Facility Project Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
720 Co MH Board Facility Project Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
725 Co Admin Bldg Project Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
730 Improved Jail Project Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
735 City Courts & Related Svcs Project I	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
736 Animal Ctrl / Perform Cntrct Prjcts I	\$28,162.30	\$0.00	\$0.00	\$7.36	\$0.00	\$-28,169.66	\$0.00
738 Sheriff Radio System Fund	\$2,984.57	\$0.00	\$0.00	\$1.30	\$0.00	\$-2,985.87	\$0.00
739 Road Improvement Project Fund	\$7,949.02	\$0.00	\$0.00	\$2.57	\$0.00	\$-7,951.59	\$0.00
740 Property Acquisition Project Fund	\$1,862.62	\$1,862.99	\$0.00	\$0.37	\$0.00	\$0.00	\$1,862.99
741 Treasurer's Office Remodeling Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
742 Series 2010A Capital Projects Fund	\$1,965,397.68	\$1,138,647.40	\$139.27	\$-256,214.86	\$-25,968.50	\$-596,364.65	\$1,112,818.17
743 MH Expansion Project Fund(Recov)	\$3,767,380.06	\$3,281,927.30	\$375.77	\$3,083.47	\$-496,282.08	\$-984,442.54	\$2,786,020.99
980 Gen Fixed Assets Acct Group	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
985 Long Term Debt Account Group	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
999 Treasurers Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Totals:</b>	<b>\$202,030,279.79</b>	<b>\$160,416,547.61</b>	<b>\$50,101,402.65</b>	<b>\$153,773,646.98</b>	<b>\$-18,933,726.10</b>	<b>\$-164,219,702.61</b>	<b>\$191,584,224.16</b>

Subscribed and sworn to before me this 18<sup>th</sup> day  
of July A.D., 2011

  
Katherine B. Schultz  
McHenry County Clerk

THE ABOVE AND FOREGOING REPORT IS TRUE AND  
CORRECT TO MY BEST KNOWLEDGE AND BELIEF

  
Alan W. Keiser  
McHenry County Treasurer

**RESOLUTION**

**AUTHORIZING THE ACCEPTANCE OF A STATE OF ILLINOIS  
EMERGENCY MANAGEMENT ASSISTANCE (EMA) GRANT  
PROGRAM AGREEMENT FOR FY2011**

**WHEREAS**, an Emergency Management Assistance (EMA) Grant Agreement is made and entered into by and between the Illinois Emergency Management Agency (IEMA) (hereinafter called the Grantor) and McHenry County Emergency Management Agency (hereinafter called the Sub-grantee); and

**WHEREAS**, the program objective is to provide financial assistance for the development of effective, integrated emergency management organizations in the State of Illinois and its political subdivisions in order to perform administrative activities and prepare for any natural or technological emergency or disaster in accordance with applicable federal and state laws and regulations; and

**WHEREAS**, EMA funds may be available for reimbursement of eligible local program costs not greater than 50% of all necessary and essential emergency management related expenses for the following: administrative personnel and benefits; travel; and administrative expenses.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of McHenry County, Illinois that the Chairman of the Board and the Director of the Emergency Management Agency are hereby authorized to enter into the necessary documents to accept the Emergency Management Assistance (EMA) Grant Program Agreement not to exceed \$78,860.65 (said Agreement attached hereto and made a part hereof); and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Auditor, the Treasurer, the Director of the Emergency Management Agency, the County Administrator and the Associate County Administrator - Finance.

**DATED** at Woodstock, Illinois this 16th day of August, A.D., 2011.

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KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

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KATHERINE C. SCHULTZ  
County Clerk

## NOTICE OF GRANT AGREEMENT

### **PART I - Notice of Grant Award to McHenry County**

This Grant Agreement is made and entered into by and between the Illinois Emergency Management Agency (Grantor), 2200 South Dirksen Parkway, Springfield, Illinois 62703, and McHenry County (Grantee), 2200 N. Seminary Ave, Remittance: 2200 N. Seminary Ave, Woodstock, Illinois 60098.

WHEREAS this Grant is to utilize funds from the Department of Homeland Security (DHS), Federal Fiscal Year **2011 Emergency Management Performance Grant, CFDA #97.042.**

THEREFORE, the Grantor is hereby making available to the Grantee the amount not exceeding \$78,860.65 for the period from **October 1, 2010, to September 30, 2012.** The Grantee hereby agrees to use the funds provided under the agreement for the purposes set forth herein and agrees to comply with all terms and conditions of this agreement and applicable grant guidance. This period of award may be amended by the Grantee if there is a delay in the release of these funds from the Federal Government or reasonable delays in the completion of the activities outlined in Part III – Scope of Work.

It is agreed between the parties that the agreement, as written, is the full and complete agreement between the parties and that there are no oral agreements or understanding between the parties other than what has been reduced to writing herein.

This Grant Agreement and attachments constitute the entire agreement between the parties.

### **PART II - Term**

The term of this Grant Agreement shall be from **October 1, 2010, to September 30, 2012.**

### **PART III - Scope of Work**

The Grantee will utilize the Emergency Management Performance Grant funding in accordance with the Emergency Management Assistance (EMA) program as outlines in the Grantee's FFY 2011 Grant Program Application. The EMA Program will aid the Grantee in the administration of effective emergency management in the areas of personnel and benefits, travel, organizational, and equipment expenses.

The FFY 2011 Grant Program Application, provided in Attachment A, outlines the costs required by the Grantee to complete the Scope of Work (Part III) for this project and expenditures for which the Grantee will seek reimbursement. The Grantor will only reimburse those expenditures that are specifically listed in the Attachment A.



#### **PART IV - Compensation Amount**

The total compensation and reimbursement payable by the Grantor to the Grantee shall not exceed the sum of \$78,860.65.

#### **PART V - Terms and Conditions**

All of the requirements listed in this section apply to the federally funded project. The Grantee agrees to include these requirements in each contract and subcontract financed in whole or in part with Federal assistance.

**STANDARD ASSURANCES:** The Grantee assures that all allocations and use of funds will be in accordance with applicable grant guidance and application kits. The Grantee assures that it will comply with all applicable federal statutes, regulations, executive orders, and other federal requirements in carrying out any project supported by federal funds. The Grantee recognizes that federal laws, regulations, policies, and administrative practices may be modified from time to time and those modifications may affect project implementation. The Grantee agrees that the most recent federal requirements will apply to the project.

**FISCAL FUNDING:** The Grantor's obligations hereunder shall cease immediately, without penalty or further payment being required, in any year for which the General Assembly of the State of Illinois fails to make an appropriation sufficient to pay such obligation or the U.S. Department of Homeland Security, Federal Emergency Management Agency, Grants Programs Directorate (DHS FEMA GPD) fails to provide the funds. The Grantor shall give Grantee notice of such termination for funding as soon as practicable after Grantor becomes aware of the failure of funding. Grantee's obligation to perform work shall cease upon notice by Grantor of lack of appropriated funds.

**EQUIPMENT:** Grantor reserves the right to reclaim or otherwise invoke the Illinois Grant Funds Recovery Act on any and all equipment purchased by grantee with grant funds if said equipment has fallen into neglect or misuse according to the standards and policies of the Grantor. Additionally, Grantee may not substitute, exchange or sell any equipment purchased with grant funds unless Grantee has the express written consent of the Grantor. The Grantee agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "*Purchased with funds provided by the U.S. Department of Homeland Security.*"

**METHOD OF COMPENSATION:** The Grantee will submit to the Grantor a Quarterly Claims Form as provided by the Grantor no later than 30 days after the end of each Federal Fiscal Year quarter. Along with the Quarterly Claims Form, the Grantee must submit vendor invoices or computer generated report with description of costs, including statement of payment for personnel costs and affirmation or evidence of delivery and property identification numbers for property subject to Grantor policies and procedures, in order to receive compensation through this agreement. The method of compensation shall be reimbursement in accordance with the invoice voucher procedures of the Office of the State of Illinois Comptroller. The Grantee agrees to maintain appropriate records of actual costs incurred and to submit expenditure information to the Grantor. No costs eligible under this Grant Agreement shall be incurred after **September 30, 2012**. The Grantee also agrees that funds received under this award will be used to supplement, but not supplant, state or local funds for the same purposes.

**ACCOUNTING REQUIREMENTS:** The Grantee shall maintain effective control and accountability over all funds, equipment, property, and other assets under this Grant Agreement as required by the Grantor. The Grantee shall keep records sufficient to permit the tracing of funds to ensure that expenditures are made in accordance with this Grant Agreement. The Grantee must follow the retention and access requirements for records [44 CFR part 13.42 (b) and 2 CFR 215.531]. All records must be maintained for three years after submission of the final expenditure report; or if any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. The Grantee shall assure sub-grants are in compliance with 44CFR Part 13.37.

The Grantee shall comply with the most recent version of the Administrative Requirements and Cost Principles, as applicable. A non-exclusive list of regulations commonly applicable to the DHS FEMA GPD grants are listed below:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)

B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

Funds received by the Grantee must be placed in an interest-bearing account and are subject to the rules outlined in 6 CFR Part 9, Restrictions Upon Lobbying, 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments; and 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements (Including Subawards) with Institutions of Higher Education, Hospitals and other Non-profit Organizations.

**DUPLICATION OF BENEFITS:** The Grantee may not duplicate any Federal assistance, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude the Grantee from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are subject to this prohibition per 2 CFR Parts 220 and 230 and FAR Part 31.2.

**REPORTS:** The Grantee shall submit to the Grantor as part of the Quarterly Claims Form a Quarterly Statement of Work as provided by the Grantor. The Quarterly Statement of Work is due no more than 30 days after the end of a Federal Fiscal Year quarter.

**LOBBYING:** The Grantee certifies to the best of his or her knowledge and belief that for each contract for federal assistance exceeding \$100,000:

- (a) No federally appropriated funds have been or will be paid by or on behalf of the Grantee to any person to influence or attempt to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress regarding the award of federal assistance or the extension continuation, renewal, or amendment, of federal assistance, or the extension, continuation, renewal, amendment, or modification of any federal assistance agreement; and
- (b) If any funds other than federally appropriated funds have been or will be paid to any person to influence or attempt to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any application for federal assistance, the Grantee assures that it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying,"
- (c) The language of this certification shall be included in the award documents for all subawards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements).

**AUDITS AND INSPECTIONS:** The Grantee will, as often as deemed necessary by the Grantor, DHS FEMA GPD or any of their duly authorized representatives, permit the Grantor, DHS FEMA GPD or any of their duly authorized

representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the Grantee involving transactions related to this grant agreement for three years from the date of submission of the final Budget Detail Worksheet or until related audit findings have been resolved, whichever is later. The Grantee certifies that all audits submitted under the provisions of OMB Circulars A-133, Audits of States, Local Governments, and Non-Profit Organizations, have been approved by the Grantor. The Grantee acknowledges that these are federal pass-through funds that must be accounted for in the jurisdiction's Single Audit under the Single Audit Act of 1996, if required.

**MODIFICATION AND AMENDMENT OF THE GRANT:** This grant agreement is subject to revision as follows:

- A. Modifications may be required because of changes in State or Federal laws, regulations, or Federal grant guidance as determined by the Grantor. Any such required modification shall be incorporated into and will be part of this Agreement. The Grantor shall notify the Grantee of any pending implementation of or proposed amendment to such regulations before a modification is made to the Agreement.
- B. Modifications may be made upon written agreement of both Grantor and Grantee.

**TERMINATION FOR CONVENIENCE:** This agreement may be terminated in whole or in part by the Grantor for its convenience, provided that, prior to termination, the Grantee is given: 1) not less than ten (10) calendar days written notice by certified mail, return receipt requested, of the Grantor's intent to terminate, and 2) an opportunity for consultation with the Grantor prior to termination. In the event of partial or complete termination of this agreement pursuant to this paragraph, an equitable adjustment of costs shall be paid to the Grantee for expenses incurred under this agreement prior to termination.

**TERMINATION FOR BREACH OR OTHER CAUSE:** The Grantor may terminate this agreement without penalty to the Grantor or further payment required in the event of:

- A. Any breach of this agreement that, if it is, susceptible of being cured, is not cured within 15 calendar days after receipt of the Grantor's notice of breach to the Grantee.
- B. Material misrepresentation or falsification of any information provided by the Grantee in the course of any dealing between the parties or between the Grantee and any State Agency.

Grantee's failure to comply with any one of the terms of this Grant Agreement shall be cause for the Grantor to seek recovery of all or part of the grant proceeds.

**RETENTION OF PROPERTY RECORDS:** Grantee agrees to maintain records for equipment, non-expendable personal property, and real property. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

**NON-DISCRIMINATION:** In carrying out the program, the Grantee will comply with all applicable Federal Statutes relating to nondiscrimination including, but not limited to:

- Title VI of the Civil Rights Act, 42 U.S.C. 2000d, which prohibits discrimination on the basis of race, color, or national origin;
- Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681 through 1683, and 1685 through 1687, and U.S. DOT regulations, "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance", 49 CFR Part 25, which prohibit discrimination on the basis of sex;
- Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of handicap;

- The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 through 6107, which prohibits discrimination on the basis of age;
- The Drug Abuse Office and Treatment Act of 1972, Pub. L. 92-255, March 21, 1972, and amendments thereto, 21 U.S.C. 1174 *et seq.* relating to nondiscrimination on the basis of drug abuse;
- The Comprehensive Alcohol Abuse and Alcoholism Prevention Act of 1970, Pub. L. 91-616, Dec. 31, 1970, and amendments thereto, 42 U.S.C. 4581 *et seq.* relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- The Public Health Service Act of 1912, as amended, 42 U.S.C. 290dd-3 and 290ee-3, related to confidentiality of alcohol and drug abuse patient records;
- Title VIII of the Civil Rights Act, 42 U.S.C. 3601 *et seq.*, relating to nondiscrimination in the sale, rental, or financing of housing;
- The Americans with Disabilities Act of 1990, as amended and 42 U.S.C. 12101 *et seq.*;
- Any other nondiscrimination provisions in the specific statutes under which Federal assistance for the project may be provided including, but not limited, to 49 U.S.C. 5332, which prohibits discrimination on the basis of race, color, creed, national origin, sex, or age, and prohibits discrimination in employment or business opportunity, and Section 1101(b) of the Transportation Equity Act for the 21st Century, 23 U.S.C. 101 note, which provides for participation of disadvantaged business enterprises in FTA programs; and
- Any other nondiscrimination statute(s) that may apply to the project.

The Grantee shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, national origin, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Grantee shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this non-discrimination clause.

**SEVERABILITY CLAUSE:** If any provision under the Grant Agreement or its application to any person of circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the Grant Agreement which can be given effect without the invalid provision or application.

**DEBARMENT:** The Grantee shall comply with Debarment provisions as contained in 49 Code of Federal Regulations, Part 29, including Appendices A and B as amended. The Grantee certifies that to the best of its knowledge and belief, Grantee and Grantee's principals: a) are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any federal Agency or agency; b) within a three-year period preceding this Agreement have not been convicted of or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records making false statements receiving stolen property; c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offences enumerated in subsection (b), above; d) have not within a three-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.

The inability of the Grantee to certify to the certification in this section will not necessarily result in denial of participation in the Agreement. The Grantee shall submit an explanation of why it cannot provide the certification in this section. This certification is a material representation of fact upon which reliance was placed when the Grantor determined whether to enter into this transaction. If it is later determined that Grantee knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the Grantor may terminate this Agreement for cause. The Grantee shall provide immediate written notice to the Grantor if at any time the Grantee learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this section shall have the meaning set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549.

The Grantee agrees that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized, in writing, by the Grantor. The Grantee agrees that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction” provided by the Grantor, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. The Grantee may rely upon a certification of a prospective participant in a lower tier covered transaction, unless Grantee knows the certification is erroneous. Grantee may decide the method and frequency by which it determines the eligibility of its principals. The Grantee may, but is not required to, check the Non-procurement List. If a Grantee knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation, in addition to other remedies available to the federal government, the Grantor may terminate this Contract for cause or default.

**WORKER’S COMPENSATION INSURANCE, SOCIAL SECURITY, RETIREMENT AND HEALTH INSURANCE BENEFITS, AND TAXES:** The Grantee shall provide worker’s compensation insurance where the same is required, and shall accept full responsibility for the payment of unemployment insurance, premiums for worker’s compensation, social security and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for employees of the Grantee who are performing services specified by the grant agreement.

**WAIVERS:** No waiver of any condition of this Agreement may be effective unless in writing from the Director of the Grantor.

**BOYCOTT:** The Grantee certifies that neither it nor any substantially-owned affiliated company is participating or shall participate in an international boycott in violation of the provisions of the U.S. Export Administration Act of 1979 or the regulations of the U.S. Department of Commerce promulgated under that Act.

**WORK PRODUCT:** The Grantee acknowledges DHS FEMA GPD and State of Illinois reserve a royalty-free, non exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal and State purposes: (1) the copyright in any work developed under an award or sub-award; and (2) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The Grantee agrees to consult with DHS FEMA GPD, through the Grantor, regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

All publications created through this grant agreement shall prominently contain the following statement: *"This document was prepared under a grant from the Federal Emergency Management Agency’s Grant Program Directorate (FEMA/GPD) within the U.S. Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA/GPD, the U.S. Department of Homeland Security or the State of Illinois."*

**MAINTENANCE AND REVIEW OF EQUIPMENT:** The Grantor reserves the right to reallocate or repossess all equipment procured by the Grantee under this grant agreement if the property is not properly maintained by the Grantee according to the manufacturer’s guidelines and Grantor’s requirements. All equipment procured by the Grantee through this grant agreement shall be made available for review by the Grantor upon request.

**POSSESSION OF EQUIPMENT:** Title to equipment acquired by a non-Federal entity with Federal awards vests with the Grantee. Equipment means tangible nonexpendable property, including exempt property, charged directly to the

award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. However, consistent with a non-Federal entity's policy, lower limits may be established. A Grantee shall use, manage, and dispose of equipment acquired under a Federal grant in accordance with Federal and State laws, procedures and policies. All equipment purchased with funding received through this Agreement shall be used, for the entire useful life of the equipment, in accordance with the purpose stated in PART III – Scope of Work. Any variation to the intended use of the equipment outlined in PART III – Scope of Work by the Grantee must be approved in writing by the Grantor.

**LIABILITY:** The Grantor assumes no liability for actions of the Grantee under this agreement, including, but not limited to, the negligent acts and omissions of Grantee's agents, employees, and subcontractors in their performance of the Grantee's duties as described under this agreement. In addition, the Grantor makes no representations, or warranties, expressed or implied, as to fitness for use, condition of, or suitability of said equipment purchased pursuant to this agreement, except as those representations are made by the manufacturer of said equipment. As to nature and condition of said equipment, in the use of said equipment, the Grantee agrees to hold the Grantor harmless for any defects or misapplications. To the extent allowed by law, the Grantee agrees to hold harmless the Grantor against any and all liability, loss, damage, cost or expenses, including attorney's fees, arising from the intentional torts, negligence, or breach of the agreement by the Grantee, with the exception of acts performed in conformance with an explicit, written directive of the Grantor.

**ENVIRONMENTAL AND HISTORIC PRESERVATION (EHP) COMPLIANCE:** The Grantee shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of DHS FEMA GPD, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. The Grantee must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the Grantee must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the Grantee will immediately cease construction in that area and notify DHS FEMA GPD and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in the non-compliance finding and will not be eligible for DHS FEMA GPD funding.

**AMERICANS WITH DISABILITIES ACT (ADA):** The Grantee understands the importance of integrating disability access and functional needs efforts into local homeland security and emergency preparedness programs. This integration should occur at all levels from planning, to purchasing equipment and supplies, to conducting exercises and drills and should involve disability inclusion experts as partners across all aspects of emergency planning.

**PART VI – Special Conditions for EMPG Grant**

**TRAINING COURSES:** All personnel who are funded in whole or in part with the funds from this Grant shall complete the following training requirements and record proof of completion: National Incident Management System (NIMS) Training: IS 100; IS 200; IS 700; and IS 800; FEMA Professional Development Series: IS 139; IS 230.a; IS 235.a; IS 240.a; IS 241.a; IS 242.a; and IS 244.a.

**EXERCISES:** All personnel who are funded in whole or in part with funds from this Grant shall participate in no less than three exercises in a 12-month period. Real-world events do not count toward meeting this requirement.

**PART VII– Assurances**

The Grantee assures that no official or employee of the Grantee who is authorized in the Grantee's official capacity to negotiate, make, accept, or approve, or to take part in such decisions regarding a contract for acquisition/development of property in connection with this agreement, shall have any financial or other personal interest in any such contract for the acquisition/development.

The Grantee shall permit the Grantor, the Auditor General, or the Attorney General to inspect and audit any books, records, or papers related to the program, project, or use for which grant funds were provided.

The Grantee certifies under oath that all information in the grant agreement is true and correct to the best of the Grantee's knowledge, information, and belief; that the funds shall be used only for the purposes described in the Agreement; and that the award of grant funds is conditioned upon such certification.

The Grantee will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

The Grantee assures that no federal employees will receive funds under this award. Federal employee are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program.

The Grantee shall not use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, with out the express prior written approval of the Grantor.

The Grantee may not be delinquent in the repayment of any federal debt, including but not limited to delinquent payroll or other taxes, audit disallowances, and benefit overpayments.

The Grantee assures that any public works project supported with funds received through Agreement employ at least 90 percent Illinois' laborers on such project during periods of excessive unemployment in Illinois. "Public works" is defined as any fixed work construction or improvement for the State of Illinois, or any political subdivision of the State funded or financed in whole or in part with State funds or funds administered by the State of Illinois. "Period of excessive unemployment" is defined as any month immediately following two consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded five percent.

The Grantee will comply with grant program guidance applicable to this agreement and all applicable requirements of all other State and Federal laws, executive orders, regulations governing this program, and policies and procedures promulgated by the Illinois Terrorism Task Force prior to or during the performance period of this agreement.

If applicable, Grantee assures that all cost sharing or matching funds claimed against FEMA meet the requirements of the program guidance and/or program regulations, 44 CFR 13 and 2 CFR 225. Costs must first be reasonable, allowable, allocable, and necessary, and every item must be verifiable (i.e. tracked and documented). Except as provided by federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant.

## **PART VIII - Certification**

The Grantee certifies that it has fully implemented all current National Incident Management System compliance activities in accordance with Homeland Security Presidential Directive 5 (HSPD-5), *Management of Domestic Incidents* and related compliance documentation provided by the Secretary of Homeland Security and State of Illinois. The Grantee further certifies that all required compliance documentation is on file with the appropriate Federal and State entity as required by the State of Illinois throughout the performance period of this agreement.

The Grantee certifies that it has not been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any official, agent, or employee of the Grantee committed bribery or attempted bribery on behalf of the Grantee and pursuant to the direction or authorization of a responsible official of the Grantee.

The Grantee hereby certifies that it has not been barred from bidding on or receiving State or local government contracts as a result of illegal bid rigging or bid rotating as defined in the Criminal Code of 1961 (720 ILCS 5/33E-3 and 33E-4).

The Grantee certifies that it will comply with all applicable State and Federal laws and regulations.

The Grantee certifies that to the extent applicable, grantee will comply with the Davis-Bacon Act, as amended, 40 U.S.C. 3141 *et seq.*, the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 3701 *et seq.*, regarding labor standards for federally assisted sub agreements.

The Grantee certifies that it will return to the Grantor all State or Federal grant funds that are not expended or received from the Grantor in error. The Grantee agrees that all funds remaining at the expiration of the period of time the funds are available for expenditure or obligation by the Grantee shall be returned to the Grantor within 45 days, if applicable. The Grantor may recapture those funds in accordance with State and Federal laws and regulations. The Grantee further certifies that its failure to comply with any one of the terms of this Grant Agreement shall be cause for the Grantor to seek recovery of all or part of the grant proceeds.

The Grantee certifies that it will establish safeguards to prohibit employees, contractors, and subcontractors from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

Under penalties of perjury, I certify that **36-6006623** is my correct Federal Taxpayer Identification Number and that IRS Instructions have been provided for proper completion of this certification. I am doing business as a (please check one):

- |  |  |
|--|--|
| <input type="checkbox"/> Individual              | <input type="checkbox"/> Real Estate Agent                         |
| <input type="checkbox"/> Sole Proprietorship     | <input checked="" type="checkbox"/> Governmental Entity            |
| <input type="checkbox"/> Partnership             | <input type="checkbox"/> Tax Exempt Organization (IRC 501(a) only) |
| <input type="checkbox"/> Corporation             | <input type="checkbox"/> Trust or Estate                           |
| <input type="checkbox"/> Medical and Health Care | <input type="checkbox"/> Services Provider Corporation             |

**Part -IX Drug Free Certification**

This certification is required by the Drug Free Workplace Act (30 ILCS 580). The Drug Free Workplace Act, effective January 1, 1992, requires that no Grantor or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that Grantor or contractor has certified to the State that the Grantor or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contractor or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

For the purpose of this certification, "Grantor" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of \$5,000 or more from the State.

The contractor/Grantor certifies and agrees that it will provide a drug free workplace by:

- (a) Publishing a statement:
  - (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the Grantor's or contractor's workplace.
  - (2) Specifying the actions that will be taken against employees for violations of such prohibition.

- (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
  - (A) Abide by the terms of the statement; and
  - (B) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (b) Establishing a drug free awareness program to inform employees about:
  - (1) the dangers of drug abuse in the workplace;
  - (2) the Grantor's or contractor's policy of maintaining a drug free workplace;
  - (3) any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) the penalties that may be imposed upon an employee for drug violations
- (c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the contract or grant and to post the statement in a prominent place in the workplace.
- (d) Notifying the Grantor within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
- (e) Imposing a sanction on or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by any employee who is so convicted, as required by section 5 of the Drug Free Workplace Act.
- (f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation are required and indicating that a trained referral team is in place.
- (g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed by their duly authorized representatives.

Grantor: IL Emergency Management Agency

Grantee: **McHenry County**

By: \_\_\_\_\_  
Jonathon E. Monken, Director

By: \_\_\_\_\_  
Kenneth Koehler, County Board Chairman

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

By: \_\_\_\_\_  
Lisa M. Desai, Assistant to the Director

11EMAMCHEN

## COVER MEMORANDUM

TO: Nick Provenzano, Chairman, Law and Justice Committee

FROM: David A. Christensen, Director  
Emergency Management Agency

DATE: June 14, 2011

SUBJECT: Resolution FEMA EMA Grant for FY2011

### **Board Committee Action Requested:**

Approval of the FEMA EMA Grant Agreement with the Illinois Emergency Management Agency and McHenry County.

### **Background:**

The Federal Government through the individual states via the Robert T. Stafford Disaster Relief and Emergency Assistance Act (2U.S.C. 5121, et. seq.), provides funds to the individual states to **reimburse** local emergency management agencies for up to 50% of their costs for administrative personnel, administrative expenses and travel. These funds are then granted to the individual agencies via the Illinois Emergency Management Agency (20ILCS 3305/1, et. seq.).

### **Discussion:**

This grant reimburses the County for funds expended by the County for the above mentioned items. This grant has been renewed annually for the past 38 years. This is the main source of outside income for the department.

### **Impact on Human Resources, Capital Expenditures, or Physical Space:**

There will be no impact on the number of personnel in our department, the space utilized by our department or require any additional capital expenditures.

### **Impact on Budget Revenue, Expenses, Fringe Benefits:**

Acceptance of this Grant Agreement will provide the department with revenue of no more than \$78,860.65 dollars, for reimbursement of necessary expenses.

### **Attachments:**

Resolution  
Grant Agreement

**R E S O L U T I O N**

**AUTHORIZING RECLASSIFICATION OF POSITION #010-0028-07 AND POSITION #010-0012-05 IN THE PLANNING & DEVELOPMENT DEPARTMENT**

**WHEREAS**, the Planning & Development Department is in the process of examining their internal workload and are recommending a minor change due to the retirement of a long-term employee to better manage the needs of the department and the general public it serves; and

**WHEREAS**, the Planning & Development Department is requesting to reclassify position #010-0028-07 (Administrative Specialist III) to be funded 100% from the general fund and to reclassify position #010-0012-05 (Administrative Specialist II) to be funded 60% from the General Fund and 40% from CDBG, basically switching the funding sources for each position; and

**WHEREAS**, with both positions being vacated, the starting wage for each position drops to the entry level creating savings in the Planning & Development and CDBG fiscal year 2011 budgets in the following amounts: \$2,773 Planning, and \$3,782 CDBG; and

**WHEREAS**, the Planning & Development and the Human Resources Committees concur with the said request to reclassify both positions, bringing a cost savings to the fiscal year 2011 budget of \$6,555.

**NOW, THEREFORE BE IT RESOLVED**, that this County Board of McHenry County, Illinois hereby authorizes and directs the Human Resources Director to reclassify position #010-0028-07 (Administrative Specialist III) to be funded 100% from the general fund and to reclassify position #010-0012-05 (Administrative Specialist II) to be funded 60% from the General Fund and 40% from CDBG, basically switching the funding sources for each position with a cost savings of \$6,555; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to the Director of Planning & Development; the Human Resources Director, the Associate County Administrator – Finance and the County Administrator.

**DATED** at Woodstock, Illinois this 16th day of August, A.D., 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
KATHERINE C. SCHULTZ, County Clerk

**RESOLUTION  
AUTHORIZING WORKERS' COMPENSATION  
CLAIM SETTLEMENT NO. 10-3200-13**

**WHEREAS**, there is pending litigation against the County of McHenry in claim number 10-3200-13; and

**WHEREAS**, the Special Assistant State's Attorney entered into negotiations relative to possible settlement of said claim; and

**WHEREAS**, a settlement has been negotiated in the amount of \$11,134.06 and approved by Human Resources Committee, Management Services Committee, and Finance and Audit Committee.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of the County of McHenry, Illinois, that the Deputy County Administrator, upon receipt of the executed release, is hereby authorized to direct the Third Party Administrator (Go Self Insured) to issue a check made payable to the claimant and the claimant's attorney in settlement of said claim; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Deputy County Administrator; the Associate County Administrator – Finance; and the County Administrator.

**DATED** at Woodstock, Illinois, this 16th day of August, A.D., 2011.

---

KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

---

KATHERINE C. SCHULTZ, County Clerk

COUNTY of McHENRY  
ADMINISTRATION/RISK MANAGEMENT  
2200 NORTH SEMINARY AVENUE  
WOODSTOCK, ILLINOIS 60098-2637

**WORKERS' COMPENSATION  
COMMITTEE SETTLEMENT REQUEST**

**Date of Injury:** 03/15/10      **County claim #:** 10-3200-13

**Nature of Injury:** Employee while participating in a live fire exercise. In the course of the exercise he sustained shrapnel injuries to his right hand, left arm and left thigh. Employee was treated in the emergency department and required surgery to remove shrapnel on March 25, 2010, June 1, 2010, and December 20, 2010. The injury involved a spray of many shrapnel pieces deeply imbedded with only those causing symptoms being removed. Additional fragments may surface and need to be removed in the future.

We proceeded to trial on May 5, 2011 and an award was entered. The result of the award was open medical for life. The medical treatment must be reasonable and necessary and follow the same workers' compensation rules as the initial injury. Should employee require lost work time he will continue to receive Public Employee Disability Benefits until his 365 days are exhausted.

**Surgery Date(s) and Type(s):** 03/25/10; 06/01/10; 12/20/10

**Off Work:** 03/16/10 to 04/22/10 returned to work full duty; 06/01/10 to 09/19/10 returned to work full duty; 12/20/10 to 12/22/10 returned to work full duty

**Temporary Total Disability:** \$5,748.38

**Total Medical:** \$34,507.68

**Total Expenses:** \$12,857.96

**Claim Total:** \$64,248.08 including settlement

**Settlement Amount:** \$11,134.06 (5% of left arm + 4 weeks disfigurement for right hand & 2 weeks disfigurement for right arm)

**Settlement recommended by Special Assistant State's Attorney William Elman**

Human Resources Committee: 08/09/11    Mgmt Services: 08/08/11    Finance & Audit Committees: 08/09/11  
County Board: 08/16/11

**RESOLUTION**  
**ALLOCATING QUALIFIED ENERGY CONSERVATION BOND VOLUME CAP AND**  
**APPROVING A PROJECT FOR PURPOSES OF THE AMERICAN RECOVERY AND**  
**REINVESTMENT TAX ACT OF 2009**

**WHEREAS**, The American Recovery and Reinvestment Tax Act of 2009 (the "Act") grants the County of McHenry, Illinois (the "County") certain authority for Qualified Energy Conservation Bonds (the "QECCBs") and distribute Bond allocation (the "Allocation") among borrowers and units of local government; and

**WHEREAS**, the proceeds of QECCBs must be used to pay for one or more "qualified conservation purposes" as defined in the Act; and

**WHEREAS**, Consolidated School District 158 has submitted an application to the County for an Allocation of QECCBs for certain qualified conservation purposes (the "Project") for its facilities; and

**WHEREAS**, the County has reviewed the application and Project and has made certain findings of fact.

**NOW, THEREFORE BE IT RESOLVED**, by the County Board of the County, as follows:

Section 1. The County Board hereby approves the Project submitted by Consolidated School District 158 and designates and allocates \$1,500,000 of QECCB Allocation to Consolidated School District 158 to issue Bonds which are not private activity Bonds to finance the Project.

Section 2. The Allocation shall be used to issue bonds to finance the Project. The District fully intends to close on the debt offering not later than October 31, 2011, but expects that closing on the financing instrument will actually occur in September, 2011. Should this timeframe need to be amended due to circumstances beyond the District's control, prompt notification will be provided to the County Administrator and Chairman of the Finance and Audit Committee. In the event the QECCBs do not close by December 31, 2011, then the Allocation shall expire and revert back to the County.

Section 3. All actions of the officers, agents and employees of the County that are in conformity with the purposes and intent of this Resolution, whether taken before or after the adoption hereof, are hereby ratified, confirmed and adopted.

Section 4. This resolution shall be in full force and effect immediately upon its adoption.

Adopted August 16, 2011.

AYES: \_\_\_\_\_  
\_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved August 16, 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER  
Chairman, McHenry County Board, Illinois

Attest:

\_\_\_\_\_  
KATHERINE C. SCHULTZ  
County Clerk, County of McHenry, Illinois

**EXHIBIT A**

Description of Project and Application/Letter of Intent

## Consolidated School District 158

Request for QECB Allocation from McHenry County – Energy Savings Project Funding

### Overview

Consolidated School District 158 has contracted with CTS Group to provide improvements to and enhancements of its lighting and HVAC systems in order to reduce energy consumption and costs, and desires to fund these with QECB Bonds to further enhance savings available to the District in the coming 10 year period. Because the District requires an allocation from a County or a State Agency to issue these bonds, the District is desirous of obtaining an allocation of the QECB allocation provided to the County of McHenry, in the approximate amount of \$2.00 - \$2.25 million.

### Expected Outcomes of Energy Savings Enhancements

#### Reduction in Future Energy Consumption

- 28.7% reduction in kBtu's – a universal measure of energy consumption that combines both electric and gas savings across a 10 year period
  - A 20% minimum reduction in energy consumption is required in order to access QECB's

#### Reduction in Future Energy Costs

- Approximately \$300,000 in energy savings annually in each of the next 10 years
- DCEO grant funding may provide additional savings
- Energy savings are guaranteed by CTS Group

### Benefits of QECB Designation

- **Tax credit** bond, versus **tax exempt** bond providing lower funding costs by about 1.85%
- QECB providing approximately \$250,000 of savings versus a tax-exempt designation

### Why is McHenry County Being Asked to Provide QECB Allocation?

- McHenry County is District 158's "lead" county in terms of EAV, population and students served
- Kane County or State of Illinois also could provide – State's allocation is already consumed
  - *McHenry County has \$3.3 Million of QECB allocation*
  - *Kane County has \$2.6 Million of QECB allocation*
- History of sharing allocations of special designation debt with underlying local governments

**No Express or Implied Liability for County**

- McHenry County will not have now or in the future any express or implied liability on District 158's debt – District 158 is the only obligor on the debt
- County role is a pass-through conduit of its QECB allocation

**Financial Stability of District 158**

- The security provided to investors is a Debt Certificate, payable from "any and all lawfully and legally available revenues of the District"
- Standard and Poor's have rated the Debt Certificates at AA-

**Requested Timetable for County Consideration**

The District is desirous of moving forward rather expeditiously, to capture attractive current interest rates and fund the projects, which are already underway. The desired timetable would be as follows:

<b>Meeting Date</b>	<b>Governing Body</b>	<b>Action Requested / Taken</b>
July 7 (completed)	D158 Committee of the Whole	Continue to Pursue QECB with County
July 12	McHenry County Administration	Intro to Request / QECB
July 21	D158 Board of Education	Inducement Resolution adopted
July 26	County of McHenry Finance Committee	Introduction to QECB and Request
August 9	County of McHenry Finance Committee	Approval of QECB Request
August 16	County of McHenry Board Meeting	Ratification of Finance Committee QECB Approval Recommendation
August 18	D158 Board of Education	Financing Resolution adopted

**Role of BMO Capital Markets ("BMO")**

BMO is providing financial advisory services to District 158 with regards to this transaction.

**Further Questions**

- What information can the District provide to the County Administration and its Finance Committee to aid it in its decision-making process? Is the timetable as shown above achievable?
- Does the County wish to involve its counsel in order to proceed?

**Board of Education**

President, Michael Skala  
Vice President, Donald Drzal  
Secretary, Kimberly Skaja  
William Geheren  
Kevin Gentry  
Anthony Quagliano  
Paul Troy

**Consolidated  
School District 158**



**Administrative Cabinet**

Dr. John D. Burkey, Superintendent  
Terry L. Awrey, Ed.S. Associate Superintendent  
Mark Altmayer, Chief Financial Officer / Treasurer  
Jessica Lombard, Chief Human Resources Officer  
Mike Moan, Chief Academic Officer

650 Academic Drive, Algonquin, Illinois 60102 • Phone: (847) 659-6158 • [www.district158.org](http://www.district158.org) • EOE

August 1, 2011

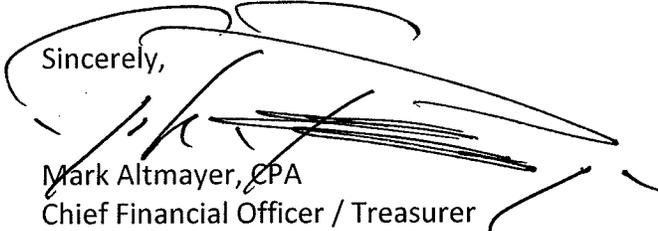
Scott Breeden  
Chairman, Finance & Audit Committee  
McHenry County Board  
2200 N. Seminary Ave.  
Woodstock, IL 60098

Mr. Breeden and Members of the Committee:

As discussed at the McHenry County Board Meeting on July 26, 2011, Consolidated School District 158 is working on a project to provide improvements and enhancements to its lighting and HVAC systems in order to reduce energy consumption and costs. The District fully intends to fund this project with QECB Bonds by obtaining an allocation of the QECB allocation provided to the County of McHenry, in the amount of \$1.5 million.

For your reference, I am attaching the Overview of the project as presented on July 26<sup>th</sup>, 2011. Furthermore, I am attaching a completed draft resolution for your review.

Sincerely,



Mark Altmayer, CPA  
Chief Financial Officer / Treasurer

attachments



TO: Finance and Audit Committee

FROM: John W. Labaj, Deputy County Administrator

DATE: August 2, 2011

RE: Qualified Energy Conservation Bonds Request for Allocation

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**Board/Committee Action Requested**

Approval of a Resolution allocating a Qualification Energy Conservation Bond volume cap and approving a project for Consolidated School District 158 for the purposes of the American Recovery and Reinvestment Tax Act of 2009.

**Background**

Qualified Energy Conservation Bonds (QECCBs) were first authorized by Congress in October of 2008. In February of 2009 the American Reinvestment and Recovery Act included an allocation to units of local government a volume cap of QECCB authority. A QECCB is a taxable bond issued by a unit of government to finance one or more “qualified conservation purposes.” Although QECCBs are taxable bonds, QECCBs provide a Federal income tax credit to bond holders on a quarterly credit allowance dates. As a result of the tax credit, issuers will pay a lower net interest rate on the principal amount borrowed than on a comparable tax-exempt bond.

**Discussion**

McHenry County has received a bonding authority allocation of \$3,295,998 under the QECCB program. Consolidated School District 158 is requesting \$1.5 million of the County’s allocation to provide for a number of energy conservation improvements to its facilities. Additional information of Districts 158 program is attached to this memorandum.

**Impact on Human Resources**

None

**Impact on Budget (Revenue, Expenses, Fringe Benefits)**

The proposed Resolution will allocate a portion of the County’s bonding authority allocation to District 158. The County’s role is that of a pass-through conduit of its QECCB allocation to District 158. The bonds will be issued by District 158. The County will not have now, or in the future, any expressed or implied liability for District 158’s debt. The District is the only obligor on the debt.

**Impact on Capital Expenditures**

No impact on County capital expenditures.

**Impact on Physical Space**

No impact on County Physical Space

**Impact on Other Departments or Outside Agencies**

The County will still have available QECCB volume cap of \$1,795,988 for other uses.

**Conformity to board Ordinances and Policies**

Action is in conformance with Strategic Plan goal of cooperation with other units of local government.

**Attachments/Appendices**

Resolution attached.

**RESOLUTION**  
**RECOGNIZING MCHENRY COUNTY'S CLASS III GROUNDWATER DESIGNATED AREAS FOR PROTECTION FROM CONTAMINATION TO BE INCORPORATED INTO THE SENSITIVE AQUIFER RECHARGE AREA OVERLAY MAP**

**WHEREAS**, the McHenry County Board on October 6, 2009 passed a resolution requesting McHenry County and local governments to review and consider the McHenry County Groundwater Protection Program Model Policies; and

**WHEREAS**, Section 2, Subsection B4 of the Water Resources Action Plan serves as a model and relates to protecting openspace and groundwater dependent ecosystems; and

**WHEREAS**, McHenry County recognizes the significance of a Class III Groundwaters designation and the importance of protecting the quantity and quality of water within the designated areas in order to maintain their integrity; and

**WHEREAS**, the Water Resources Division and the Groundwater Task Force has acknowledged that areas designated as Class III Groundwater must be mapped to ensure proper protections are considered when zoning or conditional use changes are proposed; and

**WHEREAS**, the Water Resources Division and the Groundwater Task Force has recommended that the Class III Groundwater used as an overlay district; and

**WHEREAS**, the Natural and Environmental Resources Committee recommends that the County Board endorse the Class III Groundwater overlay district.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of McHenry County, Illinois that it is in the best interest of our citizens that the County Board endorse the Class III Groundwaters overlay district to protect and preserve the water resources of McHenry County for current and future generations; and

**BE IT FURTHER RESOLVED**, that this County Board of McHenry County directs County departments to present information regarding the presence of Class III Groundwaters when reviewing zoning petitions.

**BE IT FURTHER RESOLVED**, that this County Board of McHenry County directs County departments to consider designating Class III Groundwaters as a zoning overlay district.

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to all Department Heads and Elected Officials of McHenry County.

**DATED** at Woodstock, Illinois, this 16th day of August, A.D., 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
KATHERINE C. SCHULTZ, County Clerk

**Department of Planning and Development  
McHenry County Government Center - Administration Building**

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2200 North Seminary Avenue  
Woodstock, Illinois 60098



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815 334-4560 Fax 815 337-3720  
www.co.mchenry.il.us

**MEMORANDUM**

To: Mary McCann, Chairman, and Members of the Natural and Environmental Resources Committee and Tina Hill, Chairman, and Members of the Planning and Development Committee

From: Cassandra McKinney, Water Resources Manager, Planning and Development

Date: July 13, 2011

Re: Class III Groundwater Overlay District Resolution

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**Background:**

In McHenry County, there are four areas that have been designated by the Illinois Pollution Control Board as Class III Groundwater. These include Parker Fen, Boon Creek Fen, Elizabeth Lake, and Lake in the Hills Fen. Three additional areas are currently under review including: Spring Grove Fen, Gladstone Fen, and Cotton Creek Marsh. These Class III Groundwater areas have been determined by the Illinois Pollution Control Board to be demonstrably unique or irreplaceable, suitable for a water quality standard more stringent than specified in Subpart D and vital to a particularly sensitive ecological system. The Groundwater was assessed using criteria for adjusted standard (35 IAC 620.260).

In June, the Natural and Environmental Resource Committee requested that staff prepare a resolution to designate the Class III Groundwater areas as an overlay district on the zoning maps. Additionally, the Natural and Environmental Resource Committee has requested that the Planning and Development Committee consider this resolution.

**Action:**

Direct staff to include the Class III Groundwater areas as an overlay district on the zoning maps and in the zoning board of appeals process.

**RESOLUTION**  
**AUTHORIZING A BUDGET LINE ITEM TRANSFER IN THE DIVISION OF**  
**TRANSPORTATION FY 2010-2011 BUDGET FOR FUEL, OIL & GREASE**

**WHEREAS**, the FY 2010-2011 Highway Fund Budget included a line item budget for Fuel, Oil and Grease in an amount determined by historical usage and expenditures; and

**WHEREAS**, the price of fuel oil has dramatically increased throughout the course of 2011 by at least 30%; and

**WHEREAS**, the budgeted fuel amount in gallons has increased dramatically due to the severity of this past winter weather events as call-outs have increased by 24% between 2010 and 2011 exceeding those that were projected or expected compounding the matter; and

**WHEREAS**, the Director of Transportation/County Engineer in conjunction with County Administration are requesting a budget line item transfer from OCA 820005-6810 (Highway Fund - Fund Balance Enhancement) totaling \$125,000.00 to the line item OCA 820005-5160 (Fuel, Oil & Grease) in the FY 2010-2011 budget to cover said shortage; and

**WHEREAS**, the Transportation Committee and the Finance Committee concur with said request.

**NOW, THEREFORE BE IT RESOLVED**, by this County Board of McHenry County, Illinois that a budget line item transfer in the amount of \$125,000.00 from OCA 820005-6810 (Highway Fund - Fund Balance Enhancement) to OCA 820005-5160 (Highway Fund - Fuel, Oil & Grease) is hereby authorized in the Division of Transportation's FY 2010-2011 budget; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby requested to distribute a certified copy of this Resolution to the County Board Chairman; the County Administrator; the Associate County Administrator-Finance; the Director of Transportation/County Engineer; and the County Auditor.

**DATED** at Woodstock, Illinois this 16<sup>th</sup> day August, A.D., 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
KATHERINE C. SCHULTZ, County Clerk

**RESOLUTION  
APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE  
CITY OF CRYSTAL LAKE FOR CONSTRUCTION FOR THE WALKUP  
ROAD PROJECT**

**WHEREAS**, McHenry County has determined that there is a need to improve Walkup Road between Illinois Route 176 and Bull Valley Road in Crystal Lake and McHenry, which is part of the approved FY 2011-2015 Highway Improvement Program, as the existing road is congested and traffic volumes are higher than the facility was designed to carry; and

**WHEREAS**, the County of McHenry believes it is imperative for the residents of McHenry County that the roadway be widened to improve the safety and congestion for the motoring public and will be of great benefit to McHenry County; and

**WHEREAS**, the City of Crystal Lake has jurisdiction over the south leg of the Illinois Route 176 at Walkup Road intersection and also desires to construct improvements to City owned water main as part of the project; and

**WHEREAS**, the Transportation Committee recommends approval of an intergovernmental agreement with the City of Crystal Lake stipulating the specific responsibilities of each agency for the associated funding responsibilities said agreement attached hereto and made a part hereof.

**NOW THEREFORE BE IT RESOLVED**, by the County Board of McHenry County, Illinois, that the attached intergovernmental agreement between McHenry County and the City of Crystal Lake is hereby approved; and

**BE IT FURTHER RESOLVED**, that the County Board Chairman is authorized to execute said agreement; and

**BE IT FURTHER RESOLVED**, that this project is hereby designated as Section 00-00246-01-FP; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby directed to distribute one certified copy of this resolution to the County Administrator and two certified copies of this resolution to the Director of Transportation/County Engineer, one of which will be forwarded to the City of Crystal Lake.

**DATED** at Woodstock, Illinois, this 16<sup>th</sup> day of August, A.D., 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
KATHERINE C. SCHULTZ, County Clerk

AGREEMENT  
BETWEEN THE COUNTY OF MCHENRY  
AND THE CITY OF CRYSTAL LAKE  
FOR THE  
CONSTRUCTION OF  
WALKUP ROAD  
FROM ILLINOIS ROUTE 176 TO BULL VALLEY ROAD

THIS AGREEMENT entered into this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_ and between the County of McHenry, Illinois acting by and through its County Board, hereinafter referred to as the COUNTY, and the CITY OF CRYSTAL LAKE, an Illinois Municipal Corporation, acting by and through its Mayor and CITY Council, hereinafter referred to as the CITY.

WITNESSETH

WHEREAS, the COUNTY has developed a road improvement program including improvements to Walkup Road from Illinois Route 176 to Bull Valley Road; hereinafter referred to as the IMPROVEMENT; and

WHEREAS, Walkup Road is under the jurisdiction of the COUNTY; and

WHEREAS, Walkup Road south of Illinois Route 176 is under the jurisdiction of the CITY; and

WHEREAS, the IMPROVEMENT is of regional importance to vehicular safety, traffic operations, and mobility; and

WHEREAS, the CITY and COUNTY have previously entered into an agreement for the design of the IMPROVEMENT; and

WHEREAS, the portion of the IMPROVEMENT that is between Live Oak Road and Crystal Springs Road is hereinafter referred to as CONTRACT 1; and

WHEREAS, the portion of the IMPROVEMENT that is the Illinois Route 176 at Walkup Road (Project No. C-91-102-10) intersection is hereinafter referred to as CONTRACT 3; and

WHEREAS, the CITY is in general agreement with the COUNTY'S plans for the IMPROVEMENT.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the COUNTY and the CITY hereto mutually agree as follows:

1. The CITY agrees to reimburse the COUNTY for its share of IMPROVEMENT in CONTRACT 1 and CONTRACT 3 as shown in EXHIBIT A.
2. The CITY agrees to reimburse the COUNTY the actual cost for all work associated with improving the storm sewer system (as shown in the plans) to allow the CITY'S watermain to remain under Walkup Road north of Illinois Route 176. Should any damage to COUNTY property occur as a result of routine or emergency maintenance, the CITY shall repair at its sole cost.
3. The CITY agrees to pay the actual costs for all watermain upgrade work in CONTRACT 3 as shown in EXHIBIT A. Any changes made in the field by the CITY during construction after the CITY approves the plans shall be at the sole expense to the CITY above and beyond the aforementioned not to exceed participation limit. Said watermain work includes construction of watermain extensions, upgrades, and/or encasings as shown in the plans. The CITY will review and approve all plans and designs in advance of the contract being approved for bidding. The CITY shall inspect and sign-off on all watermain work at the appropriate time during construction. Upon completion of all encasement work and project acceptance by the CITY, the CITY agrees to maintain in perpetuity, all watermain improvements at its sole cost and the COUNTY agrees to allow access for the CITY to repair or maintain the watermain improvements.
4. The COUNTY shall provide the CITY 126 trees to be planted within five (5) miles of the IMPROVEMENT in accordance with the Illinois Department of Transportation and Federal Highway Administration tree replacement requirements for the IMPROVEMENT.
5. The CITY agrees to allow the COUNTY to serve as the lead agency for the building demolition required for the construction of Walkup Avenue (City leg) at Gates Street. The CITY will reimburse the COUNTY for the actual cost to demolish the structures.
6. The COUNTY agrees to indemnify, defend, and hold harmless the CITY, its elected officials, its duly appointed officials, agents, employees, and representatives, from and against any and all claims, suits, settlements, actions, losses, expenses, damages, injuries, judgments, and demands arising from the negligent actions of the COUNTY arising from the provisions of this agreement.
7. The CITY agrees to indemnify, defend, and hold harmless the COUNTY, its elected officials, its duly appointed officials, agents, employees and representatives, from and against any and all claims, suits, settlements, actions, losses, expenses, damages, injuries, judgments, and demands arising from the negligent actions of the CITY arising from the provisions of this agreement.
8. It is mutually agreed by and between the parties hereto that nothing contained in THIS AGREEMENT is intended nor shall be construed in any manner or form to limit the power or authority of the COUNTY or the Director of Transportation/

County Engineer to maintain, operate, improve, construct, re-construct, repair, build, widen, or expand any COUNTY Highway as best determined and provided by law.

9. It is mutually agreed by and between the parties hereto that nothing contained in THIS AGREEMENT is intended nor shall be construed, as in any manner or form, creating or establishing a relationship of co-partners between the parties hereto, or as constituting the CITY (including its elected officials, duly appointed officials, officers, employees, and agents) the agent, representative, or employees of the County for any purpose, or in any manner, whatsoever. The CITY is to be and shall remain independent of the COUNTY with respect to all services performed under THIS AGREEMENT.
10. It is mutually agreed by and between the parties hereto that the provisions of THIS AGREEMENT are severable. If any provision, paragraph, section, subdivision, clause, phrase, or word of THIS AGREEMENT is for any reason held to be contrary to law, or contrary to any rule or regulation having the force and effect of law, such decision shall not affect the remaining portions of THIS AGREEMENT.
11. It is mutually agreed by and between the parties hereto that the agreement of the parties hereto is contained herein, and that THIS AGREEMENT supersedes all oral agreements and negotiations between the parties hereto relating to the subject matter hereof as well as any previous agreements presently in effect between the parties hereto relating to the subject matter hereof.
12. It is mutually agreed by and between the parties hereto that any alterations, amendments deletions, or waivers of any provision of THIS AGREEMENT shall be valid only when expressed in writing and duly executed by the parties hereto.
13. THIS AGREEMENT shall be binding upon and inure to the benefit of the parties hereto, their successors and assigns, provided however, that neither party hereto shall assign any interest hereunder without the prior written consent and approval of the other and any such assignment, without said prior written consent and approval shall be null and void and of no force and effect.
14. Any notices required or permitted hereunder shall be sufficiently given if mailed by certified mail, return receipt requested to the parties hereto as follow:

MCHENRY COUNTY DIVISION OF TRANSPORTATION  
16111 Nelson Road  
Woodstock, Illinois 60098  
Attention: Mr. Joseph R. Korpalski, Jr., P.E.  
Director of Transportation/County Engineer

CITY OF CRYSTAL LAKE  
100 W. Woodstock Street  
Crystal Lake, Illinois 60014

Attention: Mr. Gary Mayerhofer  
City Manager

- 15. The terms of THIS AGREEMENT will be construed in accordance with the laws of Illinois, and if any disputes arise, said disputes shall be decided under the jurisdiction and governed by the laws of Illinois.
- 16. Each Person Signing below on behalf on one of the parties hereto agrees, represents and warrants that he or she has been duly and validly authorized to sign THIS AGREEMENT on behalf of their party.

ATTEST:

CITY OF CRYSTAL LAKE

\_\_\_\_\_  
Nick Kachiroubas, Clerk  
City of Crystal Lake

\_\_\_\_\_  
Aaron T. Shepley, Mayor  
City of Crystal Lake

ATTEST:

COUNTY OF MCHENRY

\_\_\_\_\_  
Katherine C. Schultz, Clerk  
McHenry County

\_\_\_\_\_  
Kenneth D. Koehler, Chairman  
McHenry County Board

Date: \_\_\_\_\_

## EXHIBIT A

### Walkup Road Funding Breakdown (Walkup at ILL 176)

Item	Total Cost	Local Match Req. or Share (City)	Local Match Req. or Share (County)	Local Match Req. or Share (State)
Phase 2 Engineering - Supp #1*	\$499,636	\$23,004	\$76,923	
Phase 2 Engineering - Supp #2 (Contract 3)	\$288,516	\$54,548	\$233,968	
Contract 1 - Watermain Const**	\$77,807	\$17,118	\$60,690	
Estimated Const (Contract 3)***	\$13,027,820	\$719,118	\$5,314,443	\$718,819
Estimated Phase 3 Engineering****	\$1,433,060	\$161,361	\$941,001	\$330,699
Gates Ave House and garage demolition (estimated)	\$30,000	\$30,000		
Grand Total	\$15,356,839	\$1,005,148	\$6,627,025	\$1,049,518

**Notes:**

Contract 1 = Walkup Road from Live Oak Road to Crystal Springs Road (includes water main relocation for bike path)

Contract 2 = Walkup Road north of Crystal Springs Road

Contract 3 = Walkup Road at Illinois Route 176 Intersection contract (including bike path in front of Veterans Acres) will be billed at actual bid prices

\* CMAQ funds paid for part of Supplement 1, therefore City's responsibility is 20% of the non-federally funded \$115,020.42

\*\* based on % of lineal footage that is City's share inside MCDOT ROW - 22% or 138 feet of the total 630 feet (based on approved work)

\*\*\* based on engineer's estimate for Contract 3 for watermain and Walkup Ave. (will be billed based on actual bid prices)

\*\*\*\* City's cost based on City share + watermain work (assumed 11% of total cost of construction, will be billed at actual cost)

<b>Walkup Road Construction Funding Breakdown</b>				
		% Split	Fed Fund Dollar Amounts	
Total Cost of project for north (Contract 2 - County only) segment	\$4,284,928	34.19%	\$3,260,400.12	
Total Participating Cost for IL 176 intersection (Contract 3)	\$8,247,393.25	65.81%	\$6,275,438.88	
Total Participating Costs	\$12,532,320.95		\$9,535,839.00	
Total Non-Participating Watermain - City Share	\$484,135.00			
Total Non-Participating EVP (included in MCDOT cost) - No City Cost	\$11,363.05			
<b>Federal funding available</b>				
CMAQ	\$7,235,839.00			
STP	\$2,300,000.00			
Total Fed funds	\$9,535,839.00			
<b>Participating Construction Costs for Contract 3</b>				
		% Split	Fed Fund Dollar Amounts	Agency Share
Crystal Lake	\$982,779.25	11.92%	\$747,796.42	\$234,982.83
IDOT	\$3,006,351.00	36.45%	\$2,287,531.51	\$718,819.49
County	\$4,258,263.00	51.63%	\$3,240,110.95	\$1,018,152.05
<b>Totals</b>	<b>\$8,247,393.25</b>		<b>\$6,275,438.88</b>	<b>\$1,971,954.37</b>

**RESOLUTION**  
**APPROVING AN ENGINEERING SERVICES AGREEMENT AND APPROPRIATING FUNDS FOR THE COUNTYWIDE SAFETY STUDIES PROJECT**

**WHEREAS**, public safety projects are intended to reduce the number and severity of crashes at locations to enhance safe travel conditions for all users of the County Highway system; and

**WHEREAS**, McHenry County has determined that there is a need to perform a countywide safety study improvements as part of the approved FY 2011 to 2015 Highway Improvement Program; and

**WHEREAS**, the Transportation Committee of the County Board met on August 4, 2010 and authorized the selection of TranSystems, Inc. for the project; and

**WHEREAS**, the Transportation Committee has reviewed and recommends approval of the attached Engineering Services Agreement with TranSystems, Inc, Inc. for a not to exceed amount of \$98,000.40 to provide said engineering services, said agreement hereto and hereby made a part hereof.

**NOW, THEREFORE BE IT RESOLVED**, by the County Board of McHenry County that the Engineering Services Agreement between McHenry County and TranSystems, Inc is hereby approved in the not to exceed amount of \$98,000.40; and

**BE IT FURTHER RESOLVED**, that there is hereby appropriated the sum of ninety-eight thousand dollars and forty cents (\$98,000.40) from the Motor Fuel Tax Fund, OCA code 820110-4455, for said agreement; and

**BE IT FURTHER RESOLVED**, that this project is hereby designated as Section 11-00397-00-SP; and

**BE IT FURTHER RESOLVED**, that the Chairman is hereby authorized to execute said agreement; and

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby directed to transmit three certified copies of this resolution to the Director of Transportation/County Engineer, two of which will be forwarded to the Illinois Department of Transportation through its regional engineer's office at Schaumburg, Illinois.

**DATED** at Woodstock, Illinois this 16<sup>th</sup> day of August, A.D., 2011.

\_\_\_\_\_  
KENNETH D. KOEHLER, Chairman  
McHenry County Board

ATTEST:

\_\_\_\_\_  
KATHERINE C. SCHULTZ, County Clerk

Municipality McHenry County DOT	<b>L O C A L  A G E N C Y</b>	 <b>Illinois Department of Transportation</b>  <b>Preliminary Engineering Services Agreement For Motor Fuel Tax Funds</b>	<b>C O N S U L T A N T</b>	Name TranSystems
Township Various				Address 1475 E. Woodfield Rd.. Suite 600
County McHenry				City Schaumburg
Section 11-00397-00-SP				State IL. 60173-5440

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011 between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the improvement of the above SECTION. Motor Fuel Tax Funds, allotted to the LA by the State of Illinois under the general supervision of the State Department of Transportation, hereinafter called the "DEPARTMENT", will be used entirely or in part to finance ENGINEERING services as described under AGREEMENT PROVISIONS.

#### Section Description

Name 5% Location Evaluation

Route Various Length NA Mi. NA FT (Structure No. NA )

Termini Various

**Description:**

Analysis of 10 locations selected by McHenry County DOT as 5% Crash Locations. Crash patterns and location deficiencies will be reviewed. Recommendations, concept level plans, and cost estimates will be formed.

#### Agreement Provisions

**The Engineer Agrees,**

1. To perform or be responsible for the performance of the following engineering services for the LA, in connection with the proposed improvements herein before described, and checked below:
  - a.  Make such detailed surveys as are necessary for the preparation of detailed roadway plans
  - b.  Make stream and flood plain hydraulic surveys and gather high water data, and flood histories for the preparation of detailed bridge plans.
  - c.  Make or cause to be made such soil surveys or subsurface investigations including borings and soil profiles and analyses thereof as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations are to be made in accordance with the current requirements of the DEPARTMENT.
  - d.  Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.
  - e.  Prepare Army Corps of Engineers Permit, Department of Natural Resources-Office of Water Resources Permit, Bridge waterway sketch, and/or Channel Change sketch, Utility plan and locations, and Railroad Crossing work agreements.
  - f.  Prepare Preliminary Bridge design and Hydraulic Report, (including economic analysis of bridge or culvert types) and high water effects on roadway overflows and bridge approaches.
  - g.  Make complete general and detailed plans, special provisions, proposals and estimates of cost and furnish the LA with five (5) copies of the plans, special provisions, proposals and estimates. Additional copies of any or all documents, if required, shall be furnished to the LA by the ENGINEER at his actual cost for reproduction.
  - h.  Furnish the LA with survey and drafts in quadruplicate of all necessary right-of-way dedications, construction easement and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

Note: Four copies to be submitted to the Regional Engineer

- i.  Assist the LA in the tabulation and interpretation of the contractors' proposals
  - j.  Prepare the necessary environmental documents in accordance with the procedures adopted by the DEPARTMENT's Bureau of Local Roads & Streets.
  - k.  Prepare the Project Development Report when required by the DEPARTMENT.
- (2) That all reports, plans, plats and special provisions to be furnished by the ENGINEER pursuant to the AGREEMENT, will be in accordance with current standard specifications and policies of the DEPARTMENT. It is being understood that all such reports, plats, plans and drafts shall, before being finally accepted, be subject to approval by the LA and the DEPARTMENT.
- (3) To attend conferences at any reasonable time when requested to do so by representatives of the LA or the Department.
- (4) In the event plans or surveys are found to be in error during construction of the SECTION and revisions of the plans or survey corrections are necessary, the ENGINEER agrees that he will perform such work without expense to the LA, even though final payment has been received by him. He shall give immediate attention to these changes so there will be a minimum delay to the Contractor.
- (5) That basic survey notes and sketches, charts, computations and other data prepared or obtained by the Engineer pursuant to this AGREEMENT will be made available, upon request, to the LA or the DEPARTMENT without cost and without restriction or limitations as to their use.
- (6) That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by him and will show his professional seal where such is required by law.

**The LA Agrees,**

1. To pay the ENGINEER as compensation for all services performed as stipulated in paragraphs 1a, 1g, 1i, 2, 3, 5 and 6 in accordance with one of the following methods indicated by a check mark:
- a.  A sum of money equal to \_\_\_\_\_ percent of the awarded contract cost of the proposed improvement as approved by the DEPARTMENT.
  - b.  A sum of money equal to the percent of the awarded contract cost for the proposed improvement as approved by the DEPARTMENT based on the following schedule:

Schedule for Percentages Based on Awarded Contract Cost

Awarded Cost	Percentage Fees	(see note)
Under \$50,000		%
		%
		%
		%
		%

Note: Not necessarily a percentage. Could use per diem, cost-plus or lump sum.

2. To pay for services stipulated in paragraphs 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k of the ENGINEER AGREES at actual cost of performing such work plus \_\_\_\_\_ percent to cover profit, overhead and readiness to serve - "actual cost" being defined as material cost plus payrolls, insurance, social security and retirement deductions. Traveling and other out-of-pocket expenses will be reimbursed to the ENGINEER at his actual cost. Subject to the approval of the LA, the ENGINEER may sublet all or part of the services provided under the paragraph 1b, 1c, 1d, 1e, 1f, 1h, 1j & 1k. If the ENGINEER sublets all or part of this work, the LA will pay the cost to the ENGINEER plus a five (5) percent service charge.

"Cost to Engineer" to be verified by furnishing the LA and the DEPARTMENT copies of invoices from the party doing the work. The classifications of the employees used in the work should be consistent with the employee classifications for the services performed. If the personnel of the firm, including the Principal Engineer, perform routine services that should normally be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the work performed.

3. That payments due the ENGINEER for services rendered in accordance with this AGREEMENT will be made as soon as practicable after the services have been performed in accordance with the following schedule:
  - a. Upon completion of detailed plans, special provisions, proposals and estimate of cost - being the work required by paragraphs 1a through 1g under THE ENGINEER AGREES - to the satisfaction of the LA and their approval by the DEPARTMENT, 90 percent of the total fee due under this AGREEMENT based on the approved estimate of cost.
  - b. Upon award of the contract for the improvement by the LA and its approval by the DEPARTMENT, 100 percent of the total fee due under the AGREEMENT based on the awarded contract cost, less any amounts paid under "a" above.

By Mutual agreement, partial payments, not to exceed 90 percent of the amount earned, may be made from time to time as the work progresses.

4. That, should the improvement be abandoned at any time after the ENGINEER has performed any part of the services provided for in paragraphs 1a, through 1h and prior to the completion of such services, the LA shall reimburse the ENGINEER for his actual costs plus 10 percent incurred up to the time he is notified in writing of such abandonment -"actual cost" being defined as in paragraph 2 of THE LA AGREES.
5. That, should the LA require changes in any of the detailed plans, specifications or estimates except for those required pursuant to paragraph 4 of THE ENGINEER AGREES, after they have been approved by the DEPARTMENT, the LA will pay the ENGINEER for such changes on the basis of actual cost plus 190 percent to cover profit, overhead and readiness to serve -"actual cost" being defined as in paragraph 2 of THE LA AGREES. It is understood that "changes" as used in this paragraph shall in no way relieve the ENGINEER of his responsibility to prepare a complete and adequate set of plans and specifications.

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**It is Mutually Agreed,**

1. That any difference between the ENGINEER and the LA concerning their interpretation of the provisions of this Agreement shall be referred to a committee of disinterested parties consisting of one member appointed by the ENGINEER, one member appointed by the LA and a third member appointed by the two other members for disposition and that the committee's decision shall be final.
2. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at his last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all surveys, permits, agreements, preliminary bridge design & hydraulic report, drawings, specifications, partial and completed estimates and data, if any from traffic studies and soil survey and subsurface investigations with the understanding that all such material becomes the property of the LA. The ENGINEER shall be paid for any services completed and any services partially completed in accordance with Section 4 of THE LA AGREES.
3. That if the contract for construction has not been awarded one year after the acceptance of the plans by the LA and their approval by the DEPARTMENT, the LA will pay the ENGINEER the balance of the engineering fee due to make 100 percent of the total fees due under this AGREEMENT, based on the estimate of cost as prepared by the ENGINEER and approved by the LA and the DEPARTMENT.
4. That the ENGINEER warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the ENGINEER, to solicit or secure this contract, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the ENGINEER, any fee, commission, percentage, brokerage fee, gifts or any other consideration, contingent upon or resulting from the award or making of this contract. For Breach or violation of this warranty the LA shall have the right to annul this contract without liability.

IN WITNESS WHEREOF, the parties have caused the AGREEMENT to be executed in quadruplicate counterparts, each of which shall be considered as an original by their duly authorized officers.

Executed by the LA:

McHenry County of the  
(Municipality/Township/County)

ATTEST:

State of Illinois, acting by and through its

By \_\_\_\_\_

McHenry County Clerk  
(Seal)

By Kenneth D. Koehler  
Title McHenry County Board Chairman

Executed by the ENGINEER:

TranSystems  
1475 E. Woodfield Road, Suite 600  
Schaumburg, IL 60173

ATTEST:

By Ryan Jacox *Ryan P. Jacox*  
Title Project Manager

By Todd S. Bright *Todd S. Bright*  
Title Vice President

**Approved**  
\_\_\_\_\_  
Date  
Department of Transportation  
\_\_\_\_\_  
Regional Engineer

## Exhibit 1

On Page 2 under the “**The LA Agrees**”, **Delete** Paragraph 1 and replace it with the following:

1. To pay the **ENGINEER** within fifteen (15) days following **LA’s** approval of **ENGINEER’s** invoices as compensation for all services performed as stipulated in Paragraphs 1, 2, 3, 5 and 6, under “**The ENGINEER Agrees**”, on a Cost Plus Fixed Fee basis according to the Schedule of Compensation contained in Exhibit 2 of the Agreement for the successful completion of the services. The total compensation shall not exceed \$98,000.40.
2. Remove paragraph 3 (on page 3) in it’s entirely.

On Page 3 under “**It is Mutually Agreed**”

1. Remove:  
Article 3, starting with the words “That if the contract for construction [...]”
2. Add:  
5. **ENGINEER** shall not commence performance of any services under this Agreement until the LA has issued a written Notice to Proceed.

**McHenry County Department of Transportation  
5% Location Evaluation**

**Scope of Services  
July 21, 2011**

McHenry County Division of Transportation (MCDOT) is completing an analysis and prioritization of major intersections and street segments within the County to identify their top five percent locations based on crash experience. The County will complete this analysis utilizing their GIS data base of crash data throughout the County. A weighting of crashes will be used following IDOT's procedures which weights fatal crashes as 25, Type A injury crashes as 10, and Type B crashes as 1. Based on this ranking, the County will identify five intersections and five segments to be evaluated as part of the 5% Location Evaluation project.

The project will involve data collection to obtain existing information which will be used to identify deficiencies at each location. A Road Safety Review/Audit will also be completed for each location. The following table from [www.roadsafetyaudit.org](http://www.roadsafetyaudit.org) summarizes the differences between a Road Safety Review and a Road Safety Audit. This project is evaluating locations where a safety problem already exists, therefore the process will follow the safety review steps more closely than the safety audit steps which look at locations prior to development of crash patterns.

<u>Road Safety Review</u>	<u>Road Safety Audit</u>
<ul style="list-style-type: none"> <li>• A safety review uses a small (1-2 person) team with design expertise.</li> <li>• Safety review team members are usually involved in the design.</li> <li>• Field reviews are usually not part of safety reviews.</li> <li>• Safety reviews concentrate on evaluating designs based on compliance with standards.</li> <li>• Safety reviews do not normally consider human factors issues. This includes driver error, visibility issues, etc.</li> <li>• Safety reviews focus on the needs of roadway users.</li> <li>• The safety review is reactive. Hazardous locations are identified through analysis of crash statistics or observations and corrective actions are taken.</li> </ul>	<ul style="list-style-type: none"> <li>• A safety audit uses a larger (3-5 person) interdisciplinary team.</li> <li>• Safety audit team members are usually independent of the project.</li> <li>• The field review is a necessary component of the safety audit.</li> <li>• Safety audits use checklists and field reviews to examine all design features.</li> <li>• Safety audits are comprehensive and attempt to consider all factors that may contribute to a crash.</li> <li>• Safety audits consider the needs of pedestrians, cyclists, large trucks as well as automobile drivers.</li> <li>• Safety audits are proactive. They look at locations prior to the development of crash patterns to correct hazards before they happen.</li> </ul>

Once the data collection and Road Safety Review/Audit (RSR/A) are completed, an analysis of the crash patterns, capacity deficiencies and other deficiencies at the location will be reviewed. Recommendations will be made for correcting deficiencies along with development of concept plans and planning level construction cost estimates.

Following is the anticipated scope of work for completing these evaluations. This scope assumes the analysis will be performed for five intersections and five segments.

### 1. Data Collection (62 hours)

- a. Obtain existing traffic volume data. For intersections, this includes AM and PM peak hour turning movement counts. For segments, a 24-hour automatic traffic recorder count is required. It is assumed that existing traffic volume data information is available from the County website. This task would be to obtain the data and compile it in a presentation format. (4 hours per location = 40 hours)
- b. Obtain three years of existing crash data for each intersection/segment. This would be provided by the County in GIS format. Police crash reports will also be obtained to supplement the GIS data. (1 hour per location = 10 hours)
- c. Obtain existing roadway/intersection plans for selected locations. IDOT would be contacted for roadways or intersections under their maintenance jurisdiction. (1 hour per location = 10 hours)
- d. Obtain County aerial files for use as base sheets when creating conceptual plans. (2 hours)

**Deliverable:** Traffic count summaries at study locations

### 2. Road Safety Review/Audit (268 hours)

- a. Assist in developing and scheduling a multi-disciplinary team for completing the RSR/A. This would include personnel from MCDOT and TranSystems along with local law enforcement and public works representatives, if possible. (2 hours per location = 20 hours)
- b. Perform RSR/A. This would include photography (still and video) of the intersection or segment along with preparation of a detailed conditions diagram. Checklists are available to guide the completion of the RSR/A. (1 hour of travel to and 1 hour from each of the 8 review locations = 16 hours; 1 hour of travel to and 1 hour from two audit locations with 2 TSC employees = 8 hours; 4 hours per location per review and one TSC employee = 4x8x1 = 32 hours; 8 hours per location per audit and two TSC employees = 8x2x2 = 32 hours; 8 hours per detailed conditions diagram for each of the 10 locations. This includes one review/revision/re-submittal = 10x8 = 80 hours. Total = 168 hours)
- c. Prepare summary report of the outcome of the RSR/A. (8 hours per location for the draft report = 80 hours. This includes review/revision/re-submittal and any additional diagrams and figures within the report)

**Deliverable:** Road Safety Review/Audit Summary Report

### 3. Identify Operational and Safety Improvement Needs (260 hours)

- a. Prepare a crash diagram for each intersection or segment to better identify crash patterns and safety deficiencies. (6 hours per location = 60 hours)
- b. Complete an intersection capacity analysis or a segment analysis to determine whether any capacity deficiencies exist and to identify recommended capacity improvements. (4 hours per location = 40 hours)

- c. Identify deficiencies and potential countermeasures for each location based on the crash pattern analysis, capacity analysis and RSR/A results. The Highway Safety Manual will be used to develop a benefit/cost evaluation for the recommended countermeasures. (This is Chapter 7 of the HSM. This can involve either performing the Part C predictive method to determine crashes both before and after improvements or calculation of the Safety Performance Function (SPF) for before/after conditions with application of basic Crash Modification Factors (CMFs) to the SPF for improvements.) (4 hours to identify deficiencies and countermeasures per location = 40 hours; 8 hours per location to perform an HSM benefit/cost analysis = 80 hours; Total = 120 hours)
- d. Prepare technical memorandum summarizing deficiencies and recommended countermeasures. (4 hours to compile/write the tech memo deliverable for each location = 40 hours)

**Deliverable:** Technical Memorandum for each location identifying deficiencies and potential countermeasures. This memorandum will include a crash diagram and capacity analysis for the location. It will also include the benefit/cost evaluation.

#### 4. Develop Conceptual Improvement Plan (240 hours)

- a. Utilizing the countermeasures identified in Task 3, develop a concept level improvement plan. (16 hours per location, which includes review/revision/re-submittal = 160 hours)
- b. Develop planning level construction cost estimate. (Some of this work will be useful for the benefit/cost analysis) (8 hours per location = 80 hours)

**Deliverable:** Concept plans and cost estimates to supplement previous Technical Memorandum

#### 5. 5% Location Evaluation Report (60 hours)

- a. Prepare draft Report which documents the evaluation process and data collection procedures; summarizes data collection, analysis, recommended improvements and construction cost estimates for each location; and provides a suggested prioritization of improvements based on cost and ease of implementation. (4 hours per location = 40 hours) (This is primarily compiling and summarizing results from the previous deliverables)
- b. Submit draft Report to MCDOT for review. (4 hours)
- c. Revise report and prepare final Top 10 Crash Locations Evaluation Report. (16 hours)

**Deliverable:** 5% Location Evaluation Report



## AVERAGE HOURLY PROJECT RATES

**FIRM** TranSystems  
**PSB** MCDOT  
**PRIME/SUPPLEMENT** Prime

DATE 07/21/11

SHEET 1 OF 1

PAYROLL CLASSIFICATION	AVG HOURLY RATES	TOTAL PROJECT RATES			Data Collection			Road Safety Review/Aud			Identify Operational and S			Develop Conceptual Impr			5% Location Evaluation R		
		Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg	Hours	% Part.	Wgtd Avg
Principal in Charge	70.00	0																	
Senior Project Manager (Hwy/Const)	70.00	18	2.02%	1.42	2	3.23%	2.26	2	0.75%	0.52	8	3.08%	2.15	4	1.67%	1.17	2	3.33%	2.33
Project Manager (Highway)	62.34	106	11.91%	7.42	4	6.45%	4.02	42	15.67%	9.77	32	12.31%	7.67	20	8.33%	5.20	8	13.33%	8.31
Construction Manager	60.00	0																	
Chief Structural Engineer	60.00	0																	
Senior Project Engineer (Highway)	54.44	0																	
Project Engineer (Highway)	39.10	446	50.11%	19.59	10	16.13%	6.31	136	50.75%	19.84	142	54.62%	21.35	120	50.00%	19.55	38	63.33%	24.76
Resident Engineer	50.95	0																	
Senior Resident Inspector	41.95	0																	
Resident Inspector	38.44	0																	
Assistant Resident Inspector	32.04	0																	
Design Engineer III (Highway)	43.86	0																	
Design Engineer II (Highway)	34.62	0																	
Design Engineer I (Highway)	26.50	320	35.96%	9.53	46	74.19%	19.66	88	32.84%	8.70	78	30.00%	7.95	96	40.00%	10.60	12	20.00%	5.30
Construction Inspector V	60.00	0																	
Construction Inspector IV	39.28	0																	
Construction Inspector III	30.38	0																	
Construction Inspector II	25.68	0																	
Survey Crew Chief	31.10	0																	
Instrument Person	31.10	0																	
Rodman	20.40	0																	
CADD Technician III	28.48	0																	
CADD Technician II	25.35	0																	
CADD Technician I	20.20	0																	
Senior Administrator	39.20	0																	
Administrative Assistant	21.92	0																	
		0																	
<b>TOTALS</b>		890	100%	\$37.96	62	100.00%	\$32.25	268	100%	\$38.84	260	100%	\$39.13	240	100%	\$36.51	60	100%	\$40.71

**Direct Cost Estimate**  
**5% Location Evaluation**  
**McHenry Department of Transportation**

**TranSystems**  
**July 21, 2011**

**1. Data Collection**

None		\$ -
<b>Item 1 Total</b>		<b>\$ -</b>

**2. Road Safety Review/Audit**

Vehicle Expense		
Office to Location (assume average 40 miles per direction, 80 miles per location)	10 locations x 80 miles x \$0.55	\$ 440
Printing Expenses		
Road Safety Review/Audit Report	10 locations x 4 sheets x 5 sets x \$0.10/sheet	\$ 20
<b>Item 2 Total</b>		<b>\$ 460</b>

**3. Identify Operational and Safety Improvement Needs**

Printing Expenses		
Road Safety Review/Audit Report	10 locations x 4 sheets x 5 sets x \$0.10/sheet	\$ 20
Delivery	Mail/Priority Service	\$ 20
<b>Item 3 Total</b>		<b>\$ 40</b>

**4. Develop Conceptual Improvement Plan**

Printing Expenses		
Half-size plans:	10 locations x 4 sheets x 5 sets x \$0.10/sheet	\$ 20
Delivery	Mail/Priority Service	\$ 20
<b>Item 4 Total</b>		<b>\$ 40</b>

**5. 5% Location Evaluation Report**

Printing Expenses		
Half-size plans:	10 locations x 4 sheets x 5 sets x \$0.10/sheet	\$ 20
Delivery	Mail/Priority Service	\$ 20
<b>Item 5 Total</b>		<b>\$ 40</b>

<b>Total Direct Costs</b>		<b>\$ 580</b>
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## PAYROLL RATES

FIRM NAME TranSystems DATE 07/21/11  
 PRIME/SUPPLEMENT Prime  
 PSB NO. MCDOT

ESCALATION FACTOR 0.00%

CLASSIFICATION	CURRENT RATE	CALCULATED RATE
Principal in Charge	\$70.00	\$70.00 Max
Senior Project Manager (Hwy/Const)	\$69.16	\$70.00 Max
Project Manager (Highway)	\$62.34	\$62.34
Construction Manager	\$60.00	\$60.00 Max
Chief Structural Engineer	\$60.00	\$60.00 Max
Senior Project Engineer (Highway)	\$54.44	\$54.44
Project Engineer (Highway)	\$39.10	\$39.10
Resident Engineer	\$50.95	\$50.95
Senior Resident Inspector	\$41.95	\$41.95
Resident Inspector	\$38.44	\$38.44
Assistant Resident Inspector	\$32.04	\$32.04
Design Engineer III (Highway)	\$43.86	\$43.86
Design Engineer II (Highway)	\$34.62	\$34.62
Design Engineer I (Highway)	\$26.50	\$26.50
Construction Inspector V	\$60.00	\$60.00 Max
Construction Inspector IV	\$39.28	\$39.28
Construction Inspector III	\$30.38	\$30.38
Construction Inspector II	\$25.68	\$25.68
Survey Crew Chief	\$31.10	\$31.10
Instrument Person	\$31.10	\$31.10
Rodman	\$20.40	\$20.40
CADD Technician III	\$28.48	\$28.48
CADD Technician II	\$25.35	\$25.35
CADD Technician I	\$20.20	\$20.20
Senior Administrator	\$39.20	\$39.20
Administrative Assistant	\$21.92	\$21.92

**PAYROLL ESCALATION TABLE  
FIXED RAISES**

FIRM NAME TranSystems  
PRIME/SUPPLEMENT Prime

DATE 07/21/11  
PTB NO. MCDOT

CONTRACT TERM 12 MONTHS  
START DATE 9/1/2011  
RAISE DATE 4/1/2012

OVERHEAD RATE 151.34%  
COMPLEXITY FACTOR 0  
% OF RAISE 3.00%

**ESCALATION PER YEAR**

9/1/2011 - 4/1/2012
7
12

4/2/2012 - 9/1/2012
5
12




= 58.33%  
= 1.0125

42.92%

**The total escalation for this project would be:**

1.25%