

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

MINUTES OF THURSDAY, OCTOBER 6, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:33 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Also attending were Zoning Board of Appeals members Richard Kelly, David Stone, Linnea Kooistra, Vicki Gartner, Charles Eldredge, Edward Haerter, John Rosene and Patricia Kennedy. Also in attendance: Dennis Sandquist, Matt Hansel, Darrell Moore and Maryanne Wanaski, Planning and Development; Les Pollock from Camiros, Ltd.; Diane Evertsen, Mary McCann and Donna Kurtz, County Board; and interested public.

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

MINUTE APPROVAL: Committee members reviewed the Planning and Development Committee minutes of September 1, 2011 and September 15, 2011. Mr. Heisler made a motion, seconded by Ms. Donner, to approve both sets of minutes. Both sets of minutes were approved with a unanimous voice vote of all ayes.

PUBLIC COMMENT:

David LaGue, Glenview, Illinois, addressed the committee concerning the Unified Development Ordinance (UDO) and agricultural issues. One concern he has is the proposed equine district. He feels the equine district is unnecessary. It has the potential to fragment the agricultural A-1 zoning district within the County. All of the horses in this County are scattered throughout the County and they have many things in common with cattle, sheep and goats and he feels the agricultural zoning district is an appropriate zoning district for people with horses. Concerning the rural mixed use district, he does not think that many of the activities proposed in that district mix well with agriculture. They have the potential to fragment and divide A-1 zoning in McHenry County. Some specific issues concerning AG-tourism and farmstands are best addressed through conditional use permits. He mentioned that the A-2 zoning district has always been problematic for this County. Some have tried to use this as a loophole to develop areas of the County. He feels A-2 is an appropriate zoning classification in the context of agricultural areas of the County. He feels it needs to be strictly limited. He would like to see it limited to the parcels with PIN numbers that have existing structures that allow people who own the parcels to develop a market for them and to sell them. He is opposed to the conversion of the un-development of agricultural lands within the A-2 zoning classification. The soils in this County are very precious. In the context of soils worldwide, the worst soils in McHenry County are better than the vast majority of soils that people farm in the world. Concerning A-1 zoning, he mentioned that the size of the parcel does not matter very much in this consideration for A-1. Criteria for A-1 should be based on the quality and productivity of the soils. He stated that some may feel his comments are for anti-growth, which is not the case. He is all for a vibrant and growing economy. He believes that the growth should be growing within municipal boundaries which would help keep the infrastructure system from enlarging and costing all of the taxpayers of McHenry County additional money.

Nancy Schumm, a representative for the Village of Barrington Hills, addressed the members. She mentioned that the concept of having an equine use is important because there are special considerations regarding horses and equestrian trails which should be considerations. She feels it is important that they maintain the estate zoning options and not eradicate those from the planned development.

PRESENTATIONS: None.

SUBDIVISIONS: None.

Chairman Hill requested that Item No. 6.05 be heard next.

NEW BUSINESS:

Resolution Authorizing an Amendment to Resolution R-200708-10-208 Authorizing Adoption of Housing Investment Partnership (HOME) Program Funding for the 2007 Program Year and Authorizing an Amendment to Resolution R-201104-10-093 Authorizing Adoption of Housing Investment Partnership (HOME) Program Funding for the 2010 Program

Year and an Emergency Appropriation to the CDBG-HOME FY2011 Budget and the Submittal of Amended Action Plans as Applicable to HUD: Ms. Donner made a motion, seconded by Mr. Heisler, to recommend the County Board approve the above resolution as presented. Ms. Wanaski mentioned that this resolution brings forward administration funds from the HOME (Housing Investment Partnership) Program. The motion carried on a roll call vote of six ayes (Donley, Donner, Draffkorn, Heisler, Munaretto and Hill) and one nay (Schuster).

OLD BUSINESS: *UDO Technical Review Memorandum - Planning and Development Committee and Zoning Board of Appeals Joint Review of the Unified Development Ordinance (UDO) Technical Review Memo:* Members from the Zoning Board of Appeals (ZBA) joined Committee members to continue their review of the UDO Technical Review Memorandum (Memo) and provide Camiros with final direction before the UDO is drafted. Chairman Hill suggested a special meeting at 5:30 p.m. on October 18, 2011 which would precede the County Board meeting scheduled for 7:00 p.m. to discuss and define the definition of agriculture and how it should be defined in the Zoning Ordinance. She invited members of the ZBA to attend this meeting. Mr. Sandquist mentioned that the County's current definition of agriculture as defined in the Ordinance is close to the current state statute. Mr. Munaretto mentioned that the County is obligated to follow the state law with respect to a definition of agriculture. Chairman Hill stated that the proposed meeting would be to discuss agri-tourism and agri-business, not to discuss the definition of agriculture. After discussion, it was agreed to wait and see what the outcome of today's meeting will be as to whether or not an additional meeting will be scheduled. Ms. Kennedy mentioned that it is important for them to provide specific definitions in the UDO so future committee members will have clear directions.

Concerning the A-2 District mentioned on page 24 of the Technical Review Memo, Mr. Pollock mentioned that during the previous meeting concerning the UDO, there was discussion about the clarification of this district so it cannot be misused.

Concerning the A-1 district mentioned on page 24, Ms. Kooistra stated that if A-1 is reserved for primarily agricultural purposes, there may be instances where other uses may be allowed. An example was given when an old farm building is no longer used for livestock, but the owners want to preserve the building as a historical structure. Mr. Pollock mentioned that the dilemma is how to deal with these special conditions. Zoning should not exist to put such rigid structure on areas that we can't achieve a particular policy. This specific example may be a historic preservation policy question. Mr. Stone stated that zoning laws only have their authority by regulating what is for the general health, safety and welfare of the community. He is not sure historical significance fits into these regulations. He feels historical matters are beyond the scope of what zoning should be. Mr. Sandquist mentioned that he is hearing a unanimous consent from the members that the purpose of the A-1 District section should be reserved primarily for agricultural purposes. There may be variations for this district that may involve a conditional use or a rezoning of the property. Camiros will provide recommendations for this district.

Ms. McCann questioned if it would be helpful to have a farmland preservation district that would have guidelines to identify restrictions and conditional uses for farmland. Mr. Munaretto mentioned that they currently have agricultural districts and farmland preservation districts are made by farmers. Ms. Kooistra stated that her husband and she have their farm in the Illinois Agricultural (AG) Protection District and it is something that you voluntarily create. The intent is to try and protect your farm from development. The AG protection district is attached to the land with a renewal every ten years. Ms. Donner questioned if there would be a way for the County to recognize property that is in an AG protected district. Ms. Kooistra said there may be a way for the County to recognize landowners who have formed AG protected districts. Mr. Munaretto questioned why they should impose an artificial restriction on neighbors of property owners in an AG district. Property owners are allowed the right to use their land within the laws that govern land use any way they choose. Ms. Gartner stated that on the Zoning Board, it is difficult to come to concrete conclusions about small pieces of land that farmers, because of the economic situation, are breaking off and trying to sell to make money. Each conditional use that comes before the Zoning Board is different and unique and they want to be able to be consistent with their recommendations to the County Board. Mr. Eldredge stated that he feels it is bizarre that they allow flat business uses as conditional uses in residential areas. Mr. Pollock mentioned that agriculture is a commercial business use. He questioned if they wanted to look at a code that is extremely restrictive as to small parcels of non-agriculture commercial type uses in AG lands, or do they want to allow a certain level of flexibility tied to very specific types of performance standards that will try to assure that the use that occurs still looks "rural". Ms. Schuster stated that they should protect AG land for many reasons. She is opposed to the Zoning Ordinance encouraging non-Agricultural uses in rural agricultural areas and feels the Ordinance should reflect that concept to prevent misinterpretation of our guidelines.

Concerning residential districts mentioned on page 26 of the Technical Review Memo, Mr. Pollock mentioned that this section addresses former summer cottages that have been converted to year-round homes. These are predominantly older homes in areas of the County that preceded zoning. Most of them do not meet the bulk standards that are currently in place and they need to find standards that allow these homes to exist. They need to establish requirements for new construction in these areas. Certain yard and bulk standards for residential districts should be refined. Camiros is proposing a process where there will be meetings with the homeowner's associations and the adjoining municipalities to address the nonconforming lots. They will bring back to the committee particular proposals as to how the patterns and uses should be treated over time, and what times of regulatory controls would be applicable.

Concerning non-residential districts mentioned on page 27, Mr. Sandquist mentioned that he would like the two committees to discuss what the pros and cons would be to combine B-1 and B-3 and provide Mr. Pollock with direction for this section of the UDO. Mr. Haerter suggested not changing what they currently have, and add the changes proposed by Camiros in the memo concerning dwellings located above businesses into their present ordinance. Mr. Sandquist stated that the P&D Department does encounter problems with B-1 and B-3. Mr. Hansel feels that if they eliminate B-3 district, the size of the parcel that people want to locate their businesses on would artificially determine the size of the business that goes on it. B-1 usually has smaller businesses on smaller lots and B-3 typically has larger businesses on larger lots. Mr. Pollock mentioned that an intent is to try to encourage more business uses to fall within municipalities and not to fall within the County.

Concerning the possibility of allowing mixed-use development in the Comprehensive Plan as mentioned on page 27 of the memo, Mr. Sandquist mentioned that the proposed B-1, B-3 district would allow accessory residential or above the ground floor residences. Ms. Kennedy stated that she agrees with this type of a mixed-use situation, but it may encourage uses in unincorporated and rural areas.

With reference to special purpose districts mentioned on page 27 of the memo, it is suggested that in order to protect the County's groundwater supply, the Sensitive Aquifer Recharge Area map (SARA) can be converted into an overlay district.

Page 28 of the memo mentions that the County may find utility in a new special purpose district for natural resource protection and open space. Mr. Pollock stated that this refers to publically controlled open space and whether they want to place it under a particular zoning district rather than allow it to be a use within various districts. Mr. Sandquist mentioned that other than the McHenry County Conservation District (MCCD), another publically controlled open space located in the County is the City of Woodstock. A piece of a park was donated to them, they accepted it for park use, and they have come to the County inquiring as to what the standards are for park use in the County. There is nothing that exempts the MCCD from stormwater, building or zoning requirements. Mr. Sandquist feels this special purpose district is needed because it will provide a list of what can specifically be done within the district. Forest preserve districts are not exempt from zoning regulations.

Page 29 of the memo discusses site development standards and the UDO should clearly describe the general site improvement regulations that apply throughout the County. Mr. Pollock stated that there is a need for regulations that affect site improvement and operations. These standards can deal with environmental aspects such as vibration and noise. This can be cross-referenced with other regulations.

Concerning exterior lighting standards mentioned on pages 29 and 30 of the memo, Mr. Pollock mentioned that these standards will set candle limits on property and will be based on the Dark Sky ordinance. These standards are most particular to the developed portions of the County which include residential and commercial areas. Members discussed the implications of using the Dark Sky ordinance as part of the UDO. Mr. Pollock stated that existing businesses would not have to retrofit their lighting structures, but if they came in to rezoning the property or to obtain a conditional use, then they would be subject to meeting the requirements of the code. As the code enforcement officer for the P&D Department, Mr. Hansel suggested that if the County does move forward with these standards, he would like the County to make sure the P&D Department has the appropriate tools and staff to enforce the regulations. Camiros will provide options for the County Board to consider. Ms. McCann mentioned that rural areas in Kane County have successfully implemented the Dark Sky program for many years. Ms. Donner mentioned that the Dark Sky program has been successful in other areas of Illinois along with other states. Mr. Rosene stated that Dark Sky recommendations are fairly mild, are not very restrictive, and he is for the County having these provisions for lighting. Mr. Donley questioned if farmers will be exempt from these proposed regulations.

Page 30 of the memo addresses accessory structures. Camiros suggests a comprehensive list of accessory structures be contained in the UDO. Mr. Kelly questioned whether or not windmills will be addressed in different districts. Mr. Pollock mentioned that wind turbines and solar panels will become part of accessory uses. Mr. Sandquist mentioned that they have been working for a number of months with a group of municipalities, and industry representatives, to devise a set of wind turbine standards for both incorporated and unincorporated areas of the County which would address both wind turbines as a primary use for commercial use and an accessory use for on-site uses. Mr. Pollock mentioned that wind turbines are used more for a domestic use rather than a commercial use. Mr. Sandquist mentioned that there are a number of them currently located on Ag properties.

Page 31 references permitted encroachments, along with off-street parking. Camiros suggests a revised list of off-street parking provisions, and also clearly state how parking spaces can be used only for car storage and not to store other materials on the site or for motor vehicle repair. Adding parking flexibilities to the UDO should be considered which may include shared parking; land banked parking and car-sharing bonus. Committee members requested consistency with enforcing off-street parking and car storage regulations. Chairman Hill questioned if the storage of junked or wrecked vehicles would fall under the Inoperable Vehicle Ordinance, or if the UDO would supersede it. Mr. Sandquist mentioned that the Sheriff has an ordinance they seek to enforce for inoperable vehicles. A point to consider, as they move forward with the UDO, is to consider what the Sheriff's standards are for inoperable vehicles, and how the proposed UDO fits with their standards. Mr. Rosene questioned if there is a way to define junked or wrecked vehicles as cars that are unlicensed. It was mentioned that this is already done by the Sheriff's Department and many times the cars have current licenses. Mr. Sandquist mentioned that not one department has a comprehensive ordinance that can address all the aspects of junked and wrecked vehicles. Ms. McCann stated that the Emergency Management Agency has initiated a Coordinating Council and one item they will be addressing is the small storage of gasoline. Currently anything under 500

Concerning car-sharing bonus programs mentioned on page 33 of the memo, Mr. Pollock stated that zip cars and iGo cars would qualify for this car-sharing program. There are companies that provide services where people pay to use a car for a certain period of time. They pay for only the hours they use the car. An issue would be whether or not to permit these types of cars to be stored on commercial parking lots. Car-sharing is a new concept and needs to be addressed in the UDO.

Page 34 references landscape and screening standards. The current Zoning Ordinance is limited to screening standards and should be updated to include site landscape for all aspects of development. Mr. Pollock mentioned that much of this is tied to commercial uses. It is recommended that the UDO include landscape requirements noted in the memo, including screening for refuse containers.

Camiros recommends that the County's sign regulations should be completely revised, as outlined on page 35 of the memo. Mr. Donley mentioned that one of the biggest problems he sees with the current sign ordinances are the temporary use permits issued for signs. Signs are not safe unless they are inspected. He feels temporary signs should be eliminated, but real estate and political signs should be exempt. Mr. Pollock said that the challenge in sign control will not be the revisions made to signs that will effect business development in business districts, but the challenge will be the signs that occur for commercial uses that are in agricultural districts which are seasonal signs. They need to make sure signs meet minimum sign conditions. Temporary signs that relate to temporary uses (tent sale, Christmas tree sales) should be allowed fixed times for their posting. The challenge will be seasonal signs in agricultural areas, or permanent signs that relate to uses that have been allowed in agricultural areas that need a scale that would be larger than prescribed what could happen in business districts. Members agreed to hold further discussions concerning sign regulations until Camiros provides a draft of proposed sign regulations for their review.

Site improvement standards outlined on pages 40-44 were discussed next. The requirements for subdivision, including conservation design, should be consolidated into one section with standards rewritten so requirements are as clear as possible. Mr. Pollock mentioned that this is aimed toward simplicity, clarity and design. Currently the conservation design ordinance is a free-standing piece and it should be integrated into a larger set of controls. Members agreed that the stormwater management requirements within the subdivision regulations need to be updated by cross-reference, and the right-of-way requirements need to be evaluated, updated and coordinated as needed. The UDO should have a process for exceptions to subdivision requirements. It was agreed that it should be clear to UDO users when a CD is triggered as the required type of subdivision. Members agreed that the County may want to strengthen the design standards contained within the CD regulations. Mr. Pollock said that the UDO should be as specific as possible.

Page 43 mentions that the bulk requirements and density limitations in the CD need to be clarified.

Chairman Hill stated that a colleague questioned how the UDO will address concerns about compact contiguous development. Mr. Pollock said that compact contiguous development is a mapping issue. This is where higher density residential zones are allowed. It will be addressed in the zoning map and will be reflected on how they structure the map. Ms. Kurtz stated that what she wants addressed in the UDO are very strict guidelines that prevent development in the middle of cornfields. From a financial standpoint, the cost to the County and ultimately to the residents of the County, whether municipal and County, begins to go through the roof when developments are allowed to occur in the middle of corn fields because of infrastructure requirements. She also stated that the problems that occur to her district are when problems to the aquifers and the quality of water are created when they are counting on the water in the years ahead. Ultimately that is the end result she is looking for. She wanted to make sure this message was voiced today for the benefit of the committee, and to also make sure Mr. Pollock was aware of it as the UDO developer.

Mr. Donley and Mr. Munaretto left the meeting at 10:50 a.m.

Concerning an elimination of density bonuses, Ms. Draffkorn stated that she would like to see them retained in the UDO. She mentioned that affordable housing is a huge issue in the County and the density bonuses need to be kept in the UDO in order to create more affordable housing. Mr. Sandquist mentioned that the Housing Commission provided correspondence stating that rather than making it a requirement to provide affordable housing, it should be retained as a density bonus. They also received correspondence from the City of Crystal Lake which mentioned that they would like a housing inclusionary zoning provision. Chairman Hill mentioned that she attended a recent McHenry County Council of Governments (McCOG) meeting. McCOG members will be working on suggestions for property maintenance which they will submit to the committee for review.

Mr. Haerter stated that he cannot envision a conservation design subdivision having affordable housing. He is against density bonuses because they encourage people to develop land that would not be able to be developed if they did not have density bonuses. If it is in an environmentally sensitive area, it probably will be in a recharge area.

Ms. Donner and Mr. Heisler left at 11:05 a.m.

Mr. Sandquist questioned if it was the direction of the committee to retain density bonuses for affordable housing, or mandate affordable housing. Ms. Draffkorn stated that the Housing Commission requests density bonuses and not mandating affordable housing. The direction given to Mr. Pollock was to not include mandating affordable housing. Ms. Draffkorn stated that in order for the Housing Commission to accept Federal dollars from HUD, they need to have it stated in the UDO. She mentioned that the memo states that mandating affordable housing is better and the Housing Commission is requesting density bonuses for affordable housing. Ms. Wanaski mentioned that the idea of doing a density bonus within a development is to avoid projects like Robert Taylor homes. If there are a certain number of units in each development as being affordable, then affordable housing is spread throughout the County and it is not segregated in one area. Committee members will further discuss this matter at a future meeting. Ms. Wanaski will provide them with a copy of the Fair Housing Act.

NEW BUSINESS (Continued):

CDBG Commission Revised Bylaws: Chairman Hill requested that this item be deferred to the next Planning and Development Committee meeting.

REPORTS TO COMMITTEE:

Community Metropolitan Agency for Planning (CMAP): None.

Community Development Block Grant (CDBG) Commission: None.

Historic Preservation Commission: None.

Housing Commission: None.

MISCELLANEOUS: None.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Draffkorn made a motion, seconded by Ms. Schuster, to adjourn the meeting at 11:20 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:

Resolution Authorizing an Amendment to Resolution R-200708-10-208 Authorizing Adoption of Housing Investment Partnership (HOME) Program Funding for the 2007 Program Year and Authorizing an Amendment to Resolution R-201104-10-093 Authorizing Adoption of Housing Investment Partnership (HOME) Program Funding for the 2010 Program Year and an Emergency Appropriation to the CDBG-HOME FY2011 Budget and the Submittal of Amended Action Plans as Applicable to HUD

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