



McHenry County
Planning, Environment & Development - Public Meeting
MINUTES

July 1, 2024, 8:30 AM
County Board Conference Room
Administration Building, 667 Ware Rd., Woodstock, IL 60098

Members Present: Larry Smith, John Reinert, Carl Kamienski, Joseph Gottemoller, Louissett Ness, Carolyn Campbell, Jim Kearns

Full comments on all agenda items are included in the video recording of this meeting.

1. CALL TO ORDER

Meeting called to order at: 8:32 A.M.

Also present: Peter Austin, County Administrator; Adam Wallen, Director of Planning & Development; Renee Hanlon, Deputy Director of Planning & Development; Stoyan Kolex, Water Resources Manager; Patricia Nomm, Director of Environmental Health.

Mover: Kearns
Secunder: Kamienski

To allow the remote attendance of Ms. Ness and Mr. Gottemoller.

Aye (5): Smith, Reinert, Kamienski, Campbell, and Kearns

Abstain (2): Gottemoller, and Ness

Recommended (5 to 0)

2. MINUTES APPROVAL

Mover: Kamienski
Secunder: Reinert

Approve previous minutes of the June 4, 2024 meeting.

Aye (7): Smith, Reinert, Kamienski, Gottemoller, Ness, Campbell, and Kearns

Recommended (7 to 0)

2.1 Planning, Environment & Development - Public Meeting - June 4, 2024 8:30 A.M.

3. PUBLIC COMMENT

None.

4. MEMBERS' COMMENTS

None.

5. NEW BUSINESS

5.1 Deliberation and Selection for the McHenry County Conservation District

Chair Smith stated they were going back to the previous applicants that they had a month ago and since they had someone resign from the McHenry County Conservation District Board the Committee needs to recommend someone for approval. The suggestion from County Board Chairman Buehler was to reconsider the previous applicants as they were a good candidate group last time.

Chair Smith then opened the floor to members to suggest a candidate for deliberation.

Mover: Campbell

Secunder: Kamienski

To recommend the appointment of Nora Zeller to the County Board Chairman for the McHenry County Conservation District with a term to expire on June 30, 2026.

Aye (7): Smith, Reinert, Kamienski, Gottemoller, Ness, Campbell, and Kearns

Recommended (7 to 0)

6. PRESENTATION

None.

7. ROUTINE CONSENT AGENDA

None.

8. DISCUSSION

8.1 Discussion on Conditional Use Permits (CUP) Terms and Conditions

Adam Wallen, Director of Planning and Development, and Renee Hanlon, Deputy Director of Planning and Development, joined the committee for the discussion.

Mr. Wallen stated the discussion is a continuation of the previous conversation about Conditional Use Permits (CUP). He stated the primary point was the duration of the approvals, which they have as a recommended standard of 10 years.

Ms. Hanlon stated they have anything from 5 years to 50 years on the books, so the Unified Development Ordinance (UDO) has a minimum standard of 10 years but if there are extenuating circumstances they approve a certain timeline.

Mr. Wallen stated the predominant case types are for landscape businesses.

Chair Smith stated he does not know where else the committee can go with the discussion. He stated they could talk with the State's Attorney's Office (SAO) regarding Mr. Gottemoller's thoughts and revisit the topic in a month. He stated by then they could go through the different ones and figure out a way to categorize the time limits. He stated he is going to stick with the idea of keeping them individually because he does not see how they can categorize them but he is open to the conversation.

Mr. Kearns inquired if the permits that do not have a renewal time listed have an ending date. Ms. Hanlon stated the renewal category is just people who have renewed so they have a time limit.

Chair Smith concluded with the direction for Mr. Wallen and staff to check with the SAO, and bring the discussion back to the next month's agenda.

8.2 Drain Tile Requirement Related to Solar Facilities

Mr. Gottemoller leaves the meeting at 9:30 A.M.

Adam Wallen, Director of Planning and Development, and Stoyan Kolev, Water Resources Manager, joined the committee for the discussion.

Mr. Wallen stated they received a State's Attorney opinion late Friday afternoon that bolstered the state law's authority. The Illinois Agricultural Impact Mitigation Agreement (AIMA) has stipulations in state law that if the drainage and drain tile is damaged it needs to be repaired in a reasonable timeframe. He stated the SMO has requirements for drain tile replacements with some engineering exceptions, such as if there was something that would not agree that it is the best idea to replace the drain tiles. The case that brought the issue to the surface was a solar farm that replaced its drain tiles.

Chair Smith stated they do what they are able to until they are put in a position where they are told they cannot. He inquired about who makes the decision that if they had drain tile running across the southwest corner and it would not work they would need to move it to the northeast corner and who designed it.

Mr. Kolev stated the applicant's engineer would propose that solution, they would review it to see if it is viable, and then they would provide a solution. He noted that they would prefer that the drain tiles are not changed too often because they want to maintain the integrity and functionality of the farmland.

Chair Smith stated the takeaway is that the County went to the applicant that was an issue, and they did their part. He stated it is unfortunate that it is flooding the neighbors downstream but it seems as though it would be their responsibility to fix their tile, so he does not see why they would apply the bond to fix someone else's damage.

Mr. Kolev stated they are required to adopt the County's SMO, and if the language is included they would need to adhere to those standards. Chair Smith wanted to confirm that is something that they could enforce. Mr. Kolev confirmed that is correct.

Chair Smith stated it is an unfortunate situation but it is up to the land owner that is downstream to either take care of it or not. He stated the topic was on the agenda for discussion and the committee does not need to provide direction because the department did what they were required to do.

8.3 Pool Barrier Regulations Associated with McH Department of Health

Adam Wallen, Director of Planning and Development, and Patricia Nomm, Director of Environmental Health, joined the committee for the discussion.

Chair Smith stated the discussion came up because some of the regulations of the County are different than municipalities.

Ms. Nomm stated the regulations were put in place intentionally in the Health Ordinance by the County Board in 1990-1992 after a tragic drowning had occurred. The County Board intended to capture all of the pools in the County, both existing and proposed, and to put them in the Health Ordinance which impacted every pool in the County. At that time the P&D staff went and identified every residential pool in the County and there were somewhere between 8,000-10,000 in the County, and when it was put in place the Board put in some allowances prior to the approval date if they were within 15% of the design specifications. She reminded the committee that the pool barrier requirements are intended to prevent the drowning of children under the age of 6. She stated the issue that has arisen is that the Health

Ordinance that was put in place at the time it specifically prohibited pool barrier covers in lieu of a barrier. From a public health perspective, they want all layers of protection, but since that time there have been municipalities that have adopted the international swimming pool and spa code which allows for pool covers that meet the ASTM standards in lieu of the barriers. She stated she was there looking for direction to see if the County Board wants to continue having the Health Department set the minimum standard for the pool barriers or if they should defer to the municipalities that have their own building codes.

Chair Smith inquired if they would have to go to municipalities that have an Ordinance stating a pool cover is good enough and ask them to change their Ordinance or tell them that the County would be enforcing its Ordinance within their city limits. Ms. Nomm confirmed that is correct and that is the direction that she is seeking.

Chair Smith stated he would suggest reaching out to the municipalities and see what pushback they would have. Ms. Nomm stated she is happy to reach out. Chair Smith stated if they get pushback and would prefer to follow the standard that they have adopted, then the County would have to make the decision about enforcing or changing the Ordinance.

9. REPORTS

Ms. Ness leaves the meeting at 9:45 A.M.

9.1 ZBA and Hearing Officer Reports

9.1.a Zoning Applications going before the County Board on July 16, 2024

Renee Hanlon, Deputy Director of Planning and Development, joined the committee for the discussion.

Ms. Hanlon stated this month the committee has four petitions on the agenda. Three are on the Consent Agenda, two went before the Zoning Board of Appeals (ZBA) and had unanimous approval and the other went to the Hearing Officer as it is a variation that was recommended for approval. The fourth is on the Regular Agenda, which is a consideration for Prairie Enterprises and the City of Crystal Lake formally objected to it.

Chair Smith inquired if they had any information from the City of Crystal Lake. Ms. Hanlon stated she does not. Chair Smith inquired if they had changed their position at all.

Mr. Austin stated there has been some exchange of information between the developer and the City, but he does not see a formal negotiation and neither position seems to be moving from its original position. He stated he and Mr. Wallen will be meeting with Ms. Nomm to discuss the proximity of the development to existing water and the potential for a sleeve under Route 14 to make it more approximate.

Chair Smith then inquired if Mr. Austin would email out a report to the committee, so they could deliberate at the next County Board meeting.

10. FUTURE TOPICS

Mr. Reinert stated earlier in the meeting that the Unified Development Ordinance (UDO) changes and some of the zoning changes. He stated this month is a new energy code with new construction that calls for an R30 insulation in the walls, which would require a 2x8 exterior wall.

Chair Smith stated he disagreed and noted that they could do it with a 2x6 but either way it would be expensive.

Mr. Reinert stated he would like to see if they could discover who in Springfield created the code and see if they would consider a more reasonable 2x6 wall that would be normal.

Mr. Wallen stated he is hearing a request to see what it would look like to request an amendment to that local or state code. He stated they can certainly frame that, as there are a couple of different things that have been popping up and they are looking for other alternatives, which there are, but he noted that it would still be an R30 insulation.

Chair Smith stated the R30 would need to be changed, otherwise that is where the expense is at. He wanted to confirm that the State put it into effect on January 1 and the County is currently complying, but he does not know how they could delay the current projects. He stated it would be unfair to have the current builders use 2x8 walls and tell the next person that they would not need to.

Mr. Reinert stated the goal is to build affordable housing so he does think someone should talk with Springfield and see what direction they are going because two different things are being said.

11. EXECUTIVE SESSION (AS NECESSARY)

None.

12. ADJOURNMENT

Mover: Kamienski

Second: Smith

To adjourn the meeting at 10:00 A.M. -TCCazares

Aye (5): Smith, Reinert, Kamienski, Campbell, and Kearns

Absent (2): Gottemoller, and Ness

Recommended (5 to 0)