

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
MARCH 15, 2010**

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order

Chairman Weigel called the meeting to order at 2:00 p.m.

Members Present at Roll Call

Tom Weigel, Debbie Rozak (arrived at 2:05pm), Kathleen Konicki, Sharon May, Michael Wisniewski and Brian Smith.

Members Absent

Katrina Deutsche was absent.

Staff Present

Amy Munro, David Dubois, Derek O'Sullivan, Jamy Lyne, Thomas Carroll and Pat Cline.

State's Attorney Present

Melanie Manning.

Others Present

None

Approval of Minutes

Chairman Weigel stated there are no minutes to approve. They will be continued to the next meeting.

Preliminary Plats and Planned Unit Developments (PUD)

None.

Other Business

Correction of a Scrivener's Error (Case Number HPC 09-42)

Chairman Weigel stated the resolution prepared for Case Number HPC 09-42 states the common name as "Kathy A. Miller Insurance Agency." The "A." is incorrect in the common name which should instead state, "Kathy Miller Insurance Agency." Chairman Weigel called for a motion to approve this change.

Katrina Deutsche made a motion to remove the A. out of the name of Kathy Miller Insurance Agency. Motion seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (5-0)

Resolution Authorizing County Executive to Enter into IHPA, FY 10 CLG Grant Program to Continue Rural Historic Structures Survey Project

Amy Munro stated the purpose of the resolution before the Committee would authorize the County Executive to execute a grant agreement for a grant application to continue our rural structure survey in probably one more township. This has been an ongoing project for the past ten years. The County Board approved the application for this project in November 2009 and staff just learned of this award about three weeks ago. The local obligation is \$8,000.00 and the Federal match is \$18,000.00.

Chairman Weigel asked if we know what township it will be.

Ms. Munro responded they anticipate it may be Florence, Reed, Custer or Wesley.

Kathleen Konicki made a motion to recommend approval of the Resolution Authorizing the County Executive to enter into Illinois Historic Preservation Agency (IHPA), Fiscal Year 2010 Certified Local Government (CLG) Grant Program to continue the Will County Rural Historic Structures Survey Project. Sharon May seconded the motion.

ALL IN FAVOR

MOTION CARRIED (5-0)

Water Resource Ordinance for Unincorporated Will County-Public Hearing Draft Approval

Chairman Weigel stated the Committee has seen this two previous meetings and it has been updated for comments and will be going to public hearing next month. He asked if any committee members had any comments.

Kathleen Konicki said she has two comments. The first one is at the bottom of page one, Section 200.2, subsection g. It says 'The Chief Subdivision Engineer may, at his/her direction, modify requirements on a case-by-case basis considering the size, complexity, and likelihood that a development will affect the discharge of stormwater. She stated to her, that's a big, wide barn door and it's not qualified by any criteria under which he is to exercise his discretion. It's pretty much a

blank check. She doesn't mind that so long as he is required to at least bring it before the Will County Board for a vote of support and approval what he's about to modify. She said she would not give anybody in County government a blank check to modify ordinance requirements. She stated maybe that could be challenged in court.

Chairman Weigel asked if that comes before County Board.

Derek O'Sullivan stated he believes this comes out of the countywide ordinance and reading it the way it is now and Commissioner Konicki's concern it does seem like it waves every single requirement in the ordinance. So they could probably make some modification to that based on discussion now and have it in the draft ordinance for PZC.

Mr. O'Sullivan stated the additional revisions today are based on Committee comments that came out of the meeting last month. An internal review was done to make sure they got everything taken care of. Two changes noted were redlined items under Section 200.2 were switched over to the Exemption side, which is Section 200.3. They felt it was more appropriate for them to be listed as an exemption versus applicability. These two items were moved over to Section 200.3, items "c." and "d." respectively. Initially, in the memo to the Committee last month, letter "b." was stricken out and in a. industrial was struck out and in doing that, it was less restrictive than the Countywide, so they went ahead and added it back into the Ordinance. So it's now as restrictive as the Countywide.

Kathleen Konicki asked how the Water Resource Ordinance relates to the Stormwater Management Ordinance. Ms. Konicki stated there was language being inserted into our Stormwater Management Ordinance to exempt trails from detention requirements.

Mr. O'Sullivan stated the Countywide Ordinance revision was only regarding direct discharge. The ones in your hands now are for unincorporated Will County.

Ms. Konicki asked which is the one that has the exemption for trails? Mr. O'Sullivan stated this one. The Water Resource Ordinance.

Mr. Konicki stated she had requested to exempt trails; that they be required to do the calculations. Mr. O'Sullivan stated that's right. Ms. Konicki stated the calculations were to be done in accordance with a certain section of that ordinance and the site is incorrect. Where would that be in the material? Mr. O'Sullivan stated they made the revisions based upon Ms. Konicki's comments. Ms. Konicki referred to the Water Resource Ordinance for Unincorporated Will County (Draft 3/1/2010); she noticed on page 18, third line down under subparagraph "i."; it refers to Section 202.3 and it should be 203.2.

Kathleen Konicki stated on page 18 of the big ordinance under subparagraph "i.", the third sentence Section 202.3 be corrected to 203.2. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Ms. Konicki referred to page 17, subsection 200.2 “g.” that states “The Chief Subdivision Engineer may, at his/her direction, modify requirements on a case-by-case basis considering the size, complexity, and likelihood that a development will affect the discharge of stormwater. She requested the phrase ‘Subject to approval by the Will County Board’ be added at the beginning before ‘The Chief Subdivision Engineer.’

Kathleen Konicki made a motion to add the phrase, Subject to approval by the Will County Board, the Chief Subdivision Engineer may, at his/her direction, modify requirements on a case-by-case basis considering the size, complexity, and likelihood that a development will affect the discharge of stormwater. Michael Wisniewski seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Debbie Rozak asked if staff had a chance to talk to the Forest Preserve District about “i.” Mr. Carroll stated he spoke to the Forest Preserve District last week and they are currently reviewing the entire ordinance and they are hoping to bring something back in a week or two; so staff can bring their comments to Land Use in April.

Chairman Weigel asked if anyone had any additional comments.

Kathleen Konicki referred to page 3 of the Additional Comments handout Requirements for Buffer Areas and asked for an explanation. Derek O’Sullivan stated the concern here was the proximity of the trail itself to the wetland. Initially it was discussed to set some sort of a schedule that would dictate how far a trail would need to be from the wetland depending on the quality of the wetland. By doing that it would also make it very difficult to have some sort of regulation based on that. In lieu of doing some sort of schedule on that they decided to allow a maximum usage of the buffer up to twenty percent (20%) and allow the design, Forest Preserve or whatnot to design a trail system that’s functional for their use. You can’t use more than twenty percent (20%) of the buffer but you also can’t go over ten feet (10’) of the wetland itself. So it still provides a bit of a buffer to the wetland but gives some flexibility for design purposes to do something onsite that’s effective and meaningful to the applicant.

Kathleen Konicki said if we take out the strike out in the first part of the paragraph it works fine. Debbie Rozak agreed.

Kathleen Konicki made a motion to remove the strike out in the first part of the paragraph in Section 407.3(i)(1.). Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Ms. Konicki asked for an explanation for the changes proposed in Section 904.1 b. 4 that talk about high quality aquatic resources and wetlands. Derek O’Sullivan responded that the intent is to preserve it all, protect it all. Keep in mind this is a variance criteria. It’s not an ordinance requirement, per se. It’s for when we recommend approval or denial for a particular case. It’s just a way to judge whether or not their request is in line with the criteria in the rest of the ordinance. So it’s not really telling them they have to do one thing or the other; this is the criteria that should be used to judge it.

Ms. Konicki asked if we lose anything by having the phrase ‘existing wetlands’ disappear from our ordinance? Mr. O’Sullivan said, I don’t think so. The intent here is to preserve all environmental resources. We’re just highlighting some of the ones we felt are important. Ms. Konicki asked Mr. Sullivan if he would have a problem with putting the phrase ‘existing wetland’ back in instead of taking it out? Mr. O’Sullivan said that is fine.

Kathleen Konicki made a motion regarding Article 9 Variances, number 4; to add the words ‘existing wetlands’ in after the words High Quality Aquatic Resources. Brian Smith seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Michael Wisniewski made a motion to approve the Draft Water Resource Ordinance for Unincorporated Will County as amended. Debbie Rozak seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Mr. O’Sullivan stated just for the Committee’s information, the public hearing is scheduled for April 6th.

Chairman Weigel stated the next item is the Northeastern Illinois Regional Water Supply/Demand Plan. This was approved by the Committee at a prior meeting last month. It went to the Executive Committee and they made some changes. They needed a little stronger language in favor of Will County. He entertained a motion for approval.

Debbie Rozak made a motion to approve the Northeastern Illinois Regional Water Supply/Demand Plan as revised. Michael Wisniewski seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Michael Wisniewski made a motion to approve the revised resolution regarding the Northeastern Illinois Regional Water supply/Demand Plan (Looking Out to 2050). Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

Reports, Communications, Correspondence

Chairman Weigel asked Committee members if anyone had any comments.

Debbie Rozak asked when and where the April 6th public hearing is being held.

Derek O’Sullivan stated it is scheduled to be held at the regular PZC meeting April 6th at 6:30 p.m. at the County Office Building here in the County Board room.

Kathleen Konicki asked if the digital billboard ordinance was moving forward to the County agenda because she doesn’t think they voted on that. David Dubois said next month. It will be discussed at the next regularly scheduled Committee meeting.

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Adjournment

Michael Wisniewski made a motion to adjourn the meeting. Katrina Deutsche seconded the motion.

ALL IN FAVOR

MOTION CARRIED (6-0)

The meeting was adjourned at 2:25 p.m.