

Lake County Illinois

*Lake County Courthouse and Administrative Complex
18 N. County Street
Waukegan, IL 60085-4351*



Minutes Report

Tuesday, November 9, 2010

8:30 AM

Assembly Room

Planning, Building and Zoning Committee

1.0 Call to Order

The meeting was called to order by Chairman Mountsier at 8:30 a.m. Roll call was taken with Members Carlson, Gravenhorst, Hewitt, Lawlor, Mountsier, O'Rourke, and Wilke present constituting a quorum.

Staff Present: Brittany Albrecht-Sloan, Steve Crivello, Bill Hunt, David Husemoller, Megan Krueger, Philip Rovang, Pat Tierney, Eric Waggoner, Sheel Yajnik

Others: Barry Burton - County Administrator, Dusty Powell - County Administrator's Office, Marvin Raymond - Regional Planning Commission, Todd Daniels - Sexton Wind Farm, Walter Willis - SWALCO, Patricia Palmieri - Resident, Michal McClure - Resident, Melinda Bush - County Board Member, Linda Pedersen - County Board Member, Bill Rush - Resident, Christina Rush - Resident, Terry Ramsdale - Resident, Mike Warner - Stormwater Management Commission, Ed Sebesta - Resident, Carol Sebesta - Resident, Annette Lubkeman - Resident, Mary Drimalla - Resident, Roger Gerber - Resident, Beth Gerber - Resident, Kathleen Shea - Resident, Kitty Culbert - Resident, Pete Busceni - Resident, Pat Busceni - Resident, Vivian Morrison - Resident, Donna Rieter - Resident, Jim Rieter - Resident, Sandra Inglis - Resident, Lynne Davis - Resident, Barbara Wagner - Resident, Maura Fredrick - Resident, Lisle Stalter - State's Attorney's Office, Suzi Schmidt - County Board Chairman, Chuck Gleason - Lake County Division of Transportation, Paul Geiselhart - Heritage Farm Foundation President, Jeff Walsh - Heritage Farm Foundation, Raine Ray - Regional Planning Commission, Ilse McClure - Resident, Kevin Lyons - Resident, Moses Amidei- Village of Wadsworth, Linda Wood - Resident, Michael Coon - North County Development, Carol Dorge - North County Development

Present 7 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Member Gravenhorst

2.0 Pledge of Allegiance

Chairman Mountsier explained to the audience that this meeting was not for the purpose of a public hearing, but that everyone would be allowed three minutes to address the Committee with their concerns. He explained that he would allow public comments following initial Committee business, and he asked that the speakers not repeat comments from previous residents.

The group recited the Pledge of Allegiance.

Chairman Mountsier stated that he would take item 9.1 out of sequence, following the approval of the minutes to allow Mr. Mike Warner to depart from the meeting to attend another meeting. The agenda would resume in the assigned order following Stormwater Management Commission's request.

3.0 Minutes

3.1 10-1038

Minutes from the Previous Meeting.

- Minutes from the October 26, 2010, PB&Z Committee Meeting.

Motion to approve the minutes from the October 26, 2010 PB&Z Committee Meeting by Member Hewitt, seconded by Member Wilke. Motion passed.

approved

Aye: 6 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke and Chair Mountsier

4.0 Added to Agenda Items

There were no items to be added to the agenda.

5.0 Public Comments - Items not on the Agenda

Patricia Palmieri, 18241 W. Edwards Road, Antioch, Illinois 60002, read from a handout that discussed hearing problems associated with the noise from wind turbines.

Michal McClure, resident of Lake County, stated that he is pleased with the efforts of the Lake County Forest Preserve to preserve open lands within the County. He stated that the County in general is beautiful, and he urged the Committee to consider the changes that would take place to the landscape if wind turbines are permitted.

Member Gravenhorst entered the meeting at 8:40 a.m.

Bill Rush, 42905 Sheridan Oaks Drive, Antioch, Illinois 60002, stated that he has been informed that individuals promoting wind energy will make many false statements to get their projects approved.

Christina Rush, 2905 Sheridan Oaks Drive, Antioch, Illinois 60002, explained some of the health problems experienced by individuals living near large wind turbines.

Terry Ramsdale, resident of Lake County, stated that she is concerned about the loss of her property values and she does not believe that large wind turbines belong in Lake County.

Ed Sebesta, 42200 N. Hunt Club Road, Old Mill Creek, Illinois 60083, stated that he would allow his wife to speak on his behalf.

Carol Sebesta, 42200 N. Hunt Club Road, Old Mill Creek, Illinois 60083, stated that the residents of the area have spent as much time preparing for this item for vote as the Committee members. This is an important issue to the residents because it affects their homes.

Annette Lubkeman, 42826 Sheridan Oaks, Antioch, Illinois 60002, read from an article explaining how the installation of wind turbines affect property values and structures located near these turbines.

Mary Drimalla, resident of Sheridan Oaks, Antioch, Illinois 60002, stated that she feels much the same as her neighbors who spoke before her. She is concerned about the effects on the County and its residents if the installation of large wind turbines are allowed. She urged the Committee to protect Lake County residents.

Roger Gerber, 17618 W. Edwards Road, Antioch, Illinois 60002, stated that he uses the equity from his home to support his personal business. He explained that if large wind turbines are allowed in the County, his property value will decrease substantially and he will be forced to close his business. This will place others out of work, and stop the production of his products. The wind turbines would cause a domino effect.

Kathleen Shea, 42275 Crawford Road, Antioch, Illinois 60002, explained some of the problems associated with wind turbines installed in Champaign County, Illinois.

Maura Fredrick - 42716 N. Sheridan Oaks Drive, Antioch, Illinois 60002, stated that she is concerned for the health of her children, and she hopes that the Committee will listen to the concerns of the residents when making their decisions.

6.0 Chair's Remarks

There were no remarks from Chairman Mountsier.

6.1 Members' Remarks

There were no remarks from the Committee members.

7.0 Old Business

7.1 10-0677

Resolution to amend the Unified Development Ordinance (UDO) Article 6, 13, 14 and the Appendix to incorporate new text regarding the permitting of wind energy facilities.

- The Planning, Building and Zoning Committee reviewed and discussed Exhibit A, which includes the originally proposed text amendment with the revisions proposed by the Regional Planning Commission and the Zoning Board of Appeals. The PB&Z Committee has recommended further changes which are included in Exhibit B.

Mr. David Husemoller presented the staff report on the proposed text amendments to the Unified Development Ordinance regarding wind energy.

Vice-Chairman Lawlor stated that one of his on-going concerns is the setback ratio for the installation of large wind turbines. He asked for further explanation from David Husemoller.

Mr. Husemoller explained how staff reached their recommendations for the setbacks.

Vice-Chairman Lawlor stated that he feels the other provisions of the proposed ordinance would protect the residents, and he feels that the ordinance is so restrictive that large wind turbines would not be able to meet the requirements and would therefore never be installed.

Member Carlson stated that any application for the installation of a large wind turbine would be heard before the PB&Z Committee because they would be the Committee to oversee the Conditional Use Permit application. He would like to finalize this issue because this is the last meeting of the current Committee, and the issue needs to be decided.

Member Hewitt stated that she also feels that the issue should be decided. The Committee needs to determine if they will or will not allow large wind turbines in Lake County.

Member Wilke stated that there are areas and/or businesses such as the College of Lake County that would benefit from the installation of large turbines, and they should be allowed as the proposed ordinance does provide for the protection of the area residents.

Motion altered to place Exhibit B on the floor by Member Carlson, seconded by Member Hewitt.

The discussions continued following the motion.

County Board Member Melinda Bush urged the Committee not to restrict clean, green energy, and to preserve the option of allowing specific businesses and schools to install turbines within the County.

Member O'Rourke stated that he is in favor of wind energy, and that he as a County Board Member, would not approve an issue that he felt would harm the residents of the County. There are other contaminants in the environment and individuals that place themselves in harms way each and every day, and he feels that the trade-offs associated with the wind power issue are much less than with some current energy sources. He hopes that when the vote is taken, it is an honest vote from the Committee.

County Board Member Linda Pedersen stated that the representatives of Lake County need to stop the comparison of Lake County to the Counties in Wisconsin that have allowed the installation of wind turbines. She stated that wind turbines are acceptable only in certain areas.

Member Carlson stated that the smaller turbines are acceptable in the County, while 400 to 500 foot towers are not acceptable within Lake County.

Member Wilke stated that he felt the setback issue pertaining to residential areas should be reviewed, and he asked for a review of the decommissioning process for large turbines.

David Husemoller reviewed the sections pertaining to the decommissioning process for large wind turbines in the proposed ordinance.

Vice-Chairman Lawlor stated that the height issue needs to be fact-based and appropriate for the County. The large turbines begin at 175 feet and he felt that the definition of a large turbine may need to be reviewed.

David Husemoller explained the requirements used to determine the definition for large turbines.

Member O'Rourke stated that Lake County is one of the largest and most densely populated counties in the nation and is not comparable to other counties that have installed wind turbines. He felt that if Lake County does not want wind turbines, the residents and representatives for Lake County should not expect the other counties to accept the entire burden for our energy needs because the residents in other counties may not want the turbines either.

Member Gravenhorst recalled her statements from the previous meeting; her comment was that wind turbines were not appropriate in Lake County, but if approved the standards must be very strict. She went on to say that she would accept wind turbines in specific areas, but she does not feel that standards governing turbines can successfully allow some turbines while denying others and still protect the residents. She agreed that this Committee needs to finalize this issue.

Member Carlson stated that even if the ordinance is accepted, the Committee will still be responsible for reviewing the applications whether encumbered by a variance or by a CUP; therefore, the issue will continue to be an issue for the PB&Z Committee.

Member Wilke stated that it is the job of the County representatives to ensure that business and the market can react in the economy and to remain out of the way of the progress. He asked David Husemoller to explain an appropriate residential setback.

David Husemoller stated that the State of Wisconsin has recently revised their ordinances to have a setback of 310 percent from other residences.

County Board Member Melinda Bush stated that compromises much be reached. While she is aware of the residential issues surrounding the installation of the turbines she does not want the Members to impede the efforts of alternative energy progress.

Motion to amend the ordinance to increase the setback to 250 percent to residential structures by Vice-Chairman Lawlor, seconded by Member Wilke. Motion passed.

approved

Aye: 6 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke and Chair Mountsier

Nay: 1 - Member Gravenhorst

Motion to approve the proposed text amendments to the Unified Development Ordinance regarding wind energy outlined in Exhibit B as amended by Member Carlson, seconded by Member Hewitt. Motion passed.

Chairman Mountsier allowed a five-minute recess to allow the room to clear at 9:51 a.m.

The meeting reconvened at 9:56 a.m.

recommended for adoption as amended to the regular agenda

Aye: 6 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke and Chair Mountsier

Nay: 1 - Member Gravenhorst

8.0 Public Informational Meetings

There were no public informational meetings to be held.

**9.0 Stormwater Management Commission
approved**

9.1 10-1062

Joint resolution authorizing an emergency appropriation in the amount of \$19,170 in the Stormwater Management Commission's Miscellaneous Contractual Services 212-4208110-79940-000-000-000-42031 for the purchase of 0.27 acre of Wetland Mitigation Credits at the Neal Marsh Wetland Mitigation Bank within the Des Plaines River Watershed.

- SMC has collected funds from development related Isolated Wetland impacts in the Des Plaines Watershed.
- A bid procedure was followed for the two wetland mitigation banks with credits.
- The low bid to replace the impacted wetland acreage was \$19,170.
- A total of 0.27 acre of wetland credits will be purchased from the Neal Marsh Mitigation Bank through this emergency appropriation.

This item was heard immediately following the approval of minutes.

Mr. Mike Warner presented the staff report on the joint resolution authorizing an emergency appropriation in the amount of \$19,170 in the Stormwater Management Commission's Miscellaneous Contractual Services 212-4208110-79940-000-000-000-42031 for the purchase of 0.27 acre of Wetland Mitigation Credits at the Neal Marsh Wetland Mitigation Bank within the Des Plaines River Watershed.

Motion to approve the emergency appropriation in the amount of \$19,170 in the Stormwater Management Commission's Miscellaneous Contractual Services 212-4208110-79940-000-000-000-42031 for the purchase of 0.27 acre of Wetland Mitigation Credits at the Neal Marsh Wetland Mitigation Bank within the Des Plaines River Watershed by Member Wilke, seconded by Member Carlson. Motion passed.
approved and referred on to Financial and Administrative Committee

Aye: 6 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke and Chair Mountsier

10.0 Unified Development Ordinance

10.1 10-0099

Resolution on Zoning Case Number 3701, which consists of the application from the County of Lake, which seeks to amend the text of the Lake County Unified Development Ordinance relating to the Construction and Demolition Debris Recycling Facilities and establishing standards for such facilities.

- This is an amendment to the Unified Development Ordinance relating to the Construction and Demolition Recycling Facilities and establishing standards for such facilities.
- Mr. Walter Willis, Executive Director of SWALCO, previously provided the Committee with

background on the need to establish standards relating to the establishment of recycling facilities for construction and demolition debris.

- Following an introduction to this information, the Committee directed staff to draft proposed amendments to the Unified Development Ordinance for consideration.
- Staff worked with SWALCO, Environmental Health, and the State's Attorney's Office to develop the proposed standards for Construction and Demolition recycling facilities.
- The PB&Z Committee subsequently recommend that the County Board direct the Zoning Board of Appeals to conduct a public hearing to consider the proposed amendments, which took place on October 6, 2010.
- The Regional Planning Commission, the Zoning Board of Appeals, and the Planning, Building and Development Department staff all recommend adoption.

The Committee watched a short video of two existing facilities as part of the presentation.

Ms. Sheel Yajnik introduced Mr. Walter Willis, Executive Director of SWALCO.

Mr. Willis presented the staff report on Zoning Case Number 3701, which consists of the application from the County of Lake, which seeks to amend the text of the Lake County Unified Development Ordinance relating to the Construction and Demolition Debris Recycling Facilities and establishing standards for such facilities.

Motion to approve Zoning Board of Appeals case number 3701 which seeks to amend the text of the Lake County Unified Development Ordinance relating to the Construction and Demolition Debris Recycling Facilities and establishing standards for such facilities by Member Gravenhorst, seconded by Vice-Chairman Lawlor. Motion passed.

recommended for adoption to the regular agenda

Aye: 7 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Member Gravenhorst

10.2 Subdivisions

10.2 10-1135

.1

Amendment to Final Plat relating to Lot 7 to reduce a Drainage and Public Utility Easement.

Long Meadow Farms Subdivision

Ela Township - District 18

- Long Meadow Farms consists of 41 lots and was platted in October 2005.
- The owner of Lot 7 is proposing an amendment to the approved final plat to reduce a 15 ft. drainage and public utility easement to 5 ft. to accommodate grading and landscaping associated with their pool.
- Staff and all necessary review agencies have reviewed the amendment and have no objections to the proposed amendment.
- Staff recommends that the plat amendment be approved.

Mr. Pat Tierney presented the staff report on the Long Meadow Farms Planned Unit Development Subdivision request for a plat amendment to allow for a drainage and public utility easement.

Vice-Chairman Lawlor stated that this item is located within his district and he is in favor of this amendment.

Motion to approve the request for a plat amendment for Long Meadow Farms Planned Unit Development Subdivision request for a plat amendment to allow for a drainage and public utility easement by Vice-Chairman Lawlor, seconded by Member Gravenhorst.

Motion passed.

approved

Aye: 7 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Member Gravenhorst

10.3 Zoning

11.0 Permits and Enforcement

There were no items under permits and enforcement.

12.0 Planning

12.1 10-0874

Resolution authorizing amendments to the Framework Plan Future Land Use Map for consistency with the Unified Vision for the Central Lake Thruway (the Route 120 Corridor), the Heartland and Cornerstone Agreements, Forest Preserve Acquisitions, and existing development.

- In February 2010 the PB&Z Committee authorized staff to update the Framework Plan Future Land Use Map for consistency with the Central Lake Thruway Unified Vision, Forest Preserve District Acquisitions, the Heartland Agreement, and recent developments in or near the CLT Corridor.
- PB&D and LCDOT staff contacted County Board members about the properties in their districts that would be impacted by the Future Land Use Map amendment. Member recommendations are reflected in the proposed Future Land Use Map changes.
- Staff of both departments met with representatives from the municipalities that have jurisdiction over incorporated properties within the Future Land Use Map amendment areas.
- Property owners directly impacted by the proposed amendment, and neighboring property owners, were informed about the amendment process by letter. Three open houses for property owners were held; a press release was written and distributed by the Communications Office; and notice of the proposed Future Land Use Map amendment process was posted on the County's website.
- The Regional Planning Commission reviewed the proposed Future Land Use Map changes at its meetings of July 20, August 17, and September 21, 2010. The RPC voted to recommend the Future Land Use Map changes shown on the included map at its meeting of September 21. The RPC also directed staff to forward RPC Commissioners' dissenting comments to the PB&Z Committee.
- Staff requests that the Committee forward the amended Future Land Use Map to the full County Board for approval.

Mr. David Husemoller presented the proposed amendments to the Framework Plan Future Land Use Map for consistency with the Unified Vision for the Central Lake Thruway (the Route 120 Corridor), the Heartland and Cornerstone Agreements, Forest Preserve Acquisitions, and existing development.

Mr. Bill Hunt explained that the Regional Planning Commission approved the amendments to the Framework Plan Future Land Use Map with reservations. Their concerns were directed at the increased amount of commercial development proposed for the area within the corridor.

Motion to approve the proposed amendments to the Framework Plan Future Land Use Map for consistency with the Unified Vision for the Central Lake Thruway (the Route 120 Corridor), the Heartland and Cornerstone Agreements, Forest Preserve Acquisitions, and existing development by Member Wilke, seconded by Member Gravenhorst. Motion passed.

recommended for adoption to the regular agenda

Aye: 7 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor, Member O'Rourke, Chair Mountsier and Member Gravenhorst

12.2 10-1030

Presentation by Lake County Heritage Farm Foundation on Accomplishments and Status.

- The Lake County Heritage Farm Foundation Board was created out of a Task Force called together by the Planning, Building, and Zoning Committee in 2002 to support the preservation of the farming heritage. Several Committee Members served on the original Board for a short time to learn what could be done to create a farm heritage museum.
- Over the succeeding years, no location for a museum could be found, so the remaining Foundation Board searched for other ways to promote farm heritage.
- In 2005 the Foundation became a tax exempt 501c3 organization and started to reach out to other organizations to work with them.
- Since then, the Foundation has been successful in sponsoring a well-attended art exhibit at the Discovery Museum that promoted farm heritage. They also created an interactive website to identify past and present barns with the intent to provide a first person history the public can enjoy.
- The Board Members will describe their accomplishments and possible future directions.

Mr. Philip Rovang introduced Heritage Farm Foundation Board Members Raine Ray and Jeff Walsh.

Ms. Raine Ray introduced Mr. Paul Geiselhart, President of the Lake County Heritage Farm Foundation.

Ms. Ray went on to present the staff report on the accomplishments and status of the Lake County Heritage Farm Foundation.

Mr. Jeff Walsh demonstrated the Foundation's website that allows individuals to input information regarding area farms into the online database.

Ms. Ray completed the presentation and thanked the Committee and staff for their support.

completed

13.0 Other Business

Chairman Mountsier stated that this will be the last meeting of the current Committee, and expressed his thanks to the members and to staff for their diligence and determinations while members of this Committee.

13.1 County Administrator's Report

There was no report from the County Administrator's Office.

13.2 Director's Report

Mr. Philip Rovang stated that this will be the last meeting of the year, and the last meeting of this Committee as some members will change. He also explained that this will be his last meeting as PB&D Director as Mr. Eric Waggoner will be assuming the position of Acting Director for the Planning, Building and Development Department as of December 1, 2010.

Chairman Mountsier asked the Committee and staff to join him in congratulating Mr. Rovang on his accomplishments while holding his post as PB&D Director.

14.0 Adjournment of the PB&Z Committee Meeting

Motion to adjourn this session of the Planning, Building and Zoning Committee by Member Carlson, seconded by Member Wilke. There being no further business to conduct, the motion passed unanimously.

The meeting adjourned at 10:40 a.m.

	Aye	Nay
_____ Chairman	_____	_____
_____ Vice-Chairman	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Recording Secretary

Planning, Building & Zoning Committee

adjourn

Aye: 7 - Member Carlson, Member Hewitt, Member Wilke, Vice Chair Lawlor,
Member O'Rourke, Chair Mountsier and Member Gravenhorst