

#2023-040 ta

**ORDINANCE****AMENDING THE TEXT OF THE MCHENRY COUNTY  
UNIFIED DEVELOPMENT ORDINANCE**

**WHEREAS**, the County of McHenry is authorized to enact a zoning ordinance and to provide for its administration, enforcement and amendment; and

**WHEREAS**, the County of McHenry has previously adopted the McHenry County Unified Development Ordinance, which is currently in effect, pursuant to the statutory procedures and regulation as set forth in the Counties Zoning Act, 55 ILCS 5/5-12001 et. seq.; and

**WHEREAS**, the County Board of McHenry County deems it necessary, for the purpose of promoting the health, safety, moral, general welfare and orderly development of McHenry County, to amend Chapters 16.08.020: Definitions, 16.20.100 Temporary Use Permit, 16.32.060 Zoning District Uses, and 16.56.040 Temporary Use Standards of the Unified Development Ordinance; and

**WHEREAS**, that in order to accomplish said purpose, the Department of Planning and Development has completed a review of the said provisions of the Unified Development Ordinance and has proposed changes to the same; and

**WHEREAS**, all requirements of the Counties Zoning Act with regard to preparation, presentation and consideration of the proposed amendments to the McHenry County Unified Development Ordinance have been met.

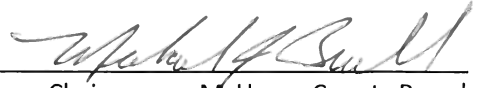
**NOW THEREFORE BE IT ORDAINED** by this County Board of McHenry County, Illinois, that the Unified Development Ordinance adopted by the McHenry County Board on October 22, 2014, and amended on January 19, 2016, March 17, 2016, March 19, 2018, August 21, 2018, November 19, 2019, January 18, 2022, August 16, 2022, January 17, 2023 and April 18, 2023 is hereby revised in accordance with the attached amendments herewith and made part hereof.

**BE IT FURTHER ORDAINED** that any text found to be referencing amended sections is to be updated to be consistent with the approved amendments.

**BE IT FURTHER ORDAINED** that the County Clerk is hereby authorized to insert these amendments of the Unified Development Ordinance into the McHenry County Code of Ordinances and to make any necessary changes to the numbering schema or document formatting necessary to accomplish the same.

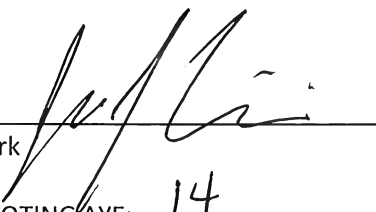
**BE IT FURTHER ORDAINED** that this Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

DATED at Woodstock, McHenry County, Illinois on this 19<sup>th</sup> day of December, 2023 A.D.



Chairperson, McHenry County Board  
McHenry County, Illinois

ATTEST:



County Clerk

NUMBER VOTING AYE: 14

NUMBER VOTING NAY: 1

NUMBER ABSTAINING: 2

NUMBER ABSENT: 1

**#2023-040 ta**  
**EXHIBIT A**

**16.08.020 DEFINITIONS.**

...

**TEMPORARY ENTERTAINMENT EVENT.** A temporary live entertainment event, such as the performance of live music, revue, or play within an outdoor space or indoor FACILITY not typically used for such events. TEMPORARY ENTERTAINMENT EVENT includes HORSE SHOWS (when not in conjunction with a HORSE STABLE), ANIMAL SHOWS, carnivals/circuses, rodeos, temporary worship services, and others. TEMPORARY ENTERTAINMENT EVENT does not include SPECTATOR SPORT HORSE RACING EVENTS FOR COMMERCIAL PURPOSES.

...

**16.20.100 TEMPORARY USE PERMIT.**

A. *Purpose.* A temporary use permit authorizes the temporary use of land and structures for certain events and structures that are non-permanent in nature. A temporary use permit authorizes only those temporary uses that occur entirely on a zoning lot. Temporary uses located within the public right-of-way are regulated separately by the roadway jurisdiction.

B. *Initiation.* Applications for temporary use permits may be initiated by the property owner or other person expressly authorized in writing by the property owner.

C. *Authority.* The Zoning Enforcement Officer is responsible for determining compliance with this Ordinance and issuing a temporary use permit.

D. *Procedure.*

1. An application for a temporary use permit shall be filed with the Zoning Enforcement Officer in accordance with the requirements in § 16.16.020 (Application) at least 30 days in advance of the date of the event. The Zoning Enforcement Officer may allow application closer than 30 days in advance of the date of the event. An increased permit application fee may be assessed for permit applications submitted closer than 30 days in advance of the date of the event.

2. The Zoning Enforcement Officer may grant temporary use permits for those temporary uses listed in § 16.56.040 (Temporary Use Standards) when it is determined that the proposed temporary use complies with all requirements of this Ordinance and the standards of subsection E. below (Standards). Unless otherwise permitted by this Ordinance, every temporary use or structure shall comply with the bulk requirements applicable in the district in which it is located.

3. Every temporary use shall comply with this Ordinance and all local regulations. The Zoning Enforcement Officer or County Board may impose other conditions as part of the temporary use permit approval to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

4. Multiple event periods require a temporary use permit for each scheduled event period.

5. The temporary use permit is issued for the days of the event. A temporary use permit is not required for the additional days necessary for event set-up or clean-up.

E. *Standards.* Every application for temporary use shall include sufficient documentation to show compliance with the following standards:

1. The temporary use will not cause or threaten to cause an on-site or off-site threat to the public health, safety, and welfare.

2. The temporary use will be operated in accordance with fire department restrictions and conditions.
  3. The additional vehicular traffic reasonably expected to be generated by a temporary use will not have undue detrimental effects on surrounding streets and uses, and does not block handicapped or fire lanes.
  4. The temporary use will not unreasonably reduce the amount of parking spaces available for use in connection with any permanent uses located on the same zoning lot in question.
  5. The temporary use will not conflict with another previously authorized temporary use for the same site zoning lot.
  6. Provisions have been made for waste disposal (solid, animal, and human) and for clearing debris, to be approved by the Department of Health.
  7. Temporary food establishments will be operated in accordance with County ordinances, to be approved by the Department of Health.
  8. A security plan acceptable to the McHenry County Sheriff with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the Sheriff's Department.
  9. The location of paved or graded ingress and egress for emergency, police, and regulatory traffic, including parking areas and traffic control locations.
  10. General liability insurance in an amount determined by the Zoning Enforcement Officer is required for all temporary use events. ~~If the temporary use permit is for a fireworks display, the~~ McHenry County shall be listed as a named insured. Additionally, dram shop insurance is required for any temporary use event at which liquor is to be sold.
  11. If applicable, the appropriate liquor license, issued pursuant to the McHenry County Liquor Control Ordinance.
  12. All other state and/or federal permits have been issued, as required.
  13. The maximum number of persons to be on-site per day, including staff, participants, and spectators.
  14. All structures used for a temporary use meet the building-code requirements for that occupancy.
  15. The time required for event set-up and tear-down is specified and reasonable, as determined by the Zoning Enforcement Officer.
  16. All temporary use events with an anticipated attendance of greater than ~~2,500~~ 500 at any given time shall have an Incident Action Plan approved by the McHenry County Emergency Management Agency. The Incident Action Plan shall include law enforcement, fire, public health, and public works/transportation roles and responsibilities during the operational periods of the event. The McHenry County Emergency Management Agency will coordinate development of the Incident Action Plan with the applicant and appropriate agencies.
- F. *Violations.* Noncompliance with this section or violation of any terms of a temporary use permit may result in the reduction of the number of temporary use permits for which a property is eligible in a calendar year, or in a prohibition on additional temporary use permits being granted for that property for a period of one (1) year from the date of the noncompliance or violation.

...

### **16.32.060 ZONING DISTRICT USES.**

Table 16.32-1: Zoning District Uses lists permitted, conditional, and temporary uses for the zoning districts of this Ordinance.

- A. A "P" indicates that a use is permitted within that district.

B. A "C" indicates that a use is a conditional use in that district and must obtain a conditional use permit approval.

C. A "T" indicates that a use is a temporary use in that district and must obtain a temporary use permit approval.

D. No letter, or the absence of the use from the table, indicates that use is not permitted within that district.

E. Certain uses are defined to be inclusive of many uses in order to eliminate an overly detailed lists of uses. When a use meets a specific definition, it is regulated as such and it shall not be regulated as a generic use. A use that is not specifically listed in a zoning district, does not fall within a use definition, or is interpreted pursuant to § 16.20.070 (Zoning Interpretations) as not part of a use definition, is prohibited.

TABLE 16.32-1: ZONING DISTRICT USES																
Principal Use	A-1	A-2	E-5	E-3	E-2	E-1	R-1	R-2	R-3	B-1	B-2	B-3	O	I-1	I-2	Use Standards
Temporary Entertainment Event	T	I								T	T	T	T	T	I	16.56.040D.

...

**16.56.040 TEMPORARY USE STANDARDS.**

A temporary use permit (see § 16.20.100, Temporary Use Permit) is required for temporary uses. Such permits are issued in accordance with the procedures established in § 16.20.100D. and the standards established in § 16.20.100E. The Zoning Enforcement Officer may issue a temporary use permit so long as the proposed use complies with the requirements of this section and is permitted in the zoning district. Events sponsored by public agencies do not require a temporary use permit. Private events conducted on public property or in public facilities do not require a temporary use permit provided the event has been approved by the agency that owns the property or facility.

Fairgrounds recognized under the Agricultural Fair Act (30 ILCS 120/) are exempt from obtaining temporary use permits so long as all temporary use permit standards are met. Additionally, said fairgrounds are exempt from limits on the number or duration of temporary use events.

...

**D. Temporary Entertainment Events.**

1. A management plan is required as part of the temporary use permit application that demonstrates the following:

- a. The on-site presence of a manager during the event.
- b. General layout of performance areas, visitor facilities, such as seating areas and restrooms, and all ingress and egress points to the site.
- c. Provision for recycling and waste removal.
- d. The days and hours of operation, including set-up and take-down times.
- e. A description of crowd control and security measures with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the McHenry County Sheriff's Department.

2. Temporary entertainment events are limited to three (3) events per calendar year, with a minimum of four (4) days between events, and a maximum duration of three (3) days per event, in any district, except for estate and residential zoning districts, which are limited to one (1) event with a maximum duration of one (1) day on parcels with a minimum lot area of five (5) acres.

3. Any permanent structures utilized during the event must meet all building code requirements for the proposed occupancy.

4. All outdoor sales areas, outdoor seating areas, outdoor activities, outdoor performance, and outdoor event areas, and parking areas must be located a minimum of fifty (50) feet from any lot line.

5. All speakers for public address system and amplified music must be located a minimum of fifty (50) feet from any lot line and directed towards the interior of the property.

6. The following temporary entertainment event activities are prohibited outside the hours specified:

a. Outdoor motor sports: 9:00 a.m. to 10:00 p.m.

b. Outdoor amplified music or speech: Sunday through Thursday, 7:00 a.m. to 9:00 p.m.; Friday and Saturday, 7:00 a.m. to 11:00 p.m.

7. Camping is permitted as a part of a temporary entertainment event subject to the following additional standards:

a. Camping is limited to a total of six (6) days per calendar year.

b. The location and name of each campsite, as well as a vehicular access route to each, must be shown on the site plan. Campsites must be set back at least one hundred (100) feet from lot lines and no closer than three hundred (300) feet to any residence on an adjoining property.

c. No campsite may be located farther than three hundred (300) feet from the nearest toilet facility.

d. If showers are made available to campers, the number of campers allowed under the temporary use permit will be limited by septic system capacity, as determined by the Health Department.

e. Campfire and bonfire locations must be shown on the site plan but will be allowed only if there is no objection by the fire department having jurisdiction.

**8. Rodeos are subject to the following additional standard:**

**a. An Illinois Licensed Doctor of Veterinary Medicine must be present and available to treat animals throughout the duration of the event.**

**b. Emergency medical services provided or approved by the regulating Fire District shall be on site for the duration of the event.**

**c. Lighting shall be provided along the ingress and egress aisles including parking areas and traffic control locations. Ambient lighting levels shall be no less than 5 footcandles.**

Office Use Only
Petition #/Permit # ____2023-040 ta

**APPLICATION FOR ZONING PETITION, ADMINISTRATIVE VARIATION OR SITE PLAN REVIEW**

<p><b>OWNER INFORMATION:</b></p> <p>Name _____</p> <p>Address _____</p> <p>City, St, Zip _____</p> <p>Daytime Phone _____</p> <p>Email _____</p>	<p><b>ATTORNEY or AGENT CONTACT INFORMATION (If Applicable):</b></p> <p>Name _____</p> <p>Address _____</p> <p>City, St, Zip _____</p> <p>Phone _____</p> <p>Email _____</p>
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<p><b>APPLICANT (If other than owner):</b></p> <p>Name <u>McHenry County Planning, Environment &amp; Development Committee</u></p> <p>Address <u>2200 N Seminary Ave</u></p> <p>City, St, Zip <u>Woodstock, IL 60098</u></p> <p>Daytime Phone _____</p> <p>Email <u>rwhanlon@mchenrycountyil.gov</u></p>	<p><b>TRUSTEE/BENEFICIARY/OFFICERS/DIRECTORS/CONTRACT PURCHASER (please use separate page for additional information):</b></p> <p>Name _____</p> <p>Address _____</p> <p>City, St, Zip _____</p> <p>Phone _____</p> <p>Email _____</p>
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<p><b>PARCEL INFORMATION:</b></p> <p>Address _____</p> <p>City _____ Zip _____</p> <p>Parcel/Tax Number _____</p> <p>Number of Acres _____</p>
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<p>Applying For:</p> <p>(Check all that apply)</p>	<input type="checkbox"/> Reclassification	Current Zoning:	Requested Zoning:
	<input type="checkbox"/> Conditional Use & Site Plan Review	CUP Request:	
	<input type="checkbox"/> Variation, Administrative	Variation Request:	
	<input type="checkbox"/> Variation, Zoning	Type:	
	<input type="checkbox"/> Site Plan Review	UDO Section(s):	16.08.020, 16.20.100, 16.32.060, 16.54.040
<input checked="" type="checkbox"/> Text Amendment	Type:		
<input type="checkbox"/> Appeal			

Please provide additional information on the back of this page.





**MCHENRY COUNTY**  
**ZONING BOARD OF APPEALS**  
**MINUTES ● 2023-040TA, 2023**

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Zoning Hearing

County Board Conference Room

1:30 PM

667 Ware Rd, Woodstock, IL 60098

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**ZONING BOARD OF APPEALS REPORT TO THE MCHENRY COUNTY BOARD - #2023-040TA**

1. **APPLICANT:** Planning, Environment and Development Committee
2. **REQUEST:** Text amendments involving temporary use permits
3. **LOCATION AND SIZE OF PROPERTY IN QUESTION:** Not applicable
4. **DATE AND TIME OF HEARING AND VOTING MEETING:** November 16, 2023, 1:30 PM
5. **LOCATION OF HEARING AND VOTING MEETING:** County Board Conference Room, 667 Ware Road, Woodstock, Illinois
6. **PRESENT AT HEARING:**
  - A. ZBA Members: Linnea Kooistra – Vice, Vicki Gartner- Vice Chair, Robert Kosin, Kurt Schnable, Thomas Jurs, Mary Donner
  - B. Witness: Planning, Environment and Development Committee
  - C. Attorney: None
  - D. Public: Renee Hanlon – County Staff, Kit GearhatSchinske– County Staff
7. **ITEMS OF EVIDENCE:** None
8. **SUMMARY OF TESTIMONY AT HEARING:** Ms. Kooistra opened the meeting. She swore in Staff. Staff gave their report. Staff explained that the text amendment being discussed today is the Temporary Use Permit section of the Unified Development Ordinance. Staff presented information regarding the proposed changes. Items discussed include rodeos, number of event attendees triggering an emergency management response, and listing the county as a named insured.

Mr. Schnable asked how much the fee for the TUP application is. Staff answered that it is one hundred (100) dollars and the fee schedule allows Planning and Development to double the amount if the application is submitted less than thirty (30) days in advance of the event.

Mr. Kosin asked to include the “estate district” in addition to the residential district in §16.56.040.D.2.

Ms. Donner asked if the sheriff’s department is aware of the emergency management plan requirements? Staff answered that they are.

Ms. Kooistra asked if the requirement to have an Illinois licensed vet on site applies to all events on a farm. Staff stated that that requirement only applies to rodeos.

Ms. Gartner asked if it is possible to tie the number of attendees triggering an emergency response to the size of the parcel. The board and staff discussed limiting temporary use permits to parcels over five (5) acres. The board was unanimous in supporting a five (5) acre minimum lot size.

**9. SOIL AND WATER CONSERVATION DISTRICT REPORT:**

The land use opinion was not required for this application.

**10. ILLINOIS DEPARTMENT OF NATURAL RESOURCES:**

The consultation was not required for this application.

**11. SUMMARY OF VOTING MEETING DISCUSSION:** The testimony portion of the hearing was not separated from the voting portion of the hearing.

**12. FACTS THAT SUPPORT RECOMMENDING APPROVAL OF THE REQUEST:** There is a need for these changes to the existing Unified Development Ordinance to address safety issues in the temporary use permit requirements.

**13. FACTS THAT SUPPORT RECOMMENDING DENIAL OF THE REQUEST:** None.

**14. MOTIONS:**

Mr. Jurs motioned to amend the redline changes to add in “except for residential, estate and A-2 districts and a minimum lot size of five (5) acres.” Ms. Gartner seconded. Motion carried.

Mr. Jurs motioned to accept the redline changes proposed by Staff as well as changes proposed by the Zoning Board of Appeals. Ms. Gartner seconded the motion. Motion carried.

**15. VOTE:**

6 – AYES; 0 – NAYS; 0 – ABSTAIN

**GOES TO COUNTY BOARD WITH ZBA RECOMMENDATION FOR Approval of the Text Amendment:**

Full Comments and complete application submittal for the above agenda items are available on the McHenry County Meeting Portal.

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Robert Kosin:

[inaudible 00:00:04] I don't know, which way is East, West.

Kit GearhartSchinske:

We're recording when you're ready.

Linnea Kooistra:

Okay.

Robert Kosin:

Yes ma'am.

Linnea Kooistra:

I'll call the meeting of the McHenry County Zoning Board of Appeals to order. The reason for our hearing today is petition 2023-040TA. The applicant is McHenry County Planning Environmental and Development Committee. And this is for... Let me see this. It's for changes to the temporary use permit regulations. The petition has been reviewed and the following items have been received prior to today's scheduled hearing. The publisher's certificate of publication from a newspaper is dated October 27th, 2022, and thereby meets ordinance requirements. The affidavit of posting was not required for this petition. The affidavit of mailing was not required for this petition. Filing fees were not required for this petition. The endangered species consultation was not required for this petition.

And finally, the McHenry County Soil and Water Conservation District report was not required for this petition. Since we all know each other, I won't have the board members introduce each other and we don't need to explain how the hearing works. So I would just say if you're going to give testimony, please raise your right hand. Do you affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

Renee Hanlon:

I do.

Linnea Kooistra:

Okay. I'll turn it over to you, Renee.

Renee Hanlon:

All right.

This is a simple one, I think. So as most of you probably know and read this summer, we have a lot of rodeos that are allowed through the temporary use permit process, and with the temporary use permit, you can come in and certain districts, not the residential districts, but every other district and apply to have these big public events where you sell admission and rodeos, concerts, things like that. You're allowed to have three or four a year, I'm not sure which right now and rodeos are, the thing right now is a very popular event and there have been some concerns around them, mostly with noise with the residents. But there was one this summer where there was an emergency incident and the emergency workers had trouble getting in and out. And there were just a lot of things that we saw around that event that the PED committee felt we could change with the UDO requirements.

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So the big change is that we've added some special conditions for rodeos in particular. So those are that there is a licensed Illinois veterinarian that attends these events and is available for treatment of the animals. The county board has heard testimony from different animal advocacy groups that are also going out and filming at these events and stuff and believe that the animals aren't always treated as humanely as they could be. So we went through all the state statutes, we talked to animal control, we talked to the sheriff's department. It is more of an animal control issue than a land use issue, but it was decided that we could require, at least require the veterinarian as part of the land use requirement. So we made that change. Then emergency medical services have to be provided and approved by the fire district and then some additional lighting standards because the incident where there was an emergency response, one of the issues was lighting.

The lighting was so poor, that they had trouble. It was actually a stabbing and the person, the perpetrator got away. Then it was attributed to the fact that there wasn't much lighting in the area.

Thomas Jurs:

Very interesting.

Renee Hanlon:

So we're trying to work on that. And then while we were thinking about it, there just were some other things that apply to all these sorts of events that we thought needed to change. And one was the threshold of the number of attendees that requires you to have to do an emergency management plan because where the incident occurred, because it was less than 2,500 people in attendance, they didn't have to do the emergency response plan. So now, it's been decided by QED that a more reasonable threshold for that would be 500 people. So it wouldn't apply if you had an art fair or a farmer's market or something like that, where 500 people might stream through in the day. But if you ever have 500 people at any given time during the event, then you have to work with our emergency management people and the sheriff's department to have an emergency response plan.

So most of what you see are just cleanups of the name of our department and that sort of thing. Another big change though is that currently, the county only requires themselves to be named as an insured on fireworks displays, for some reason. It's pretty typical that any jurisdiction that allows these things requires that the jurisdiction be a named insured. So we've expanded that out so that anybody that's doing a temporary entertainment event names the county as an insured, in case anything goes wrong there. And we didn't codify an amount so that we could be a little flexible with that. Currently, there's only a requirement for... Or historically they've only required like 300,000, 500,000. Everywhere else I've worked, it's just a million, flat fee. That's pretty typical. So from an administrative point of view, that's probably what we're going to require.

Thomas Jurs:

On paragraph 10, when it gets to the second sentence in regards to Dram Shop insurance, it says required for any temporary use event at which liquor is sold. None of these people sell liquor, they got a barrel full of ice and they give it away. So 'sold,' should be 'served.'

Renee Hanlon:

They do sell like these rodeo events, that's one way that they make the majority of their money. That's one complaint that I've gotten is how expensive it is, like I could do anything about that. And the Dram Shop insurance, that's in here, but it is redundant because it's not even something that we administer,

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that's the liquor commission. So that's a requirement of the liquor commission. So it's just reiterated here.

Thomas Jurs:

Do they have to go through the liquor commission to get the special use permit?

Renee Hanlon:

They have to go and get the special license, the temporary liquor license.

Thomas Jurs:

So that's one more layer of...

Renee Hanlon:

It is protection. Okay. Yeah. Yeah. So if you're coming in today, and you're going to do one of these big events, you have to start with us. You come see us, you have to see the health department, get a sign off, the sheriff's department, get a sign off, emergency management, get a sign off, and the liquor commission. So you have to get a sign off from all those steps.

Thomas Jurs:

So it's four steps and then they get the permit from you?

Renee Hanlon:

Yeah, our department... We just kind of... We're the administrative group altogether. And then the building division does the safety walkthrough.

Kurt Schnable:

Could you tell us how much this type of permit would cost?

Linnea Kooistra:

Let's go down the line because this is being recorded, so that we make sure... So Mr. Jurs, you want to finish your question?

Thomas Jurs:

Yeah, I'm done.

Linnea Kooistra:

Okay. Mr. Kosin.

Robert Kosin:

Thank you. I don't know, are we able to just jump around?

Linnea Kooistra:

Yeah.

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Robert Kosin:

Thank you.

Linnea Kooistra:

However you want.

Robert Kosin:

In D2, there's the strikeout and it says, "Except for residential zoning districts," but when one compares it with the table, you also have a state listed and I'm wondering if you should include the state as well.

Renee Hanlon:

We consider a state residential, but we can add that. We can say a state and residential.

Robert Kosin:

That was the deepest knife I care to thrust upon you.

Renee Hanlon:

Yeah, we can make that change.

Robert Kosin:

Thank you.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

I don't really have any questions right now.

Linnea Kooistra:

Okay. Mr. Schnable?

Kurt Schnable:

Yeah, I'll go back to my untimely request. Yeah, out-of-order. They're out-of-order

Vicki Gartner:

It is fine.

I was just thinking of the recording.

Kurt Schnable:

I'm just curious for all of our personal knowledge, what this type of application would cost, typically.

Renee Hanlon:

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A hundred dollars.

Kurt Schnable:

That answers my question.

Renee Hanlon:

That's the fee. And then there is a requirement in here that you have to give us 30 days to process. People often don't do that. So currently, the fee schedule just allows us to double that. So if you bring it into us two weeks before and we accept it, it's \$200. So the fee schedule is something else that PED is going to look at as part of this.

Kurt Schnable:

Thank you.

Mary Donner:

I just have a peripheral question. When you talk about the requirement for all these things that they have to comply with, does the sheriff's department and EMS already know that this is what we're going to be doing, if there's more than 500 people?

Renee Hanlon:

Yes.

Mary Donner:

Because that's a big difference between 500 and [crosstalk 00:10:44].

Renee Hanlon:

Sheriff's department was fine. It changes nothing for the sheriff's department. It does put more people in the queue for EMS, but the PED committee is recommending that.

Mary Donner:

Okay.

Linnea Kooistra:

Anything else?

I have a few questions. So why was A2 added for temporary events? So somebody could have 700 people on an A2 property for a rodeo?

Renee Hanlon:

And that was all part of, there was a discrepancy and the UDO was passed. There was that language that said, "Except in the residential districts," but then when it was codified, it had a 'T' all the way across, so we were just trying to clean that up. And temporary... Let me refresh my memory. So, "Temporary events in any district except for residential zoning districts." So A2 is an agricultural district.

Linnea Kooistra:



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So that was in there all along you're saying?

Renee Hanlon:

Yes.

Linnea Kooistra:

So why would it be shown in blue now, on your table?

Renee Hanlon:

Oh, it wasn't, the 'T's were in all the districts, except A2.

Linnea Kooistra:

Because I don't think you should be able to have some large event on an A2 property. I mean those are small. Some of them are like the size of an estate zoning.

Renee Hanlon:

Well an A2, it's an 'Ag' district, but it's a residential 'Ag' district. So I think it would be reasonable to say "except for the A2 residential districts and the state districts," I think that's reasonable. So members of the PED committee were getting hung up on that because they thought we were limiting people's ability to do what they want with their property. But if it's a friends and family event, so if I live on a three acre farm mat and I have a really nice barn and my niece wants to get married there, I can do that. I don't have to get a temporary use permit. Just enforcement wise, if it's friends and family, we don't require that. So personally, I think it would be fine to also eliminate the A2 if you want to make that a suggestion.

Linnea Kooistra:

I think that's something that I'd like PED to consider. And then I just wanted to ask you, I remember the 2,500 when that was picked, when we were going through the zoning ordinance. And I think it had something to do with, I don't know that something over in Richmond where they did...

Renee Hanlon:

The Country Thunder thing...

Mary Donner:

It was either Country Thunder or it was one of those fitness things where you get all dirty and I don't...  
A mud thing, yes. [crosstalk 00:14:03].

Vicki Gartner:

I would say mud wrestling. [crosstalk 00:14:06] yeah.

Linnea Kooistra:

I can't remember what it's called.

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I think that's why it was picked. And so I thought that was a little extravagant at the time, but 500 is more reasonable. But I want to ask you, so for example, my husband and I had a breakfast on the farm for Harvard Milk days in the nineties and we would have 700 people there, so people would be on the farm and looking at the animals. So if somebody wanted to do that now, would they have to have a veterinarian on site to be able to do that?

Renee Hanlon:

No. Only rodeos. That's specific for rodeos only.

Linnea Kooistra:

But they would still need the insurance.

Renee Hanlon:

Yes, you would still need the insurance. And if, if you think 500 are going to be there at the same time, then you would need the emergency plan as well. But those emergency plans, just like with the sheriff's office, they're going to look different. If you were doing that kind of event with 500 people, your emergency management plan's going to be pretty simple. If you're doing a concert with 2,500 people, then it's going to be a lot more complex. But that's the wheelhouse of Dave Christensen and his people.

Linnea Kooistra:

Okay. Do you have any questions?

Robert Kosin:

Yes. Just under your conversation one, is it possible to review the zoning map to see if there are any A2 parcels that are such size that could accommodate a thousand people? Because sometimes the zoning...

Renee Hanlon:

Yeah, I mean there's plenty of A2 parcels that are 10 acres.

Robert Kosin:

So they could. And then in terms of population standards, is it proper to review that 500 and see if that is too low at threshold after a year? Or do we cast too broad a net and now are capturing late night solar events? I mean the number of towns that are going through difficulties next year with the solar eclipse that is being projected and being overwhelmed. I was just wondering if we, astronomers aren't known for being wild and crazy and so we might be capturing somebody who we did not...

Renee Hanlon:

Well, hopefully gatherings like that, it should be fine. And again, I don't think that it's overly burdensome as far as putting the emergency management plan together because like I said, it could be simple on one page of paper or it could be a very complex plan that does cost more money. But yeah, we actually, when this was drafted and brought to PED, the number was 250 and PED said they pushed it up to 500. So that's just where they landed right now. But of course we can reassess anytime and make the change.

Vicki Gartner:

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I have one thing. Would it make sense to tie this number to the size of the parcels if something is. What?

Renee Hanlon:

We talked about that as well, and I can't remember what the conversation was, didn't get a lot of traction.

Vicki Gartner:

To me it sounds like if something is an A2, that is five acres to have that many people, could be a bit much. But if it were eight acres, or 10 acres, that's more doable.

Renee Hanlon:

Sure. I mean...

Mary Donner:

That's what I'm thinking. And an E5, is five acres.

Vicki Gartner:

Right, it's limited to that.

Mary Donner:

So, if we said five acres or less, it would be prohibited.

Vicki Gartner:

Yeah, I'm thinking that that would be...

Renee Hanlon:

I think that it would make sense to put that stipulation on all the districts, because you have A1s that are one acre out there, so maybe you guys could recommend in any district, except for those districts with a minimum lot size of five acres. If five acres is what you want...

Thomas Jurs:

It'll never fly. You can't do that. I put 290 people in one building for a sit-down wedding and I got five acres and my yard that I mow is only two and a half acres. But further, I forget what page it is. I just read in here, you don't want any parking within 50 feet of a lot line. You only got 330 wide. You come in 50 feet here and 50 feet here. You can stuff 150 cars on an acre if you have a parking lot attendant and guide it like at a fairgrounds and guide them in neat little rows. Odds are there's not going to be a parking lot attendant at one of these events. They're going to park wherever they please, and you're going to have, who knows, orderly 150 you can put on an acre. But the one thing I don't agree with in here, I'm not going to make a big stink of it, is parking within 50 feet of a property line. My side property line on the south side is a 60 acre corn field and nobody's going to care if there's headlights going into the cornrows.

Renee Hanlon:

So that's been on the books. There wasn't any change proposed there.

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Thomas Jurs:

That's paragraph four. So if I do it again, I'm going to have to be 50 feet.

Renee Hanlon:

Well, that's been in the ordinance since 2014. The original.

Thomas Jurs:

I'm not going to do it again. Both daughters are married off. Woohoo!

Linnea Kooistra:

Well again, that would not qualify as a temporary event.

Yeah, it's a private event.

Thomas Jurs:

Know when Kim was working here, she got a permit for that.

Renee Hanlon:

Oh really?

Thomas Jurs:

I said, "We didn't need a permit for that?" She said, "Dad. I took care of it for you." Okay.

Renee Hanlon:

Well, the only thing that I can recall that has been changed in here is that there used to be language that required that 50 foot setback of buildings as well. And we made that change, I think a year or so ago, where we exempted the buildings because if you have a barn that was built 20 feet off the property line, then you wouldn't be able to use it.

Vicki Gartner:

1900 or something.

Renee Hanlon:

That's the only change, before now, that we've made to this.

Linnea Kooistra:

Okay. Are there any other questions?

So you're just looking for recommendations that you don't need a motion or anything? It's just our recommendations for what they should consider.

Renee Hanlon:

You would need to... You're approving the red line, so I would assume someone wants to make a motion to recommend the changes that you guys want to see...

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Thomas Jurs:  
Madam chairman.

Renee Hanlon:  
And then a motion to approve the amended red line.

Thomas Jurs:  
With the absence of Charlie Eldridge here today. I'll make the motion in his behalf.

Linnea Kooistra:  
Okay. A motion has been made by Mr. Jurs.

Vicki Gartner:  
I'll second.

Renee Hanlon:  
Well, what is the motion?

Thomas Jurs:  
To approve the red line changes.

Renee Hanlon:  
But you wanted to add in, "Except for residential estate and A2 districts." And did you want to...

Linnea Kooistra:  
That are five acres or smaller.

Renee Hanlon:  
And you want the minimum lot size. Okay, so except, so that's the first motion is to amend the red line.

Thomas Jurs:  
Yeah, correct.

Renee Hanlon:  
Okay.

Linnea Kooistra:  
Let's do that first.

Renee Hanlon:  
So for residential, state, and A2.  
Okay, got it. Thank you.

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Linnea Kooistra:

Okay, so the first motion is for the red line changes. Do we want to vote on these altogether or separate?

Thomas Jurs:

Yeah, altogether is fine.

Linnea Kooistra:

Mr. Jurs, are you fine with all of them together?

Thomas Jurs:

Yeah. Fine.

Linnea Kooistra:

So the motion is to accept the red line changes that are presented to us by staff as well as the changes proposed by this board as Ms. Hanlon just listed. Any other discussion? Okay, I will call for the vote. Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Cozen?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnabel?

Kurt Schnable:

Yes.

Linnea Kooistra:

Mr. Jurs?

Thomas Jurs:

Yes.

Linnea Kooistra:

Ms. Donner?

Mary Donner:

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Yes.

Linnea Kooistra:

And I'll vote yes. So this is six to zero approving the changes.

Renee Hanlon:

All right. Thank you guys.

Thomas Jurs:

It was fun.

Renee Hanlon:

[inaudible 00:23:21]like family. Are we done with the recording?

Linnea Kooistra:

Is there anything else to come before us today? That was it. The thinnest file I've seen in a long time.

Renee Hanlon:

I know, right? We had some other text amendments, but there was a need to get this to push through, so that's why I just did it.

Linnea Kooistra:

You wanted this done because there's...