

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Minutes**  
(May 24, 2017)

The Planning and Zoning Committee of the DeKalb County Board met May 24, 2017 at 6:30 p.m. in the DeKalb County Administrative Building, Gathertorium, in Sycamore, Illinois. In attendance were Committee Members: Kevin Bunge, Dan Cribben, Steve Faivre, Tracy Jones, Mark Pietrowski, Craig Roman, and Suzanne Willis. Also in attendance were: numerous members of the public; Greg Milburg, of the DeKalb County Farm Bureau; P.J. Saliterman, of EDF Renewable Development; three (3) representatives from Waste Management: Mike Wiersema, Dale Hoekstra, and Don Moran; County Board Members: Laurie Emmer, John Frieders, Tim Hughes, Dianne Leifheit, Roy Plote, and Chris Porterfield; Greg Maurice, of the DeKalb County Health Department; County Administrator, Gary Hanson; and Community Development Department staff: Derek Hiland and Kathy West.

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order.

**APPROVAL OF AGENDA**

*Mr. Pietrowski moved to change the order in which the “New, Old, and Other Business” agenda items would be addressed.*

Mr. Pietrowski’s motion recommended that the agenda items 6.a through 8.b be re-ordered thusly: 7.a, 6.a, 8.b, 7.b, 7.c, 8.a, and 6.b.

*Seconded by Ms. Willis, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Roman moved to approve the minutes of the April 26, 2017 meeting, seconded by Mr. Bunge, and the motion carried unanimously.*

**PUBLIC COMMENTS**

A woman named Marilyn (a DeKalb Township resident) inquired whether the moratorium on Solar/Wind farms could be amended to allow solar commercial farms as a special use. Mr. Hiland

responded that such a change would require the Committee forward a recommendation to the full County Board to modify the moratorium to remove solar from it.

Mr. Dan Christensen, of DC Trash, stated his opposition to a proposed text amendment to the DeKalb County Solid Waste Plan that was to be reviewed by the Committee later in the meeting, and presented his arguments for why the Committee should consider recommending denial of the proposal.

Brad Belanger, of South Grove Township, read a letter from Concerned Citizens for DeKalb County, congratulating the County regarding its efforts to create a sustainable energy ordinance and expressed dissatisfaction regarding the MET tower Special Use Permit application. He then commented on a separate concern regarding the confidentially agreements between EDF and potential lessors.

#### **NEW BUSINESS – ZONING MAP AMENDMENT - FREUND**

Mr. Hiland related that Mr. Freund owns property located at 10255 Keslinger Road, in Afton Township, which is currently being leased by Nestle for use as a truck repair and maintenance shop, and noted that due to changing truck standards, the current shop needed to expand to better accommodate the newer vehicles. Mr. Hiland explained that the property is zoned BC, Business Conservation District, and the use of the property for a truck repair and maintenance facility is a pre-existing, legal, non-conforming use. The non-conformity regulations do not allow for the expansion of non-conforming uses. Thus, the petitioner is seeking to rezone the property to Planned Development Industrial, which would make the use conforming and allow for the expansion of the existing shop. He noted that the Hearing Officer reviewed the matter on April 27, 2017, and has recommended approval of the request.

*Mr. Jones moved to recommend approval of the request to rezone the property from BC, Business Conservation District to PD-I, Planned Development – Industrial District, seconded by Mr. Cribben, and the motion carried unanimously.*

#### **OLD BUSINESS – SPECIAL USE PERMIT - EDF**

Mr. Hiland informed the Committee that EDF Renewable Development had submitted temporary Special Use Permit applications for two meteorological testing (MET) towers to be placed on properties located within South Grove Township. He noted that a public hearing was held on January 26, 2017 and re-opened (at the Committee's request) on April 6, 2017, with the Hearing Officer recommending approval with conditions after both hearings. He finished by explaining

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

that the Committee was being asked to review the findings of both hearings and pass a recommendation onto the full County Board.

Mr. Roman inquired about the possibility of fencing going around the guy line bases. Mr. Hiland responded that he understood that said fencing would be installed, but that if it so choose, the Committee could direct staff to overtly add that as a condition of approval.

*Mr. Bunge moved to recommend approval of the temporary Special Use applications for the two MET towers, seconded by Mr. Cribben.*

*Mr. Roman moved to amend the previous motion to include overt mention of the inclusion of fencing around the guy wire bases.*

Ms. Willis inquired about the kind of fencing to be added. Mr. Hiland explained the nature and reason for the fencing being suggested. Ms. Willis asked whether the orange sleeves to be placed on the guy wires would be sufficient to address the need for fencing. Mr. Saliterman responded that they could place “cow fencing” around the guy wire bases.

Mr. Pietrowski inquired whether we could have the time that the temporary towers are up be tied to the passage of the County’s Sustainable Energy Ordinance. Ms. Willis inquired about the time they needed to gather adequate data. Mr. Saliterman noted that they requested a period of three (3) years in their application, but that the Hearing Officer was recommending only allowing for a period of 18 months. He added that if the resulting sustainable energy ordinance is not something they can work with, then they would likely be taking the MET towers down much sooner. However, if the ordinance is workable for them, they would likely seek to try to get an extension to the 18 month time limit.

*The motion to amend the first motion to include overt language to require fencing around the guy line bases was carried six (6) ayes and one (1) abstention.*

Mr. Pietrowski voiced his concerns that the MET towers would not be allowed to stay up indefinitely. Mr. Hiland responded that the requirement for a security bond for the decommissioning of the towers would address these concerns.

Ms. Willis noted that Mr. Saliterman had indicated that the data gathered by the MET Towers would be proprietary to EDF, but inquired whether, if EDF decides in the future not to pursue the construction of a wind turbines in the County, would that data be available for purchase by others in the future. Mr. Saliterman responded that the information would be proprietary, but that if

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

the decision was made to not build any wind turbines in the County, they would likely be open to the idea of selling said information.

*The amended motion to recommend approval with conditions of the Special Use Permits was carried six (6) ayes and one (1) abstention.*

#### **OTHER BUSINESS – WIND FARM / SOLAR ORDINANCE**

Mr. Faivre noted that he wanted Mr. Hiland to describe the matrix that was being assembled to help the Committee review existing ordinances created by other counties addressing wind and solar energy farms, and that, if the Committee approved, a special meeting of the Committee be convened solely to discuss what was in the matrix. The meeting to occur sometime in June or July.

Mr. Hiland described how the matrix was compiled, and the types of information that was found. He noted that he was still trying to distill the information in a smaller, more easily understood and comparable format, but expected to have the reformatting of the matrix done by the following week.

Mr. Faivre asked Mr. Hiland to coordinate with the Committee members to arrange for the suggested special meeting.

Mr. Jones commented that Boone County had recently created a wind ordinance, and suggested that staff seek to have someone from Boone County attend the special meeting to discuss their ordinance with the Committee. Mr. Faivre asked that staff attempt to coordinate with Boone County to try do so.

#### **NEW BUSINESS – SPECIAL USE PERMIT - HARDT**

Mr. Hiland reported that Christie Hardt and Robert DeCosta, operators of B&C Kennels, were seeking an amendment to their existing Special Use to allow them to add the importation and subsequent sale of animals to their current dog breeding and boarding operation. He noted that the Hearing Officer held a public hearing on April 27, 2017, and subsequently recommended approval with conditions. Mr. Hiland explained the history of the petition, the various suggested conditions, and then asked the Committee to review the findings and forward a recommendation to the full County Board.

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

*Mr. Jones moved to approve with conditions the amendment to the Special Use, seconded by Mr. Cribben.*

Mr. Jones expressed his support of the petition, and presented a detailed argument why he did support it.

Mr. Pietrowski stated that he did not support the petition, and described in detail his arguments why.

Mr. Bunge expressed his concerns about the petitioners' previous actions and noted that he could not support the petition. He supports a reiteration of the conditions of the existing ordinance, and no expansion.

Mr. Roman stated that he could not support the petition, because he believed they have violated the permit from the beginning.

Mr. Cribben expressed his support of the petition and noted that he did not see the distinction between the kennel and the agricultural activities going on around it. He also noted his support of the Hearing Officer's recommendation.

Ms. Willis expressed her misgivings regarding the petitioners' violation of the existing ordinance, and expressed that she would not be supporting the petition.

Mr. Faivre recognized fellow Board member Mr. Frieders. Mr. Frieders expressed his support of the petition, and explained his reasons why. He noted that although their violation of their original ordinance should result in a fine or some other such penalty, but that the current amendment should not be prevented because of it.

*Mr. Pietrowski moved to amend the previous motion to instead maintain Ordinance 2010-26, amended to overtly state that the maximum number of dogs allowed on the property be limited to forty (40), this number including puppies which must be bred on the property, and that the importation of dogs is not allowed, seconded by Mr. Roman.*

Mr. Jones expressed his disagreement with the motion, noting that it was getting into micromanagement, that the business was well run, and that other Board members needed to visit the facility.

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

Mr. Faivre commented that he did not understand why this use is not considered an agricultural enterprise. He also elaborated on why he could understand why there was confusion about whether the importation of puppies was allowed or not. He explained his support of the recommendation of the Hearing Officer, and that he did not support the motion to continue with the 2010-26 ordinance.

Mr. Jones noted that the County has a policy of letting people correct their zoning violations, and that he was disturbed that many of his fellow Board members are focused solely on the fact that the petitioners had violated their ordinance instead of the fact that they were trying to correct the violation.

*The motion to amend the previous motion to instead maintain Ordinance 2010-26, amended to overtly state that the maximum number of dogs allowed on the property be limited to forty (40), this number including puppies which must be bred on the property, and that the importation of dogs is not allowed, passed four (4): Bunge, Pietrowski, Roman, and Willis, to three (3): Cribben, Faivre, and Jones.*

*The motion to forward the amended recommendation to the full County Board for approval passed four (4): Bunge, Pietrowski, Roman, and Willis, to three (3): Cribben, Faivre, and Jones.*

#### **NEW BUSINESS – AMEND SOLAR / WIND FARM MORATORIUM**

Mr. Hiland explained that in March 2017, the County Board passed a Wind and Solar Farm / Garden Moratorium for eighteen (18) months, to establish a period of time to assess the impact of wind towers and commercial solar farms in unincorporated DeKalb County. At the Committee's April meeting, the Committee, in response to items brought forward to them, acknowledged that the moratorium was limiting, and wanted to remove from the moratorium solar systems/panels to be used on commercial or industrial rooftops. He explained that the Committee was asked to review the proposed amendment to the moratorium and make a recommendation to take before the full County Board.

Ms. Willis believes that they wanted to allow both ground and rooftop installations as long as the power was not sold to power companies. Mr. Hiland explained why the two were separated, and explained what would be required to allow the ground mounted installations.

*Mr. Cribben moved to amend Ordinance 2017-02 to remove solar systems/panels to be used on commercial or industrial rooftops from the moratorium, seconded by Mr. Roman, and the motion carried unanimously.*

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

## **OTHER BUSINESS – TEXT AMENDMENT DISCUSSION**

Mr. Hiland noted that the Committee had expressed its desire to allow for the instillation of ground based solar systems/panels to generate power for the uses located on that property, as opposed to systems intended to create power purchasable by entities such as ComEd. Mr. Hiland explained that the DeKalb County Zoning Ordinance does not currently allow for such a use, and would require a text amendment to the Zoning Ordinance to be allowed. He then asked the Committee for guidance in how it wished such an amendment be crafted.

Mr. Jones inquired whether an applicant would still need a special use permit. Mr. Hiland pointed out that currently such uses are not a permitted or special use in any zoning district and that the proposed text amendment would be establishing the nature of the use, in which districts would such a use be allowed, and whether it would be a permitted or special use in those districts. Mr. Jones suggested that these uses be special uses, which would allow the County Board to judge each such instillation on its own merits.

Mr. Hiland inquired whether the Committee considered there was a difference between solar for personal use and that to be sold for use on the power grid. The Committee responded yes.

Steven Miller, of South Grove, inquired whether setbacks should be required. Mr. Hiland responded that setbacks could be included as part of the text amendment.

Mr. Jones recommended that the language stay generic as long as the Board has oversight through the Special Use process. He also clarified that the Committee was only referring to solar systems to be used for personal use only.

Mr. Hiland informed the Committee that he would take the comments from the Committee and formulate a text amendment proposal, and will set in motion a text amendment application.

## **OLD BUSINESS – SOLID WASTE PLAN**

Mr. Hanson informed the Committee that at its April meeting, the Committee has been asked to review and forward a recommendation to the full County Board regarding a proposed text amendment to the DeKalb County Solid Waste Plan identifying that the DeKalb Landfill Expansion would provide waste disposal capacity to the County and its residents for at least the next 20 years and meet any needs for landfills or transfer stations in DeKalb County for at least the next 20 years as well. The Committee, while understanding the request, did not want to adopt

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

language that would limit competition in the marketplace, therefore, he presented to the Committee a modified version of the proposal that addressed the Committee's concerns, providing a detailed description of the modifications (14.1 and 14.2) made to the original proposal. He asked the Committee to review the modified version and to make a recommendation to the full County Board.

Ms. Willis commented that the modifications made seem to contradict each other. Mr. Hanson responded by elaborating further upon their differences.

Mr. Bunge asked for clarification as to whether or not the modifications would prevent someone from applying for a transfer station. Mr. Hanson answered that the amendment would allow the County a reason to step forward and indicate whether it was for or against the proposal.

Mr. Jones commented that it was a very complicated issue, and stated that the language as proposed was good.

Mr. Christiansen, of DC Trash, stated his objections to the proposal.

Mr. Moran, an attorney for Waste Management, detailed Waste Management's support of the proposal.

The Committee discussed the differences between transfer stations and landfills, and the potential effects of one siting within or close to the County.

Mr. Bunge inquired as to the County's role in the siting of a transfer station within a municipality. Mr. Hiland responded that the Solid Waste Plan gives the County a statutory say in the process through the Certificate of Need. Mr. Hoekstra, of Waste Management, described the State Statute regulating "pollution control facilities" and what it means for the County.

Mr. Pietrowski voiced his concerns that the modifications have not addressed his concerns. Mr. Bunge and Ms. Willis agreed with this.

Mr. Hughes, County Board member, inquired about the comparison between the dollars we would receive from a transfer station vs the monies received from the landfill. Mr. Jones responded that there are currently no fees for transfer stations, but that the proposed language would allow for the County to establish one.

The Committee had further discussions about the proposed language of proposed section 14.1.

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

*Mr. Jones moved to recommend approval of the modified resolution, seconded by Mr. Faivre, and the motion failed five (5) nays: Bunge, Cribben, Pietrowski, Roman, and Willis, to two (2) ayes: Faivre and Jones.*

*Mr. Pietrowski moved to have staff remodify section 14.1 to address the concerns voiced by the Committee, and to continue the matter until the next meeting of the Committee for further discussion, seconded by Mr. Bunge, and the motion carried unanimously.*

## **ADJOURNMENT**

Mr. Pietrowski motioned to adjourn, seconded by Ms. Willis, and the motion carried unanimously.

**Respectfully submitted,**

---

**Steve Faivre**  
**Chairman, Planning and Zoning Committee**

Moa: moa

P:\Zoning\P&ZCommittee\Minutes\2017 Minutes\5-24-17 P&Z Minutes.docx

*Note: These minutes are not official until approved by the Planning & Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*