

DeKalb County

PLANNING & ZONING COMMITTEE

Regular Meeting

Administrative Building, Conference Room East
110 East Sycamore Street Sycamore, Illinois 60178

Wednesday September 25, 2019 – 6:30 p.m.

Steve Faivre, Chairman

1. **CALL TO ORDER**
2. **ROLL CALL / INTRODUCTION OF VISITORS**
3. **APPROVAL OF AGENDA**
4. **PUBLIC COMMENT**
5. **APPROVAL OF MINUTES**
 - a. **June 26, 2019**
 - b. **August 28, 2019**
6. **NEW BUSINESS**
 - a. **VARIATION REQUEST** – Request by Aaron and Courtney Meyer for a Variation request to allow for the expansion of a legal, non-conforming residential residence which would result in the increase of the non-conformity. The subject property is located at 13810 Derby Line Road, Genoa, in Genoa Township, and is zoned RC-1, Residential Conservation District - 1.
 - b. **TEXT AMENDMENT** - Stormwater Ordinance Amendment
 - c. **ZONING TEXT AMENDMENT CONSIDERATION** – Concealed Carry Temporary Use Permit to add to the number of annual permits from twelve to twenty four permits.
 - d. **ZONING TEXT AMENDMENT CONSIDERATION** – Recreational Cannabis Zoning Regulations regarding 1) an adult-use cannabis cultivation center, 2) craft grower, 3) processing organization, 4) infuser organization, 5) dispensing organization and/or 6) transporting organization.
7. **OLD BUSINESS**
 - a. **DEKALB COUNTY LANDFILL** -- Annual report on the status of the DeKalb County Landfill.
 - b. **RECYCLING ANNUAL REPORT** -- Report by the Solid Waste Coordinator on the previous year’s recycling rate and goals for the year.
 - c. **ZONING TEXT AMENDMENT** - Request of DeKalb County for changes to the text of the Zoning Ordinance regarding Use Variances, buildable lots, animals in residential districts and intermodal containers.
8. **OTHER BUSINESS / REPORTS**
9. **ADJOURNMENT**

MINUTES

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 Meeting
(June 26, 2019)

The Planning and Zoning Committee of the DeKalb County Board met June 26, 2019 at 6:30 p.m. in the DeKalb County Administrative Building, Conference Room-East, in Sycamore, Illinois. In attendance were Committee Members: Steve Faivre, John Frieders, Roy Plote, Craig Roman, and Suzanne Willis; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also, in attendance were: Gary Hanson, DeKalb County Administrator; Greg Maurice, of the DeKalb County Health Department; Mike Wiersema, of Waste Management; and, Jim Hutcheson.

CALL TO ORDER

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order, noting that Committee member Mr. Jones was absent. Committee member Mr. Roman arrived late.

APPROVAL OF AGENDA

Mr. Plote moved to approve the agenda, seconded by Ms. Willis, and the order carried unanimously.

APPROVAL OF MINUTES

Mr. Pietrowski moved to approved the minutes of the May 22, 2019 Committee meeting, seconded by Mr. Faivre, and the motion carried unanimously.

PUBLIC COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

None

OTHER BUSINESS – WASTE MANAGEMENT UPDATE AND GASIFICATION OPTIONS FOR DEKALB COUNTY

Mr. Hiland introduced Mike Wiersema, of Waste Management, who appeared before the Committee to give a presentation regarding possible gasification options at the DeKalb County Landfill.

Planning and Zoning Committee Minutes
(July 10, 2019)

Mr. Wiersma informed the Committee that the land fill currently burns off the natural gas created by the landfill using two flares located on the property. He noted that Waste Management was investigating other possible uses for that gas, and had identified three options available to them. The first option would be direct sale of the gas; however, he explained that this was not a viable option at this time as there were no large-scale end users available to purchase the gas on a year-round basis. The second option was a gas-to-energy system. Mr. Wiersma explained that while such a system was a good and desirable system, it is currently a cost-prohibitive one any more as the interconnect costs with ComEd have risen and the tax credits that were there no longer exist. He did add that although such a system was not viable now, should things change to lower the costs, they would reconsider it. The third option they are exploring, and the one that would be most viable at the DeKalb Landfill, is a renewable energy system. Mr. Wiersema explained that in such a system, they would “clean” the gas, then put it into a pipeline, after which it could be compressed and used. He noted that they have some garbage trucks which run on CNG, and that this natural gas could be used to power them. He noted that a number of technologies existed which could potentially use this gas, and that tax credits were available for these systems. Mr. Wiersema reported that Waste Management was currently engaging in a ten to twelve-month study to explore the feasibility of this option, and indicated that if the report is favorable that they would be interested in seeking to establish such a system on the site. He noted that until such a system is set up, they would continue to utilize the flares.

Mr. Pietrowski inquired as to what benefits would come to the residents of DeKalb County from the establishment of such a system. Mr. Wiersema explained that there would be no negative effects, but that he couldn't say if there would be any direct benefits to the county other than the gas being used for something other than being flared.

Mr. Faivre inquired as to the quantities of gas being used for 2018, or maybe a home heating equivalent. Mr. Wiersema responded that he did not have those figures, which he believed to be significant, at hand, but could determine them if the Committee wished.

Mr. Faivre inquired whether the system for utilizing this gas was similar to the electrical grid used by ComEd. Mr. Wiersema explained that a gas-to-energy system would be connected to the electrical grid, but the other two systems (direct sales and renewable energy) did not work that way, and went on to elaborate on differences between the systems.

Mr. Plote arrived to the meeting.

OTHER BUSINESS – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS AND ASSOCIATED FEE UPDATES

Mr. Hiland reminded the Committee that at the County Board Workshop held on June 8, Mr. Faivre and Attorney Charlie Brown presented a proposed text amendment to the regulation of agriculture in the unincorporated portions of the County, and recapped the discussion had at the workshop for those Committee members who were not able to attend the workshop.

Mr. Hiland informed the Committee that his goal for the discussion was to start a dialog regarding several potential changes or additions to the DeKalb County Zoning Ordinance, which staff was considering

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bringing before the Committee. He clarified that he was not looking to produce any code that night, but to get their input and direction regarding these proposed changes.

Mr. Hiland' first topic was a continuation of the discussion started at the workshop regarding agriculture. He talked about the definition of agriculture, as defined in the Zoning Ordinance. He described a common misunderstanding regarding the agricultural uses and the A-1 District, noting that many people confuse being zoned A-1 as meaning that they are considered agricultural. He explained that "agriculture" is just one of several permitted uses in the A-1 District, and that not all uses in the A-1 District are considered agricultural. He then talked about the need to educate the citizens of the County about these differences. Mr. Hiland then discussed the text amendment proposed by Mr. Faivre and how it differed from the current code.

Mr. Hiland's second topic regarded Section 4.02.D.2 of the Zoning Ordinance (referred to the a "4.02.D.2 Split") explained the type of subdivision it allowed, and elaborated on some of the issues and concerns it raised. Mr. Hiland and the Committee then had an extended discussion regarding this provision. Mr. Faivre also described how his proposed amendment would change this language.

Another extended discussion then occurred regarding the State Code regarding a county's ability to regulate agricultural activity on properties of less than five acres from which \$1,000 or less of agricultural products were sold in any calendar year. The discussion included discussion of Mr. Faivre's proposed text amendment and how it would amend this rule in the Zoning Ordinance and the future impacts it would have. The discussion also included talk about the County's 40-acre rule, its history and what changing it would mean for the County.

Mr. Faivre then gave a description of why he felt the text amendments he and Mr. Brown had proposed should be put forth for consideration by the County Board, elaborating on what he hoped to achieve in doing so.

Mr. Pietrowski noted that when Mr. Brown had originally proposed the text amendments, he understood that Mr. Brown was working under the behest of the DeKalb County Farm Bureau, and inquired whether that was still the case. Mr. Plote noted that Mr. Brown no longer was acting on behalf of the Farm Bureau. Mr. Faivre indicated that they had presented the text amendments to the Farm Bureau and that they had been supportive of them.

The Committee returned to the topic of 4.02.D.2 Split, and explored in greater depth several elements of that language, how the proposed text amendment would change that language, and how such changes would impact the County.

The text amendment proposed by Mr. Faivre and Mr. Brown included a policy whereby any property of two or more acres that is zoned A-1 be automatically considered agricultural. Mr. Hiland and the Committee discussed the potential merits and problems of such a policy.

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Planning and Zoning Committee Minutes
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The text amendment also included a proposal to define a buildable zoning lot in the A-1 District as forty acres or a quarter of a quarter section. The Committee briefly discussed this proposal and indicated their general agreement with it.

Mr. Hiland informed the Committee that requests have been coming in by property owners asking whether intermodal containers could be used as storage buildings on private property. Mr. Hiland informed the Committee that the Code as it is currently written does not address the use of these containers in this way, and thus, such uses are prohibited. He did note that the use of these containers as temporary storage units under the Temporary Use Permit provisions had occurred. The Committee had a discussion in which they supported the idea that these intermodal containers should be allowed to be used as storage buildings on private properties, and directed Mr. Hiland to include language in the text amendment that would allow the use of such containers.

Mr. Hiland presented an argument to the Committee for the formation of a process and permit application for the demolition of structures, and the need to establish fees for the processing and handling such a permit. Mr. Hiland elaborated on the reasons staff felt such a permit was needed, in particular, the amount of site visits made by County staff and the costs involved. Mr. Faivre suggested possibly establishing a regulation whereby any properties within a certain distance of a municipality would have to follow the same rules and requirements for demolition as the properties within that municipality, and used the leaf burning ban as an example.

Mr. Hiland informed the Committee that staff wished to increase the minimum fee for deck inspections from \$80 to \$100, citing the increased amount of inspections and time the Building Inspection has had to devote to processing such permits. He explained that the current fee for a deck permit is twenty-five cents per square foot of the deck, with a minimum fee of \$80. He noted that the increase was intended to help the County recoup the costs. The Committee responded positively to this idea.

Mr. Hiland further explained that staff had been examining the fee for various permits. He noted that new advances like housing and building construction, like in-floor heating or hydronics, have occurred, but that the fee schedule has not kept up with such changes, and does not truly cover the costs in time and inspections that these new elements have added. Therefore, he was asking whether the Committee would be favorable to staff presenting a revised fee schedule to reflect these added costs. Similarly, Mr. Hiland noted that the Temporary Use Permits have a flat fee of \$50, but that \$50 did not truly cover the amount of time and effort needed to review and process many of the recent Temporary Use Permits applications. He noted significant changes in the number, type, and scope of activities for which people sought Temporary Use Permits, and argued that staff would like to establish a sliding fee scale to help staff recover the costs in time and effort that many of these bigger, more involved projects, have incurred. The Committee was in favor of the adjusting the fees so as to better recoup the costs involved in processing County permits.

ADJOURNMENT

Mr. Hiland noted that due to the July 24th Committee meeting being cancelled, he would bring the Committee draft text amendment language to their August 28th meeting for them to review.

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Planning and Zoning Committee Minutes
(July 10, 2019)

The Committee inquired as to whether any building permits had been applied for by any of the solar developers approved for the Community Solar project lottery. Mr. Hiland noted that no permits had been applied for at this time, but that staff had met with three of the developers regarding their impending projects and what would be needed for the application submissions.

Mr. Pietrowski mentioned that he and Mr. Frieders were advocating as one of their goals that the County have its own solar fields, and briefly elaborated on their thoughts on how to accomplish that goal.

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

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

MOA: moa

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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting

(August 28, 2019)

The Planning and Zoning Committee of the DeKalb County Board met August 28, 2019 at 6:30 p.m. in the DeKalb County Administrative Building, Conference Room-East, in Sycamore, Illinois. In attendance were Committee Members: Steve Faivre, John Frieders, Roy Plote, Craig Roman, and Suzanne Willis; and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also, in attendance were: County Board Members: Dianne Leifheit and Karen Cribben; Gary Hanson, DeKalb County Administrator; Greg Milburg, of the DeKalb County Farm Bureau; Attorney Charlie Brown; and, Jamie Walter.

CALL TO ORDER

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order, noting that Committee member Mr. Jones was absent.

APPROVAL OF AGENDA

Mr. Roman moved to approve the agenda, seconded by Mr. Pietrowski.

Mr. Hiland asked to remove two amendments from the agenda. First, he informed the Committee that due to an oversight, the minutes of the June 26, 2019 meeting had not been distributed to the Committee for review. Therefore, staff will include them in the September Committee meeting packet for review and approval at that time. Secondly, Mike Wiersma of Waste Management, who was to come and speak to the Committee, was unable to attend the meeting, and therefore, would reschedule his presentation to the September Committee meeting.

Ms. Willis moved to amend the agenda to remove the minutes and item 8b, seconded by Mr. Pietrowski, and the motion carried unanimously.

The motion to approve the amended agenda carried unanimously.

PUBLIC COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

Planning and Zoning Committee Minutes
(August 28, 2019)

Mr. Faivre distributed copies of two letters addressed to him from Dennis Leifheit and Richard Schmack, requesting that the Committee pursue an amendment to the County's regulations for Temporary Use Permits for Concealed Carry classes. Mr. Faivre indicated that he wished to address the matter at the Committee's September meeting.

OTHER BUSINESS – DISCUSSION OF POTENTIAL ZONING ORDINANCE AMENDMENTS AND ASSOCIATED FEE UPDATES

Mr. Hiland reminded the Committee that at their June meeting, a discussion was started regarding proposed changes to the DeKalb County Zoning Ordinance, in particular, a proposal from Charlie Brown and Steve Faivre to amend several items related to agriculture in the County. Mr. Hiland informed the Committee that staff had met with Mr. Faivre and Mr. Brown the previous week to discuss their proposal in greater detail and to compare it to a proposal staff had been previously compiling regarding many of the same issues. He noted that the meeting had been helpful in clarifying several of the changes being proposed. He highlighted the main topics of discussion from that meeting as being: revising and expanding the 4.02.D.2 split; amending the definition of agriculture; the 40-acre Rule and how it related to density; and, updating the Use Variance language. The Committee entered into a discussion regarding these and several other topics, including taking comments from several of the citizens and County Board members attending the Committee meeting. Eventually, Mr. Hiland noted many of the topics being addressed could easily occupy most of a Committee meeting by themselves, and suggested that instead of the Committee trying to address all of them at once, the Committee should consider addressing each topic separately, over the course of the next few Committee meetings. The Committee agreed, and Mr. Hiland noted that he would prepare one of the topics to be addressed at the next Committee meeting.

Mr. Pietrowski requested that a discussion regarding the newly adopted state regulations regarding recreational marijuana be added to the agenda of the next Committee meeting. He noted that the County should determine what actions/regulations needed to be adopted in response to these regulations.

ADJOURNMENT

Mr. Plote motioned to adjourn, seconded by Mr. Frieders, and the motion carried unanimously.

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

MOA: moa
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ITEM 6A



Community Development Department

110 East Sycamore Street

Sycamore, IL 60178

(815) 895-7188

communitydevelopment@dekalbcounty.org

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: September 17, 2019

SUBJECT: Meyer Nonconformities Variation
Petition GE-19-10

Aaron and Courtney Meyer have filed an application for a Variation. The request is to waive the restriction of Section 8.04.B.2 of the DeKalb County Zoning Ordinance in order to allow for the expansion of a legal, non-conforming residential residence which would result in the increase of the non-conformity. The subject property is located at 13810 Derby Line Road, Genoa, in Genoa Township, and is zoned RC-1, Residential Conservation District - 1.

The petitioners are proposing to renovate and relocate the front of the house from the south side of the residence, near State Route 23, to the north side of the residence, closer to the driveway entrance from Derby Line Road. Because the residence is only twenty-seven (27) feet from the right-of-way of State Route 23, and only thirty-two (32) feet from the right-of-way of Derby Line Road, instead of the minimum required forty (40) feet, the residence is a non-conforming structure. Section 8.04.B.2.a of the Zoning Ordinance allows for the expansion of a non-conforming structure only if the non-conformity is not increased. The proposed expansion would result in an overall increase of the non-conformity. Section 8.11 of the Zoning Ordinance allows that Variations from the provisions of Article 8 may be granted by the County Board following a public hearing before the Hearing Officer.

DeKalb County Hearing Officer Dale Clark conducted a public hearing on September 12, 2019 regarding the petition. The petitioners submitted evidence and gave testimony regarding the petition. The Hearing Officer has submitted his report and recommends approval of the requested Variation. The Planning and Zoning Committee is requested to forward an ordinance to the County Board for action, and may recommend approval, approval with conditions, or denial of the request.

cc: Aaron & Courtney Meyer

MOA: moa

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Aaron and Courtney Meyer - Variation Report - Approval Recommended - Petition GE-19-10

September 13, 2019

DeKalb Planning and Zoning Department
110 East Sycamore Street
Sycamore, IL 60178

RE: Petition for Variance: GE-19-10
Subject Property: 13810 Derby Line Road, Genoa (Genoa Township)
Petitioners: Aaron and Courtney Meyer

Date of Public Hearing: September 12, 2019
Time of Public Hearing: 1:00 p.m.

I. Summary of Proceedings

On September 12, 2019, the undersigned Hearing Officer presided over the public hearing on the application for variation filed by Aaron and Courtney Meyer, concerning their property located at 13810 Derby Line Road, Genoa, in unincorporated Genoa Township.

The Meyers are seeking a variation from the DeKalb County Zoning Ordinance with respect to their legal, non-conforming structure. They are seeking to renovate and expand the structure by relocating the entrance from Route 23 to Derby Line Road, and add a porch structure. However, Section 8.04 of the DeKalb County Zoning Ordinance states that a legal non-conforming structure may only be expanded if the expansion does not increase the non-conformity. The proposed renovation and expansion, if approved, would result in an increase of the non-conformity. The nature of the current legal non-conformity is that in the RC-1, Residential Conservation District, requires that the primary structure be located at least 40-feet from a right-of-way, and the present primary structure is located twenty-seven (27) feet from the Route 23 right-of-way, and thirty-two (32) feet from the right-of-way of Derby Line Road. The proposed relocation of the entrance and porch would further encroach on the District's present requirements.

At hearing, Mr. and Mrs. Meyer presented their information in support of their application for a variation, in their individual capacity. Present for DeKalb County were Mr. Derek Hiland, DeKalb County Planning Director, and Mr. Marcellus Anderson, DeKalb County Assistant Planner.

Submitted and received into the record were the following documents:

1. Public Notice of Hearing.
2. DeKalb County Staff Report.
3. Application and attachments in support of the petition for variation, filed by Mr. and Mrs. Meyer, including his detailed responses to County criteria.
4. Correspondence from the City of Genoa dated August 22, 2019 regarding the application, indicating the City's support for the application. The correspondence also indicated that in the future Genoa may annex the property, and the City is requesting that if approved the petitioner review the landscaping and vegetative screening between the proposed structure and the public street.
5. Correspondence from the DeKalb County Highway Department, dated September 12, 2019 indicating no opposition to the petition, as there already exists a screening privacy fence.

The matter was called on the record at 1:00 p.m., and the public hearing concluded at approximately 1:15 p.m., after hearing all evidence and testimony. After a brief summary of the pending issues by Assistant Director Anderson, Mrs. Meyer presented the application.

Mrs. Meyer provided detailed information as to the history of the property, including that the original driveway entrance was located at Route 23, as was the residential address, at a time when Route 23 carried much less traffic. She noted that the Derby Line Road driveway entrance was a later change to the property, but that at the time they purchased the property the home entrance remained facing Route 23. They desire to change the home entrance to comport with the Derby Line Road access, and add a porch area that would extend out approximately 6 ft. from the residential structure. She stated that Derby Line Road carries less traffic than Route 23, is the location where her children's bus stops for school, and would provide a safe access for the children directly into the home rather than having to walk around to the busier Route 23 side of the property. She also expressed some safety concerns that as it is a corner lot, with the home nestled into the intersection of Route 23 and Derby Line Road, without a porch there is limited grassy area for guests and others to safely enjoy the property. Their request for variation did not appear to be based merely on personal preference, but out of genuine concern for the increased traffic on Route 23 and the desire to coordinate safe ingress and egress into the home from the commonly used driveway entrance on Derby Line Road.

Mrs. Meyer also provided very detailed written responses to County criteria, addressing each required criteria and the particular nature of their property and proposed changes.

No one appeared in opposition to the application at the public hearing and no written correspondence in opposition was received by the Hearing Officer.

In their application and submissions, and by their testimony, Mr. and Mrs. Meyers adequately addressed the County criteria for consideration.

Under the applicable criteria contained in Zoning Ordinance Section 10.01.C, Standards for Variations, I make the following specific findings:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations.
2. The plight of the owners, Mr. and Mrs. Meyers, is due to unique circumstances based on existing County Code requirements and the unique geographical conditions of the property. I'm certain that when the home was constructed in the 1920s, the home's location nestled in the corner provided ample room for an entrance facing Route 23, as that road carried far less traffic and was not as developed at that time. However, as time has passed and road traffic increased, through no fault or cause by Mr. and Mrs. Meyer, by the time of their purchase circumstances have markedly changed.
3. The Variation will not alter the essential character of the locality. The legal non-conforming nature of the property will largely be unaffected by granting the variation, even though there will be a marginal expansion of the non-conformity.
4. There are practical difficulties or particular hardships associated with compliance absent the Variation:
 - a. The particular physical surroundings and shape of this property will result in a particular hardship on the owner if the strict letter of the regulations were carried out;
 - b. As each situation is unique, the particular plight of Mr. and Mrs. Meyers' property does not appear to be applicable to other property within the same zoning classification, and no such evidence was presented at hearing;
 - c. Mr. and Mrs. Meyers' request does not appear to be based exclusively or at all on a desire to make money, but rather to be able to simply utilize the available area of their property to its fullest enjoyment with safety, while minimizing the impacts of his proposed use to his neighbors;

- d. This hardship has not been created by the owners, Mr. and Mrs. Meyers;
- e. The granting of this Variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood;
- f. The granting of the variation will not impair an adequate supply of light and air to adjacent property, nor will it increase traffic congestion, fire danger, or endanger the public safety or diminish or impair property values within the neighborhood, and there will be no adverse effects on the health, morals, or general welfare of the public.

Based on the above and foregoing evidence and testimony of record, and the specific findings contained herein, I recommend approval by the DeKalb County Board of the Petition for Variance sought by Mr. and Mrs. Meyers, Petition GE-19-10.

Respectfully submitted,



Dale J. Clark

DeKalb County Hearing Officer

APPLICATION FOR ZONING ACTIONS

09/20/19

MAP AMENDMENTS
SPECIAL USES
VARIATIONS, ETC.

GE-19-10
FILE NUMBER
03-29-300-025
PARCEL NUMBER

Name of Applicant: Aaron + Courtney Meyer
Address: 13810 Derby Lane Rd. City: Genoa
State, Zip: IL, 60135 Phone: 847 812 6582
Email: ameyer@JDKservices.com

Attorney: _____
Address: _____ City: _____
State, Zip: _____ Phone: _____

Owner of Property: Aaron + Courtney Meyer
Address: 13810 Derby Lane Rd. City: Genoa
State, Zip: IL, 60135 Phone: 847 812 6502

Address and Legal description of property: (May be attached) PLEASE SEE ATTACHED
ON PLAT.

MAP AMENDMENTS OR SPECIAL USES

Existing Zoning District: _____
Existing Use: _____
Proposed Map Amendment: _____

OR

Proposed Special Use: _____

VARIATIONS

09/20/19

Zoning District: _____

Existing Use: _____

Requested Use: _____

OR

Required Setback: 40' FROM R.O.W.

Requested Setback: 27.4' FROM R.O.W. - R723 ~ 32' from driveway

OR

Existing Requirements (Please Specify): _____

Requested Requirements (Please Specify): _____

Notice: Permit recipients are required to comply with the Human Trafficking Resource Center Notice Act (775 ILCS 50/1, *et seq.*) to the extent that it applies to them. A State of Illinois model notice can be found at <https://www.dhs.state.il.us/page.aspx?item=82023>.

The undersigned grants the DeKalb County Planning Director or his/her designee and the Hearing Officer permission to enter upon the property described on this application for the purpose of inspection.

Owner or Authorized Agent

8/3/2019

Date

Received By

DISCLOSURE OF INTEREST

09/20/19

Pursuant to the requirements of State Statutes (55 ILCS 5/5-12009), please provide the names and addresses of all owners of the property for which the zoning action is requested. If ownership is by a corporation, provide the names and addresses of all officers and directors, and all stockholders owning any interest in excess of 20% of all outstanding stock of such corporation. If the petitioner for zoning action is a business or entity doing business under an assumed name, or if a partnership, joint venture, syndicate or an unincorporated voluntary association, provide the names and addresses of all true and actual owners of the business or entity, the partners, joint ventures, syndicate members or members of the unincorporated voluntary association.

Aaron + Courtney Meyer

409 WINDING TR.

+

13810 Derby Line Rd.

GENOA, IL 60135

GENOA, IL 60135

VARIATION REQUESTS

Please provide responses to the following statements:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the district in which it is located.

The property would be better suited with a proper porch and we will also be moving the entryway further away from the busier State Rt. 23.

2. The plight of the owner is due to unique circumstances. Yes, this home was built in 1921 when the original roads were more narrow. The original driveway and entryway were on Rt. 23. Since then the driveway has moved to Derby Lane Rd. We would like to restore the look of the home and put a proper front porch on.

3. The Variation, if granted, will not alter the essential character of the locality. No, the variation if granted will not alter the character of the locality. In fact, the look of the porch will bring a more genuine look to the home for the entryway.

4. There are practical difficulties or particular hardships associated with complying with the regulations of the Zoning District. For the purpose of determining the above, please respond to the following:

a. If the strict letter of the regulations were carried out, would the particular physical surroundings, shape or topography of this property involved result in a particular hardship upon the owner?

Yes, it would limit us from doing anything in our front yard. By not allowing this revision, the entryway will still be closer to state Rt. 23.

b. Would this request for a Variation be applicable to other property within the same zoning classification? This is a very unique case based on the location of the home.

c. Is this request based exclusively upon a desire to make money? No, this is our dream home + property, and we would like to restore it, as well as make it more functional.

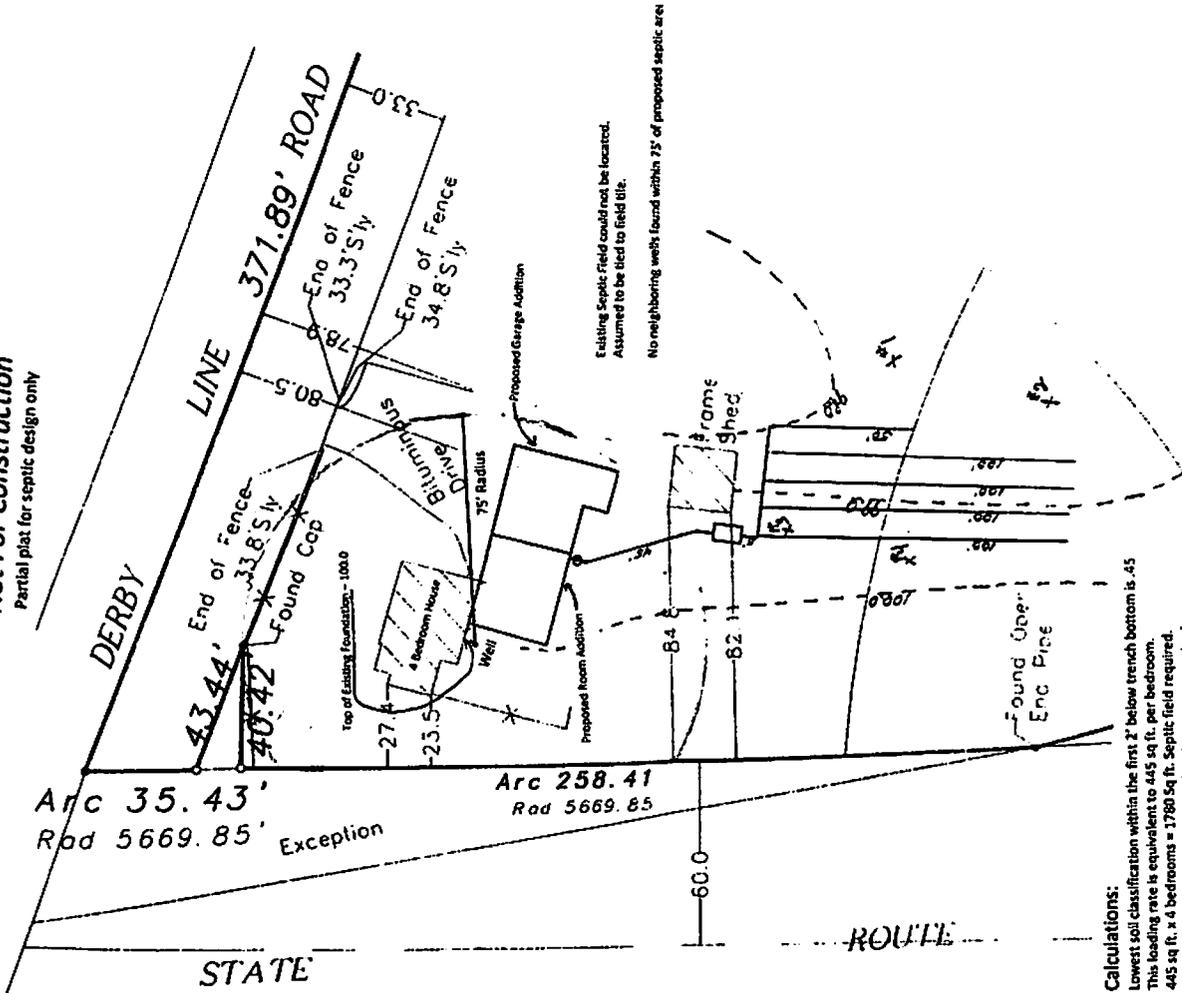
d. Has this hardship been created by the owner of property? No, we just purchased this property and are trying to restore it.

e. Will the granting of the Variation be detrimental to the public welfare or injurious to other property or improvements in the neighborhood? No, we feel it will provide a safe area for our family and improve the current front door access way.

f. Will the granting of the Variation impair an adequate supply of light and air to adjacent property, increase traffic congestion, fire danger, or endanger the public safety or diminish or impair property values within the neighborhood? Will there be adverse affect on the health, morals or general welfare of the public? No, the area is quite far from any adjacent properties.

Septic System Design

Not For Construction
Partial plat for septic design only



Calculations:
 Lowest soil classification within the first 2' below trench bottom is .45
 This loading rate is equivalent to 445 sq ft. per bedroom.
 445 sq ft. x 4 bedrooms = 1780 Sq ft. Septic field required.
 1780 sq ft. / 4 sq ft. = 445 lin. Ft. chamber system required.
 450 lin. Ft. designed.

Elevations:

1. One of House	94.5
2. 1500 gal. Septic Tank	94.0
3. Invert Inlet Pipe	97.3
4. Invert Outlet Pipe	97.6
5. Line 1	97.5
6. Line 2	97.4
7. Line 3	97.3
8. Line 4	97.2
9. Line 5	97.2

NOTE: All lines to be placed based on 1" = 10'

Legend:

1. 1500 gal. Septic Tank
2. All pipe to be 4" Schedule 40
3. 450' (15 15ft) Infiltrator Chamber System
4. Line 1 - 100'
5. Line 2 - 100'
6. Line 3 - 100'
7. Line 4 - 100'
8. Line 5 - 100'

Septic Design By:
Reed SEPTIC SERVICE, INC.
 9970 Kesinger Rd.
 Deford, N. 02115
 State Lic. # Kane County Lic. #
 049-033491 006
 Property Address:
 Mr. Abram Meyer
 23810 Derby Line Rd.
 Genoa, VT

Untitled Map

Write a description for your map.

09/20/19



13810 Derby Line Rd

Legend

-  13810 Derby Line Rd
-  JDK

Google Earth

© 2018 Google

800 ft





First American Title™

Illinois Agent Issued Buyer Closing Protection Letter

6/19/2019

Aaron Meyer, Courtney L Meyer
13810 Derby Line Rd
Genoa, IL 60135
Phone:
Fax:

Transaction File Number (hereafter, "the Real Estate Transaction"): 00029930

Buyer: Aaron Meyer, Courtney L Meyer
Property Address: 13810 DERBY LINE RD, GENOA, IL 60135
Loan Number: EM006752

Name of Issuing Agent or Approved Attorney ("title insurance agent"):

American Title Guaranty, Inc.
2045 Aberdeen Court
Suite B
Sycamore, IL 60178

Re: Buyer Closing Protection Letter

Dear Sir or Madam:

First American Title Insurance Company (the "Company") agrees, subject to the Conditions and Exclusions set forth below, to reimburse you for actual loss not to exceed the amount of the settlement funds deposited with the title insurance agent and incurred by you in connection with the closing of the Real Estate Transaction conducted by the title insurance agent of the Company provided:

- (A) A title insurance policy of the Company is issued for your protection in connection with the closing of the Real Estate Transaction;
- (B) You are to be the (i) purchaser of an interest in land, or (ii) lessee of an interest in land; and
- (C) The aggregate of all funds you transmit to the title insurance agent for the Real Estate Transaction does not exceed \$2,000,000.00 on a nonresidential transaction; and provided the loss arises out of:

Validation Code: 246a0876-1805-47

Online Validation: <https://agency.myfirstam.com/validation/>

Agency Support Center - 8605 Largo Lakes Dr., Suite 100, Largo, FL 33773, 1-866-701-3361

August 3, 2019

Variance Request Narrative Statement
Meyer Home
13810 Derby Line Rd.
Genoa, IL 60135

The variance request on our home is to improve and create a safer layout to our 1920's front entry and porch. The original driveway to our home was located off of route 23 just south of the intersection. As Route 23 grew busier the main driveway was relocated to the less busy Derby Line Road. Unfortunately, the main and original entry way and porch facing route 23 has remained till today. We have three children and safety is a large concern of ours. The current layout would force our children and any visitors to walk to the far west side closest to the busier route 23 to enter our home. The current porch has no rails and is falling apart. With our newly improved plan it would bring the entrance to the same place as the driveway on the less busy Derby Line Road and would allow our children and visitors to enter our home at a further distance from route 23. We feel with a shallow front lawn the only way to safely enjoy the front property would be to have the safety of the porch and rails to stand on and behind. It would allow enough space for people to be out front without having to be in the grass closer to the road.

In this process of renovating, we had an architect draw up a new plan which we spent countless hours and resources putting together. We loved the way that the new entry came into the house with the covered porch with a small walkway from our driveway. Keeping visitors from having to get closer to the highway. We feel that the porch should be at the front and center entry of the home with a small footprint of 6' coming off of the existing home.

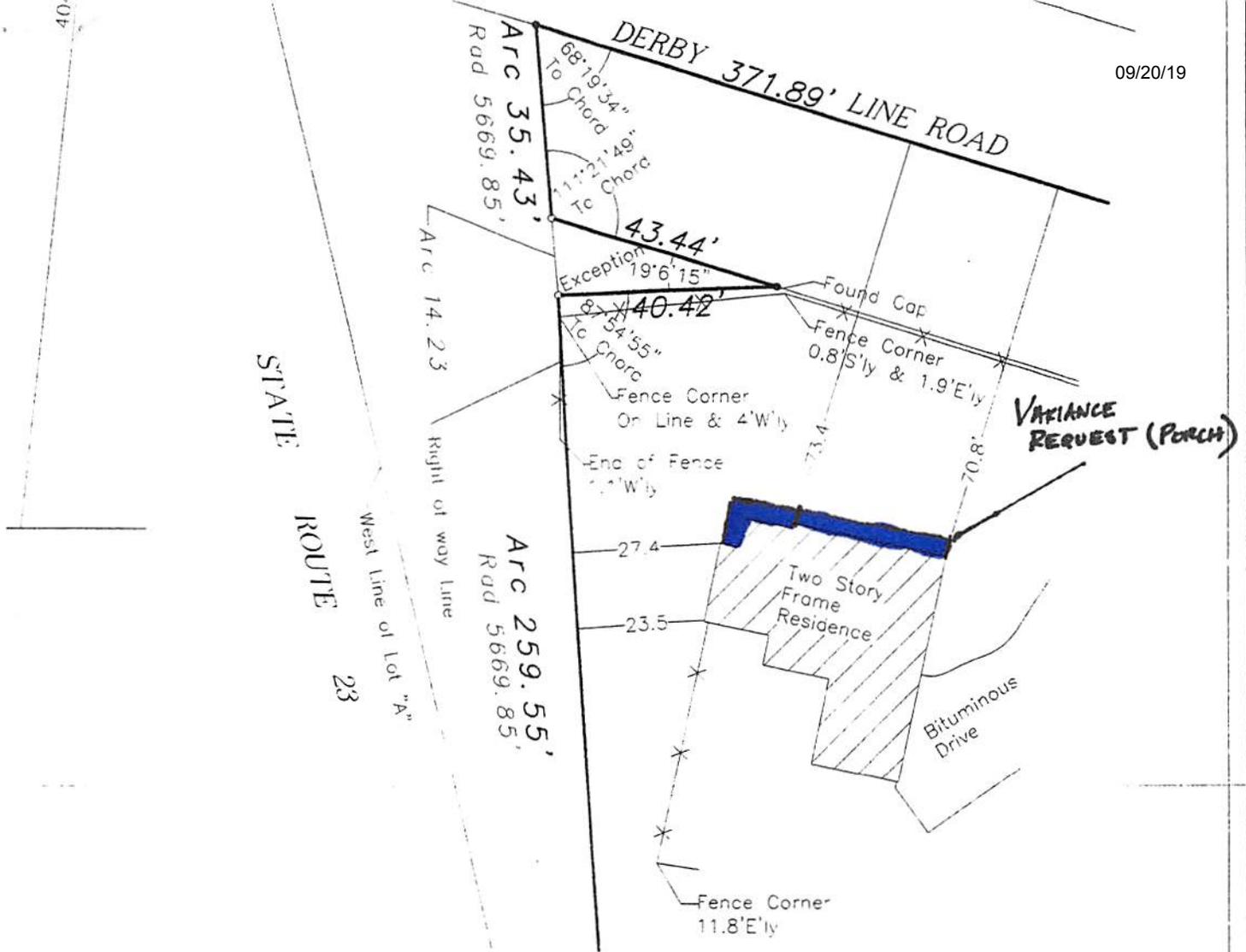
Homes in the 1920's were certainly built very differently than we do today. And over the years we see the remains of the slow adjustments this home has had to make to evolve with its location. We hope to be granted the opportunity to continue to make those safer more logical adjustments to it as its environment and the type of people occupying it evolve. With the addition being added to the south eastern side of our house the porch also esthetically added balance to the weight of the addition and the functionality. This home is one we plan to stay at for a long time and raise our family so we are fully committed to caring and taking all the right steps to create a beautiful environment that will be good for our family and our community. The original 1920's build has certainly left us in some unique positions that originally did not play any factors back in its time, but to date has new surroundings leaving us in a position we hope to be able to improve.

We appreciate the time and consideration that DeKalb County has put in for our variance request. We are happy and willing to do whatever is necessary to make this work. Our main goal is to create a safe space that we could all enjoy our home to its fullest potential.

Kindest Regards,

Handwritten signatures of Aaron and Courtney Meyer in black ink. The signature for Aaron is on the left and Courtney's is on the right.

Aaron and Courtney Meyer



VARIANCE REQUEST (PORCH)

BUILDING DETAIL
SCALE 1"=30'

PLAT IS A TRUE AND CORRECT
PROPERTY HEREON SHOWN AND
DECIMALS THEREOF. THIS
ILLINOIS MINIMUM

19, WITNESS MY HAND AND
JUNE, 2019.

Shawn R. Vankampen
VANKAMPEN
SURVEYOR NO. 2710
NOVEMBER 30TH, 2020



Prepared by:
William E. Hanna Surveyors
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com
License # 184007413

VARIANCE
REQUEST (PUSH)





ITEM 6B

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2019-

**AN ORDINANCE AMENDING
THE COUNTYWIDE STORMWATER MANAGEMENT ORDINANCE
FOR DEKALB COUNTY**

WHEREAS, Illinois State law, 55 ILCS 5/5-1062.2, grants to DeKalb County the authority to prepare and adopt a countywide plan for the management of stormwater runoff, including regulations for the management of natural and man-made drainageways, watershed plans, for the purpose of consolidating the existing stormwater management framework into a united, countywide structure and setting minimum standards for floodplain and stormwater management; and

WHEREAS, in accordance with the above-cited law, the DeKalb County Board on November 15, 2006 adopted Ordinance 2006-28, which approved a Stormwater Management Ordinance containing regulations for stormwater management; and

WHEREAS, the Stormwater Management Planning Committee has reviewed the provisions of Section 10.8 of the Stormwater Management Ordinance related to the regulation of wetland protection while providing clear direction of mitigation requirements should wetland impacts be proposed; and

WHEREAS, accordingly, the Stormwater Management Planning Committee has recommended that the County Board amend Section 10.4 of the Stormwater Management Regulations to add and or modify language regarding methods for generating runoff hydrographs; and

WHEREAS, accordingly, the Stormwater Management Planning Committee has recommended that the County Board replace the words Planning Director throughout the entire document with the words Community Development Director to bring the Stormwater Ordinance in line with existing named titles and departments of the County; and

WHEREAS, the Planning and Zoning Committee of the County Board has unanimously supported the recommendation of the Stormwater Management Planning Committee; and

WHEREAS, the County Board of DeKalb County, having considered the recommendations of both the Stormwater Management Planning Committee and the Planning and Zoning Committee, has determined that it is in the best interests of the citizens of the County that the entire document reflect current titles and departments and that Section 10.4 of the Stormwater Management

Ordinance should be amended as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings above and the recommendation of the Stormwater Management Planning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The DeKalb County Stormwater Management Ordinance is hereby replaced in its entirety by ATTACHMENT A of this ordinance

(ATTACHMENT A – DeKalb County Stormwater Management Ordinance)

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS _____ DAY OF _____, 2019, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Stormwater Management Ordinance, Phase 2

Sec. 1. Authority and Purpose

A. Authority

This ordinance is enacted pursuant to the powers granted to DeKalb County, Illinois by the Illinois Compiled Statutes, 55 ILCS 5/5-1062.2, and Illinois Drainage Law.

B. The purpose of this Ordinance is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in DeKalb County. It is the intention of this Ordinance that land disturbing activities not result in an increase in the rate of or the location of storm water runoff from properties in order to safeguard adjoining properties from the negative impacts of such runoff. Further, it is intended to require the temporary storage and the control of the rate of release of excess storm water thereby equitably apportioning the liabilities and benefits of storm water runoff between dominant and subservient estates.

Sec. 2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words not defined shall be interpreted in accordance with definitions contained in Merriam Webster's New Collegiate Dictionary, Ninth Edition.

Administrator: The person designated by the County to administer and enforce this ordinance. The Community Development Director and County Engineer shall jointly administer this ordinance.

Adverse Impacts: Any deleterious impact on water resources or wetlands affecting their beneficial uses including recreation, aesthetics, aquatic habitat, quality, and quantity.

Applicant: Any person, firm or governmental agency who executes the necessary forms to procure official approval of a development or permit to carry out construction or a development from the County.

Base Flood: The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood.

Base Flood Elevation: The elevation at all locations delineating the level of flooding

Sec. 2 Definitions

resulting from the base flood event.

Best Management Practice (BMP): A measure used to control the adverse stormwater-related effects of development. BMPs include structural devices (e.g. swales, filter strips, infiltration trenches, and detention basins) designed to remove pollutants, reduce runoff rates and volumes, and protect aquatic habitats. BMPs also include non-structural approaches, such as public education efforts to prevent the dumping of household chemicals into storm drains.

Buffer Area: An area of predominantly vegetated land to be left open, adjacent to wetlands, drainage ways, lakes, ponds, or other surface waters for the purpose of eliminating or minimizing adverse impacts on such areas.

Channel: Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or manmade drainage way, which has a defined bed and bank or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Channel Modification: Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, riprapping (or other armoring), widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody rooted vegetation. Channel modification does not include the clearing of debris or removal of trash.

Compensatory Storage: An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Control Structure: A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

County: Unless otherwise identified, the County of DeKalb, Illinois.

County Engineer: The County Superintendent of Highways or a professional engineer, registered in the State of Illinois, who has been duly appointed as the County Engineer of the County of DeKalb, or who has been hired by the County as its consulting engineer.

Critical Duration: The duration of a storm or flood event that results in the greatest peak runoff or high water elevation.

Deed or Plat Restriction: Easements, covenants, deed restricted open spaces, outlets dedicated to a public entity, reserved plat areas, conservation easements, or public road rights-of-way that contain any part of the stormwater management system of a

Sec. 2 Definitions

development.

Depressional Storage: A non-riverine depression where stormwater collects. The depressional storage volume is the volume contained in a depression below the high water level of the critical duration 100-year flood through the site in the pre-developed condition.

Detention Basin: A facility constructed or modified to provide for the temporary storage of stormwater runoff and the controlled release by gravity of this runoff at a prescribed rate during and after a flood or storm.

Detention Time: The mean residence time of stormwater in a detention basin.

Development: Any man-made change to real estate, including:

- a) Preparation of a plat of subdivision;
- b) Construction, reconstruction or placement of a building or any addition to a building;
- c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;
- d) Drilling, mining, installation of utilities, construction of roads, bridges, or similar projects;
- e) Filling, dredging, grading, construction of levees, clearing, excavating, paving, or other non-agricultural alterations of the ground surface;
- f) Storage of materials or deposit of non-agricultural solid or liquid waste; and
- g) Any other activity that might alter the magnitude, frequency, deviation, or velocity of stormwater flows from a property.

Development does not include maintenance of existing buildings and facilities such as resurfacing of roadways when the road elevation is not increased, or gardening, plowing, and traditional agricultural practices that do not involve filling, grading, or construction of levees. Additionally, development does not include fence installation, pole placement, drilling or other minor auxiliary construction activity, which does not affect stormwater runoff rates or volumes.

Director: the County ~~Planning Director~~ Community Development Director

Drainage District: A special district created by petition or referendum and court approval having the power to construct and maintain drainage improvements and to pay for improvements with assessments on the land within the district boundaries.

Dry Detention Basin: A detention basin designed to drain completely after temporary storage of stormwater flows and to normally be dry over the majority of its bottom.

Emergency Overflow: The structure in a stormwater management system designed to protect the system in event of a malfunction of the primary flow structure or a storm event

Sec. 2 Definitions

greater than the system design. The emergency overflow capacity initiates at the facility design high water level or base flood elevation.

Erosion: The general process whereby soil is detached by the action of water or wind.

Excess Stormwater Runoff: The volume and rate of flow of stormwater discharged from an urbanized area which is or will be in excess of that volume and rate which pertained before urbanization.

Exempt Municipality : A municipality located entirely or partially within the boundaries of DeKalb County that has adopted and enforces its own stormwater management ordinance, said ordinance being consistent with and at least as stringent as the Countywide Stormwater Management Ordinance, based on the finding of the Stormwater Management Planning Committee in accordance with Sec 8 herein.

FEMA: Federal Emergency Management Agency and its regulations codified as 44 CFR 59-79, effective September 29, 1989, as amended.

Floodplain: That land adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. The floodplain is also known as the Special Flood Hazard Area (SFHA)

Flood Fringe: That portion of the floodplain outside of the regulatory floodway.

Flood Rate Insurance Map (FIRM): A map prepared by the Federal Emergency Management Agency of HUD that depicts the special flood hazard area (SFHA) within a community. The map includes insurance rate zones and floodplains and may or may not depict Regulatory Floodways.

Floodway: The channel and that portion of the floodplain adjacent to a stream or watercourse which is needed to store and convey the anticipated existing and future 100-year frequency flood discharge with no more than a 1.0 foot increase in stage due to any loss of flood conveyance or storage and no more than ten percent (10%) increase in velocities. Municipality should reference the FIRMs applicable to the municipality and the surrounding areas.

Freeboard: An increment of height added to the base flood elevation, groundwater table, or 100-year design water surface elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave action, and unpredictable effects.

GIS Maps: The digital maps created and maintained by the Information Management Office of DeKalb County, IL.

Hydrograph: A graph showing the flow with respect to time for a given location on a stream or conduit.

Sec. 2 Definitions

Illinois Urban Manual: Technical design manual by the Natural Resource Conservation Service for best management practices (BMPs) for controlling non-point source pollution.

Impervious Surface: Any hard-surfaced, man made area that does not readily absorb, retain, or infiltrate water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks and paved recreation areas.

Infiltration: The passage or movement of water into the soil surfaces.

Lowest Adjacent Grade: The lowest finished grade adjacent to a structure, not including the bottom of window wells.

Major Drainage System: That portion of a stormwater management system needed to store and convey flows beyond the capacity of the minor drainage system. Where manmade, it is designed to handle stormwater runoff from the 100-year frequency event.

Minor Drainage System: That portion of a stormwater management system designed for the convenience of the public. It consists of street gutters, storm sewers, small open channels, and swales. Where manmade, the minor conveyance system is designed to handle stormwater runoff from the 10-year frequency event. It also consists of crossroad culverts, which shall be designed to handle stormwater runoff from the 50-year frequency event.

Mitigation: Mitigation includes those measures necessary to minimize the negative effects, which stormwater drainage and development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sediment control, and channel restoration.

Natural: Conditions resulting from physical, chemical, and biological processes without intervention by man.

New Impervious Area: Impervious surface area created after the effective date of this ordinance.

One Hundred-Year Return Frequency Event: A rainfall, runoff, or flood event having a one percent chance of occurring or being exceeded in any given year.

On-Stream Detention: Any detention facility to which runoff from upstream tributary areas flow.

Overland Flow Route: An area of land, which conveys stormwater runoff for all events up to, and including the base flood event.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit.

Person: An individual, public or private corporation, government, partnership, or

Sec. 2 Definitions

unincorporated association.

Planning and Zoning Committee: The Planning and Zoning Committee of the DeKalb County Board, it's successors or assigns.

Plat Officer: The Plat Officer of DeKalb County.

Positive Drainage: Provision for overland paths for all areas of a property including depressional areas that may also be drained by storm sewers.

Property: A parcel of real estate.

Redevelopment: Any activity, alteration, or change in land use that is undertaken on previously developed land.

Registered Professional Engineer: An engineer in the State of Illinois, under the Professional Engineer Act of 1989, 225 ILCS 325/1-49.

Regulatory Floodway: The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by the Illinois Department of Natural Resources, Office of Water Resources (IDNR-OWR), which is needed to store and convey the existing and anticipated future 100-year frequency flood discharge with no more than a 1.0 foot increase in stage due to loss of flood conveyance or storage, and no more than ten percent (10%) increase in velocities. To locate the regulatory floodway boundary on any site, the regulatory floodway boundary shall be scaled off the regulatory floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the regulatory floodway boundary, the IDNR-OWR should be contacted for the interpretation.

Release Rate: The rate at which stormwater runoff leaves the property.

Retention Basin: A facility designed to completely retain a specified amount of stormwater runoff without release except by means of evaporation, infiltration, emergency bypass or pumping.

Riverine: Relating to, formed by, or resembling a stream (including creeks and rivers).

Sedimentation: The process that deposits soils, debris, and other materials either on other ground surfaces or in bodies of water or stormwater drainage systems.

Special Flood Hazard Area (SFHA): Any area subject to inundation by the base flood from a river, creek, stream, or any other identified channel or ponding and shown on the FEMA Flood Insurance Rate Map. The SFHA is also known as the floodplain.

Storm Sewer: A closed conduit for conveying collected stormwater.

Sec. 2 Definitions

Stormwater Management Planning Committee: The Committee appointed by the DeKalb County Board and charged with the development of the Countywide Stormwater Management Plan and Ordinance and other duties as set forth in 55 ILCS 5/5-1062.2

Stormwater Management Plan: The Countywide Stormwater Management Plan, which describes the existing stormwater drainage system and environmental features, as well as the stormwater management system and environmental features in DeKalb County.

Stormwater Management System: The collection of natural features and man-made facilities, which define the stormwater management for a development. Examples include major and minor drainage systems, stormwater storage facilities, BMPs, etc.

Stormwater Runoff: The waters derived from melting snow or rain falling within a tributary drainage basin which are in excess of the infiltration capacity of the soils of that basin, which flow over the surface of the ground or are collected in channels or conduits.

Structure: The results of man-made change to the land constructed at or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days.

Time of Concentration: The elapsed time for stormwater to flow from the most hydraulically remote point in a drainage basin to a particular point of interest in that watershed.

Traditional Agriculture Uses: Uses commonly classified as agricultural or horticultural including forestry, crop farming, truck gardening, wholesale nursery operations, animal husbandry, the operation of any machinery or vehicles incidental to said uses, and the construction of single-family dwellings and other farm structures incidental to and typically associated with said uses. Agribusiness uses are not considered to be traditional agricultural uses and include but are not limited to commercial grain elevators, commercial facilities for grain storage, drying or other processing; commercial feed, seed or fertilizer manufacturing, processing or sales; or any other agricultural-related use, which substantially increases the size of impervious surface areas which may cause significant or measurable increases in stormwater runoff.

Tributary: A stream or river that flows into a main stem (or parent) river.

Two-Year Return Frequency Event: A runoff, rainfall, or flood event having a fifty percent (50%) chance of occurring or being exceeded in any given year.

Watershed: An area of land where all of the water that drains off of it goes into the same place. Watershed boundaries in DeKalb County are as depicted on the GIS Maps, as may be amended by additional studies of greater detail.

Wet Detention Basin: A detention basin designed to maintain a permanent pool of water

Sec. 2 Definitions

after the temporary storage of stormwater runoff.

Wetland: Wetlands are land that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, under normal conditions, a prevalence of vegetation adapted for life in saturated soil conditions (known as hydrophilic vegetation). A wetland is identified based upon the three attributes: 1) hydrology, 2) soils and 3) vegetation as mandated by the current Federal wetland determination methodology.

Sec. 3. Flood control assurances.

Sec. 3. Flood control assurances.

The County Board hereby assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations and agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program (see Appendix A, Zoning, Article 4, Section 4.01, FP/C Floodplain/Conservation District).

Sec. 4. Duties of ~~Planning Director~~Community Development Director.

1. The County Board hereby vests the ~~Planning Director~~Community Development Director with the responsibility and authority to:

- (a) Delineate or assist the Federal Flood Insurance Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites;
- (b) Provide such information as the administrator may request concerning present uses and occupancy of the floodplain;
- (c) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain areas, and cooperate with neighboring counties with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards;
- (d) Together with the County Engineer, interpret and enforce the regulations of this Chapter.

2. The County Board appoints the ~~Planning Director~~Community Development Director to maintain for public inspection and to furnish upon request a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded. (Ord. No. 93-30, 7-3, 10-20-93)

Sec. 6. Generally

3. The County Board appoints the ~~Planning Director~~Community Development Director to serve as the Plat Officer for DeKalb County.

The Plat Officer shall review subdivision proposals and other proposed new developments to ensure that:

Sec. 5. Review of subdivision proposals, other new developments for flood control measures

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
3. Adequate drainage is provided so as to reduce exposure to flood hazards. (Ord. No. 93-30, 7-3, 10-20-93)

Sec. 6. Generally

The following requirements shall be applicable and shall be satisfied prior to the construction, improvement or development of any structure, project or land which is subject to the provisions of this division:

1. No land disturbing activity shall be permitted which alters natural or man-made waterways or drainage features, including but not limited to ditches, culverts, swales, drain tiles, streams, rivers, ponds, lakes, wetlands and floodplains, unless such alteration is in compliance with the provisions of this Article. Further, any land disturbing activity proposed within the designated 100-year floodplain, as established by the current Flood Insurance Rate Maps for DeKalb County, shall be subject to the FP/C, Floodplain/Conservation District regulations of the DeKalb County Zoning Ordinance.
2. Any land disturbing activity shall be conducted in such a way that the location of storm water run-off from a site shall not be altered, and the post-development rate of storm water run-off from the site shall not exceed the maximum rate stipulated in Section 30-9 below, unless such alteration is approved by the County as part of a development review process. In assuring compliance with this standard, the ~~Planning Director~~Community Development Director may require the property owner to obtain a Site Development Plan in accordance with this Article.

Sec. 6. Generally

3. The discharge point of any sump pump, as well as any stormwater management measures, including but not limited to swales, drains and contouring, intended to direct sump pump discharge, shall be entirely within the buildable area of a lot, and shall not extend beyond any minimum required building setback line, provided, however, the ~~Planning Director~~Community Development Director may waive this provision upon the advice of the County Engineer.

Sec. 7. Site Development Permit

A Site Development Permit shall be obtained through the DeKalb County Planning and Zoning Office prior to the commencement of construction of any structure or change to any land that is subject to the provisions of this Chapter.

1. Except as otherwise provided in this Chapter, the following activities shall require a Site Development Permit:

- (a) Construction of any new structure, establishment of any new uses of any land or existing structures, structural alteration or relocation of any existing structures, and enlargements of or additions to any existing uses located within the County and outside of any city, village or incorporated town;
- (b) Issuance of any Building Permit, approval or recording of any subdivision or plat of any land, approval of any planned development, and construction of pavement or compacted area designated to be used for loading, open storage, or the parking of vehicles, shall first comply with the provisions of this Chapter and obtain the approval of the director;
- (c) Any land disturbing activity that will affect an area in excess of 10,000 square feet;
- (d) Any land disturbing activity within 100 feet of a lake, pond, river, stream, wetland, whether farmed, delineated, or depicted on the County GIS maps, or floodplain. In addition to the provisions set forward in this ordinance, development in Special Flood Hazard Areas shall comply with the requirements of the FP/C, Floodplain/Conservation District of the DeKalb County Zoning Ordinance. Where these ordinances conflict or overlap, whichever imposes the more stringent restrictions shall prevail;

Sec. 7. Site Development Permit

- (e) Excavating, dredging and filling or any combination thereof, that will exceed 250 cubic yards;
 - (f) Construction of any lake or pond, mining of minerals including sand and gravel, development of golf courses, and construction of roads and streets;
 - (g) Construction of agricultural buildings and structures that disturb one (1) acre or more in area or are within 250 feet of the corporate limits of a municipality or a property line of an occupied residential property; and
 - (h) Construction of buildings and structures associated with agribusinesses and other land uses governed by special use permits.
2. A Site Development Permit shall not be required for:
- (a) Tilling of soil and installation of drain tiles associated with traditional farming or other agricultural activities on property zoned for agricultural uses;
 - (b) of sod waterways, terraces, surface water diversions, grade stabilization structures, and grading and excavation associated with wildlife habitat practices such as shallow water impoundments, ponds, wetland enhancements and wildlife watering facilities, on properties zoned for agriculture, provided these are part of a USDA-NRCS approved project;
 - (c) Agricultural buildings and structures the construction of which disturbs less than one (1) acre of land, provided these are more than 250 feet from the corporate limits of a municipality and the property line of an occupied residential property;
 - (d) Excavations below final grade for the basement and footings of a single-family residence, septic systems, drain fields, tanks, vaults, tunnels, swimming pools, or cellars for which a Building Permit has been issued by the County;

Sec. 7. Site Development Permit

- (e) Construction associated with any work in a public right-of-way for which the Illinois Department of Transportation, Township Road Commissioner, or the County Engineer has issued approval;
- (f) Tilling of soil for fire protection purposes;
- (g) Construction of or modification to single-family residences which will continue to be used as single-family dwellings, provided, however, a Site Development Permit shall be required for any residence which would be 100 feet or closer to a lake, pond, river, stream, wetland or floodplain and shall be required if, in the determination of the ~~Planning Director~~Community Development Director, construction of a residence could negatively impact adjacent properties due to water runoff;
- (h) Modification of structures or appurtenances other than single-family dwellings, which do not increase the amount of impermeable area; and
- (i) Excavations associated with mineral extractions conducted pursuant to a valid County Special Use Permit and valid permit under the Surface Mined Land Conservation and Reclamation Act;
- (i) On agriculturally-zoned property, the ~~Planning Director~~Community Development Director shall have the authority to waive the requirements of this Chapter if it is determined that there are unique circumstances, that compliance with these provisions would impose particular hardships or that there are practical difficulties in doing so, and that waiving the requirements for a particular property will not alter the essential character of the immediate area. (Ord. No. 93-30 7-18,10-20-93; Ord. No. 97-16 3, 9-17-97)

3. An applicant for a Site Development Permit shall submit the following information to ensure that the provisions of this ordinance are met. The submittal shall include sufficient information to evaluate the environmental characteristics of the property, the potential adverse impacts of the development on water resources both on-site and downstream, and the effectiveness of the proposed Stormwater Management Plan in managing stormwater runoff. The applicant shall certify on the drawings that all clearing, grading, drainage, and construction shall be accomplished in strict conformance with this

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ordinance. Applicant shall provide a Stormwater Management Plan, prepared by and bearing the stamp and seal of a registered professional engineer, which includes the following information for both existing and proposed property conditions:

- (a) Narrative description of proposed development and impact on surrounding drainage systems.
- (b) A location map and description providing township, range and section; showing the property's location within the larger watershed; and showing the jurisdictional boundaries of all municipalities, drainage districts and townships within 2 miles of the project.
- (c) Existing and proposed topography at a minimum of two-foot contour intervals.
- (d) Existing and proposed storm water management features, including (but not limited to) drain tiles, ditches, culverts, swales, storm sewers and structures, detention areas, wetlands, lakes, ponds, streams, etc.
- (e) Plan, profile, and cross-sections of stormwater storage facilities, and overland flow routes, including the areas expected to be inundated or covered with water.
- (f) Construction cost estimate of the stormwater management facilities required by this ordinance.
- (g) Proposed soil erosion and sediment control measures.
- (h) Existing and proposed buildings, structures, roads, impervious surfaces, ground elevations, and other improvements where site grading is proposed.
- (i) Existing and proposed wells, septic fields, water main, sanitary sewers and other underground utilities.
- (j) Property area lines and dimensions, including rights-of-way, easements, buffer areas and setback lines.
- (k) Sub-watershed boundaries within the property.
- (l) Delineation of upstream and downstream drainage features that might be affected by the development.
- (m) Environmental features of the property and immediate vicinity, including wetland areas, natural areas, and proposed environmental mitigation features.
- (n) Copies of permit applications, permits and signoffs as required by other jurisdictions.
- (o) Basis of design for all stormwater management system components.
- (p) Any other information deemed necessary by the Director.

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- (q) Drain tile survey (reference Appendix A for drain tile survey guidelines).
- (r) Wetland delineation report prepared using the guidelines and methods as specified by the Corps of Engineers Wetland Delineation Manual, January 1987 (Technical Report Y-87-1), or latest edition.

4. A plan for the short- and long-term maintenance and the responsibility of maintaining the storm water storage areas shall be submitted to and approved by the ~~Planning Director~~Community Development Director and County Engineer prior to final approval. Acceptable plans for the maintenance of storm water storage areas may include agreements with individual property owners' associations, in which case the director shall require that the face of the plat make reference to the agreement and that a restrictive covenant running with the land be imposed on all affected property. If a property owners' association is to be established, the developer of the project or subdivision or the applicant shall be responsible for its establishment and for informing the individual property owners of their responsibilities.

5. The facilities for the control of storm water runoff shall be constructed prior to the start of any construction or during the earliest possible stage of construction on the site of the project. All costs of construction, including the restoring, temporary seeding and permanent erosion control measures, shall be borne by the contractor, applicant or developer. The County Engineer shall approve the erosion control measures and the timing of their installation.

6. The construction of the storm water storage area and excess storm water passageway shall be under the supervision of a state-registered professional engineer. He shall be responsible for all construction in accordance with the approved plans and set of as-built plans, which shall be submitted upon completion of the storm water storage area and excess storm water passageway.

7. In the site development plan for a particular development, the applicant shall evaluate and implement, where practicable, site design features, which minimize the increase in runoff volumes and rates from the site. The applicant's Stormwater Management Plan submittal shall include evaluations of site design features, which are consistent with the following hierarchy:

- (a) Minimize impervious surfaces on the property, consistent with the needs of the project;
- (b) Preservation of the existing natural streams, channels and

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- drainageways;
- (c) Attenuate flows by use of open vegetated swales and natural depressions;
- (d) Preservation of natural infiltration and storage characteristics of the site;
- (e) Provide stormwater retention structures;
- (f) Provide stormwater detention structures; and
- (g) Construct storm sewers.

8. Water Quality -- All development disturbing one or more acres must comply with the provision of the IEPA General NPDES Permit No. ILR10 for Stormwater Discharges from Construction Site Activities.

- (a) Construction Site Stormwater Runoff Control -- The development must have a construction site stormwater pollution prevention plan that meets the requirements of Part IV of IEPA General Permit No. ILR10 for Stormwater Discharges from Construction Site Activities, including BMPs, controls, and other provisions at least as protective as the requirements contained in the Illinois Urban Manual, current edition.
- (b) Stormwater Management Plan -- The development must have a stormwater management plan that meets the requirements of Part IV (D)(2)(b) of IEPA General Permit No. ILR10 for Storm Water Discharges from Construction Site Activities, including BMPs, controls, and other provisions at least as protective as the requirements contained in the Illinois Urban Manual, current edition.

9. Multiple Uses -- The stormwater management system should incorporate multiple uses where practicable. Uses considered compatible with stormwater management include open space, aesthetics, aquatic habitat, recreation (boating, trails, playing fields), and natural area enhancement. The applicant should avoid using portions of the property exclusively for stormwater management wherever practicable.

10. All applications for Building Permits shall contain a statement that such buildings or structures and appurtenances connected therewith include facilities for the orderly runoff or retention of rain and melting snow, as required in this division. Plans submitted with the application shall include a signed statement issued by a state-registered professional engineer that the plans include facilities adequate to prevent

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harmful runoff, as required in this division. For single-family dwellings to be located in a subdivision meeting the requirements of this division, the signed statement may, in lieu of the above procedure, be placed on the face of the final plat and/or approved improvement plans.

11. The fee for applying for a Site Development Permit shall be as established by the DeKalb County Board. Further, a letter of credit issued by a reputable financial institution, irrevocable escrow agreement, or other form of financial guarantee, on forms approved by the Director in an amount sufficient to cover 120 percent of the estimated cost of all construction required by this Section, shall be required prior to the start of any construction on the project. Proof of the assurance shall be given to the Director for his records. The letter of credit or other financial guarantee shall be returned after all provisions of this division have been met. (Ord. No. 93-30, 7-20, 10-20-93)

12. The County Engineer shall review the grading plan for compliance with applicable regulations. The County Engineer may approve or deny the grading plan, or require such changes as are deemed necessary to meet the requirements of the County. Approval of a grading plan shall not be unreasonably withheld.

13. Upon receipt of approval of a grading plan, the ~~Planning Director~~Community Development Director shall issue the Site Development Permit. The applicant shall commence work within six (6) months of the date of the issuance and, once started, such work shall be continuously and diligently pursued to its completion. In any event, work shall be completed within one (1) year of the start of work on the project.

14. Upon completion of work, the applicant shall schedule a final inspection by the County Engineer. In the event that the project is not completed in accordance with the approved grading plan, the County Engineer or ~~Planning Director~~Community Development Director may require the applicant to provide to the County a grading plan, prepared by and bearing the stamp and signature of a registered surveyor or certified engineer, depicting the final topography of the subject property. The reason(s) for requiring the 'as-built' topographic survey shall be given to the applicant in writing. This 'as-built' grading plan shall be subject to review by the County Engineer for compliance with the grading plan approved for the Site Development Permit. Further, the County may, in addition to its other possible remedies, draw upon the financial guarantee to complete the work.

15. Following written approval of the finished grading by the County Engineer, the applicant shall submit a revised financial guarantee in the amount of ten percent (10%)

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of the original guarantee, upon the receipt of which the ~~Planning Director~~Community Development Director shall release the original guarantee. The ~~Planning Director~~Community Development Director shall hold the revised financial guarantee for a period of not less than two (2) years to assure proper function and maintenance of the stormwater management project, in accordance with the requirements of this division. After the two-year anniversary of the project approval and upon written confirmation from the County Engineer that the project is functioning as intended and has been properly maintained, the ~~Planning Director~~Community Development Director shall release the guarantee of construction.

16. It shall be the responsibility of the property owner on which a stormwater management facility has been constructed or exists to maintain said facility in a condition necessary to assure it continuously functions as intended. Failure to adequately maintain an approved stormwater management facility, or alteration of the same without approval from the ~~Planning Director~~Community Development Director, may subject the property owner to the procedures and penalties for Code Violations as set forth in Article III of Chapter 42 of the DeKalb County Code.

17. Following issuance of a Site Development Permit, an applicant may request approval of an amended grading plan. Such a request must include the reasons for the request to amend the approved plan and, if the request is approved, the amended plan shall be subject to the review and approval procedure and fees set forth in subparagraphs 3. through 8. above. Once approved by the County Engineer, the amended plan shall replace the original grading plan for the earth-moving project. The County Engineer or ~~Planning Director~~Community Development Director may elect to extend the period for completion of the project to a date not exceeding one year from the approval of the amended plan.

18. A Site Development Permit shall not be issued for an intended site development unless:

- (a) The earth moving is part of a development, such as a subdivision, special use, planned development or variation, which has been approved by the County; or
- (b) The Permit is accompanied by a valid Building Permit issued by the County; or

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- (c) The earth moving is associated with a permitted use in the zoning district in which the subject property is located and no other permits or approvals are required from the County; and
- (d) All other required local, State and Federal permits have been received for that portion of the site subject to a Site Development Permit.

19. The ~~Planning Director~~Community Development Director shall have the authority to waive the requirements of this Article I for any proposed land disturbing activity, if the permit is deemed unnecessary. In the case where a grading project is subject to regulation by a State or Federal agency, the requirement for a Site Development Permit may be waived provided a copy of the State or Federal permit(s) is provided to the County prior to commencement of the project, and such permit is adequate to address the requirements of the County. In other instances where the requirement for a Site Development Permit is waived, any application for Building Permit may be required to include a certification from a registered surveyor or engineer to the effect that the proposed building(s), structure or improvement and associated grading will comply with all applicable regulations of this Chapter 30. For lots within subdivisions, the proposed top of foundation elevation shall be identified on Building Permit plans, and a surveyor shall certify that the proposed final grading of the parcel shall comply with proposed grades on the approved subdivision plans and that the top of foundation shall match the top of foundation shown on the subdivision plats. In the case of buildings or structures proposed on property that includes floodplain, a Site Development Plan may be required.

Sec. 8. Exempt Municipalities.

1. *Petition.* Municipalities located partially or entirely within the boundaries of DeKalb County that have adopted their own stormwater management regulations may petition the Stormwater Management Planning Commission for exemption from this Stormwater Management Ordinance. Such petitions shall include an evaluation the municipal stormwater management regulations against the following minimum criteria:

- (a) The municipal ordinance requires a stormwater management plan for new development, including individual commercial, industrial and recreational uses, and for subdivisions of all kinds;

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- (b) The municipal ordinance requires review and approval of stormwater management plans for new development by the appointed or consultant village/city/town engineer;
- (c) The municipal ordinance allows post-development peak 100-year discharge not greater than 0.2 cfs per acre;
- (d) The municipal ordinance requires detention storage volume determination using the SCS method and the Illinois State Water Survey Bulletin 70, for 100 year-24 hour events, provided, however, the Rational Method may be used for smaller basins.
- (e) The municipal ordinance requires the provision of compensatory storage for development in the floodplain of at least a 1:1.1 ratio.
- (f) The municipal ordinance may adopt effective dates for March 2019 rainfall events (Bulletin 70) regarding existing projects approved by Preliminary or Final Plat on or before December 31, 2019.

2. *Finding.* Within 60 days following receipt of a petition for exempt status from a municipality, the Stormwater Management Planning Commission shall evaluate said petition and determine if the municipal stormwater management ordinance is consistent with and at least as stringent as the Countywide Ordinance based on the above criteria. A positive finding by the Committee shall designate the petitioner as an exempt municipality.

3. *Effect.* Exempt municipalities shall enforce the locally-adopted municipal stormwater management regulations within the corporate limits of the municipality, and for all development within 1 ½ miles of the municipal boundaries, and the rules and regulations of this Countywide Stormwater Management Ordinance shall not apply within said corporate limits or for developments within 1 ½ miles of any exempt municipality, provided, however, the County and a municipality may share or exchange authority to regulate stormwater management for any proposed development(s) via an intergovernmental agreement adopted in accordance with the provisions of the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. and Article 7, Section 10 of the Illinois State Constitution (1970).

Sec. 9. Variances.

1. *Standards.* In order to promote the best possible development and use of land, the ~~Planning Director~~Community Development Director shall interpret the standards, provisions and specifications contained in this division liberally and in favor of the public interest. Variations from these standards, provisions and specifications may be granted when it is demonstrated to the satisfaction of the ~~Planning Director~~Community

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Development Director and the County Board that, owing to special conditions, a strict adherence to the provisions of this division will result in unnecessary hardship and that the spirit and intent of the division will be observed.

2. *Procedure.* A request for a Variance shall be filed by the owner seeking to develop or change the use of this property, or his agent, with the Planning Director~~Community Development Director~~ who shall refer it, together with his recommendations, to the Planning and Zoning Committee for decision. The request for Variance shall be written and shall state specifically what Variance is sought and the public's interest in granting the Variance. (Ord. No. 93-30,7-21,10-20-93)

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The following performance standards shall be applicable and shall be satisfied prior to any development, which is subject to the provisions of this ordinance. However, in all cases where a development lies within one and one-half (1-1/2) miles of the corporate limits of an exempt municipality having more restrictive requirements, those requirements shall apply unless said municipality defers to the requirements of this Ordinance via an intergovernmental agreement.

1. Release Rates -- Stormwater management systems for properties required to provide stormwater runoff storage facilities shall be designed to control the rate of discharge from the property for the two-year and 100-year critical duration events. The maximum controlled release rate of stormwater from all developments requiring storage shall not exceed the stormwater runoff rate able to be carried by the downstream stormwater management system and may not exceed the predetermined safe carrying capacity of any limiting downstream restriction. The peak rate of discharge shall not cause an increase in flooding or channel instability downstream when considered in aggregate with other developed properties and downstream drainage capacities.

- (a) The peak discharge from events less than or equal to the two-year event shall not be greater than the pre-development discharge rate for the property.
- (b) The peak 100-year discharge shall not be greater than 0.2 cfs per acre, unless the subject property is within 1 ½ miles of a municipality, in which case it shall not be greater than 0.15 cfs per acre of property drained, or the adopted requirement of the adjacent municipality, whichever is more restrictive.
- (c) The County reserves the right to require more restrictive release

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rates for any development within a watershed or sub-watershed, which has either limited downstream capacity or observed historical flooding.

- (d) All concentrated stormwater discharges leaving a site must be conveyed into an existing channel, storm sewer, drainage tile, or overland flow path (with appropriate permission from owners of downstream system) with adequate downstream stormwater capacity and must not result in increased flood and drainage hazard.
- (e) The design of stormwater management systems shall not result in the interbasin transfer of drainage, unless no reasonable alternative exists and there is no legal restraint preventing such transfer.

2. Detention Storage Requirements

- (a) The design of stormwater storage facilities shall be based on the peak runoff from the 100-year storm event determined through a critical duration analysis. Detention storage shall be computed using hydrograph methods as described in this ordinance.
- (b) The function of existing on-site depressional storage shall be preserved or compensated for at a ratio of 1:1.

3. Stormwater Management System Design and Evaluation -- The following criteria should be used in evaluating and designing the stormwater management system. The underlying objective is to provide capacity to pass the 10-year peak flow in the minor drainage system and to provide an overland flow path for flows in excess of the design capacity.

- (a) Design Methodologies
 - 1) Minor drainage systems may be designed using the rational formula.
 - 2) Major drainage system for areas up to 10 acres may be designed using the rational formula.
 - 3) Major drainage systems for areas larger than 10 acres and all detention basins must be designed using an approved hydrograph-producing runoff calculation method.
- (b) Positive Drainage
 - 1) All areas of the property must be provided with an overland flow route that will pass the 100-year flow at a stage at least 2 feet below the lowest adjacent grade of structures hydraulically connected to the flow route.
 - 2) Overland flow routes up to the 100-year frequency flow level

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shall be placed in drainage easements. Drainage easement language shall strictly prohibit the placement or construction of fill or other obstructions that would impede stormwater runoff flow.

- 3) Wherever possible, storm sewers should be used as minor drainage systems in lieu of drainage swales for rear and side yard drainage.

4. Methods for Generating Runoff Hydrographs -- For the determination of detention and depressional storage requirements, an approved hydrograph-producing runoff calculation method shall be used. Approved methods include HEC-1, Soil Conservation Service TR-20, or Soil Conservation Service TR-55 tabular method. The use of methods other than those listed above must be approved by the County Engineer.

Runoff hydrographs shall be developed incorporating the following assumptions of rainfall amounts and antecedent moisture:

- (a) Unless a continuous simulation approach to stormwater management system hydrology is used, all design rainfall events shall be based on the Illinois State Water Survey Bulletin 70 (March 2019).
- (b) The first quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations of less than or equal to 6 hours.
- (c) The second quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations of greater than 6 hours and less than or equal to 12 hours.
- (d) The third quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations of greater than 12 hours and less than or equal to 24 hours.
- (e) The fourth quartile point rainfall distribution shall be used for the design and analysis of conveyance systems with critical durations of greater than 24 hours.
- (f) The first, second, third and fourth quartile distributions described by Huff are presented in Table 37 Table 5 of March 2019 Update of Bulletin 70. The SCS Type II distribution may be used in lieu of the Huff distributions.
- ~~(g)~~ Computations of runoff hydrographs, which do not rely on a continuous accounting of antecedent moisture conditions, shall assume an antecedent moisture condition of two as a minimum.
- ~~(g)~~(h) The effective date of this ordinance regarding the March 2019 rainfall events found in Bulletin 70 will not apply to

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existing projects approved by Preliminary or Final Plat on or before December 31, 2019.

5. Dry Detention Basin Design

- (a) Wherever practicable, dry detention basins shall be designed to serve a secondary purpose for recreation, open space, habitat, or similar type of uses, which will not be adversely affected by occasional, intermittent flooding.
- (b) Dry detention basins shall be designed to completely drain within 48 hours after the end of storm events. Underdrains should be utilized if necessary to meet this requirement.
- (c) Dry detention basins shall have a minimum bottom slope of two percent. Underdrains directed to the outlet control structure shall be installed if the minimum bottom slope cannot be obtained, provided that there are no inlets or other direct connections to the underdrain.
- (d) Velocity dissipation measures shall be incorporated into dry basin designs to minimize erosion at inlets and outlets and to minimize the resuspension of pollutants.
- (e) To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, inlets and outlets should be located at opposite ends of the basin.
- (f) An emergency overflow weir able to pass the 100-year frequency flow without damage to the basin shall be provided.
- (g) A minimum of 1 foot of freeboard shall be provided between the 100-year frequency high water level and the top of the basin berm.

6. Wet Detention Basin Design -- Wet detention basins shall be designed to remove stormwater pollutant, to be safe, to be aesthetically pleasing, and as much as feasible to be available for recreational use.

- (a) All wet basins shall be designed to provide fish habitat.
- (b) "Management of small lakes and ponds in Illinois" (IDNR, revised 1997) provides guidance for design of fishing ponds in Illinois. The applicant is encouraged to contact the local IDNR Fisheries Biologist for additional information.
- (c) Wet basins shall have a minimum depth of at least 5 feet with a minimum depth of 10 feet over 25 percent of the bottom area of the basin to prevent winter freeze out.
- (d) The minimum normal water elevation surface for a wet basin shall be 1 acre.
- (e) The side slopes of wet basins at the normal pool elevation shall not

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- be steeper than 5 to 1.
- (f) A 10-foot wide safety ledge shall be provided below the normal water level with a maximum depth of 3 feet and a maximum side slope of 10:1.
- (g) The permanent pool volume in a wet basin at the normal water elevation shall be equal or greater to the runoff volume from its watershed for the two-year frequency event.
- (h) To the extent feasible, the distance between detention inlets and outlets shall be maximized. If possible, inlets and outlets should be located at opposite ends of the basin.

7. Detention in Floodplains -- The placement of detention basins within the floodplain is strongly discouraged because of questions about their reliable operation during flood events. The use of fee-in-lieu of detention shall be investigated where detention outside of the floodplain is not feasible. However, the stormwater detention requirements of this ordinance may be fulfilled by providing detention storage within flood fringe areas on the project site provided the following provisions are met:

- (a) Detention in Flood Fringe Areas:
 - 1) The placement of a detention basin in a flood fringe area shall require compensatory storage for 1.5 times the volume below the base flood elevation occupied by the detention basin including any berms.
 - 2) The release from the detention basin provided shall still comply with the requirements of this ordinance.
 - 3) The applicant shall demonstrate its operation for all stream flow and floodplain backwater conditions up to the 10-year frequency flood elevation.
 - 4) Excavations for compensatory storage along watercourses shall be opposite or adjacent to the area occupied by detention.
 - 5) All floodplain storage filled below the existing 10-year frequency flood elevation shall be replaced below the proposed 10-year frequency flood elevation. All floodplain storage filled above the existing 10-year frequency flood elevation shall be replaced above the proposed 10-year frequency flood elevation. The additional storage volume (0.5 times the totals volume filled) may be provided at any elevation between the normal water elevation and the BFE.
 - 6) All compensatory storage excavations shall be constructed to drain freely and openly to the watercourse.

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- (b) Detention in Floodways: Detention in floodways is prohibited.

8. Drainage into Wetlands and Depressional Storage Areas --Applicants are encouraged to avoid and minimize impacts to wetlands. The enhanced mitigation ratios are set up to reflect the difficulty in replacing diverse wetlands and should cause the applicant to carefully consider avoiding and minimizing impacts to these resources. The applicant shall provide adequate documentation establishing the presence, location and extent, jurisdictional status, and current and potential environmental quality of those area(s).

- (a) The applicant may use the following to determine the presence of wetlands on site.
- 1) Wetland identified on the National Wetland Inventory Map as prepared by the Natural Resource Conservation Service
 - 2) Wetland identified on the Wetlands Inventory Map as prepared the United States Fish and Wildlife Service
 - 3) Wetland Maps as identified on the DeKalb County GIS Maps
 - 4) Wetland delineation following the current federal guidance, which is the 1987 Corp of Engineers Wetland Delineation Manual. This report shall be prepared by certified wetland specialist recognized in Kane, DuPage, McHenry, Lake or Will Counties or as approved by the Director.
- (b) The following sets the hierarchy for determinations.
- 1) Wetland delineation following the current federal guidance, which is the 1987 Corp of Engineers Wetland Delineation Manual. This report shall be prepared by certified wetland specialist recognized in Kane, DuPage, McHenry, Lake or Will Counties or as approved by the Director. This is required when wetlands are located onsite or as required by the director or jurisdictional agency.
 - 2) Wetland Maps as identified on the DeKalb County GIS Maps
 - 3) Wetland identified on either of the following sources
 - i. National Wetland Inventory Map as prepared by the Natural Resource Conservation Service
 - ii. Wetland Inventory Map as prepared the United States Fish and Wildlife Service

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- (c) The applicant shall be responsible for preparing and submitting a request for Jurisdictional determination by the Army Corp of Engineers (COE). The COE response shall be included within the wetland report.
- (d) The Floristic Quality Index (FQI) of the wetland vegetation must be calculated using the procedure found in “plants of the Chicago Region”, 4th ED. by Floyd Swink and Gerald Wilhelm.
- (e) Jurisdiction: Wetlands deemed Jurisdictional by the Army Corp of Engineers (COE) will be subject to COE rules and regulations. A copy of all permits shall be provided prior to the start of any construction. Only Wetlands not deemed jurisdictional and larger than 0.25 acres shall be subject to the following rules and regulations. Any areas not included within the wetland mitigation portion of the ordinance are still subject to depressional storage requirements.
- (f) Wetland Buffers
 - 1) Buffers are vegetated upland that serves a variety of functions including shoreline stabilization, sediment filtration, habitat, promotion of infiltration, and nutrient sequestration.
 - 2) Buffer widths are to be a minimum of 50 feet wide unless the drainage areas are less than 1 sq mi and have a corresponding FQI < 16. In these cases the buffer width may be determined by using the following formula, and rounded up to the nearest 5’ increment.

$$\text{Buffer Width} = (\text{Tributary Area in acres}) \times (0.0547) + 15$$

- 3) Buffers are not required for stormwater management systems provided the system(s) do not meet the requirements of “Waters of the U.S.”. Stormwater Management Systems are identified as:
 - i. Roadside Ditches
 - ii. Channels
 - iii. Conveyance Systems
 - iv. Excavated or construction stormwater detention facilities
 - v. Roadway Crossings of Wetlands
 - vi. Down Spouts and Sump Discharges

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4) Buffer Construction: Native vegetation, particularly deep-rooted warm season grasses and prairie forbs, are required for seeding, re-seeding, or inter-planting buffers. Only plants with local (Upper Midwest) provenance may be used. Genetically modified warm season grasses are not allowed. Plant material selection information may also be found in the Native Plant Guide for Streams and Stormwater Facilities in Northeastern Illinois prepared by USDA-NRCS. The use and extended maintenance of protective measures along linear buffers allows for a reduction in width up to 15%. Accepted methods are as follows.

MEASURE	IL URBAN STANDARD	USE
Erosion Blanket	Std. 830	Temp
Silt Fence	Std. 920	Temp
Sodding (as temp measure)	Std. 925	Temp
Deep-rooted grasses –	Sod or Seed	Perm
Sediment Trap	Std. 960	Temp
Sediment Basin	Std. 841 & 842	Temp/Perm

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(g) When wetland mitigation is required it shall be subject to the following requirements:

FQI	Proposed Activity	Mitigation Options	Mitigation Ratio (All Options)	Comments
<7	Dredging	Mitigation not required		
<7	Fill	Wetland Mitigation Approved Wetland Bank	1:1	.25 wetland credit per acre for enhancement of wetlands w/ FQI less than 5.0
7-16	Any Activities	Wetland Mitigation Approved Wetland Bank	2:1	
16-25	Any Activities	Wetland Mitigation Approved Wetland Bank	3:1	
>25		Not eligible for mitigation		

Exceptions:

Agricultural activities in wetlands occurring on agricultural land in any program under the Food Security Act for the previous three years will not have to be mitigated, when these wetlands are determined to be "farmed wetlands". This also includes "prior converted wetlands".

<http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/programs/alphabetical/camr/?cid=stelprdb1043554%20>

Wetland impacts to manmade wetlands that were created by excavation or as a result of development may be mitigated at a 1:1 ratio. These include partially excavated ponds and incompletely graded sites that develop wetland vegetation.

Wetlands that have been created as a result of the use of irrigation, whether directly or indirectly, but that would revert to non-wetland conditions if irrigation ceased, also need not be mitigated.

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- (h) Wetland Mitigation Facility – Plan and Performance Requirements
- 1) If the area of the impacted wetland is more than 50% of the total contiguous wetland area then the mitigation requirement shall be based on the total contiguous area.
 - 2) The plan must contain the following: a narrative description of the proposed plan that includes the description of the wetland hydrology to be created, the soils that will be utilized and local geomorphologic conditions that impact the construction of the wetland. This should include a description of both surface and groundwater conditions, relating to the construction and maintenance of the wetland mitigation. Each wetland mitigation plan must have a drawing that depicts the limits of the wetland mitigation facility as well as wetlands that are impacted on the onsite wetlands. The summary table on this drawing should include the acreage to be disturbed, the acreage to be mitigated, the mitigation ratio and the total mitigation acreage.
 - 3) Specifications for construction, monitoring and maintenance shall be included with the mitigation plan and should include specifications for rough and final grading, types of soils to be used for creation of the wetland mitigation, plant materials to be used, how they will be procured, and from what sources. Specifications should also include water control structures, specifications related to the planting plan including scientific and common names, rates of seeding or spacing, as appropriate, and any special planting provisions necessary for a successful wetland mitigation.
 - 4) Wetland mitigations must have a final FQI at or above the mitigated wetland and shall contain a minimum of two wetland plant communities. These plant communities must be appropriate for the site on which they are contained and be a naturally occurring wetland type within DeKalb County. This includes, but is not limited to wet prairie, emergent marsh, floating vascular, shrub-scrub, wooded, forested floodplain, sedge, meadow wet meadow, fen or calcareous seep, submerged aquatic, and mudflat annual. Open water shall not constitute greater than 20% of the entire wetland mitigation facility.
 - 5) Maintenance and monitoring plan shall at a minimum include an annual work schedule describing each task in detail and its expected effect, the time of year it will be performed, and any measure of success of the technique as employed. All wetland mitigation facilities shall achieve a minimum 85% vegetative cover, of which

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80% of the cover shall be comprised of native species, prior to acceptance of the wetland mitigation facility as complete. Changes to the mitigation and monitoring plan shall be approved by the Director as necessary.

6) All wetland mitigation facilities developed under this ordinance shall be monitored and managed for five years beginning on the day the wetland planting is complete. The procedures for monitoring wetland mitigation facilities will be those set by the current Rock Island District Corp of Engineers Protocols. The monitoring and management plan shall be included with the wetland mitigation plan submittal. The monitoring plan should include sampling method 5. These sampling methods shall include a vegetation map based upon as-built drawings of the completed grading. This information must be descriptive and define the limits of all of the vegetative community types that are installed. Permanent transects for sampling vegetation must be shown on this map. The dominant species and the planting list should also be submitted with the monitoring plan. Additionally, representative photographs of each vegetative area should be submitted with the annual monitoring report. These photographs should be based upon each transect location and have an overall view of the transect area. An inventory of the vascular plant community must be taken according to the procedures identified by Masters (1996) in Monitoring Vegetation in the Tall Grass Restoration Handbook for Prairies, Savannas and Woodlands edited by Packard and Corat, Island Press, 1996. An inventory of the total number of exotic taxa shall be recorded for each quadrat. Then mean C value shall be calculated as well as the FQI for each quadrat. Additionally, the wetness coefficient shall be calculated for each quadrat.

7) An overall mean C value as well as the FQI for each vegetative community shall be established using the procedures identified in the FQI program. A relative frequency and relative coverage of each species shall be identified for each plant community. On an aerial base each plant community shall be delineated. The soil in each community will be evaluated for morphologic, physical and chemical characteristics to determine whether hydric soil conditions exist. This includes redoxomorphic features and manganese accumulations, oxidized rizospheres, depleted matrices and other mottle colors. Any special mitigation features developed, as part of the wetland mitigation facility shall be described and their function evaluated

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annually during the monitoring period. The annual report for the monitoring program shall cover the calendar year from January 1st to December 31st and shall be submitted to the director no later than February 15th of the following year.

8) Wetland mitigation facilities that fail to meet the performance standards established in the ordinance shall have the maintenance period be extended by one year for each failed period and with a minimum of four consecutive performing years. The Director may approve modifications to the mitigation plan or method.

(i) Mitigation may be satisfied by purchase of credits from a wetland mitigation bank and the ratio found within the preceding table. This bank must be an approved mitigation bank by the Corp of Engineers or must be a mitigation bank occurring within the boundaries DeKalb County and approved by the Director or designated representative. Wetland credits shall be acquired within the same watershed in which wetland impacts are occurring. If credits are not available, credits shall be purchased in the closest adjacent watershed

9. Street, Parking Lot, and Underground Storage -- The following design criteria shall be met where streets, parking lots and culverts are proposed to be used for stormwater detention or conveyance.

(a) Streets -- If streets are to be used as part of the major drainage system, ponding depths shall not exceed three (3) inches at the street centerline and the street shall not remain flooded for more than eight (8) hours for the 100-year frequency event.

(b) Parking Lots

1) The maximum ponding depth in parking facilities designed to store excess stormwater runoff shall not exceed twelve (12) inches at the deepest point and the duration of flooding shall not exceed eight (8) hours for the 100-year frequency event. Storage in parking facilities shall only be allowed in the most remote, least-used areas of the parking facilities.

2) Underground -- Underground stormwater storage facilities must meet the following design criteria.

i. Access to all chambers shall be provided in order to

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remove accumulated sediment and debris.

ii. Underground facilities shall be provided with a positive gravity outlet.

iii. Storage volume shall only be provided in the pipe. Void space volume of bedding material will not be considered as part of the detention volume.

10. Culvert Design -- Sizing of culvert and roadway crossings shall consider entrance and exit losses as well as tailwater conditions on the culvert.

11. Safety Considerations -- The drainage system components, especially all detention basins, shall be designed to protect the safety of any children or adults coming in contact with the system during runoff events.

12. Maintenance Considerations -- The stormwater management system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn-mowing equipment to easily negotiate them. Wet basins shall be provided with alternate outflows, which can be used to completely drain the pool for sediment removal. Pre-sediment basins shall be included, where feasible, for localizing sediment deposition and removal. Maintenance easements shall be provided to allow access for maintenance equipment.

13. Soil Erosion and Sediment Control -- Soil erosion and sediment control-related measures are required for any land disturbance activity regulated by this ordinance. The following requirements shall be met.

(a) Soil disturbances shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization measures shall consider the time of year, site conditions and the use of temporary or permanent measures.

(b) Properties and channels adjoining development site shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site, energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to the watercourse so that the natural physical and biological characteristics and functions are maintained and protected.

(c) Soil erosion and sediment control features shall be constructed prior to the commencement of excavating or mass grading.

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(d) Disturbed areas shall be stabilized with temporary or permanent measures within seven (7) calendar days following the end of active hydrologic disturbance, or redisturbance, consistent with the following criteria or using an appropriate measure as approved by the County.

i. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

ii. Areas or embankments having slopes greater than or equal to 3H:1V shall be stabilized with staked-in-place sod, mat or blanket in combination with seeding.

iii. Erosion control blanket shall be required on all interior detention basin side slopes between normal water level (or basin bottom for dry basins) and high water level.

iv. The seven (7) day stabilization requirement may be precluded by snow cover or where construction activity will resume within 21 days from when the active hydrologic disturbance ceased, in which case stabilization measures do not have to be initiated on that portion of the site by the 7th day after construction activity temporarily ceased given that portion of the site has appropriate soil erosion and sediment controls.

(e) Land disturbance activities in streams shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:

i. Where stream construction crossings are necessary, temporary crossings shall be constructed of non-erosive material.

ii. The time and area of disturbance of a stream shall be kept to a minimum. The stream, including bed and banks, shall be restablized within 48 hours after channel disturbance is completed or interrupted.

(f) Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:

i. Disturbed areas draining greater than 5000 square feet but less than 1-acre shall, at a minimum, be protected by a filter barrier (including filter fences, straw bales, or equivalent control measures) to control all off-site runoff. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected.

ii. Disturbed areas draining more than 1 but fewer than 5 acres shall, at a minimum, be protected by a sediment trap or equivalent

Sec. 10. Technical requirements

control measure at a point downslope of the disturbed area.

iii. Disturbed areas draining more than 5 acres, shall, at a minimum, be protected by a sediment basin with a perforated filter riser pipe or equivalent control measure at a point downslope of the disturbed area.

iv. Sediment basins shall have both a permanent pool (dead storage) and additional volume (live storage) with each volume equal to the runoff amount of a 2-year, 24-hour event over the on-site hydrologically disturbed tributary drainage area to the sediment basin.

If the detention basin for the proposed development condition of the site is used for sediment basin, the above volume requirements will be explicitly met. Until the site is finally stabilized, the basin permanent pool of water shall meet the above volume requirements and have a filtered perforated riser protecting the outflow pipe.

(g) All storm sewers that are or will be functioning during construction shall be protected by an appropriate sediment control measure.

(h) If dewatering services are used, adjoining properties and discharge locations shall be protected from erosion. Discharges shall be routed through an effective sediment control measure (e.g., sediment trap, sediment basin or other appropriate measure).

(i) All temporary soil erosion and sediment control measures shall be removed within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas shall be permanently stabilized.

(j) A stabilized mat of aggregate underlain with filter cloth (or other appropriate measure) shall be located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley or parking area. Any sediment or soil reaching an improved public right-of-way, street, alley or parking area shall be removed by scraping or street cleaning as accumulations warrant and transported to a controlled sediment disposal area.

(k) Earthen embankments shall be constructed with side slopes no steeper than 3H:1V. Steeper slopes may be constructed with appropriate stabilization as approved by the (County/Village/City/Town).

(l) Stormwater conveyance channels, including ditches, swales, and

Sec. 10. Technical requirements

diversions, and the outlet of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours.

(m) Temporary diversions shall be constructed as necessary to direct all runoff from hydrologically disturbed areas to the appropriate sediment trap or basin.

(n) Soil stockpiles having greater than 100 yards of soil and remaining in place for more than 7 days shall not be located in a flood-prone area or Waters of the United States. Soil stockpile locations shall be shown on the soil erosion and sediment control plan and shall have the appropriate measures to prevent erosion of the stockpile.

(o) Soil erosion and sediment control BMPs shall be designed and constructed per the requirements contained in the Illinois Urban Manual, 2002 (or current edition).

14. Flow From Upstream Tributary Areas -- Stormwater runoff from areas tributary to the property shall be considered in the design of the property's stormwater management system. Whenever practicable, undetained stormwater runoff from upstream areas that are not providing detention should be routed around the basin being provided for the applicant's property.

(a) Upstream Tributary Areas -- The following shall apply to upstream tributary areas:

i. If upstream tributary flows are passed through the applicant's basin, then a detention volume safety factor of five percent (5%) shall be added to storage volume required for the applicant's property.

ii. If upstream tributary flows are passed through the applicant's detention basin, the final design release rates shall be based on the total tributary area (the applicant's property and upstream areas tributary to the applicant's property).

(b) Regional Detention Evaluation -- When upstream property tributary to the applicant's property does not meet the stormwater runoff storage and release requirements of this ordinance, regionalized detention on the applicant's property shall be explored by the applicant. The following steps shall be followed:

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- i. The applicant shall compute the storage volume needed for his property alone using the applicable release rates from this ordinance, the applicant's property area, and the procedures described in this ordinance.
 - ii. Upstream areas tributary to the applicant's property not meeting the storage and release rate requirements of this ordinance shall be identified.
- (c) The applicant shall compute the combined storage volume needed for the total area (the applicant's property and upstream areas tributary to the applicant's property) using the applicable release rates from this ordinance, the total area, and the procedures described in this ordinance.
- i. If upstream tributary areas are not currently developed, a reasonable fully developed land cover, based on anticipated zoning, shall be assumed for the purposes of computing storage.
 - ii. Once the necessary combined storage is computed, the County may choose to pay for increasing the size of the applicant's detention basin to accommodate the upstream area flows. The applicant's responsibility will then be limited to the required storage for his property alone.
 - iii. If regional storage is selected by the County, then the combined-storage design computed above shall be implemented.

15. Alternative Methods – Alternative stormwater management, erosion control, and water quality facilities and measures to those set forth above, including but not limited to: permeable concrete and asphalt; underground stormwater detention; rain gardens; rain barrels; filtration strips; and groundwater recharge areas; will be considered and may be approved by the ~~Planning Director~~Community Development Director and County Engineer provided sufficient documentation is submitted by an applicant seeking to employ such alternatives.

Sec. 11. Enforcement; penalty

1. The ~~Planning Director~~Community Development Director shall be the official primarily responsible for the enforcement of this Article relative to any land disturbing activity conducted in violation of this Article as it pertains to the owner or his authorized agent, a tenant, architect, builder, contractor, or other person who commits or participates in any violation. The Director may request the County State's Attorney to institute legal

Sec. 11. Enforcement; penalty

proceeding necessary to enforce this Article or prevent or remedy any violations of this Article.

2. Failure to comply with any of the requirements of this Article shall constitute a violation, and any person, upon conviction thereof, shall be subject to punishment for each offense as provided in Section 1-13 of this Code.(Ord. No. 93-30 '7-22,10-20-93)

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APPENDIX A

DRAIN TILE SURVEY GUIDELINES

The drain tile survey shall locate existing farm and storm tiles by means of silt trenching and other appropriate methods performed by a qualified subsurface drainage consultant. The purposes of a drain tile survey include (but are not limited to) the following:

- a. Protection of the upland land owner(s) whose property drains through the subject development site;
- b. Identification of local drainage and drain tile systems dynamics to maintain those systems which function properly and improve (wherever possible) those systems which are deficient;
- c. Maintain drain tiles and septic fields separation at a safe and suitable distance from one another.

The following procedures for conducting the required drain tile investigation shall be used:

1. Utilize aerial photography, topographical data, and soils data to identify potential drain tile locations.
2. Cut trenches adjacent to existing surface waters, wetlands and other depressional areas, including locations where stormwater runoff is tributary.
3. Trenches shall be a minimum three (3) feet wide, five (5) feet deep and six (6) feet long.
4. Field stake existing drain tiles at a minimum 50-foot intervals over its complete length within the proposed development property.
5. Repair all existing drain tiles damaged during the investigation.
6. Provide a topographical boundary map location showing:
 - a. Location of each drain tile with a flow direction arrow, tile size and any connection to adjoining properties; a summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of the tile filled with water, percentage of restrictions caused by silting, depth of ground cover, and soil texture at grade;
 - b. Name, address and phone number of person or firm conducting tile location investigation.

ITEM 6C



Community Development Department

110 East Sycamore Street

Sycamore, IL 60178

(815) 895-7188

communitydevelopment@dekalbcounty.org

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: September 17, 2019

SUBJECT: Proposed Zoning Ordinance Change – Concealed Carry Temporary Use

At the August 28, 2019, Planning and Zoning Committee meeting, Chairman Steve Faivre informed the Committee that a request had been submitted to him by Dennis Leifheit and his attorney, Richard Schmack requesting that the County Board amend the DeKalb County Zoning Ordinance to increase the number of Temporary Use Permits (TUs) for concealed carry classes that may be issued for a single property in one year. The County Board adopted language to allow the issuance of TUs for conceal carry classes in 2018 as part of Ordinance 2018-09. This language specified that no more than twelve (12) such permits may be issued for any particular property in a calendar year. The request is that this number be increased to twenty-four (24) permits per year.

Staff has spoken with Greg Hunt, State Plumbing Inspector for this region, and with Felicia Burton, Accessibility Specialist for the Capital Development Board. Both have indicated to staff that increasing the number of occurrences to twenty-four times a year on a particular property would result in said property being considered a “public facility”, and as such, governed by the Illinois Accessibility Code. Mr. Hunt also indicated that while a “temporary use” consisting of only twelve (12) times per year may be able to suffice with porta-potties, twenty-four times a year would require compliant restrooms to meet Code. Additionally, Ms. Burton advised the even twelve (12) times a year on the same property might be too many occurrences to be considered temporary under the Accessibility Code.

Staff would therefore advise the Committee against amending the Zoning Ordinance to increase the number of times a Temporary Use Permit for a concealed carry class that may be issued to any particular property in a calendar year to twenty-four (24). Because, if a property is ever found to be in violation of the Illinois Accessibility Code, the County and staff would be open to penalties under said code for having approved such a use without applying the appropriate accessibility requirements.

Staff would also note that at times, the County Board will find it advisable, or necessary, to revise and/or update the Zoning Ordinance, and at such times will direct staff to create the necessary language, and pursue the amendment process, taking all of the costs to do so onto itself for the betterment of the County as a whole. Citizens may also pursue text amendments, typically, such amendments are

primarily beneficial to a particular group or individual as opposed to the County as a whole, and as such the costs to pursue such an amendment will fall upon the applicant. The original language for these types of TUs was adopted as part of a larger revision of the County's regulations regarding gun clubs and other similar uses. However, the requested amendment would appear to be primarily of benefit to a select group of individuals, and as such, staff would recommend that if such an amendment is to be pursued, that it be by those individuals and that the costs for such an amendment be borne by those individuals instead of the County as a whole.

ITEM 6D



Community Development Department

110 East Sycamore Street

Sycamore, IL 60178

(815) 895-7188

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MEMORANDUM

TO: Planning and Zoning Committee

FROM: Derek Hiland
Director

DATE: September 20, 2019

SUBJECT: Proposed Zoning Ordinance Change – Recreational Cannabis

At the August 28, 2019, Planning and Zoning Committee meeting, member Mark Pietrowski asked to have brought back at the next meeting considerations regarding recreational cannabis in DeKalb County.

Before we can contemplate regulations regarding recreational cannabis we have to first understand what the State of Illinois defines and allows as part of the latest regulations. The Illinois Municipal League (IML), Cities and Counties like ours are all trying to draft regulations in response to the latest State of Illinois regulations to either permit, prohibit or regulate recreational cannabis in their respective jurisdiction of authority.

Attached to this memorandum is a model ordinance provided by IML that defines each use and allows for a committee discussion on the subject matter. If the Committee would like to add language to become incorporated in the Zoning Ordinance staff would request feedback on how, where and to what extend (if any) DeKalb County should adopt regulations.

**MODEL ORDINANCE
MUNICIPAL CANNABIS BUSINESS ZONING**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER __ (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER __ (GENERAL ZONING PROVISIONS), CHAPTER __ (COMMERCIAL DISTRICTS), AND CHAPTER __ (INDUSTRIAL DISTRICTS) OF TITLE __ (ZONING ORDINANCE) OF THE _____ MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS

WHEREAS, the City/Village of _____, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, pursuant to the Act, the City/Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City/Village deems sensitive; and

WHEREAS, on _____, the City Council/Village Board initiated an amendment to Title __ (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis facilities within the City/Village of _____; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on _____ and _____, in regards to the proposed amendments to Title __ (Zoning Ordinance) of the _____ Municipal Code pertaining to adult-use cannabis; and

WHEREAS, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed amendments to Title __ (Zoning Ordinance) on _____.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City/Board of Trustees of the Village of _____ as follows:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter __ (Zoning Title, Purpose, Definitions) of Title __ (Zoning Ordinance) of the _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

* * *

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

4.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “_____” per Section ____ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ____ (Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section ____ as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

5.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “_____” per Section ____ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ____ (Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section ____ as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section ___ of the City/Village of Municipal Code.

6.6 For purposes of determining required parking, said facilities shall be classified as “_____” per Section ___ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___ (Adult-Use Cannabis: Conditional Use) herein.

6.7 Petitioner shall file an affidavit with the City affirming compliance with Section _____ as provided herein and all other requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as “_____” per Section ___ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ___ (Adult-Use Cannabis: Conditional Use) herein.

7.5 Petitioner shall file an affidavit with the City affirming compliance with Section _____ as provided herein and all other requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as “_____” per Section ____ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ____ (Adult-Use Cannabis: Conditional Use) herein.

8.5 Petitioner shall file an affidavit with the City affirming compliance with Section _____ as provided herein and all other requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as “_____” per Section ____ (Schedule of Off-Street Parking Requirements: _____) of the City/Village of _____ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section ____ (Adult-Use Cannabis: Conditional Use) herein.

9.5 Petitioner shall file an affidavit with the City affirming compliance with Section _____ as provided herein and all other requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the

floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City/Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City/Village of _____ Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

SECTION 4: Chapter __ (Commercial Districts) of Title __ (Zoning Ordinance) of the City/Village of _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

ARTICLE A. B-1 GENERAL COMMERCIAL DISTRICT

_____ : PERMITTED USES:

* * *

_____ : CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:

* * *

Adult-Use Cannabis Dispensing Organization.

ARTICLE B. B-2. INTENSE COMMERCIAL DISTRICT

_____ : PERMITTED USES:

* * *

_____ : CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:

* * *

Adult-Use Cannabis Dispensing Organization.

Adult-Use Cannabis Infuser Organization.

Adult-Use Cannabis Processing Organization.

Adult-Use Cannabis Transporting Organization.

SECTION 5: Chapter __ (Industrial Districts) of Title __ (Zoning Ordinance) of the City/Village of _____ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

ARTICLE A. I-1 GENERAL INDUSTRIAL DISTRICT

_____ : PERMITTED USES:

* * *

_____ : CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:

* * *

- Adult-Use Cannabis Craft Grower Organization.
- Adult-Use Cannabis Dispensing Organization.
- Adult-Use Cannabis Infuser Organization.
- Adult-Use Cannabis Processing Organization.
- Adult-Use Cannabis Transporting Organization.

ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT

_____ : PERMITTED USES:

* * *

_____ : CONDITIONAL USES:

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section _____ and Chapter __ of this Title, as appropriate:

* * *

- Adult-Use Cannabis Craft Grower Organization.
- Adult-Use Cannabis Cultivation Organization.
- Adult-Use Cannabis Dispensing Organization.
- Adult-Use Cannabis Infuser Organization.
- Adult-Use Cannabis Processing Organization.
- Adult-Use Cannabis Transporting Organization.

SECTION 6: Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 7: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval as required by law.

ADOPTED THIS _____ day of _____, 20__.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS _____ day of _____, 20__.

Mayor/Village President

ATTEST:

City/Village Clerk

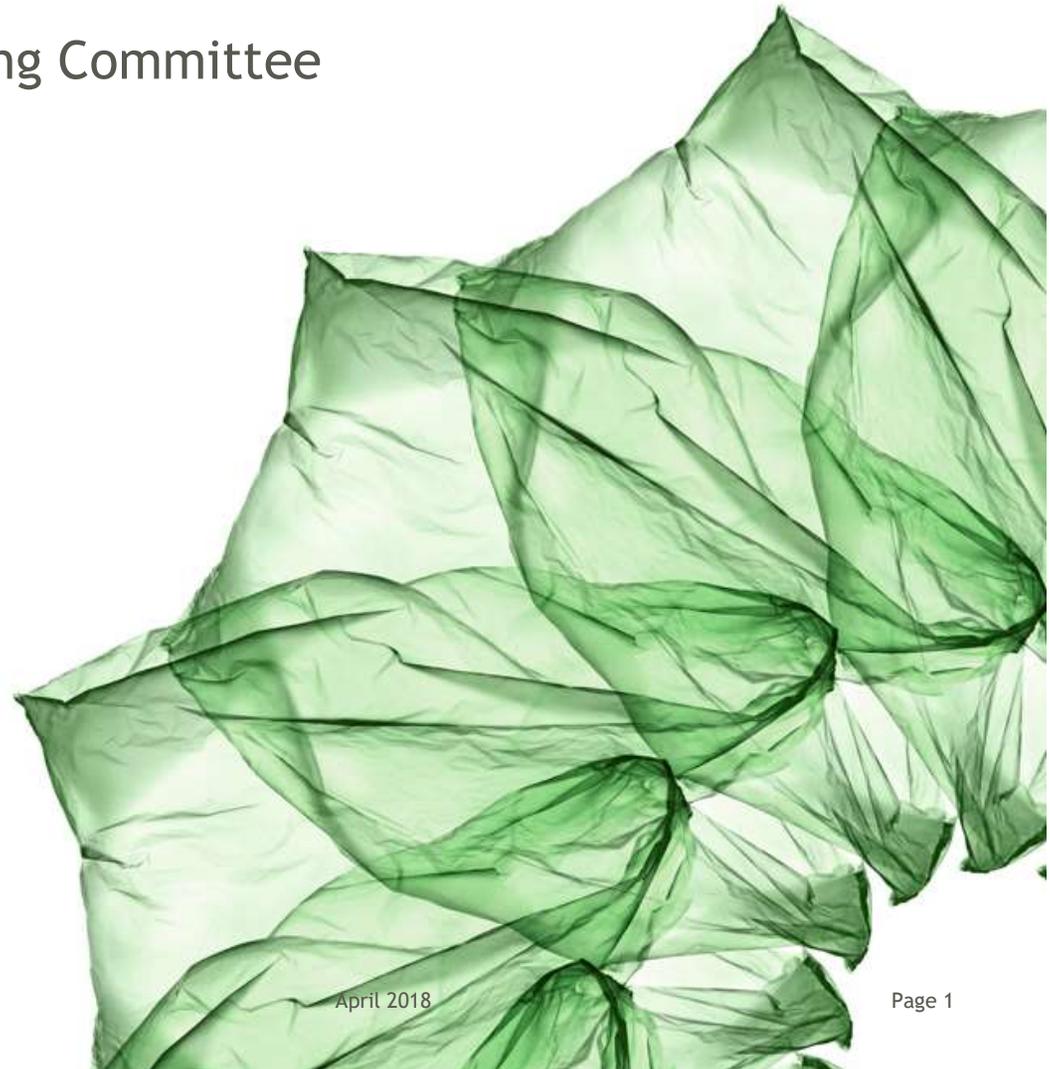
ITEM 7A PRESENTATION BY WASTE MANAGEMENT

DeKalb County Recycling Disposal Facility Summary of Activity 2018

DeKalb County Planning & Zoning Committee

April 2019

Mike Wiersema
District Manager

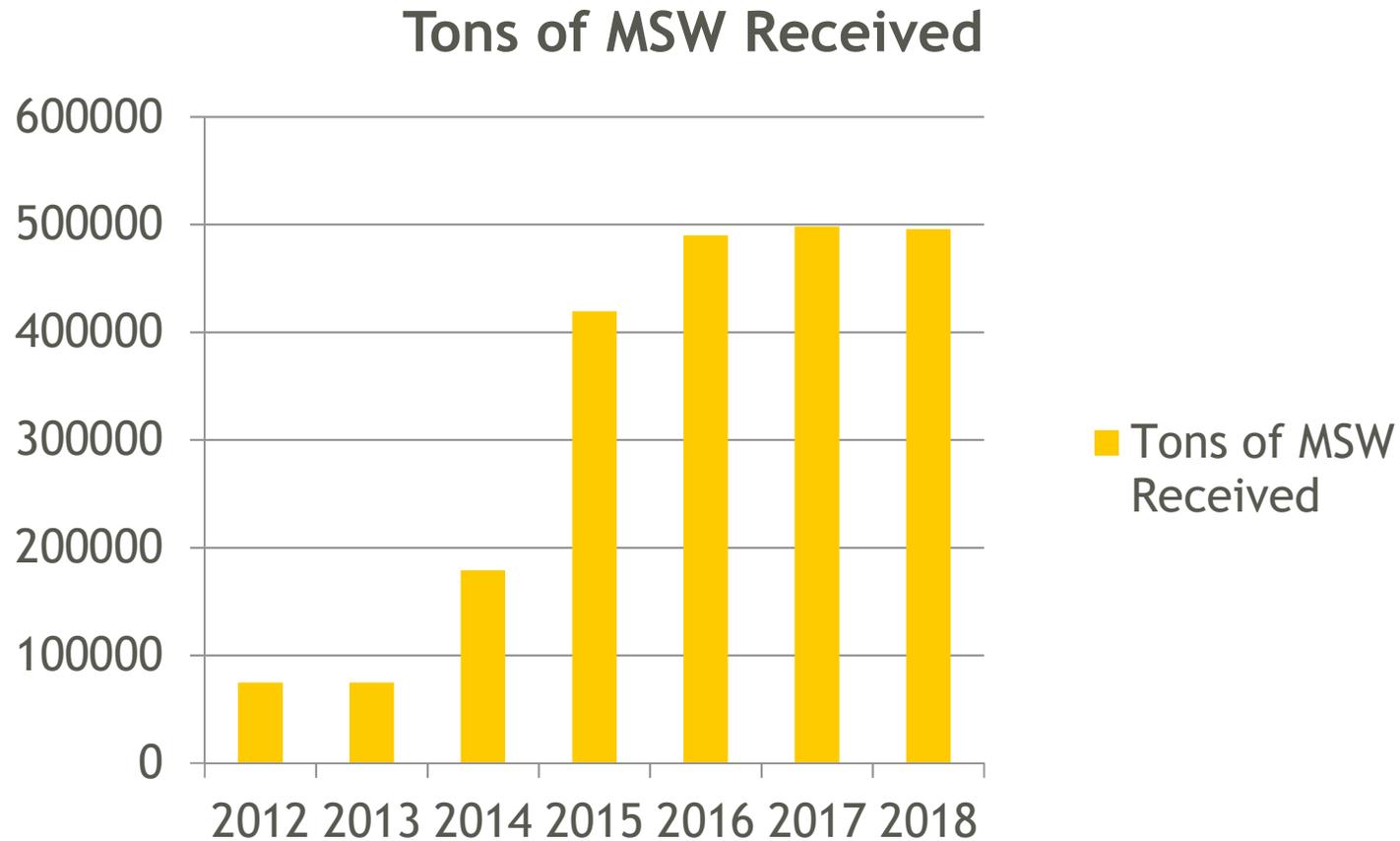


DeKalb County Recycling & Disposal Facility

- 594 Total Acres
- 180 Acres for Disposal
- 20 million tons disposal capacity
- 40 years of remaining life
- Accepts MSW, C&D, special waste
- Compost Facility
managing yard waste
& Food Scrap
- Recycling Drop-Off



Historical Volumes



The site received 495,883 tons in 2018



DeKalb County RDF - West Unit



Aerial photo of the landfill taken April 2018. It is anticipated that the West Unit will be filled sometime in 2020.



West Unit - Waste Placement



West Unit Final Cap



9 acres of final cap was completed on the west facing slope in 2018. Another 9 acres is scheduled for cap in 2019.

Construction activities continue on the East Unit preparing for its operation in 2020.



Screening berm and surface water pond.



East Unit Construction



2018 Summary

Screening berm along I-88 is continued.

Mass excavation work continued and road base was installed.

Compost Operations



2018 Summary

5,675 tons of Landscape Waste was received.

6,507 cubic yards of finished compost was shipped out.

Gas Collection and Destruction



Site flares destroys 1527 cubic feet per minute.

- Second flare installed
- 10 new gas wells in 2018
- 78 Total Gas Extraction Wells



QUESTIONS



ITEM 7B PRESENTATION BY HEALTH DEPARTMENT

2018 SOLID WASTE ANNUAL REPORT

Executive Summary

In 1988, the Illinois Environmental Protection Agency passed the Solid Waste Planning and Recycling Act. The purpose of this Act was to provide incentives for decreasing generation of municipal waste, to require counties to develop comprehensive waste management plans that would place emphasis on recycling and other alternatives to landfills, to encourage municipal recycling and source reduction, and to promote composting of yard wastes. The Act required that by March 1, 1995, the County officially adopt a plan for the management of municipal waste generated within its boundaries and set target goals for recycling.

In March of 1995, the DeKalb County Board adopted the DeKalb County Solid Waste Plan. The Board appointed the DeKalb County Health Department to be the administrative agency to manage the Solid Waste Management Program for the county. Implementation of the Plan by the Health Department began in January 1996. In 2000, 2005, 2010 and 2015, the DeKalb County Board of Health and DeKalb County Board completed reviews, updates and approval of the Plan. Beginning in 1995, the Solid Waste Program was funded by a \$1.10 per ton tipping fee on waste deposited in the landfill. In 2007, the tipping fee was increased to \$1.27 per ton. The Host Fee Agreement for the landfill expansion went into effect in 2014. In August 2014, revenue for the Solid Waste Program transitioned from tipping fees to the Host Fee Agreement.

The County Board adopted Resolution 2014-65 on September 17, 2014 to adopt zero waste as a guiding principle within the DeKalb County Solid Waste Management Plan, as recommended by the Zero Waste Task Force, and directed that the initial task focus on: the expansion of Rural Recycling, development of an ordinance to address Commercial/ Multi-Unit Recycling, development of a pilot program to harvest organic waste and establishment of a community advisory committee to provide input.

The following DeKalb County Landfill data was provided by Waste Management:

Total waste deposited (in tons) excluding special waste	495,878
Total out of county waste deposited (in tons)	424,283
Percentage of out-of-county waste	86%
Average tons per day deposited (5-day weeks, total 260 days)	1,907
Years of life remaining at current disposal rate	40

Over the course of the last twenty years, the Solid Waste program has committed to managing Solid Waste with the intention of diverting as much away from the landfill as possible. Each year, the Program follows the plan to work toward the goal of reducing the landfill rate by 50 percent by the year 2034. In 2018, about 20% of waste was diverted from the landfill. Another way of measuring the amount of waste generated is by measuring the pounds per person per day (ppd). In 2018, the landfill rate measured 4.3 ppd; this is consistent with 2017 data also measuring at 4.3 ppd.

2018 Solid Waste Program Achievements

Harvesting Organic Waste

- Beginning in September through November food scraps could be placed with yard waste in the City of DeKalb.

Rural Recycling

- The Solid Waste Program continued the rural recycling agreements with Somonauk Township and Genoa Township. The sites service rural residents in both the southern and northern regions of the County that do not have curbside recycling. Over the past two years, we have seen an increase in the availability of curbside recycling to better serve County residents.

Other Solid Waste Program (SWP) Achievements

- The SWP coordinated a household hazardous waste (HHW) drive and collected almost 5.7 tons of HHW. Residents of Sycamore, Genoa and Kirkland had the option of disposing HHW through the At Your Door program with Waste Management. Finally, about 3,000 gallons of used oil from DeKalb County businesses was recycled.
- The SWP coordinated a collection event and distributed about 500 pairs of gently used athletic shoes to be reused by children throughout the county.
- The SWP continued to provide assistance to the municipal electronic recycling programs. We also collected almost 69 tons of electronic waste at events throughout the County. Additionally, over 939 pounds of holiday lights were recycled.
- The City of DeKalb adopted a curbside electronics recycling program where Lake Shore Recycling Systems collects residents E-Waste on the first scheduled pickup day of every month.
- The SWP sponsored a latex and oil-based paint collection event that resulted in a total of 57 cars and collecting over 5,700 pounds from residents for recycling.
- The SWP participated in the advocacy efforts of the Illinois Product Stewardship Institute to provide recommendations to the Illinois Environmental Protection Agency concerning electronics recycling legislation.
- The SWP worked in partnership with other organizations focused on waste reduction, including the Northern Illinois University Green Team, City of DeKalb Citizen's Environmental Commission, Illinois Product Stewardship Council, Illinois Food Scrap Coalition, Illinois Recycling Association and Illinois County Solid Waste Managers Association.

2019 Solid Waste Program Goals

Rural Recycling

- Continue to increase community awareness of the availability of rural recycling sites in order to encourage rural residents to utilize.

Commercial/Multi-Unit Housing Recycling

- Work with Municipal leaders to advocate for stronger recycling ordinances.
- Encourage commercial and multi-unit owners to voluntarily institute recycling policies.

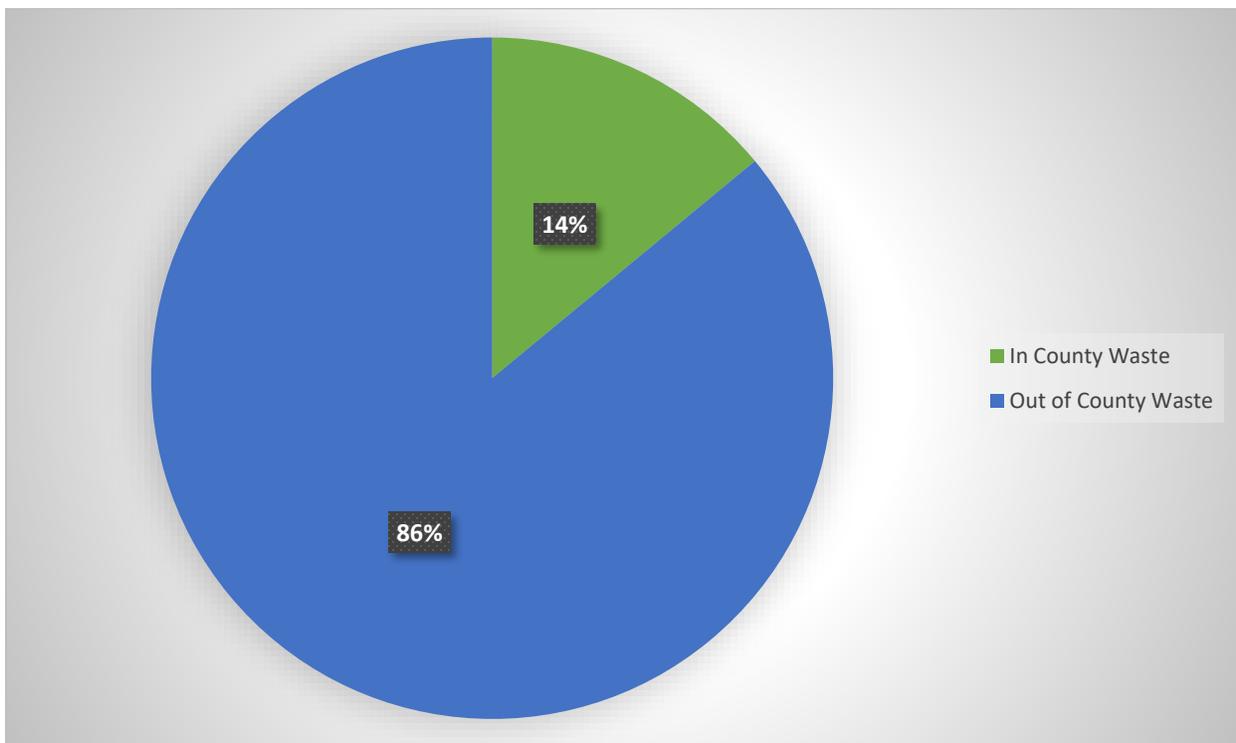
Other Solid Waste Program Goals

- In addition, the SWP will:
 - Coordinate the annual Shoe Share Drive, host the annual Household Hazardous Waste drive, and holiday lights collection.
 - Increase public awareness about recycling and food scrap collection at community festivals and events.
 - Work with municipal leaders to increase overall waste diversion from the landfill.
 - Continue to participate with waste industry partners including the Illinois County Solid Waste Managers Association, Illinois Food Scrap Coalition, the Citizens Environmental Commission and the Solid Waste Advisory Committee for networking, sharing ideas, staying informed of legislation and advocacy efforts.
 - Augment the recycling programs within the Sycamore school district and serve on the Sycamore Sustainability Committee.

Solid Waste Program Data for 2018

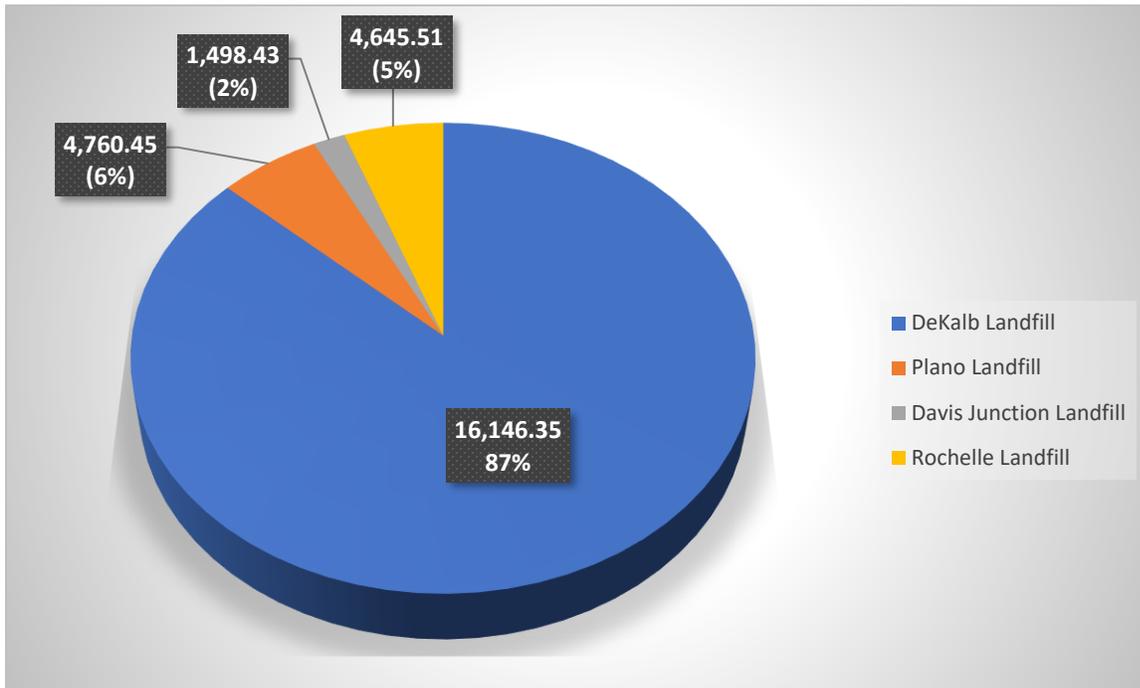
Graph 1: Indicates the amount of waste landfilled in the DeKalb County Landfill from DeKalb County and other counties. DeKalb County communities generated 71,594.57 tons or 14% of the waste. Surrounding counties generated 424,283 tons or 86% of the waste. Waste Management voluntarily provided this data from the DeKalb County Landfill.

Graph 1: Waste Sent to DeKalb County Landfill (tons)



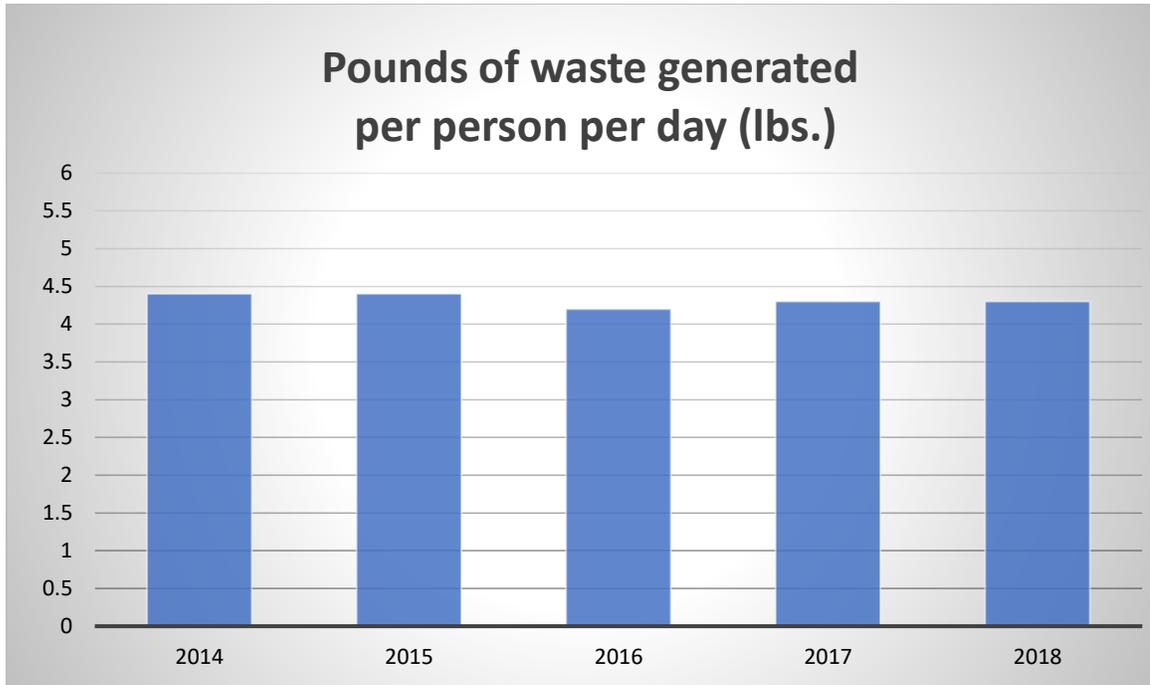
Graph 2: Indicates the amount of waste DeKalb County residents and businesses generated and which landfill accepted the waste. DeKalb County Landfill accepted 87 percent of the County's waste. Rochelle Landfill accepted 5 percent. Plano landfill accepted 6 percent. Davis Junction's Landfill accepted the remaining 2 percent.

Graph 2: Waste generated by DeKalb County (tons) and its Destination



Graph 3: Indicates the County's per capita landfill rate 2014 -2018. In 2018, the County generated 4.3 pounds of waste per person per day (PPD). This is the same as 2017, which also measured at 4.3 PPD.

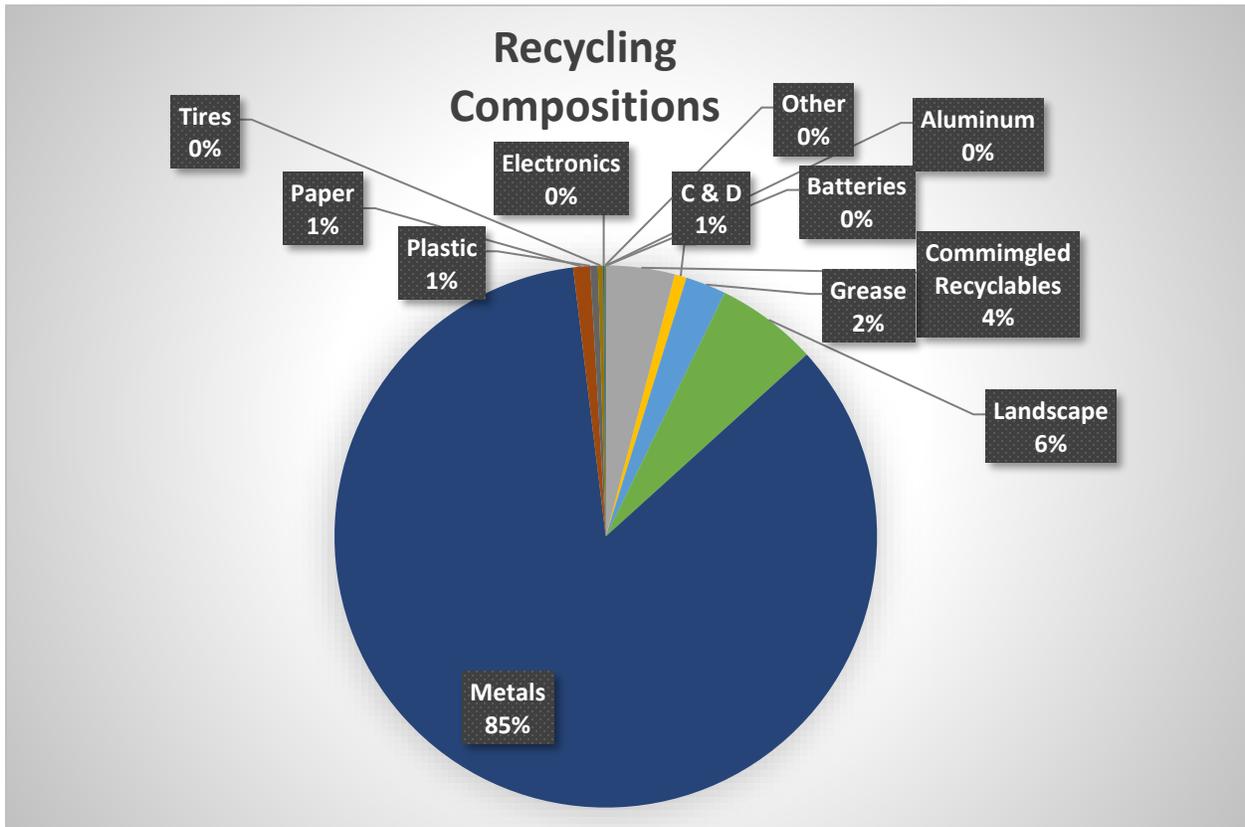
Graph 3: Per capita landfill rate (PPD)



* Updated PPD for 2016 and 2017 due to an error in calculation.

Graph 4: Indicates the estimated composition of materials recycled. In 2018, 98,657.56 tons of recyclable materials were collected and diverted from the landfill. Metal represented the largest portion of the recycling stream. Other categories of recyclables appear below. All recycling percentages are based on voluntary information provided by businesses and haulers known to be operating in DeKalb County.

Graph 4: Recycling Composition Estimates



**Solid Waste Management Program
Financial Statement
2010 – 2018**

Historically, the Solid Waste Program was funded by tipping fees from the landfill (Chart 1). The financial statement below shows financial revenues and expenditures from 2010 through 2017. Note that in August of 2014 the revenue stream changed from a tipping fee to a Host Benefit Agreement (Chart 2).

Chart 1: Tipping Fee Revenue/Expenditures

Fiscal Year	Revenue/ Tipping Fees	Interest	Other Revenue	Total	Expenditures	Fund Balance
2010	\$96,769	\$532	\$0	\$97,301	\$107,661	\$77,138
2011	\$92,389	\$315	\$2880	\$95,584	\$114,520	\$58,250
2012	\$89,235	\$64	\$390	\$89,689	\$112,539	\$35,400
2013	\$93,004	\$28	\$3239	\$96,271	\$106,971	\$24,699
2014	\$93,000	\$41	\$2,481	\$95,522	\$89,024	\$31,198

Chart 2: Host Benefit Agreement based Revenues/Expenditures

Fiscal Year	Landfill Host Benefit	Interest	Household Hazardous Waste	Other Revenue	Total	Expenditures	Fund Balance
2015	\$200,000	\$123	\$25,000	\$2,159	\$227,282	\$175,261	\$84,728
2016	\$203,400	\$67	\$24,390	\$290	\$228,147	\$218,823	\$115,431
2017	\$203,400	\$40	\$25,000	\$487	\$203,927	\$181,500	\$162,403
2018*	\$131,858	\$1,038	\$25,000	\$1,677	\$159,573	\$153,605	\$168,371

* Unaudited

ITEM 7C



Community Development Department

110 East Sycamore Street

Sycamore, IL 60178

(815) 895-7188

communitydevelopment@dekalbcounty.org

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: August 16, 2019

SUBJECT: Proposed Zoning Ordinance Changes – Use Variances

The adoption of the 1991 Zoning Ordinance introduced many significant changes. One of these changes was that some property owners in the agricultural zoning district, which had purchased their property specifically because a single-family dwelling could be built, but had yet to do so, found that ability gone. To remedy this, the Use Variance regulations, were adopted. These regulations are contained in Section 10.02 of the Zoning Ordinance, allow the County Board to approve of a single-family dwelling on agriculturally zoned property of less than 40 acres, which was legally recorded and existing prior to October 20, 1976, and which legal description had not been altered since that date by the addition or subtraction of land, had agricultural district zoning prior to September 18, 1991, and where no dwelling unit existed thereon on said date. These regulations were tightly crafted to address this specific circumstance, with the clear intent of preventing this from becoming a loophole to the 40-acre rule. Petitioners had to prove that they had purchased the property prior to December 31, 1993 or had acquired it prior to October 20, 1976, and had to prove that the property was buildable under the Zoning Ordinance in force at the time it was built. Most importantly, the petitioner had to demonstrate that the property had been acquired for the purpose of building a dwelling on it, having paid a value that reflected its buildability, thus demonstrating that the change in regulation had reduced its subsequent value.

The Proposal presented by Mr. Brown and Mr. Faivre suggests a revision of the intent and purpose of the Use Variance. Whereas the current language was created to address a specific type of circumstance, the proposed revision instead provides an avenue by which a property owner can petition the County Board to be allowed to build a house upon a lot which does not meet the minimum acreage requirement for one in the A-1 District. The revised language would require that the lot have no residence at the time of application, that it be at least two acres but no greater than forty acres in area, and that the parcel was established prior to 1998. The language also allows that the lot of be approved could be a portion of a lot established prior to 1998 may be approved, provided that the balance of the original lot was deemed non-buildable. Additionally, the Proposal would limit the creation of any such lot to no

more than one such lot in any quarter of a quarter section of a township beyond what is already existing, as a way to try to preserve the existing residential density within the A-1 District.

The Committee should be aware that the language put forth in the Proposal appears to be contradictory to the intent of the 40-acre Rule, and the County's Comprehensive plan. The County's policies have been geared towards the preservation of agricultural lands, with the A-1 District, in which such lands are primarily located, being limited in the opportunities for the conversion of such lands to residential use through the use of a variety of tools, such as, the 40-acre rule, not allowing variations from lot size, the use of conservation districts instead of straight zoning districts, etc. The intent of the proposed language appears to be to loosen these limitations. Whereas the current language requires the property owner to prove and establish a loss, the factors which the proposed language directs the Hearing Officer to consider appear to be focused on establishing reasons for why allowing a residence would be the highest and best use of the identified lot. (Oddly, given this, the Proposal still would have these parcels still considered primarily agricultural in use.) The stated limit of only one more lot being allowable in any one quarter of a quarter section still leaves the potential for a new residence on a less than 40-acre lot in every such quarter of a quarter section, which seems contrary to the stated goals of the Comprehensive plan.

Staff would suggest that if the Board truly desires to allow for the creation of buildable farm parcels in the A-1 District of less than 40 acres, that the Board should instead revisit whether it feels the 40-acre rule is still appropriate in this day and age. Or, the Board might consider the establishment of a new zoning district, which would allow specifically allow for residences in rural areas, as legal, conforming use. As for the current Use Variance language, staff recommends the eliminating it, instead of revising it. Almost thirty years have passed since this language was adopted to address the concerns expressed at that time. This provision is no longer relevant or necessary. Almost three decades seems like more than enough opportunity to have sought redress for any perceived loss in value a change occurring back in 1991 may have caused. Additionally, this language allows for the continued creation of new non-conforming lots in agricultural districts, which goes against both the intent of the 40-acre Rule to limit residential growth in agricultural districts and the subsequent loss of valuable farmland, and the stated intent in the non-conforming regulations to not encourage the survival, expansion, or renewal of such uses.



Community Development Department

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MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: August 16, 2019

SUBJECT: Proposed Zoning Ordinance Changes –
Quarter of a Quarter Section as a Buildable Lot

The Proposal submitted by Mr. Brown and Mr. Faivre recommends amending the Section 2: Definitions, to include a definition identifying “40 acres” as meaning a quarter of a quarter section, regardless of whether it is exactly 40 acres in size. Staff agrees with the concept of accepting that a quarter of a quarter section as meeting the intent of the 40-acre Rule, however, staff would recommend that rather than defining 40-acres as being a quarter of a quarter section, the language should instead identify a quarter of a quarter section as meeting the minimum acreage requirement for a farmhouse in the A-1 District. Also, staff believes that language to this effect would be better placed under Section 4.02.D.1, instead of as a definition in Section 2. Staff would recommend adding the following language as a new subsection under Section 4.02.D.1:

- D. Lot Area Requirements:
1. The minimum lot area for a farm residence shall be forty (40) acres. The minimum lot width at the minimum front setback line for a lot including a farm residence shall be 500 feet.
 - a. Properties identified as a quarter-quarter section, as defined by the government survey established for each township whether the actual surveyed area measured by metes and bounds survey is more or less than forty (40) acres, shall be considered as meeting the minimum lot area requirement.



Community Development Department

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MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: August 16, 2019

SUBJECT: Proposed Zoning Ordinance Changes –
Animals in Residential Districts

The Proposal suggests eliminating Section 5.09.C, which governs the ability of residential and agricultural lots to have farm animals. Staff agrees that this current language needs to be revised, but recommends against simply eliminating it. Staff's recommendation for this language is twofold: remove the reference to agriculturally zoned properties; and, rewrite the language to better clarify the County's policy regarding animals on residentially zoned properties. Staff believes that the language governing animals on agriculturally zoned properties is adequately covered elsewhere in the Ordinance and need not be part of this language, nor should there be a minimum lot size for livestock on agriculturally zoned properties. Staff therefore believes this section should be retitled "Animals in Residential Districts" to clarify that this language is related to residentially zoned properties. Secondly, the recommended language clarifies that the type of animals referred to are "non-household domesticated" animals, such as chickens, cows, horses, etc. Finally, the recommended language also clearly notes that the keeping of such animals is an accessory use to the residential use of the property, and is not intended as a way to allow animal husbandry on residentially zoned properties, and that the primary use of a residentially zoned lot is intended to be for residential uses. Staff recommends replacing the language of Section 5.09.C in its entirety to read as follows:

- C. **Animals in Residential Districts: Residentially zoned lots that are two (2) or more acres in area shall be allowed to have non-household domesticated animals, such as chickens, cows, horses, etc., as an accessory use, and said use shall be subject to the regulations for accessory uses. Said animals shall be for the private use of the residents of the property only, and not available for retail, or wholesale, sale or distribution.**



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MEMORANDUM

TO: Planning and Zoning Committee

FROM: Marcellus Anderson
Assistant Planner

DATE: August 16, 2019

SUBJECT: Proposed Zoning Ordinance Changes –
Intermodal Containers

Over the past few years, an increasing number of property owners have approached the County with the request to be allowed to use Intermodal Containers as both permanent and temporary accessory structures. The Zoning Ordinance does not currently address the use of such structures in this manner. However, the Committee has indicated that it would be in favor of adding language allowing for their use. Therefore, staff recommends the following language amending Section 5.06 to include a new subsection (G) addressing the permanent their use as a permanent accessory structure:

- G. Intermodal Containers:** Intermodal containers may be used as permanent accessory structures, provided that the containers must meet all of the zoning and building code requirements for accessory structures. Additionally, intermodal containers used as accessory structures must be permanently anchored to the ground.

And to amend Section 5.07.B.2 to allow for their use as temporary structures:

Temporary Contractor's Structures: Temporary structures, intermodal containers, or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of a lot, or remodeling, reconstruction, or replacement of an existing structure(s), provided, however, that such structures, intermodal containers, and trailers shall not be placed on a property prior to approval of the development project by County Board action and issuance of a building permit, and further provided that said temporary structures are removed from said lot within thirty (30) days after completion of the project development. Temporary buildings, intermodal containers, or trailers must also be removed from said lot within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the Zoning Administrator upon a finding by him that said temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand (\$1,000) dollars for their removal shall be posted with the County. The placement of said structures must meet the minimum required setback for the zoning district in which the property is located.