

# DRAFT

**PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
April 24, 2013**

The Planning and Zoning Committee of the DeKalb County Board met on April 24, 2013 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members John Emerson, Julia Fauci, Charles Foster, Dan Cribben, Anita Jo Turner, and Paul Stoddard. Also in attendance were Tracy Jones, Anthony Cvek, John Frieders, Mark Pietrowski, Mike Hey, Don Willrett, Alexander Smith, Richard Smith, Roger Craigmile, James Watts, Paul Borek, Greg Millburg, County Administrator Gary Hanson, and County staff members Paul Miller, Toby Petrie, Greg Maurice, Christel Springmire, and Rebecca Von Drasek.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted Frank O'Barski was absent.

## **APPROVAL OF AGENDA**

*Mr. Foster moved to amend the agenda to include a Public Comment item within the agenda, seconded by Mr. Emerson .*

The Committee briefly debated the need to include this item on this and future agendas.

Mr. Schmack, DeKalb County State's Attorney, opined that it was at the discretion of the County Board as to if public comments should be allowed at Committee meetings. He requested time to review whether comments should be allowed at all future meetings, noting that this evening's agenda did not include items which were subject to a public hearing. He expressed reservations about encouraging comments at future Committee meetings when the discussion items were already subject to public hearings.

Mr. Foster felt that allowing public comments followed the spirit of the law. He agreed that public comment should not be a dialogue and suggested that the Committee could stop a speaker if the topic was inappropriate for the Committee.

Ms. Turner noted that some topics discussed during public comment could be part of litigation. She emphasized that other topics would not give staff or Committee members adequate time to prepare responses.

Mr. Emerson stated that there had not been a problem in the past two years when public comments was a part of the agenda.

*The motion passed to include public comment on the April 2013 agenda with five Members voting in favor and Ms. Turner opposed.*

*Mr. Emerson moved to approve the agenda as amended, seconded by Ms. Fauci, and the motion carried unanimously.*

## **APPROVAL OF MINUTES**

*Mr. Cribben moved to approve the minutes of the March 27, 2013 meeting of the Planning and Zoning Committee, seconded by Ms. Fauci, and the motion carried unanimously.*

## **DISCUSSION ITEM – Status of DeKalb County Landfill**

Mr. Miller introduced Mike Hey from Waste Management to the Committee.

Mr. Hey made a short presentation and provided a handout which detailed the amount of garbage received at the DeKalb County landfill in 2012. He highlighted the composting operations and gas extraction wells.

Mr. Stoddard asked if Waste Management had begun excavating the original landfill. Mr. Hey responded that the excavation would be done in conjunction with the expansion, should approval be received. Mr. Hey noted that the Illinois Supreme Court was still deliberating on legal challenges to the landfill expansion.

Mr. Cribben asked Mr. Hey to clarify the average number of vehicle trips to the landfill in a day. Mr. Hey responded that the daily average intake was 273 tons, which would result in approximately 30-40 truck loads a day.

## **RECYCLING ANNUAL REPORT**

Mr. Miller introduced Christel Springmire, Solid Waste Coordinator for DeKalb County.

Ms. Springmire reported on the County's recycling rate from last year and the stated goals for 2014.

She highlighted the success of recent recycling events. Ms. Springmire also noted the data shows a significant jump in the amount of recycled construction and demolition debris, and explained that Vulcan materials was reporting their recycled concrete in those amounts.

Ms. Turner praised the holiday light recycling program.

## **DISCUSSION ITEM – Building Code requirements for new agribusiness and changes in use of agricultural buildings**

Mr. Miller explained that most of the land in unincorporated DeKalb County is zoned A-1, Agricultural District. The A-1 District has a list of permitted uses (the most common being agriculture) which require no special approval by the County, and a list of possible Special Uses which do require approval by the County Board. Possible Special Uses include "agribusiness", which is defined by the Zoning Ordinance as "agriculturally related businesses" and applies to such things as agricultural equipment and implement dealerships, commercial grain elevators, and bulk fertilizer facilities. Also included as possible Special Uses are agriculturally-compatible activities such as landscaping businesses and "agritainment" uses like u-pick

orchards and corn mazes. Finally, the list of Special Uses includes the possibility of putting an existing agricultural building that is no longer used for agriculture to a retail or service use.

Mr. Miller clarified that the construction of new buildings and structures for agriculture on private properties is exempt from local Building Code regulations by State law. The Planning, Zoning and Building Department requires only a simple, no-fee Building Permit to enforce setback requirements for such buildings; there is no plan review and no inspections during construction. In contrast, the types of Special Uses listed above are not exempt from Building Codes. When the establishment of such businesses requires either the construction of new buildings or the conversion of existing buildings, the County's Building Code regulations govern the construction or conversion. These regulations were adopted by the County Board to assure that minimum standards are enforced, and best management practices are followed, to protect public health, safety and welfare. The implied rationale is that these kinds of businesses bring customers and visitors to agricultural properties who would not otherwise come to such sites, and members of the public have the right to expect that the County has held buildings and facilities to certain minimum construction and safety standards. The requirement that buildings for non-agricultural use meet Building Code regulations has been the case in DeKalb County for many years. Mr. Miller noted that he had recently met with property owners of projects held to these standards and discussed their individual projects and their opinions of the review process.

Mr. Miller introduced Toby Petrie, DeKalb County Building Inspector.

Mr. Petrie explained the Building Permit review and approval process via a PowerPoint presentation. He highlighted the public-safety reasons for bringing agricultural structures into compliance with the DeKalb County Building Code when such buildings are changed to a non-agricultural use.

Ms. Fauci mentioned the recent explosion at a fertilizer plant in Texas. Mr. Petrie responded that DeKalb County did not have facilities of the same size and scope as the Texas plant but agreed that Codes are intended to help avoid such disasters.

The Committee briefly discussed which Building Codes were adopted by the DeKalb County Board (i.e. IBC, Fire Code, etc). Mr. Petrie explained some of the Codes were required to be enforced by the Federal and State governments (i.e. Plumbing, ADA, Energy Conservation, etc). The Committee was also informed that local amendments might be made to the Codes, however staff cautioned they may not be advisable.

Mr. Schmack referenced the history which gave the County the authority to adopt Building Codes.

Mr. Cvek thanked Mr. Petrie and Mr. Miller for their presentations. He emphasized that he would be happy if staff continues to improve communication and possible outreach opportunities to better inform residents about these regulations.

The Committee briefly debated the County's liability if they were to repeal all Building Codes.

Mr. Foster also thanked Mr. Miller for continuing the dialogue on this topic.

Mr. Miller suggested that the Committee members continue to discuss this issue among themselves, and offered that staff would be happy to answer any further questions members may have on this topic.

**DISCUSSION ITEM – Status of Evergreen Village Mitigation Project**

Mr. Miller explained to the Committee a brief history regarding the creation of Evergreen Village. He pointed out that the County Board had approved an expansion of the park in the 1970s, even though the park has always been in the floodway of the Kishwaukee River. He emphasized the efforts by County staff to mitigate the park since flooding in 1990s. Mr. Miller explained that DeKalb County was awarded a grant in June of 2012 by the Federal Emergency Management Agency (FEMA) in the amount of \$4.2 million to mitigate the Evergreen Village Mobile Home Park. The awarded amount represented 75% of the estimated \$5.6 million cost of purchasing the property, the structures (including trailers), providing relocation assistance to the residents, and demolishing improvements to turn the site into permanent open space. The Illinois Emergency Management Agency (IEMA) provided a letter in December of 2012 providing the additional \$1.4 million needed for the project.

Mr. Miller noted that since that time, staff has been working on learning and understanding the mitigation process and rules mandated by the State and Federal laws. An area of concern arose related to the possible cost of providing relocation assistance per the Uniform Relocation Assistance Act (URA). This Act requires that the County identify alternative housing for the residents of the mobile home park, pay for moving expenses (up to \$1,000) and pay the difference in rent between what residents pay Evergreen Village and what they will pay in their new housing, for up to 42 months. The amount of relocation assistance is based in part on a financial evaluation for each resident. The proposed budget for the project averaged \$12,000 for relocation assistance per occupied trailer. The review of the project by IEMA indicated this should be adequate. However, subsequent discussions with experts in the URA revealed that the County could be required to pay up to \$22,500 per occupied trailer. This meant there was a potential shortfall in the relocation line item of \$1.5 million in the worst case scenario. Even assuming that not every resident would qualify for the full amount, conservative estimates still indicated a \$700,000 to \$800,000 shortfall. Once the project begins, any shortage in funding would be required to be made-up by the County.

Staff has been working diligently with IEMA since the potential shortfall in funding was identified to come up with additional funds for the project. One possibility existed in the form of funds from the Department of Commerce and Economic Opportunity (DCEO), which is working with IEMA on a number of other mitigation projects in the State. The idea has been if DCEO can pick up a greater percentage of the costs on other projects, it would free-up IEMA funds dedicated to those projects, and those funds could in turn be funneled to the Evergreen Village project. Given the complexity of these programs and the amounts of money involved, the effort to determine if additional funding can be secured has been both complicated and lengthy.

On Friday, April 12, 2012, staff a letter from DCEO, in which the acting director of that State agency committed to working with IEMA to make the additional funding available. The letter does not amount to a grant, but rather a promise to make up any shortfall for the project, for up to \$1.5 million. DCEO's approach is to wait to find out how much additional funding is actually needed. This sum cannot be known until the project gets under way and staff begins working with the residents of the mobile home park. Mr. Miller concluded that staff was requesting the Planning and Zoning Committee to consider the status of this important mitigation project, and forward to the County Board a resolution directing staff to commence with the Evergreen Village mitigation project.

The Committee noted that their concern for the health, safety, and well being of the residents justified the risk of the expense.

*Ms. Fauci moved to forward a resolution directing staff to commence with the Evergreen Village mitigation project, seconded by Mr. Cribben, and the motion passed unanimously.*

Mr. Hanson also noted that the issue would be forwarded to the Finance Committee to discuss in May of 2013.

#### **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet May 22, 2013 at 7:00 p.m. in the Conference Room East.

*Mr. Emerson moved to adjourn, seconded by Mr. Cribben, and the motion carried unanimously.*

**Respectfully submitted,**

**Anita Jo Turner**  
**Planning and Zoning Committee Chairman**