

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
January 23, 2013**

The Planning and Zoning Committee of the DeKalb County Board met on January 23, 2013 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Anita Jo Turner, John Emerson, Julia Fauci, Charles Foster, Frank O'Barski, Dan Cribben, and Paul Stoddard. Also in attendance were Roger Craigmile, Mel Hass, Dan Kenney, Stephanie Hickman, Greg Millburg, County Board Members Mark Pietrowski Jr., Julia Fullerton, and John Frieders, and Planning, Zoning and Building Department staff members Paul Miller and Rebecca Von Drasek.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Cribben moved to approve the minutes of the November 28, 2012 meeting of the Planning and Zoning Committee, seconded by Mr. Emerson, and the motion carried unanimously.

DISCUSSION ITEM – Planning and Zoning in DeKalb County

Mr. Miller briefed the Committee on the January 9, 2013 staff report which summarized the history, policies, plans and ordinances adopted by DeKalb County related to land use and proposed development. He emphasized the policies of preserving prime agricultural land for agriculture, and discouraging non-agricultural land uses from occurring in the rural areas. Mr. Miller explained the importance of the Comprehensive Plan which outlines the County's policies regarding development. He also highlighted the regulations contained within the Zoning and Stormwater Ordinances to enact those policies.

Mr. O'Barski arrived at 7:10 pm.

Ms. Fauci asked about challenges to the County's development policies. Mr. Miller responded that on a few occasions developers had challenged the regulations and that the County had prevailed at the Appellate court level in 1997 and in 2003.

Mr. Cribben asked what year the 40 acre requirement was adopted. Mr. Miller replied that the initial adoption was in 1972. Mr. Miller also noted that the only one remaining exception to the 40-acre rule is a Use Variance, which he described as a very specific set of criteria for allowing a house to be built on a parcel of less than 40 acres.

DISCUSSION ITEM – Year-End Report for FY 2012

Mr. Miller brought the 2012 Year-End Report to the attention of the Committee Members. There were no questions regarding the Report.

DISCUSSION ITEM – Fee Review

Mr. Miller explained that staff had reviewed the Building, Zoning, and Site Development fees for the Committee to review. He asserted that the review had found that Building Permit fees are less than Counties east of the County and more than those south and west of the County.

Mr. Cribben asked Mr. Miller if he felt the Building Permit fees were at an appropriate level. Mr. Miller responded that the fees were right in the middle and adequate at this time.

Mr. Miller emphasized that no inspections take place nor are any fees collected for farm dwellings or farm structures due to a state exemption. He offered that the County Board could include in their legislative agenda an inquiry as to the wisdom of such a State policy that requires structures to be built to the State residential code, but does not provide any permitting or inspections (other than plumbing). The County may wish to consider asking the State to change the law to allow counties to apply their residential building codes to farm residences.

Ms. Fauci asked who qualifies for such an exemption. Mr. Miller detailed that properties who qualify must claim to be farming the property, must be located in the A-1 District, must be five acres or more in size, or be less than five acres but prove at least \$1,000 in agricultural produce in the past year.

Mr. Foster asked if there has been a specific problem caused by this policy. Mr. Miller stated staff did not anticipate a problem but explained that there is no guarantee for either the property owner or a subsequent buyer of the farm house that the structure has been built to minimum standards for life, health and safety.

Mr. Stoddard observed that he could see two sides to this issue, the first that the inspectors are employed to protect property owners and future owners from hidden dangers but secondly that neighbors in a rural setting are not put at the same risk as homes built in residential neighborhoods.

Ms. Turner recognized Mr. Millburg from the Farm Bureau. He indicated that the IL Farm Bureau would oppose any legislation directed at requiring Building Inspections on farm houses.

Mr. Emerson stated that he had constructed his home as a farm dwelling without inspections.

Ms. Fauci stated that she appreciated the inspectors who confirmed that her construction project was done correctly. She wondered if there were an educational option for farmers to learn about Building Codes.

Ms. Turner recognized Ms. Fullerton, who stated that real estate closings generally require a home inspection which is intended to expose serious flaws in a structure. Mr. Miller explained that the Building Inspector reviews a building that is under construction which includes many items a Home Inspector cannot inspect.

At the request of the Committee, Mr. Miller agreed to include this item again on the February meeting agenda.

The Committee briefly discussed changing Zoning Application fees from the current tiered system (\$100, \$500, or \$1,000 for staff time) to an “escrow account” for zoning applicants. Following the brief discussion, Mr. Miller was directed to outline the proposed escrow idea for the February meeting of the Committee.

Ms. Turner recognized Mr. Frieders, who asked why a property owner is charged for any application to the County. Mr. Miller explained that the County has long had the policy that all the property owners in the County should not have to cover the cost of a single property owner’s project. Rather, the property owner who generates the need for the review and approval should bear the costs to the County through application fees.

Mr. Foster voiced concern that the escrow system could raise concerns that the charges were not fair and consistent. Mr. Miller responded that the system would entail an accounting of staff time, broken down in quarter hour sections, showing the time devoted to processing a zoning application.

Ms. Turner recognized Mr. Pietrowski, who asked if the County could save on these costs by posting notices on the County’s web site rather than publishing in the newspaper. Mr. Miller stated that current legislation requires the notice in the paper but that a change to allow digital notification may also be an appropriate legislative agenda item.

DISCUSSION ITEM – Evergreen Village Mitigation Project

Mr. Miller briefed the Committee on the status of the Evergreen Village Mitigation Project. The Committee asked Mr. Miller to provide an update at the February County Board meeting.

Mr. Miller observed that the project is subject to State and Federal processes. He informed the Committee that staff was scheduled to meet with a consultant who had been recommended as a project manager with land acquisition and relocation experience for mitigation projects.

PUBLIC COMMENTS

Ms. Turner recognized Mr. Haas, who inquired as to the annual landfill license process. He observed that the licensing of the landfill generally takes place in February and March, and suggested that, while the County has raised the application fee from \$50 to \$200 last year, it could be as high as \$500. Mr. Miller informed the Committee that the fee was increased in 2012 to \$200 because that represented the County’s costs for processing the annual application, and that a higher fee could not be justified in terms of staff time.

Mr. Kenney noted that the County could charge a fee of \$50 per truck that hauls to the landfill. Mr. Miller responded that the State law designates that Environmental Protection Agency and Illinois Pollution Control Board as overseeing the landfill, and this trumps any local jurisdiction. The Committee asked Mr. Miller to review the State regulations.

Ms. Turner directed Committee members to respond “no comment” if asked about pending litigation involving the County.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet February 27, 2013 at 7:00 p.m. in the Conference Room East.

Mr. Emerson moved to adjourn, seconded by Mr. O’Barski, and the motion carried unanimously.

Respectfully submitted,

Anita Jo Turner
Planning and Zoning Committee Chairman

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