

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
June 26, 2013**

The Planning and Zoning Committee of the DeKalb County Board met on June 26, 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, Frank O'Barski, and Paul Stoddard. Also in attendance were Marc Johnson, Tracy Jones, Anthony Cvek, John Frieders, Mark Pietrowski, Roger Craigmile, Greg Millburg, Anthony Osborne, and County staff members Paul Miller, Keith Anderson, and Rebecca Von Drasek.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted all members were present.

APPROVAL OF AGENDA

Mr. Foster moved to amend the agenda to include a Public Comment item within the agenda, seconded by Mr. Stoddard, and the motion carried unanimously.

Mr. Stoddard moved to approve the agenda as amended, seconded by Mr. Foster, and the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Fauci moved to approve the minutes of the April 24, 2013 meeting of the Planning and Zoning Committee, seconded by Mr. Emerson, and the motion carried unanimously.

PUBLIC COMMENT

No comments were offered.

RESOLUTION – Adoption of update to the DeKalb County All-Hazard Mitigation Plan

Mr. Miller stated that DeKalb County adopted an All Hazards Mitigation Plan in 2008. He explained that such a plan is required by the Federal Emergency Management Agency (FEMA) for any government jurisdiction that seeks funds for mitigation projects; a local example is the purchase of the Evergreen Village mobile home park. The Plan addressed the list of potential hazards, both natural and man-made, and set forth policies and procedures intended to prevent or reduce damage and negative impacts associated with those hazards.

Mr. Miller highlighted that the 2008 Plan was created in cooperation with most of the municipalities in the County, and participating governments all adopted the Plan by resolution. Federal regulations require that the Plan be updated every five years. The County All Hazard Mitigation Committee, along with representatives of many of the municipalities as well as Northern Illinois University and Kishwaukee College, met three times in 2012 and drafted the

required update. Mr. Miller explained that the updated Plan has now been reviewed and approved by FEMA, and is ready for adoption by the County Board.

Ms. Fauci confirmed that the plan included consideration of man-made disasters.

Ms. Fauci moved to approve the resolution calling for the adoption of the updated All-Hazard Mitigation Plan, seconded by Mr. O'Barski, and the motion carried unanimously.

RESOLUTION – Zero-Waste Policy

Marc Johnson gave a presentation, including a Power Point slide show, explaining his proposal to create a taskforce to develop a Zero-Waste policy for DeKalb County as part of the Solid Waste Plan.

Mr. Foster requested clarification on the figures provided by Mr. Johnson on the amounts of trash hauled to the County landfill. Mr. Johnson noted that the numbers came from the County Health Department's 2012 Annual Solid Waste report.

The Committee briefly discussed possible funding mechanisms for a recycling program that has been adopted by Boulder County, CO, which was highlighted in Mr. Johnson's Power Point presentation. Mr. Johnson explained the "pay as you use" practice that has been developed, and noted that the proposed taskforce could review many options to encourage recycling.

Ms. Fauci praised the Forest Preserve, University Extension Offices, and Health Department in their efforts in educating the public and continuing to increase the recycling rate in the County.

Mr. Johnson noted that there were large trash producers that are not yet recycling, such as student apartments and fairs. The Committee discussed the importance of including as many stakeholders as possible in the discussion about Zero-waste, and emphasized that the municipalities will be essential partners in any proposal.

Chairman Turner recognized County Board Member Anthony Cvek. Mr. Cvek suggested that a taskforce is not necessary but proposed including the discussion about zero-waste when the new Solid Waste Plan is written. The Committee briefly discussed reaching out to Health Department staff to discuss the process for adopting the new 20-year plan for the County.

Mr. Foster agreed there was merit in the discussion but noted that he wanted to discuss possible revisions to the language in the draft resolution related to Zero Waste prepared by Mr. Johnson.

The Committee suggested Mr. Johnson to confer with the Health Department staff and determine the process used to update the Solid Waste Plan. In addition, Mr. Foster offered to meet with Mr. Johnson to review the language in the draft resolution. The Committee agreed to discuss the issue at the July Planning and Zoning Committee.

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

Mr. Miller explained that at the April 24, 2013 meeting of the Planning and Zoning Committee, issues related to the County's Building Codes were discussed as they apply to non-agricultural uses in the A-1 Agricultural District. The A-1 District has a list of possible special uses that require approval by the County Board, including "agribusiness" and agriculturally-compatible activities such as landscaping businesses and "agritainment" uses like u-pick orchards and corn mazes. The list of special uses also includes the possibility of putting an existing agricultural building that is no longer used for agriculture to a retail or service use. Buildings associated with these uses are required to meet building regulations.

New buildings and structures intended for agriculture on private properties are exempt from local building code regulations by State law, but other uses and structures, including those associated with special uses, are not exempt. 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 employees, 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 referenced the memo included in the Committee Member's packet, dated June 12, 2013, which outlined three options for the Committee to consider: the first directed staff to continue to enforce the regulations as adopted, the second would be to enforce the regulations differently depending on whether the general public has access to the building and when the building is constructed, and the last would be to exempt all structures within the Agricultural District from meeting Building Codes.

Mr. O'Barski stated he liked the second option which is used in Kane County. This option would not require buildings that are not accessible to the public to meet Building Codes. He asked if the number of employees would require a business owner to meet certain Occupational Safety and Health Administration (OSHA) standards. County Board members Mr. Cvek and Mr. Jones asserted that OSHA was responsible for enforcement of their regulations.

Mr. Stoddard asked if posting signage at a building would be adequate to protect the public and provide warning of entering at their own risk.

Ms. Fauci noted that she was on the fence about issue, suggesting she enjoys the charm of agricultural buildings and historic structures that are put to new, non-agricultural uses, but she also understood the importance of providing safe environments for the public.

The Committee briefly discussed expanding the definition of agricultural uses.

Mr. Foster indicated that he preferred the third option, whereby Building Code regulations would not apply within the Agricultural District.

Mr. Miller highlighted that regulations are often created as a response to some failure or catastrophe that has resulted in damage, injury and death, in order to prevent similar events. He noted a consequence of the third option increases the risk to the citizens of DeKalb County.

Mr. Foster stated he wanted to follow-up with representatives in Lee County to find out what if any problems that they experience without enforcing Building Codes.

Mr. O'Barski offered that he felt it was the responsibility of the County to require business owners to act in the best interest of the general public.

Mr. Emerson noted that he felt it was important to provide equity in the administration of the regulations.

Ms. Turner recognized County Board Member Tracy Jones. He observed that agricultural uses have changed over the years, and noted that many farmers need to diversify their operations.

Ms. Turner suggested that the absence of regulations could create problems. She pointed out that the County Board had been warned years ago about the dangers to Evergreen Village, as a consequence of it being in the floodplain, but went along with approving the mobile home park.

The Committee and the County Board Members present briefly discussed the issue of regulations, when they should be applied, to whom they should apply, and why they might be needed. Mr. Johnson asserted that the regulations are meant to level the playing field so that the responsible business owner is guaranteed an irresponsible business owner is not given a unreasonable advantage.

Mr. Foster emphasized that the majority of business owners work to do things the right way.

The Committee also suggested that maybe the size of an operation should determine when regulations need to be met.

Mr. Miller offered to look at the list of Special Uses and consider if any of them would be appropriate to add to the list of permitted uses. He also noted the difficulty in enforcement if regulations are required only after a business reaches a certain size. Mr. Miller pointed out that one of the reasons for building inspections is that even good contractors can make mistakes, or hire workers who do sub-standard work.

Ms. Turner recognized Greg Millburg from the audience. Mr. Millburg asked staff how text amendments are made. Mr. Miller explained that any property owner or entity can make an application to amend the County's Zoning Ordinance.

Ms. Tuner recognized County Board Member Bob Brown. Mr. Brown noted that all governmental agencies have codes and regulations.

Ms. Turner thanked everyone for the discussion and directed staff to leave the issue on the agenda for the next Committee meeting. She encouraged Members to continue their research on the issue.

Mr. Miller introduced Keith Anderson, the new DeKalb County Building Inspector, to the Committee.

DISCUSSION ITEM – Status of Evergreen Village Mitigation Project

Mr. Miller reported to the Committee that staff had a meeting with representatives from the Illinois Emergency Management Agency (IEMA) and the Federal Emergency Management Agency (FEMA) on June 14, 2013. He said that additional questions were raised at that meeting which the County is now waiting on FEMA to answer. Mr. Miller read to the Committee an e-mail from a representative of FEMA observing that the issue is complicated and important, which necessitates a cautious approach.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet July 24, 2013 at 7:00 p.m. in the Conference Room East.

Mr. O'Barski moved to adjourn, seconded by Mr. Stoddard, and the motion carried unanimously.

Respectfully submitted,

Anita Jo Turner
Planning and Zoning Committee Chairman

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