

*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**  
(December 9, 2019)

The Planning and Zoning Committee of the DeKalb County Board met December 9, 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, Tracy Jones, Mark Pietrowski, 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; Tim Hughes and Tim Bagby, County Board members; and, Jim Hutcheson.

**CALL TO ORDER / ROLL CALL**

Mr. Faivre, Planning and Zoning Chairman, called the meeting to order. Mr. Roman arrived late at 6:34 pm.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

*Ms. Willis moved to approve the minutes of October 23, 2019 Committee meeting, seconded by Mr. Plote, and the motion carried unanimously.*

**PUBLIC COMMENTS**

Mr. Hughes indicated that he had sent some materials regarding cannabis use in Colorado to the other County Board members and inquired about their opinions on it. Mr. Faivre indicated that it was helpful. Mr. Hughes noted that legalizing recreational cannabis use was supposed to lower crime, but that the material indicated that overall crime actually went up.

**OLD BUSINESS**

**RECREATIONAL CANNABIS ZONING TEXT AMENDMENT CONSIDERATION**

Mr. Hiland reminded the Committee that it had discussed developing regulations regarding the establishment and operation of uses related to recreational cannabis use at its previous meetings, that it was then discussed at the Executive Committee of the County Board and at the Committee of the whole in November. He noted that a straw poll was taken at the Committee of the Whole, and based upon the feedback received, a modified version of the model ordinance created by the Illinois Municipal League (IML) incorporating that feedback had been included in their packets for their review. He also noted that he was still in continual contact with his counterparts in other counties regarding what they were doing. Mr. Hiland informed the Committee that two key changes from the original draft ordinance and use matrix

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presented to the Committee had been made: previously, a couple of the uses had been proposed to be permitted uses, but that now all of the uses would be special uses in the districts allowing them; and, that the draft language now also addresses medical cannabis related uses. Mr. Hiland also reported that one of the counties he had spoken with had decided to limit all cannabis uses to being special uses in their industrial district. He then described the method used to create the draft ordinance presented to the Committee.

Mr. Hiland noted that in addition to the revised draft ordinance in their packet, staff had also prepared a second version of the revised draft ordinance, reorganized and reformatted so as to present the language as it would appear within the DeKalb County Zoning Ordinance, and distributed it to the Committee. Mr. Hiland informed the Committee that he did not include the second version in the packet because he did not want to create any confusion regarding the differences between how the draft ordinance first appeared and how it looks in staff's revised version, but did note that the content of both were the same. Mr. Pietrowski indicated that he would prefer to use staff's version, being that it reflected how staff would recommend the language appear in the Zoning Ordinance.

Mr. Frieders informed the Committee that he and his fellow republican members of the County Board were planning to oppose the sale of recreational marijuana in unincorporated DeKalb County (adult use cannabis dispensaries). He noted however that they had yet to determine their stance on the other proposed adult use or medical cannabis uses.

Mr. Plote inquired whether the County had received any applications for medical cannabis use facilities, or if there were any more licenses even would available for any more. Mr. Hiland replied that no application had been received. He also noted that while the no more licenses were available, that there was an expectation that the State would be expanding these programs.

Mr. Plote inquired whether any contact from Kishwaukee Community College regarding any adult use programs. Mr. Pietrowski responded that the County had not been contacted by them regarding this issue. He note that the state law did encourage community colleges to explore programs related to it, but was unaware whether they had looked into any of these programs or not.

Mr. Faivre inquired as to how these uses are taxed. Mr. Hiland responded that he believed they would be taxed at the point of retail sale. Mr. Faivre then asked, if the County banned dispensaries, would that mean that the County would only be getting a .75% tax, instead of the 3.75% tax. Mr. Hiland affirmed that this would be true.

Mr. Jones inquired about just what the state law would allow regarding recreational cannabis use. He noted that it appeared to allow for the purchase of it at a dispensary, the transport of a small amount to one's home, and that use of it therein, but not much else. Mr. Hiland responded that those observations were correct, but that governing jurisdictions could also allow for the operation of private smoking clubs and restaurants, if they wished. Mr. Pietrowski did note that at the Meeting of the Whole, it was decided that they did not want to allow for on site consumption. Mr. Plote noted that he and Mr. Frieders had spoken with law enforcement officers, and that they had voiced concern about food-based cannabis products and the lack of public knowledge regarding its potential impacts on users. Mr. Pietrowski noted that the Health Department had also voiced similar concerns. It was also noted that recreational cannabis would also be

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subject to many of the same laws as alcohol and other drugs, in terms of transport, open consumption, and use in vehicles. Mr. Plote noted that education will be a big issue.

Mr. Frieders noted that they would be more comfortable with sales of recreational cannabis in the municipalities, where law enforcement agencies could better monitor these uses, instead of out in the unincorporated portions of the County.

Mr. Pietrowski noted that Sycamore and DeKalb have already made comments about what they plan to do, but inquired whether any of the smaller municipalities in the County had commented on the issue. Mr. Frieders responded that the City of Sandwich had previously indicated that they were not going to allow it, but that he had been informed that they may be reconsidering that stance. Mr. Hiland noted that what he was finding is that as the various communities have talked with their neighbors about the issue, some are taking the stance of “if they (the neighboring community) are going to allow it, then why shouldn’t we.” He also had taken a straw poll at the Mayor’s Caucus the previous week, and many of them had indicated that they were having the same conversations the County was having. He noted that he had also heard that Sandwich would be probably moving forward with it, as were DeKalb and Sycamore. He also noted that Maple Park, Malta, and Cortland were also exploring it.

Ms. Willis wondered the question of how many people would actually switch from illegal to legal marijuana use. She also wondered how many people may switch from using opioids to cannabis use, once it becomes legal.

The Committee allowed Mr. Hughes to present some statistics regarding childhood use of marijuana, and its impacts on growth and brain development. Mr. Pietrowski noted that education is going to be very important.

Mr. Pietrowski noted that it is going to be sold in the communities, and said the only thing that not allowing dispensaries in unincorporated areas would mean is that the County would not be collecting the taxes for the sale. He noted that it would not be stopping the sale and consumption by people in the County.

Mr. Faivre noted that the goal of the meeting is to get a draft ordinance together to go to public hearing. He then proposed just eliminating the dispensaries from the list of allowed uses.

Mr. Plote commented that in rural areas, the opportunity for people to grow their own would be greater than for them to go buy it, therefore, people won’t be buying it in unincorporated areas.

Mr. Bagby opined that ninety percent of the County’s sales tax revenue is generated in the incorporated areas, and suspects that the not many sales would be occurring outside city limits.

Mr. Jones noted that he did not believe there any areas in the unincorporated parts of the County that would be appropriate for dispensaries, and that they should stay in the Cities. Mr. Hiland discussed what it would take to establish a business in the unincorporated areas of the County. Mr. Jones noted that they are not saying no to the others uses, just directing dispensaries to where they would be more appropriate.

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*Mr. Jones moved to strike adult use dispensaries from the list of proposed uses in the draft ordinance, seconded by Mr. Plote, and the motion carried 6 to 1 (Pietrowski).*

Ms. Willis inquired whether there was any language in the Zoning Ordinance regarding medical cannabis uses yet. Mr. Hiland respond that there wasn't.

Ms. Willis asked Mr. Hiland to elaborate on the distance requirements for the various uses and how they are measured. Mr. Hiland explained that the setbacks would be measured from the wall of the building containing the use, not the property line of the parcel containing the use. She also inquired as to how staff had developed the proposed distances. Mr. Hiland replied that the distances used were based on setbacks established by several other counties and the model ordinances provided by the Illinois Municipal League.

Ms. Willis inquired about requirement for fencing associated with these uses being a minimum of eight feet in height. Mr. Hiland responded that the State has mandated that height, but noted that he had found only Kendall County had included it. It was noted that fencing wasn't specifically required for these uses, and Mr. Hiland indicated that this requirement was something that he was going to investigate further, and that he would address at the public hearing regarding whether it needed to be included in the ordinance or not.

Ms. Willis presented to the Committee a list of the various uses being discussed and her definition of what those uses would entail.

*Mr. Pietrowski moved to send the amended revised ordinance to public hearing, seconded by Mr. Roman, and the motion carried unanimously.*

Mr. Hiland informed the Committee that staff would arrange for the public hearing, and that it would likely occur in January.

## **NEW BUSINESS**

None

## **OTHER BUSINESS**

Mr. Faivre inquired as to when staff planned to return to the topic of revising the 4.02.D.2 language in the County Zoning. Mr. Hiland indicated that he would work with him to develop a timeline on when that would occur.

Mr. Plote inquired whether any of the companies granted state approval for their proposed solar gardens had submitted any permits as yet. Mr. Hiland indicated that reviews were occurring for Site Development Permits for some of the projects, but that none had reached the stage where they have submitted their building permit applications yet. Mr. Plote noted that at the last Farm Bureau meeting members who had installed solar panels were only just now getting the state recs, almost a year and a half after installing them. Mr. Jones indicated that he had been told to expect them in January or February of 2020, and elaborated how his payment system would work. Mr. Plote also inquired whether anyone had contacted the County

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regarding a “large” solar project. Mr. Hiland responded that he had. Mr. Plote noted that a large project was being proposed to be building in Lee County and asked if DeKalb County had lost that project to them. Mr. Hiland informed him that the company that had approached him was not the one building the project in Lee County. Mr. Plote then inquired about the status of the County’s efforts to establish its own solar array. Mr. Hiland responded that he was working through the process of selecting a consultant to help the County through that process.

Ms. Willis noted that she had found some more data on drug use among school age children, and informed the Committee about it.

**ADJOURNMENT**

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

**Respectfully submitted,**

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

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