

DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Meeting**  
(September 23, 2020)

The Planning and Zoning Committee of the DeKalb County Board met virtually on September 23, 2020 at 6:30 pm via Zoom. 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: County Board members: Karen Cribben and Larry West; Gary Hanson, DeKalb County Administrator; Pete Stefan, DeKalb County Finance Director; Greg Millburg, of the DeKalb County Farm Bureau; Paul Borek, Executive Director of the DeKalb County Economic Development Corporation; Adam Nissen, representing Syngenta Seeds; Attorney Kevin Buick; Ann Anderson; Alyssa Fagner; Mr. and Mrs. Kevin Marshall; Mark Bemis; Kathy Lampkins; Scott DeSoto; and, Michael Sawyer.

**CALL TO ORDER / ROLL CALL**

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. Roman joined the meeting shortly after the meeting was called to order.

**APPROVAL OF AGENDA**

*Mr. Plote moved to approve the agenda, seconded by Mr. Pietrowski. A roll call vote was called, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Jones moved to approve of the minutes of August 26, 2020 Committee meeting, seconded by Ms. Willis, A roll call vote was called, and the motion carried unanimously.*

**PUBLIC COMMENTS**

None

**OLD BUSINESS**

None.

**NEW BUSINESS**

**SPECIAL USE PERMIT – (PI-20-27) MARSHALL - PRIVATE RUNWAY**

Mr. Hiland informed the Committee that Mr. Kevin Marshall was seeking a Special Use to allow for the construction and operation of a private runway on property located at 15162 Harter Road, in Pierce Township. He informed them that the public hearing was held on August 27, 2020, and that the Hearing Officer had recommended that the requests be approved, with conditions. Mr. Hiland also read into the record an addendum sent by the Hearing Officer, in which he noted a correction to his Findings regarding the testimony of a Mr. Frank Casper. The Hearing Officer noted that he had mistakenly listed Mr. Casper as being in favor of the petition, when he was actually in opposition to it.

*Mr. Jones moved to recommend approval of the Special Use Permit, with conditions, seconded by Mr. Plote.*

Mr. Jones inquired whether an airstrip was allowed as a Special Use in the A-1, Agricultural District. Mr. Hiland replied that it was. Mr. Jones then inquired whether the application for the Special Use Permit was deficient in anyway. Mr. Hiland noted that the Hearing Officer had found that Mr. Marshall had met merits of the Special Use, and had recommended approval, with certain conditions.

Ms. Willis inquired whether the Marshall's proposed runway had been approved by the FAA. Mr. Marshall explained that his application was currently under review by the FAA, but that he had to demonstrate local zoning approval for that process to continue.

Ms. Willis noted that there were two residences located on Chase Road in close proximity to the subject property, and that the owners of both residences were in opposition to the petition. Mr. Faivre inquired whether approval of the Special Use could be conditioned on the Marshalls maintaining ownership of the property. Mr. Hiland responded that the Committee could place such a condition on the use if it choose.

The Committee then examined the maps of the subject property and the surrounding area.

*Ms. Willis moved to amend the motion to add a condition that the Special Use Permit only be valid so long as the Marshalls own the property, seconded by Mr. Jones. A roll call vote was called, and the motion carried unanimously.*

Mr. Faivre raised concerns mentioned a letter submitted by Ms. Penny Prebil, and inquired whether the Marshalls intended to build a hanger on the subject property. Mr. Marshall responded that they had no intention to build one that this time. Mr. Faivre then asked about the two new pole barns recently built on the subject property. Mr. Marshall explained that he was relocating his agricultural operation to the subject property and that the buildings were intended to be used with that operation.

Mr. Faivre inquired as to why he did not continue to utilize the airstrip he is currently using. Mr. Marshall responded that the he would continue to use the airstrips he is currently using, but that the addition of this runway would help make his operation more efficient.

Mr. Plote inquired whether the petitioner would need to tie down his plane on the subject property during a storm. Mr. Marshall noted that such a tie down would typically only require he anchor the plane at two points. Mr. Plote inquired whether such actions would require amendment to the Special Use Permit. Mr. Hiland responded that unless the Committee wanted to add a condition against the permanent, or long-term, storage of planes on the subject property, such actions would be considered typically accessory uses to an airstrip.

Mr. Frieders whether Mr. Marshall would be doing any additional spraying in the area because of the new airstrip. Mr. Marshall responded that he already does some spraying in the area, but that he has no current plans to expand his operations to any other additional properties in the area. He did note that conditions could change such that other nearby properties could potentially seek out his services in the future.

Mr. Faivre inquired as to the impact on the Marshalls should the Special Use Permit not be approved. Mr. Marshall noted that the impact on them would be minor, but that he would hate to see that.

Ms. Willis inquired whether there would there be long-term storage of gas on the property, and also inquired as to what else they planned on storing on the property. Mr. Marshall noted that his operation is very mobile,

and that no large quantities are stored at any one of the locations he uses. He also noted that he had to abide by the Department of Agriculture's regulations. He added that he would be storing all of the typically materials he uses as part of his agricultural operation, and that the materials for his crop-dusting business are moved around as needed.

Mr. Pietrowski asked Mr. Marshall whether he had reached out to the neighbors in opposition to his petition to see if any kind of agreement could be reached. Mr. Marshall talked about how he had reached out to the neighbor to the north of the property, and explained that he had tried to reach out to the one to the west, but had been unable to.

Ms. Janet Casey noted that she was opposed to the petition, and that her home was approximately half a mile away from the subject property. She also noted that the Eriksons, Sawyers, and Prebils were also opposed to the petition.

Michael and Cindy Sawyer asserted that the people in opposition to the proposed runway live in the area, while those that were in favor of it didn't or were current customers of Mr. Marshall. They noted that they were concerned about the impact on their land values. They also added that while they were not against crop-dusting, they did object to having aircraft taking off and landing nearby.

Mr. Pietrowski confirmed that Mr. Marshall did conduct crop-dusting in the area of the subject property.

Ms. Willis asked Mr. Marshall about their response to question #2 on the Special Use Permit application form (which asks whether the proposed use would be detrimental to the value of other properties in the neighborhood or the public welfare at large). Mr. Marshall noted that they would only be using the private runway for the occasional take-off and landing, and that it would not be a full airport. Ms. Willis asked whether they consulted with an appraiser about the potential impact on neighboring property values. Mr. Marshall said he had not.

Mr. Frank Casper informed the Committee that if a property is near an airstrip, that information has to be disclosed to any prospective buyer of the property, otherwise the property owner may be liable to legal action. He then noted that Mr. Marshall had indicated that he had no intention to build a hanger on the property at this time, and inquired whether, if in the future he wished to do so, would he be allowed to just do so or would he have to revisit the Special Use. He also noted that fly-ins did not seem the same as using the airstrip for his crop-dusting business. Mr. Marshall responded that fly-ins were not important to them, and that he was fine with revisiting the Special Use if he decided he needed hangers in the future. Mr. Casper noted that the airstrip would be a noise nuisance. Mr. Faivre noted that the issue of noise had been covered during the Public Hearing.

Mr. Faivre inquired whether the Committee was ok with having no restrictions regarding fly-ins for the property, and the Committee responded that it did not.

Mr. Faivre inquired whether the addition of a hanger would require revisiting the Special Use. Mr. Hiland replied that it would require an amendment to the Special Use.

Mr. Plote noted the presence of Attorney Kevin Buick, and inquired his opinion as to Mr. Casper's assertion regarding disclosing the presence of a nearby airstrip to potential buyers. Mr. Buick responded that such issues really were beyond the scope of the discussion at hand, but that full disclosure was always appropriate.

Mr. Frieders and Mr. Jones noted their belief that it did not matter whether a pole barn was used as a harm shed or a hanger, that it was a non-issue.

Mr. Jones noted that Mr. Marshall had been in the spray business for a long time, and that he ran a reputable business. He also noted that the impact on the neighbors would be minimal, and that it was an important business to the agricultural community of the County.

Mr. Frieders noted that there was an airstrip located just inside Lasalle County immediately adjacent to a large subdivision and that they have had no complaints.

Ms. Willis noted that the Hearing Officer's Findings already recommended that no fly-ins be allowed.

*A roll call vote was called, and the amended motion carried five (5) to two (2: Faivre & Willis).*

### **SPECIAL USE PERMIT – (MA-20-29) SYNGENTA SEEDS - AGRIBUSINESS**

Mr. Hiland informed the Committee that Syngenta Seeds had submitted a Special Use Permit application to establish and operate a Research & Development Innovation and Customer Service Center to be located on property at the northeast corner of State Route 38 and Willrett Road, in Malta Township. He informed the Committee that a Public Hearing was held on August 27, 2020, and that the Hearing Officer had recommended approval, with conditions.

*Mr. Pietrowski moved to recommend approval of the Special Use, with conditions, seconded by Mr. Jones.*

Mr. Pietrowski asked Attorney Kevin Buick if his clients had any issues with the Findings and Recommendation of the Hearing Officer. Attorney Buick responded that they did not. Attorney Buick also added that they came prepared with additional information for the Committee that had not been available at the time of the Hearing.

*A roll call vote was called, and the motion carried unanimously.*

### **SOLID WASTE PLAN**

Greg Maurice, of the DeKalb County Health Department, gave a presentation describing the DeKalb County Solid Waste Management Plan – Twenty-Five Year Update. He noted that the plan was similar to the previous updates, and proceeded to detail some of the highlights of the Plan.

Mr. Faivre noted that Mr. Maurice had said during his presentation that they had received some push-back on getting data, and asked for more information. Mr. Maurice responded that he did not have a definitive answer as to why, but noted that the IEPA no longer required that places provide to them, and that many places no longer as diligent in gathering the data as they had been.

Mr. Roman inquired as to the state of recycling since there was no longer the money in it that there had been. Mr. Maurice responded that the local municipality and County programs were still ongoing. He acknowledged that it was an issue, and that the industry was working out new strategies.

Mr. Roman informed the Committee about some inefficiencies that had been noticed by other committees in the past.

Mr. Faivre asked about the current ratio of recycling to other waste. Mr. Maurice responded that things have stayed fairly consistent in the mid forties percent range, but that the industry needed to reassess things.

Mr. Frieders inquired about the amount of money spent by the County to move recycling, such as the recycling bins out at the township buildings. Mr. Maurice responded that the rural recycling programs are two-fold: The sites all receive a stipend to remain open to the community, and remaining costs are covered as part of the host agreement with Waste Management. Mr. Frieders inquired about the programs within the municipalities. Mr. Maurice informed him that the municipalities have contracts with their waste hauling companies for recyclables, and that he is not party to those costs.

Mr. Roman noted that there had been a University of Illinois Extension program, and asked about its status. Mr. Maurice informed him that the program had been defunded, but that the education portion of the program had continued with other funds. Mr. Roman noted he understood that the program also funded a position at the Health Department, and asked about it. Mr. Maurice responded that the program had contributed to the salaries of two positions at the Health Department.

*Mr. Roman moved to recommend approval of the Solid Waste Plan, seconded by Mr. Jones. A roll call vote was called, and the motion carried unanimously.*

### **ZONING TEXT AMENDMENT (DC-20-33)**

Mr. Hiland informed the Committee that staff had yet to receive the findings of fact and recommendation from the Hearing Officer regarding the proposed text amendment.

Mr. Faivre noted his desire to matter before the County Board prior to November, and called for a special meeting on Wednesday, September 30, 2020, to address the matter. Mr. Hiland noted that he would attempt to arrange the meeting, as long as he was able to still meet the Open Meetings Act.

### **OTHER BUSINESS**

#### **FY 2021 BUDGET – APPEALS & QUESTIONS**

Mr. Hiland informed the Committee that the proposed 2021 budget for the Community Development Department had been prepared, and was being presented to allow for any appeals or questions concerning it to be made.

No appeals or questions were made.

### **ADJOURNMENT**

*Mr. Jones moved to adjourn the meeting, seconded by Mr. Roman. A roll call vote was called, and the motion carried unanimously.*