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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(October 28, 2020)

The Planning and Zoning Committee of the DeKalb County Board met virtually on October 28, 2020 at 6:30 pm via Zoom. In attendance were Committee Members: Steve Faivre, John Frieders, Tracy Jones, Roy Plote, Craig Roman, and Suzanne Willis, and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: County Board members: Larry West & Jeff Whelan; Pete Stefan, DeKalb County Finance Director; Greg Millburg, of the DeKalb County Farm Bureau; Alyss Losselyoung; Kathy Lampkins; Jonathan Pope; James Mueller; WLBK; and, the Daily Chronicle.

CALL TO ORDER / ROLL CALL

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. Frieders joined the meeting shortly after the meeting was called to order. It was noted that Committee member Mark Pietrowski was absent.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Roman moved to approve of the minutes of the September 23, 2020, September 30, 2020, and October 21, 2020 Committee meetings, seconded by Mr. Jones, A roll call vote was called, and the motion carried unanimously.

PUBLIC COMMENTS

None

OLD BUSINESS

None.

NEW BUSINESS

SPECIAL USE PERMIT – (AF-20-30 & AF-20-31) Illini Power (Cenergy) – Solar Garden

Mr. Hiland informed the Committee that Illini Power (Cenergy) was seeking a Special Use to allow for the construction and operation of two collocated 2-megawatt Solar Gardens on property located on the southeast corner of Crego and Keslinger Roads, in Afton Township. He informed the Committee that in 2019, Special Use Permits had previously been approved to allow for the proposed project in anticipation of being accepted into the State Community Solar program, however these sites were not chosen to be part of the program, and the Special Use Permits were allowed to expire. The State then subsequently informed the applicants that the program would be getting extended. To stay eligible for the extended program, new

Planning and Zoning Committee Minutes
(October 28, 2020)

Special Use Permits would have to be issued. Mr. Hiland informed the Committee that a public hearing was held on September 24, 2020, and that the Hearing Officer had recommended that the requests be approved, with conditions. He then requested that the Committee consider the application and make a recommendation to the County Board.

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

Mr. Plote inquired as to why the two collocated sites had been changed from the north-south arrangement of the original 2019 requests to a new east-west configuration. Mr. Hiland explained that due to a request made by an adjoining land owner, the northern site was moved to be placed east of the southern site, so as to move the solar garden further from said neighbor's property.

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

ZONING TEXT AMENDMENT - (DC-20-33) Mueller

Mr. Hiland informed the Committee that Attorney Jonathan Pope, representing James and Sarah Mueller, had filed a request for a Text Amendment to the DeKalb County Zoning Ordinance to allow for the keeping of chickens on residential properties of less than two (2) acres. He noted that a public hearing was held on September 24, 2020, at which that staff recommended some revisions to the proposed language, which the petitioners agreed to. He noted that the Hearing Officer had recommended that the petition, with the discussed revisions, be approved. He then requested that the Committee consider the application and make a recommendation to the County Board.

Mr. Faivre asked Mr. Hiland to clarify the differences between the original version of the request and staff's suggested revisions, and Mr. Hiland did so.

Mr. Roman moved to recommend approval of the text amendment, including staff's revisions, seconded by Ms. Willis.

The Committee asked and Mr. Hiland clarified that the proposed language would only be affecting residential properties of less than two (2) acres. The Committee also inquired whether parcels created through the application of Section 4.02.D.2 of the DeKalb County Zoning Ordinance would be affected by these changes, and staff responded that the proposed language was only for properties of less than two acres, which would preclude properties created through Section 4.02.D.2.

Mr. Plote noted his disapproval of the majority of the restrictions included in the proposed language. Mr. Hiland explained that the petitioners included such language so as to proactively address many of the complaints often raised against having chickens on small residential lots.

Mr. Frieders inquired as to how the proposed fee was determined. Mr. Hiland explained that the fee was proposed by the applicants, based on a similar fee established by the City of Genoa, from which they drew inspiration for much of their proposed language, but that the imposition of any fee would ultimately be up to the County Board to decide. Mr. Frieders also inquired whether existing subdivisions would be affected by these regulations, if adopted. Mr. Hiland responded that they would and talked about the possible effects.

Mr. Plote moved to strike elements a, b, c, and e of the Section V of the proposed language. No second was made.

Planning and Zoning Committee Minutes
(October 28, 2020)

Mr. Pope explained that the proposed language was modeled after existing ordinances used by municipalities, and that the various restrictions were intended to address potential nuisance complaints by having protections already in place. He noted that his clients were not opposed to looser restrictions, but that they were trying to be responsible in the creation of the language.

Mr. Frieders noted his objections to the proposed restrictions, and his concerns about having staff enforcing the regulations.

Mr. Jones noted that he was in favor of allowing the chickens on residential lots of less than two acres, but felt that the restrictions were overzealous. Mr. Hiland noted that staff did not create or provide opinions about the proposed language to the petitioners, but only helped them in making the application. He then elaborated on his past experiences dealing with this issue in the City of DeKalb. Mr. Hiland also elaborated on how the issue originated with the Muellers being cited for a violation of the County Code for having chickens on their residential lot (which is less than 2 acres), and how the proposed language was a way to address that violation and potentially be allowed to keep their chickens. He then elaborated on the restrictions listed under Section V of the proposal, and explained that these restrictions were not strictly needed, but were put there to protect the applicants from potential nuisance complaints.

Mr. Pope clarified that the proposed fee was a registration fee, not an inspection fee, pointing out that Section VI.e of the proposed language provided that the coops were subject to inspection by County authorities as necessary, not that such inspections were to be required.

Mr. Frieders expresses his opinion that the language was more complicated than need be.

Mr. Jones expressed his opinion that the matter should be sent back to staff, so that the County could develop its own text amendment for the issue. Mr. Faivre inquired what changes staff would make if the matter was sent back to them. Mr. Hiland responded that he would have to research the matter in greater detail, but that he did not believe staff would make too many changes to the proposed text. He also noted that ultimately, it was up to the Committee to decide what to adopt.

Mr. Hiland commented that if the Committee did not want to include the restrictions in the language, that staff could include them into the application, essentially making it a practice instead of a policy.

Ms. Willis commented that it would make sense to at least keep the second half of Section V.a of the proposal, regarding the potential for a nuisance issue. The Committee discussed the matter and agreed that it would be a good idea.

Ms. Willis moved to table the matter for further discussion to be had at a special meeting of the Planning and Zoning Committee to occur on November 12 at 6:00 pm, seconded by Mr. Plote. A roll call vote was called, and the motion was carried unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

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