

Note: These minutes are not official until approved by the Planning and 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 Special Meeting
(September 2, 2020)

The Planning and Zoning Committee of the DeKalb County Board met virtually on September 2, 2020 at 5:00 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: Dianne Leifheit and Tim Bagby; Gary Hanson, DeKalb County Administrator; Greg Millburg, of the DeKalb County Farm Bureau; a representative from WLBK; Kathy Lampkins; Linda Drolsom; Anita Zurbrugg, and Charles Brown.

CALL TO ORDER / ROLL CALL

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Ms. Linda Drolsom informed the Committee that she had sent a letter supporting the proposed 40-acre rule amendment, and that she would be available answer any questions about it.

Mr. Millburg commented that the DeKalb County Farm Bureau supports the proposed amendment.

OLD BUSINESS

None.

NEW BUSINESS

DISCUSSION OF POTENTIAL 40-ACRE RULE TEXT AMENDMENT

Mr. Hiland informed the Committee that he was looking for direction from them regarding the proposed text amendment proposal that was prepared by Attorney Charlie Brown and Committee member Steve Faivre regarding proposed changes to the 40-acre rule.

Mr. Faivre noted that a revision had been added to the proposed amendment since the Committee had reviewed it at their August 26th meeting. He noted that an additional restriction was added to the 4.02.D.2-split language; before a house can be split according to the revised 4.02.D.2

Planning and Zoning Committee Minutes
(September 2, 2020)

regulation, the property owner must have owned the property for at least two (2) years since the house on the parcel to be split had been issued an approved plumbing certificate by a licensed plumber.

Mr. Frieders voiced his concerns about changing the minimum acreage from forty (40) to eighty (80) and stated that he did not think it should change. He also inquired whether it was possible to require the new landowners to record that they acknowledge and understand the State “Right to Farm” laws. Mr. Jones noted that he agreed with Mr. Frieders on these two issues. The Committee then had an in depth discussion with Mr. Hiland regarding the challenges and possibility of implementing such a regulation.

Mr. Jones noted that staff appeared to feel that proposed text amendment would drastically alter the intent of the language. Mr. Hiland elaborated on staff’s concerns regarding the proposed changes. He explained how the proposal would be inconsistent with past County policies and had the potential to create greater residential densities. He did note that the revision that was included would help address these issues. Mr. Hiland noted that what the Committee was really being asked was whether they want to support additional residential growth in the unincorporated areas of the County. Mr. Jones questioned Mr. Hiland’s concerns but stated that he was not looking to encourage more homes in the agricultural areas. Mr. Hiland elaborated on the ways that the proposed changes could be subverted to create the increased densities he referred to. Mr. Hiland noted that he just wanted the Committee to know all the possible outcomes before they acted.

Ms. Willis moved to direct staff to initiate the Text Amendment process for the proposal and to arrange a public hearing for the revised proposal being presented to them, seconded by Mr. Roman.

Mr. Frieders noted that he would not support the change to eighty (80) acres, nor the one without some kind of Right to Farm guarantee. The Committee discussed the difficulties of requiring a landowner signing off on a Right to Farm document.

Ms. Willis noted that she didn’t necessarily agree with the motion, but was just trying to get the discussion started. She also noted that she was not very knowledgeable about the particular issues being discussed and asked whether a home on a non-conforming lot could be rebuilt. Mr. Hiland explained that legal, nonconforming lots could be rebuilt if a permit application was submitted within 180 days of the demolition, and that illegal nonconforming lots could not be rebuilt. He then elaborated on the 4.02.D.2 regulations and both types of nonconforming lots.

Ms. Willis inquired as to just what problem was the proposal meant to resolve, noting that a lot of the people she had talked to seemed confused by it all. Mr. Faivre described Ms. Drolsom’s situation and noted that it was an example of the sort of issues it was meant to address. He noted that he believed that not allowing these people’s houses to be split off is punishing them.

The Committee had more discussion about whether a provision could be added to require that landowners acknowledge the State Right to Farm laws.

Mr. Jones noted that the 40-acre Rule works and did not think it should be changed.

Planning and Zoning Committee Minutes
(September 2, 2020)

Mr. Jones moved amend the proposal to remove the elements of the proposal that would have the minimum lot size for a residence on a lot zoned A-1, Agricultural District change to eighty (80) acres in 2025, seconded by Mr. Plote. A roll call vote was called, and the motion carried unanimously.

Mr. Jones moved to amend the proposal to add language requiring that the required plat for a 4.02.D.2 split also include language acknowledging that State Right to Farm laws, seconded by Mr. Frieders. A roll call vote was called, and the motion was carried five (5) to one (1) (Roman).

A roll call vote was called on the motion to proceed with the amended proposal, and the motion carried unanimously.

OTHER BUSINESS

none

ADJOURNMENT

Mr. Roman moved to adjourn the meeting, seconded by Mr. Jones, and the motion carried unanimously.