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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(January 27, 2021)

The Planning and Zoning Committee of the DeKalb County Board met virtually on January 27, 2021 at 6:30 pm via Zoom. In attendance were Committee Members: Tim Bagby, Steve Faivre, John Frieders, Jerry Osland, Roy Plote, Craig Roman, and Larry West, and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: County Board members: Karen Cribben, Kiara Jones, & Kathy Lampkins; Peter Stefan, DeKalb County Finance Director; Greg Millburg, of the DeKalb County Farm Bureau; Alyssa Losselyoung; Jonathan Pope; James Mueller; Rhonda Henke; Debra Baumgartner; Christina Cline; Joe Herrmann; Lisa Doane; and, the Sara Kooistra.

CALL TO ORDER / ROLL CALL

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

APPROVAL OF AGENDA

Mr. Roman moved to approve the agenda, seconded by Mr. West.

Mr. Hiland noted that one of the items on the agenda was a proposed Map Amendment (MI-21-01) for a pork processing facility to be located at 1462 McGirr Road, Lee. Mr. Hiland informed the Committee that the applicant had withdrawn their petition, thus no further action needed to be taken on the matter. He therefore recommended removing the item from the meeting agenda.

Mr. Plote moved to remove discussion of the proposed Map Amendment from the meeting agenda, seconded by Mr. West. A roll call vote was called, and the motion carried unanimously.

A roll call vote was called to approve the amended agenda, and the motion carried unanimously

APPROVAL OF MINUTES

Mr. Bagby moved to approve of the minutes of the October 28, 2020, and November 12, 2020 Committee meetings, seconded by Mr. Plote, A roll call vote was called, and the motion carried unanimously.

PUBLIC COMMENTS

Ms. Rhonda Henke indicated her support for allowing chickens on residential lots, and gave her reasons for why she believed it would be a good thing for the County.

OLD BUSINESS

ZONING TEXT AMENDMENT – (DC-20-32) Chickens on Residential Lots of less than Two Acres

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

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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 noted that the Committee reviewed the matter at their October 28, 2020 and November 12, 2020 meetings, wherein they made several revisions to the proposed text, before forwarding the amended proposal to the County Board with a recommendation of approval. He then reported that after much discussion and consideration, the County Board sent the matter back to the Committee for further discussion. Mr. Hiland informed the Committee that their packet contained the original proposal and application materials from the applicants and the revised text previously agreed upon by the Committee. He noted that also included were additional suggestions supplied by Mr. Faivre, which had been sent to him by Mr. Pope to address the concerns raised at the County Board Meeting.

Mr. Roman moved to recommend approval of the revised text amendment, seconded by Mr. Bagby.

Mr. West informed the Committee of several concerns he had received from residents regarding this issue. He then highlighted his concerns about how the regulations would be enforced and who would be responsible for enforcing them. Mr. West suggested that an applicant be required to have the approval of their neighbors before receiving approval to have chickens. He also expressed his concerns that allowing for chickens now could lead to the County being petitioned to allow for other farm animals on less than two-acre residential parcels.

Mr. Faivre pointed out that the most recent suggested revision from Mr. Pope would limit these changes to only those lots within 1,000 feet of a community which allows chickens.

Mr. West talked about how the Village of Malta does not allow the keeping of chickens on residential lots and elaborated on why. Mr. Faivre noted that in that case the suggested revision from Mr. Pope would mean that chickens could not be kept on less than 2-acre lots around the Village.

Mr. Pope addressed the concerns presented by Mr. West. In particular, he noted that his most recent suggested changes would greatly limit the scope of the request. He also pointed out that the original language of the proposal contained a number of provisions which were designed to help preemptively address many of the concerns mentioned by Mr. West, but the Committee had struck them from the proposal that had been forwarded to the County Board. Mr. Pope noted that Hearing Officer and Committee had recommended approval, and that no opposition to the proposal had been brought up until the County Board meeting. Mr. West responded that not everyone was free to attend the meetings and hearings.

Mr. West reiterated his concerns regarding the possible costs of policing the proposed regulations, if approved. Mr. Pope noted that the original proposal included a provision for routine inspections. Mr. West expressed his belief that the proposed \$20 fee was insufficient to cover the costs. He reiterated that he believed it would be better if the applicant was also required to get permission from the surrounding neighbors.

Mr. West noted his concern that the proposal appeared to be changing the rules just to benefit a small number of people. Mr. Osland added that he also felt the matter would have more “teeth” if more than one family was asking for the change. A member of the audience responded that it was her belief that many people actually supported the petition, noting that not everyone could afford to make such a petition, and that she would be happy to gather a list of supporters to present to the Committee. Mr. Faivre noted that there would be another opportunity for public comment at the next County Board meeting.

Mr. Plote pointed out that the City of Genoa’s ordinance, required that the property owner had to make the application to have chickens, noting that the people in multiunit structures, like apartments, were not

eligible to make applications. He expressed his concern that a tenant might make an application without the property owner being aware.

Mr. Hiland noted that the original proposal language did address several of the expressed concerns. He also noted that the any violation calls would likely be fielded by the Community Development Department, and that any potential violation inquiries would be directed to the property owner, not the tenants.

Mr. Faivre suggested that the proposal could be amended such that the applications could be limited to the property owner only.

Mr. Frieders inquired whether petition had been made in response to a violation inquiry, because the Muellers had already constructed a coop and were keeping chickens on their property. Mr. Pope responded that it had, explaining that after discussing their options in how to address the apparent violation with County staff, the Muellers decided that the matter was worth the time and expense to attempt to affect a change in the regulations. It was also noted that the original violation inquiry was both for the keeping of farm animals on a residential property of less than 2-acres, and for the construction of the coop without a permit.

Mr. Frieders moved to amend the revised proposal to include language: restricting application for approval to have chickens to the property owner only, limiting the proposed changes to only those properties located no greater than 1,000 feet from the municipal boundaries of a community which permits the keeping of hens, and, to change the maximum number of hens allowed to be the same as that allowed under the regulations of the nearest municipality; seconded by Mr. Plote. A roll call vote was held, and the motion passed unanimously.

Mr. Bagby inquired whether the proposed fifty (50) foot setback from a neighboring residence was part of the current language. Mr. Faivre responded that it was.

A roll call vote was held for the amended motion to recommend approval of the Text Amendment, and the motion carried six (6) to one (1 - West).

NEW BUSINESS

RESOLUTION – Adoption of DeKalb County All-Hazard Mitigation Plan Update

Mr. Hiland gave a brief history and description of the DeKalb County All-Hazards Mitigation Plan. He noted that, per federal regulations, the Plan had to be updated every five (5) years, a process which was overseen by the All- Hazards Mitigation Committee, which included representatives from most of the local communities and entities such as Northern Illinois University and Kishwaukee College. He noted that included in the Committee’s packet was a copy of the executive summary of the plan. Mr. Hiland explained that all of the local communities and the County needed to adopt the Plan, explaining that it was necessary for making available federal dollars to the County and local communities. He noted that Committee was being requested to forward a resolution to the County Board for the adoption of the updated plan.

Mr. Roman moved to forward a Resolution to the County Board to adopt the updated DeKalb County All-Hazards Mitigation Plan, seconded by Mr. Osland. A roll call vote was held, and the motion carried unanimously.

OTHER BUSINESS – Committee Overview

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Mr. Hiland informed the Committee that included in their packet was a memo detailing the history, policies, plans, and ordinances adopted by DeKalb County related to land use and proposed development. He then gave a brief overview of the memo.

Mr. Hiland informed the Committee that he expected to have a copy of the Community Development Department's Annual Year End Report for the Committee to review at its meeting next month. He added that he had noted that 2020 seen far more permits come in than was expected, estimated at least a ten to twenty percent increase.

Mr. Faivre informed the Committee that he had been contacted by some of those property owners who are leasing land to the FPL wind towers regarding late payments from the company. He noted the Committee that he had been in contact with representatives from the company, and was informed that the checks were in the works and that they would be sent out soon.

ADJOURNMENT

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