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DeKalb County Government
Sycamore, Illinois

Planning and Zoning Committee Meeting
(April 28, 2021)

The Planning and Zoning Committee of the DeKalb County Board met virtually on April 28, 2021 at 6:30 pm via Zoom. In attendance were Committee Members: Tim Bagby, Steve Faivre, John Frieders, Roy Plote, Craig Roman, and Larry West, and Community Development Department staff: Derek Hiland and Marcellus Anderson. Also in attendance were: County Board member: Maureen Little; Greg Millburg, of the DeKalb County Farm Bureau; Amy Klink; and Juanita Rinaldo.

CALL TO ORDER / ROLL CALL

Mr. Faivre, Planning and Zoning Committee Chair, called the meeting to order. Mr. Osland was absent, and Mr. Plote joined the meeting shortly after the roll call was finished.

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.

APPROVAL OF MINUTES

Mr. Frieders moved to approve of the minutes of the February 24, 2021, seconded by Mr. Bagby. A roll call vote was called, and the motion carried unanimously.

PUBLIC COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS - Special Use Permit: FR-21-03 - Klink

Mr. Hiland informed the Committee that Amy and John Klink were seeking to purchase the home and public stable business located at 6135 Baseline Road, Kirkland from Gary and Marie Hoffman. He noted that in 2004, the County Board approved Special Use Ordinance 2004-2, which allowed the Hoffmans to establish and operate a public stable on the subject property. However, the Ordinance was also conditioned on the property and business being owned and operated by the Hoffmans. He reported that the Klinks wish to take over the business, and to expand the services offered by the business. He noted that to do so required that a new Special Use Permit be issued.

Mr. Hiland then talked about the condition limiting the Special Use Permit to the Hoffmans, and noted that the Hearing Officer was recommending that such a condition not be included in the new Special Use Permit, if approved.

Mr. West moved to recommend approval of the Special Use Permit request with the conditions recommended by the Hearing Officer, seconded by Mr. Plote.

Mr. West inquired as to the public reaction to the request at the public hearing, and size of the parcel. Mr. Hiland responded that there had been a good turn out to the public hearing and that those attending spoke in favor of the request, and he verified that the parcel is eight plus acres in size. Mr. West commented that he was in support of this petition.

Mr. Faivre commented on how this was one of the better prepared applications he had seen, and that he appreciated the transparency and the amount of detail included.

Mr. Frieders queried as to why a special use was required for what appears to be an agricultural use. Mr. Hiland explained that, unlike a private stable, a public stable is a commercial use which is open to the general public, and that the events being proposed by the Klinks are all identified as special uses in the A-1 District.

Mr. Plote inquired whether this use was considered agritainment. Mr. Hiland responded that public stables were stand alone uses identified under special uses in the A-1 District.

Mr. Faivre noted that if the original special use ordinance had been tied to the land instead of the Hoffmans, then the new special use permit would not have been needed. Mr. Hiland responded that while the Klinks would not have been restricted from purchasing and operating the business, their proposed expansion of the services offered to include the events would have required a change to the Special Use Permit.

Mr. Bagby inquired whether or not having a special use permit running with the owner was common. Mr. Hiland noted that he has seen it done both ways, and explained the advantages of both ways. He did add that he was unaware of why the County Board chose to tie the use to the Hoffmans back in 2004.

Mr. Bagby inquired whether a new special use permit would be required if the use were to change to something new. Mr. Hiland explained that if the exiting use were to be expanded or altered, an amendment to the special use would be required. Or if the use of the property was changed to something allowed by right in the A-1 District, then the special use would be removed. And, also noted that it was also possible that a completely different use could be proposed that might require a whole new special use permit.

Mr. Plote inquired whether there is only one main entrance onto the site for the public. Mr. Hiland noted that there did appear to be only the one entrance. Mr. Plote then inquired whether anyone ever parked on the grass. Mr. Faivre directed the question to Mrs. Klink. Mrs. Klink responded that the current owners, the Hoffmans, were not there to answer the question, but that she had understood that if there was ever a need to expand the parking beyond the fifty-four (54) spaces

currently available there would be plenty space to do so. She added that she did not believe such an expansion would be necessary, noting that many of the people going to events typically carpool. Mr. Plote explained that he had concerns about what might happen in the case of a fire: how would people exit get out, and how would emergency vehicles get in. Mrs. Klink noted that there are a number of exits from the buildings.

Mr. Plote inquired whether they would be hosting junior rodeo as one of their events. Mrs. Klink responded that it wasn't, and explaining that mostly it would be events like FSA judging, small equine clinics, etc., and noted that most such events typically only involved about ten or so people.

A roll call vote was called on the motion to recommend approval, and the motion was carried unanimously.

OTHER BUSINESS – Upper South Branch Kishwaukee River Watershed Improvement Plan

Mr. Hiland reported the Committee that their packet contained a copy of the Executive Summary of the Upper South Branch Kishwaukee River Watershed Improvement Plan, adding that a copy of the full plan was available online on the Community Development Page of the County's website under "Watershed Information". He informed the Committee that the plan had been prepared by Applied Ecological Services, Inc., under the direction of the DeKalb County Watershed Steering Committee, which is an ad-hoc committee of the DeKalb County Stormwater Committee. He then gave a basic overview of the plan. He noted that the draft plan had been reviewed and approved by the Illinois Environmental Protection Agency, and that it was just waiting for the final version for final approval by that agency. Mr. Hiland noted that the Watershed Steering Committee had recommended that those governmental agencies with regulatory authority within the watershed boundaries adopt the plan and incorporate its recommendations into other plans and regulations related to water quality and stormwater management. He explained that the plan was being presented to the Committee so that a recommendation could be forwarded onto the full County Board for consideration.

Mr. Plote inquired as to whether the County helped to pay for the plan. Mr. Hiland described how the funding for the development of the plan occurred, and noting that the County's contribution came in the form of "in kind" hours by County Staff.

Mr. Frieders inquired as to how much weight would the document carry if adopted. Mr. Hiland explained that, similar to the Hazard Mitigation plan that had been recently adopted, it was a planning document that allows for entities to start implementing some of the recommendations into their codes and ordinances, or, because they have a watershed plan in-hand allows them to seek grants related to stormwater management. He finished by noting that the thought and the ask would be that the communities and the county would adopt the plan and embrace the ideas within it.

Mr. Plote referenced a map of the watershed on page 71 of the packet, and inquired as to what the dotted lines on the map represented. Mr. Hiland responded that the Upper Branch Watershed was composed of three smaller "watersheds", each of which were dealt with individually in greater

detail in the full document, and that the dotted lines noted the demarcation between the three smaller watersheds. Mr. Plote inquired as to the purple area indicated on the map at the southern end of the watershed. Mr. Hiland explained that he believed that the purple area was a part of the Village of Shabbona. (Mr. Faivre later noted that three areas were highlighted and identified in the Introduction on page 70.)

Mr. Hiland informed the Committee that when the previous Watershed Plan for the East Branch of the South Branch of the Kishwaukee River was brought forward for adoption it had been presented directly to the full Board. He noted that the DeKalb County Community Foundation and the DeKalb County Soil and Water Conservation District were partners with the County in developing both plans.

Mr. Plote noted that he was aware of another plan being developed down near the City of Sandwich, and that some other areas were being looked at near the Hinckley area. Mr. Hiland explained that the plan he was referring to was being developed by Sandwich and that their grant was about three to four months behind the plan before them. He also reported that the next watershed area that the Watershed Steering Committee was looking at developing a plan for was a part of the Kishwaukee River watershed in the north portion of the County, and noted that they were in the process of applying for a grant for that plan.

Mr. Frieders inquired whether the recommendations in the Watershed Plan would hinder the ability of farmers to maintain or improve drain ditches/tiles on their properties. Mr. Hiland responded that the Watershed Plan contains recommendations for ways to improve how things are done to better protect the environment, but noted that these recommendations are not requirements. He noted that it would be up to a community, or the County, how they want to implement these recommendations. He added that nothing in the Plan is meant to be a hinderance to farmers as these are guidelines for the future. Mr. Frieders commented that wetland restoration started with a plan and was voluntary in the beginning, but that it isn't anymore.

Mr. Plote highlighted language on page 71, in the Land Use section of "Challenges and Threats", which referenced nitrogen, phosphorus, and sediment produced by agricultural uses vs the amounts produced by urban areas.

Mr. Frieders inquired whether it would be possible to get Dean Johnson to come before the Committee to explain the contents of the document before the Committee forwarded to the Board. Mr. Faivre asked Mr. Hiland as to how soon the document need to adopted by the County Board. Mr. Hiland responded that it had been hoped the County Board would have reviewed and adopted the document in March (the previous month). He then noted that the full document was online, and told Mr. Frieders that, if he desired, he could arrange for himself and Mr. Johnson to sit down and walk through the document with him. Mr. Frieders voiced that his concern that everyone understands what they are voting for. Mr. Frieders asked Mr. Hiland if he understood what was in the document. Mr. Hiland responded that he understood the purposes of the plan, but that he was not really able to speak intelligently as to the ecological numbers and thresholds presented in the plan. Mr. Faivre noted some of the agricultural practices that might be impacted (if the County were to adopt regulations based on the recommendations of the plan). Mr. Plote added that there

would also likely be incentives to encourage farmers to not continue harmful practices. Mr. Plote offered to call Mr. Johnson to see if the Plan needed to be adopted right away or not.

Mr. Frieders reiterated his concerns that the plan may contain language preventing a farmer from doing things like cleaning out a drainage ditch to keep it operating properly, noting some of the restrictions that were already in place. Mr. Hiland noted that he was unaware of any restrictions like the one Mr. Frieders has referred to having been created after the County had adopted the previous watershed plan adopted for the East Branch of the South Branch of the Kishwaukee River.

Mr. Frieders inquired whether the DeKalb County Farm Bureau had looked at the watershed plan. Mr. Hiland responded that some of the members of the Watershed Steering Committee were farmers from within the watershed area. Greg Millburg, added that when Mr. Johnson had spoken to the Farm Bureau about the plan, he had indicated that all of the recommendations in the plan are guidelines and that nothing was mandatory. Mr. Millburg added that he did not remember Mr. Johnson indicating that it had to be done tonight, but that they would have to ask him about whether that was the case or not.

Mr. Hiland offered to ask Mr. Johnson to attend the County Board meeting to talk about the plan. Mr. Frieders responded that it would be better if he attended the Committee-of-the-Whole meeting instead. Mr. Faivre recommended that a recommendation be forwarded to the Board, and then, if anything comes up at the Committee-of-the-Whole, they could send it back to Committee at the Board meeting. The Committee members agreed to that idea.

Mr. Roman moved to recommend that the County Board approve a resolution adopting the Upper South Branch Kishwaukee River Watershed Improvement Plan, seconded by Mr. West. A roll call vote was called, and the motion was carried unanimously.

ADJOURNMENT

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

Respectfully submitted,

Steve Faivre
Chairman, Planning and Zoning Committee

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