

DEKALB COUNTY REGIONAL PLANNING COMMISSION
MEETING MINUTES
July 28, 2005

The DeKalb County Regional Planning Commission (RPC) met on July 28, 2005 at 7:00 p.m. in the DeKalb County Administration Building, Conference Room East, in Sycamore, IL. In attendance were Commission Members Cheryl Aldis, Frank Altmaier, Mike Becker, Rich Gentile, Dan Godhardt, Mike Heiderscheidt, Jim Knox, Bill Nicklas, Don Pardridge, Dennis Ragan, Paul Rasmussen, Roger Steimel, and Jerry Thompson. Also in attendance were staff Paul Miller and Marcellus Anderson, and Donna Bunton, Laurie Curley and County Board member Pat Vary.

1. **Roll Call** -- *Mr. Nicklas noted that all members were in attendance except Becky Morpheu from Somonauk.*
2. **Approval of Agenda** – *Mr. Rasmussen moved to approve the agenda, seconded by Mr. Pardridge, and the motion carried unanimously.*
3. **Approval of Minutes** – *Mr. Godhardt moved to approve the minutes of the May 26, 2005 meeting of the Regional Planning Commission, seconded by Ms. Aldis, and the motion carried unanimously.*

4. Model Stormwater Management Ordinance

Mr. Miller reminded the RPC that at its March 10, 2005 meeting it discussed the Model Stormwater Management Ordinance (MSMO), which had been drafted under the direction of the cities of DeKalb, Sycamore and Sandwich and the County. He noted that the purpose of the model regulations was to try to assure that new development is held to the same standards when it comes to managing stormwater, regardless of which jurisdiction would be reviewing the development project, and that at the March meeting of the RPC it had been agreed that the topic would be discussed further after some action had been taken by the governments who initiated the project. Mr. Miller informed the Commission that on July 20, 2005, the DeKalb County Board adopted revisions to its grading and stormwater management regulations to incorporate the technical elements of the MSMO, and that a copy of the revised County regulations had been included in their meeting packets, with the new language underlined. He also noted that the County had not found it necessary to change the administrative elements of its existing stormwater management regulations, but rather focused on the technical requirements such as how stormwater run-off is calculated and how detention/retention facilities should be designed. Mr. Miller pointed out that the goal of the Model Stormwater Ordinance is to develop uniform technical standards, not change how those standards are administered. He concluded by asking the Commission for any feedback they may have, and what, if any, actions their communities have taken in regards to the MSMO.

Ms. Aldis asked if the underlined items were the exact text from the MSMO. Mr. Miller responded that technical and definition sections were transcribed almost verbatim, but

that references to items, such as individual officials and things of that nature, were changed to reflect the County's own systematic arrangement and nomenclature.

Mr. Altmaier inquired whether the copy of the MSMO that the RPC had previously received was the final version. Mr. Miller replied that it was.

Mr. Heiderscheidt noted that the County's regulations did not clearly state that those regulations applied only to lands outside of the municipal boundaries until well into the document. Mr. Miller responded that the base presumption of any regulation that the County would adopt is that it would only apply within its own jurisdiction.

Mr. Thompson inquired whether the MSMO represented a kind of standard of "best applied practices", and what kind of additional restrictions or requirements would be placed upon developers that might affect the costs of any packages they might offer. Mr. Miller first noted that MSMO had been developed by an engineering firm, then that it was reviewed by the city engineers of the Cities of DeKalb, Sandwich, and Sycamore, and by the County Engineer, and that the MSMO represents their estimation of best engineering practices. Mr. Miller then noted in response to the second half of the question, that the standardization of technical requirements represented by the MSMO would not add any new requirements or restrictions not generally encountered by developers already, and as such, should have no impact on developer costs.

Mr. Becker referred to Section 30-3 "Flood Control Assurances" of the County's regulations, and asked how a municipality, which lacked a staff to deal with such issues, would accomplish this. He added that he had received correspondence from Federal Emergency Management Agency (FEMA), asking for updates for the Flood Rate Insurance Map. Mr. Miller noted that to participate in the National Flood Insurance Program, a municipality has to have submitted a set of floodplain regulations to FEMA for their review and approval. He noted that there is a single set of floodplain maps for the entire County, including all of the municipalities. He further noted that this section had already existed in the County regulations and had not been changed. He stated that he was unsure what FEMA wanted from them, and speculated that maybe it was just looking to confirm that Kirkland was enforcing its own floodplain regulations. Mr. Miller added that the floodplain maps should be checked whenever any kind of development is proposed, to see if it is in the floodplain, and if it is, then it should be held to whatever floodplain regulations the municipality has adopted.

Mr. Nicklas noted that this information submitted to the RPC was only informational and would not require any action from the RPC. Mr. Miller replied that Mr. Nicklas was correct, but that it would be helpful if staff could be informed as to what progress the various communities have made in reviewing the MSMO. Mr. Nicklas, speaking for the City of Sycamore, noted that their city engineer had already been involved in the development of the MSMO, but due to the number of projects he was already addressing, review of the MSMO for possible adoption by the City would probably not take place until sometime in the Fall.

Ms. Aldis noted that the Town of Cortland would have their first review of the MSMO on August 1, 2005. She added that their engineer has already been involved with the MSMO, and has recommended very few changes, mostly addressing bringing the wording into the Town's existing code.

Mr. Gentile stated that the City of Genoa was in the process of reviewing and comparing the MSMO to their regulations, but that it would probably be sometime before they would be ready to adopt it.

Mr. Thompson inquired whether any input has been sought from developers concerning the MSMO and what have been their reactions to it. Mr. Nicklas informed him that when the City of Sycamore adopts an ordinance that might affect development, they usually arrange for a couple of sessions with the DeKalb County Building and Development Association (DCBDA). Mr. Nicklas noted that they would probably do so in this case also, but have not done so, because, as he indicated earlier, they have not yet started the review process. Mr. Rasmussen indicated that the City of DeKalb also consults the DCBDA. Mr. Thompson asked whether the County has consulted the DCBDA. Mr. Miller responded that the County has not done so.

Mr. Nicklas noted that no further comments or questions were made, and move on to the next agenda item.

5. Possible Annexation Law Amendment

Mr. Nicklas briefly recapped the discussion the RPC had concerning a proposed amendment to the state annexation law that occurred at its May 20, 2005 meeting. He reiterated that the proposed amendment would alter that provision of the annexation law which allows a municipality to grant zoning and building approval to property that is subject to an annexation agreement, without regard to whether annexation has or has not occurred, and without regard to the location of the property in relationship to the corporate boundaries of the municipality. He noted that the RPC members had agreed to take the issue to their respective municipalities for consideration of signing a joint letter requesting that local State representatives sponsor a bill to amend the law to make it clear that municipalities would only allow development to occur after annexation.

Mr. Pardridge informed the RPC that the Village of Shabbona had reviewed it and supported the County's efforts. Mr. Nicklas noted that the City of Sycamore had also reviewed it and agreed to support the County's efforts.

Mr. Nicklas directed the RPC's attention to copies of two pieces of correspondence containing information on the legal history of this issue, which had been distributed to the RPC members for their review. The first was an email Mr. Nicklas received from Joe Schatteman of the Illinois Municipal League (IML), and the second was a letter received by Mr. Miller from Stewart Diamond of Ancel, Glink, Diamond, Bush, DiCianni, & Rolek, P.C.

Ms. Aldis directed the RPC's attention to copies of a resolution of non-support from the Town of Cortland sent to the County Board regarding the proposed legislation. She also noted that neither she nor the IML could find an amendment recorded anywhere. She commented that the Town of Cortland felt that without the amendment, the proposed legislation would be giving away a municipal right and just adding another layer of government. Mr. Miller responded that the amendment under discussion was not to a bill, but an "in-house" item that was still under discussion. He added that the Representative Pritchard had brought the matter up in session and that it had been set to committee, but that it was still being negotiated and had not been put into the form of a bill that could be posted. Mr. Miller went on to state that what had been handed out in the main meeting was a possible change to the draft language.

Mr. Miller then informed the RPC that during his discussions with the IML, they had informed him of the history behind the current statute, and why it was deemed necessary. He added that while the original reasons behind the statute made sense, they did not address the problems that exist with the current state law; namely, that any municipality, regardless of where it is located, regardless of whether it is even in DeKalb County, is allowed to enter into an annexation agreement with a piece of property anywhere in DeKalb County and allow development to occur. Mr. Miller then illustrated the County's concerns by pointing out some possible negative scenarios that could occur, such as the siting of a landfill by one community next to another community, or one municipality using the provision to fill the community coffers by allowing development to happen wherever in exchange for developer contributions; essentially, "selling" their zoning. He went on to say that concerns such as these is where the proposal to amend the current regulations come from and that the proposal had gone through several iterations already based on comments and concerns raised by groups such as the IML and the communities within the RPC.

Mr. Miller noted that the most recent iteration under discussion involves a provision of the existing regulations which exempts Cook and the "collar counties" from the said regulations. He informed the RPC that the idea has been put forth to add the "metro counties" by name, including DeKalb County, to this provision. He noted that the initial, and unofficial, response from the IML was that they would be more open to that proposal, since the exception for the collar counties would make sense for the metro counties. He finished by saying that this iteration was brought before Representative Pritchard and he indicated that this issue would be brought up again during the spring session.

Mr. Ragan asked that if this proposal was approved, would the Village of Lee, which straddles DeKalb and Lee Counties, be affected in whole or would only the eastern part of the town come under this provision. Mr. Miller noted that he believed that it would only affect village as it exists in DeKalb County.

Mr. Thompson stated that he felt that it would be premature to ask the municipalities to voted whether or not to support an amendment before anything was written down. He added that the Village of Malta had voted the previous evening to neither support nor

oppose the amendment. Mr. Miller responded that the members of the RPC are just being asked for their input on the proposal and that nothing specific is on the table yet. He noted the original approach given at the May 2005 RPC meeting had been spelled out in definite language, and the member communities had been asked whether they would support such a measure. Since then, more input had been received and changes have been made. Mr. Miller noted that at this point the communities were not being asked to do anything, until something definite had been worked out. Mr. Thompson inquired whether any of the scenarios described by Mr. Miller had actually occurred. Mr. Miller informed him about the Sangamon County case, in which the village of Chatham allowed a development which the City of Springfield objected to. Mr. Miller also mentioned a proposal which had been made by a local attorney to the Village of Malta to develop a parcel of land over a mile away from the village limits, but which the Village had declined.

Mr. Thompson stated that his view was that of a “small town”, where they (small villages) are already overshadowed by the larger cities, such as Springfield and DeKalb, and why shouldn't they take advantage of this provision. He noted that he felt that the City of Springfield was just upset that they did not get control of it first. Mr. Steimel asked if he was right in remembering that the property in the Sangamon County case was rather far from the Village of Chatham, across Lake Springfield. Mr. Miller confirmed that was the case, and added that the City of Springfield was not upset about not controlling the development, but that it felt that the development primarily impacted the City, not the Village of Chatham, and the City's ability to grow.

Mr. Pardridge stated his belief that the existing provision works contrary to the Unified Comprehensive Plan that they (RPC member communities) had adopted. Ms. Aldis commented that the Unified Comprehensive Plan had no bearing on this issue, and that what she objected to was that the fact that they would be taking away a municipal control that they already had, and that the chances of ever getting it back would be slim to none. Mr. Ragan commented that he had a problem with the idea that Village of Shabbona had the right enter into an agreement with a property owner west of the Village of Lee. Ms. Aldis responded that the City of Shabbona already had that right, but that reasonable people would not do such a thing. Mr. Pardridge pointed out that not everyone is reasonable when there is money involved, and asked her how much they would be giving up in layers of control. Ms. Aldis stated her belief that they would be giving up their municipality's control over its own development and its choice of development.

Mr. Nicklas asked what was the RPC actually being asked to react to, and whether the RPC would like to table this issue until something concrete was set before them.

Mr. Ragan inquired as to what exactly was the exception for the collar counties included in the existing regulations. Mr. Miller stated that he did not have the exact verbiage with him, but that it was similar to the proposal that had been presented to the RPC at its May meeting. Mr. Nicklas suggested that for their next meeting, Mr. Miller prepare a brief primer on the collar county exemption, including: the language of the law as it is written, highlighting the exemption in question; and maybe some possible text reflecting the

proposed changes being suggested. Ms. Aldis asked that Mr. Miller research more into what would be the status of communities straddling the border between a county included in the new amendment and one that would not be, such as Lee.

Mr. Altmaier reported that the Village of Kingston has had lengthy discussions with the village attorney concerning this issue and decided that while they would probably never make use of this provision, but the potential of another community to harm them by doing so is there, and that the other communities should keep that mind also.

The Commission decided to carry over this issue until the next RPC meeting.

6. Informational Seminar Planning Session

Mr. Nicklas stated that at the May 2005 meeting, members of the Regional Planning Commission indicated that, given the number of new municipal officials following the last election, another informational seminar focusing on the basics of planning, zoning and development review and approval process would be a good idea. He noted that it was suggested that the best time for such a seminar might be in early Fall of 2005 and that the idea of role-playing through a development scenario, in order to engage participants, was also discussed.

Mr. Rasmussen related that six months previously, he had been asked by the Leadership Council to put together a roleplaying scenario around the development of a new subdivision. He noted that it was well received, and that he still had most of the materials he used to present it, if the RPC would like to make use of it. The RPC members agreed to his proposal, and directed him to work with Mr. Miller to set it up.

Mr. Altmaier suggested that an instructional answer and question session be held prior to the roleplay for those people who would not be interested in getting involved in the roleplay. The RPC members agreed with that suggestion.

Mr. Gentile asked that a copy of the scenario be distributed to the RPC members before the session, so they could review it. Mr. Rasmussen noted that he would get the materials to Mr. Miller as soon as possible. Mr. Miller would then make copies for everyone on the RPC and send it to them.

Mr. Miller pointed out that the timing of the informational session needed to be addressed. He noted that the next meeting would be on September 22, 2005, but that the IML convention starts that day and goes the whole weekend. Mr. Miller suggested that they move the next meeting to the following Thursday, September 29, 2005. Ms. Aldis then suggested having the informational session on the following Saturday, October 1, 2005. The RPC agreed to these dates. Mr. Miller also confirmed that he would arrange for the use of the Gatherorium room of the County Legislative Building for holding the session.

Mr. Miller asked that the RPC members make sure to let their communities know about

the informational session. Mr. Altmaier asked whether there would be any kind of flyer or something. Mr. Miller stated that there would be and that he would get it out to them as soon as possible.

7. Municipal Development projects

Mr. Thompson of the Village of Malta reported that 20 new homes have been sold in the Prairie Springs Subdivision.

Ms. Aldis of the Town of Cortland reported that she had been informed that the Loves Road Project might actually finish ahead of schedule and be done by end of August. She also reported that the sanitary/sewer project is still moving along, and that no new development is likely to occur until that project is completed.

Mr. Heiderscheidt of the Village of Waterman reported that at its August board meeting, the Village Board will be reviewing a petition for annexation made by the Farmers and Traders Bank for property at the northeast corner of Rt. 23 and Hwy. 30, and the final plat for Deerfield Crossing. He also reported that two developers appeared before the Waterman Plan Commission with concept plans for two new subdivisions, totaling about 770 acres. The concept plans were rejected by the Commission, and would be going before the Board at its August meeting. Mr. Heiderscheidt noted that the concept plans included provisions for a new treatment plant, a new school, and over 100 acres of park and open space lands. He noted that the Village was particularly interested in the treatment plant, since they were already looking into upgrading and expanding their existing plant, and if this development occurred, then they could abandon the existing plant and sell it off for industrial development. Mr. Heiderscheidt then reported on the results of a fiscal impact study conducted by the Village of Waterman. He also reported that Kennedy Homes had conducted a study to determine how many kids would be going to school from their own subdivisions, and found that the numbers were almost two to one difference lower than what is on the state tables, which he pointed out were based on out-dated figures. Mr. Nicklas noted that the Illinois Board of Higher Education (IBH) has certain standards, which they only review every so often. He added that the data is helpful for those communities which do not have access to more current data, but those that do should definitely make use of the most current data available to them.

Mr. Becker of the Village of Kirkland reported that the Hickory Ridge subdivision is continuing to build out, and that some developers have been approaching local property owners with some plans they have, but nothing official has been brought forth as yet.

Mr. Knox of the City of Sandwich reported that at their last Board meeting, a developer approached the City with a plan for a property located adjacent to the Sandwich Fairgrounds. The development would include a hotel, restaurants, and other uses that would cater to people attending the Sandwich Fair or any of the other events occurring on the fairgrounds, however, to make this development possible, would require that a road be built across the railroad tracks, which presents some problems. He also noted that sewer system was in the process of being expanded.

Mr. Gentile of the City of Genoa reported that they have not voted on the amendment being proposed by the County, but they do support the County's efforts. He also noted that development of the commercial properties within the city has been increasing.

Mr. Ragan of the Village of Lee reported that about a year ago, the Village got a new postoffice and had a contract renting the property to the postoffice for five (5) years. The postoffice is now ready to purchase the property. Mr. Ragan then asked the RPC members for their input on a situation that has arisen within the Village. He noted that the Burlington-Northern-Santa Fe Railroad main route runs through the Village, and the only way to access the eastern half of the Village is by crossing the railroad tracks. There are currently two streets crossing the tracks. He related that the village mayor was visited by representatives from the railroad and from the Illinois Department of Transportation (IDOT), and they asked that the Village close the one crossing which sees very little activity. The Village expressed concerns about having only one access point from the eastern half of the village should an accident or some such event occurred to block that street. Further, he stated that the representatives informed them that should the village agree to close the one street, either the state or the railroad company would provide them with a \$70,000 grant. Mr. Pardridge stated that the Village of Shabbona was experiencing a similar issue. He related that the railroad through their village has only three crossings, and they were approached to close down one of the crossings. He noted that one of the crossings is badly in need of repair and that the railroad had promised last year to repair it this year. The repairs were never done, instead, he stated that they received a letter stating that the Village would receive \$10,000 (which was subsequently raised to \$60,000) and repair the damaged crossing, if they closed one of the other crossings, and that if they did not agree to that deal, then they might not get anything. He noted that the crossing the railroad wanted closed experienced a high volume of traffic and that the Village and the fire department were against closing it. Mr. Rasmussen stated that it is not a good idea to close any of the crossings, since doing so might affect the village's ability to expand in the future and the provision of emergency services; both Mr. Nicklas and Mr. Miller echoed these sentiments. Mr. Knox stated that the City of Sandwich was also arguing with the railroad about closing a crossing in that city. Mr. Ragan asked whether the railroad or IDOT could close down a crossing without the village's approval. Mr. Nicklas, Mr. Miller and Mr. Rasmussen all responded that to do so would be a complicated and difficult process. Mr. Altmaier asked whether the comprehensive plan for the village incorporated those crossings into their plans for future growth. Mr. Ragan responded that the crossings were just considered part of the Village, and were not given any specific consideration, they were just considered just part of the existing streets.

Mr. Altmaier reported that the Village of Kingston had a pre-development meeting with Richard Hoffman of Hoffman Realty about a 69-acre property to the east of the Village, which he would like to subdivide into about 140 lots. He noted that the property was not currently annexable, but the Mr. Hoffman was looking towards it as a possible future project. He noted that Kennedy Homes had also contacted the Village about possibly developing a property, approximately 260-acres, to the east of the Village. Mr. Altmaier also reported that two restaurants would be opening in the Village, and that the Village

had been approached by some people interested in possibly commercially developing some properties along State Route 72.

Mr. Rasmussen of the City of DeKalb reported that the moratorium on residential annexations continues. He noted that the previous week, an Economic Development Committee (EDC) meeting was held, where the model tax abatement policy used with the Target Distribution Center was discussed as a way to attract new industrial, warehousing, and knowledge-based industries. He added that the EDC will be conducting a fiscal impact analysis, which will be done in-house. Mr. Rasmussen reported that on August 10, 2005, their Plan Commission will be reviewing their guidelines regarding aesthetic and architectural issues for residential development, and the possibility of raising the fees for residential developments. He added that the results of that meeting will go to the Builder's and Developer's Committee on August 12, 2005, to get their opinion on it. Mr. Rasmussen then reported that the City of DeKalb will be conducting a National Citizens Survey through the International City/County Management Association (ICMA). He noted that the survey will most likely be implemented in September, and it will address issues such as: the level of satisfaction of the City's citizens; and are citizens satisfied with the City's public services. From that information, a series of performance standards would be developed, using these models, and the improvements to the services will be implemented. Then a year later, the survey will be implemented again, to see if the changes have helped. Mr. Rasmussen noted that the cost for the survey is \$9,000.00 and ICMA takes care of everything. Ms. Aldis inquired how does this survey sort accurate and inaccurate comments from this sort of survey. Mr. Rasmussen replied that this survey is specifically designed to address that issue. Ms. Aldis commented that she had noticed more building activity near the new Target warehouses, and was wondering what other business was coming in. Mr. Rasmussen replied that all the building activity out there was for the Target warehouse, which he noted was an exceptionally large building. Mr. Altmaier inquired whether the City was using the higher standards and fees as a method of growth management. Mr. Rasmussen responded that the intent was not to control growth, but to control the quality of new development. Mr. Steimel asked whether a stoplight will be added to the new intersection along Peace Road, and Mr. Rasmussen responded that there eventually would be.

Mr. Godhardt of the Village of Hinckley reported that two developers have managed to obtain contracts or handshake agreements on much of the undeveloped property shown on their existing comprehensive plan. One developer is looking at approximately 900 acres along the south side of Hinckley, and the other one indicated almost everything shown for growth along the east side of the Village. Another developer has also recently brought forth a preliminary concept plan for property of approximately 100 acres on the northwest side of the Village. Mr. Godhardt reported that the Highland Estates development has been changed to the Royal Oak Estates subdivision, approximately 84 houses, and should to the final plan stage in approximately 30 days. Mr. Godhardt noted that given these potential developments, the Village may need to revisit its comprehensive plan soon. He also added that if these developments do come through, the Village will also have to look at adding another fire station (they just finished a new one), and expanding their sewer system (which will be at capacity with the addition of

the 84 unit subdivision).

Mr. Steimel of the DeKalb County Board asked that the various RPC members to support the Model Stormwater Ordinance and bring it to their communities for review. Mr. Nicklas agreed with him and reemphasized that it was an important issue. Mr. Steimel also reported that the County Board will be revisiting the issue of the County Jail.

Mr. Pardridge of the Village of Shabbona noted that other than their problem concerning the railroad crossings, which he had talked about earlier, he had nothing new to report.

Mr. Nicklas of City of Sycamore reported that they have had a lot of commercial interest as of late, and continuing residential interest. He also reported that their fiscal study has projected out to 2015, based on current regulations and a growth rate of no more than 250 units per year for the last five years of that period. He noted that the most difficult part would be maintaining the 250 unit growth rate, noting that the current year will have over 500 units, and only a little less next year.

8. **Adjournment** -- *Mr. Pardridge motioned to adjourn, seconded by Mr. Heiderscheidt, and the motion carried unanimously.*

Respectfully submitted,

Bill Nicklas
Chairman, DeKalb County Regional Planning Commission

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