

**DEKALB COUNTY REGIONAL PLANNING COMMISSION
MEETING MINUTES
September 29, 2005**

The DeKalb County Regional Planning Commission (RPC) met on September 29, 2005 at 7:00 p.m. in the DeKalb County Administration Building, Conference Room East, in Sycamore, Illinois. In attendance were Commission Members: Frank Altmaier, Mike Becker, Rich Gentile, Dan Godhardt, Mike Heiderscheidt, Becky Morphey, Bill Nicklas, Dennis Ragan, Paul Rasmussen, Roger Steimel, and Jerry Thompson. Also in attendance were staff Paul Miller and Derek Hiland.

1. **Roll Call** -- *Mr. Nicklas noted that all members were in attendance except Cheryl Aldis from Cortland, Jim Knox from Sandwich and Don Pardridge from Shabbona.*
2. **Approval of Agenda** – *Mr. Heiderscheidt moved to approve the agenda, seconded by Mr. Ragan , and the motion carried unanimously.*
3. **Approval of Minutes** – *Mr. Thompson moved to approve the minutes of the July 28, 2005 meeting of the Regional Planning Commission, seconded by Mr. Heiderscheidt, and the motion carried unanimously.*
4. **Possible Annexation Law Amendment**

Mr. Nicklas reopened discussions related to a possible change to State law regarding municipal authority to exercise extra-jurisdictional zoning and building authority on non-contiguous properties via annexation agreements. The County has identified potential problems with the existing law, such as the possibility that one municipality could allow a high-impact or undesirable development or use next to another municipality, without that second municipality's consent. The County has proposed amendments to this state law which would restrict this authority in the case where a county exercises zoning authority.

Mr. Nicklas inquired of the Commission members whether their individual communities had discussed the issue and what they thought of the proposed change to the law. A brief breakdown illustrating support for the possible change to the State law was as follows:

In Support

Frank Altmaier - Kingston
Dan Godhardt - Hinkley
Becky Morphey - Somonauk
Mike Heiderscheidt - Waterman
Rich Gentile - Genoa

Not in Support

Paul Rasmussen - DeKalb
Jerry Thompson - Malta
Mike Becker - Kirkland

Bill Nicklas - Sycamore

Undecided Dennis Ragan - Lee

Mr. Miller informed the RPC that in discussions with the Illinois Municipal League, representatives of that organization had given some of the history behind the current statute, and why it was deemed necessary. Generally, the law was created for downstate municipalities in county's without zoning, where there was a need to allow some control of development on parcels that could not be annexed. Mr. Miller 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 two 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 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. Mr. Miller concluded by saying that its not necessary at this point for any municipality to take an official stance. Staff is proposing to work with Representative Pritchard and Senator Burzynski next Spring on this possible. At that time it would be appropriate to ask each municipality to support the law if the RPC members agree to do so.

In response to a question as to whether the existing law had caused any problems, Mr. Miller cited a recent case from Sangamon County, which had just received a ruling from the State Supreme Court in September. The case involved the Village of Chatham, which is near Springfield, using the existing law to allow development on non-contiguous properties across a lake. This development was opposed by the City of Springfield and Sangamon County. Mr. Miller reconfirmed 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. Miller explained that it not the intent of this proposed change to take power away from municipalities, but rather to allow counties and municipalities to continue to cooperate and, in the case of DeKalb County, allow continuation of a policy to allow development only on contiguous land adjacent to municipalities.

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

5. Informational Seminar Planning Session

Mr. Nicklas stated that the scheduled Informational Seminar had been cancelled due to lack of attendees. Mr. Miller explained that the lack may have been due to many people having conflicts with the Saturday date, and perhaps to some people waiting too late to inform staff that they would attend. Following discussion, the RPC members decided to tentatively reschedule the Seminar for February 4, 2006.

6. Member Reappointments

Mr. Nicklas informed the RPC that a few Commissioner's terms that were due to expire in early 2006, and that the Chairperson needs to be appointed for a new term in 2006 as well.

Mr. Miller affirmed that this agenda item was purely informational and that those four communities where the terms of the commissioners will expire should be submitted for approval by January at the very latest. During the January meeting the leadership of the commission can be appointed as well.

7. FY 2006 RPC Funding

Mr. Nicklas asked Mr. Miller to brief the RPC concerning current membership dues owed to the RPC. Mr. Miller stated that RPC seems to continue to be a valuable resource for the member communities. The reality of operation is that the RPC needs to be funded somehow, as of the meeting date six communities have already submitted their \$500 contribution to offset the costs of staff and overhead.

8. Reschedule of November Meeting Date

Mr. Miller noted that the regularly-scheduled meeting of the RPC would fall on the day before Thanksgiving Day. Following discussion, the Commissioners agreed to reschedule the meeting to November 10, 2005.

9. Municipal Development projects

Mr. Steimel of the DeKalb County Board stated that citizens of DeKalb County have asked him, "Can the County do anything to slow down growth?" He asked the Commissioners to refocus their attention to ensure quality of life for the residents of the County. A development thought might be to start utilizing a turn lane on most heavily traveled two-lane roads.

Mr. Rasmussen of the City of DeKalb reported he sent out a RFP to redevelop the downtown area of DeKalb. He reported that he learned from the International Economic Development Conference that small towns near railports are prime locations for distribution centers.

Mr. Altmaier reported that the Village of Kingston keeps getting phone calls regarding development and in preparation of a development to possibly occur the Village has signed Walt Magdziarz for planning assistance should the need arise. The Village will be having a public hearing soon and wanted emphasize that the information provided to the Village by one of the Informational Seminars by the RPC helped the Village conduct those hearings more effectively. Mr. Altmaier reported the Village is working on a boundary agreement with Kirkland.

Mr. Godhardt of the Village of Hinckley reported that one developer, north of town, spent much of the summer trying to circumvent the Village's planning commission because the developer wants the commission to approve the preliminary and final plat at the same meeting with 11 driveways within a three block stretch of road. The Village is also working with Land Partners (LP). LP had a meeting with the Village and wanted approval for annexation, zoning and their "bubble" plan all at one meeting. Cambridge Homes which received handshake agreements in the past with the Village will be coming back to pursue more development.

Ms. Morphey of the Village of Somonauk reported that the Village approved 341 homes mixture of townhouses and single family homes. She also stated that the Village will begin construction on a new water tower by January. The Village is applying for a grant to expand the sewer plant.

Mr. Becker of the Village of Kirkland reported that the a developer is seeking to construct 190 homes to the southeast of the Village. He confirmed that his Village is working with Kingston on a boundary agreement.

Mr. Heiderscheidt of the Village of Waterman reported that at its August board meeting, the Village Board annexed the Bank property at the northeast corner of Rtes. 23 and 30. Two developers came to the Planning Commission meeting with concept plans and were recommended for denial, but since both developments met all the minimum requirements needed for approval, the Village Board approved the plans. Both developers combined will add an additional 1,500 homes to the community. Mr. Heiderscheidt stated the Kennedy Homes project would also include a new wastewater treatment plant.

Mr. Gentile of the City of Genoa reported that Old Creek Estates (178 Units) will begin this Spring and looks forward to this project because it will bring to the

community a few amenities that was renegotiated by the Village. The Village will be moving into the new city hall soon.

Mr. Nicklas of City of Sycamore reported that the City is proposing to adopt transfer fees for non-Sycamore homeowners. The process will be put into referendum in March 2006 for a \$1,500 per transfer into incorporated City limits.

10. **Adjournment** -- *Mr. Rasmussen motioned to adjourn, seconded by Ms. Morphey, and the motion carried unanimously.*

Respectfully submitted,

William Nicklas
Chairman, DeKalb County Regional Planning Commission

DMH:dh