

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
March 22, 2006**

The Planning and Zoning Committee of the DeKalb County Board met on March 22, 2006 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Marlene Allen, Patricia Vary, Vince Faivre, Howard Lyle and Steve Slack and staff members Paul Miller and Derek Hiland. Audience members included Steve Kuhn, Diane Strand, Greg Millburg, Tammie Ring, Judy and Leonard Baumgartner, Richard Schmack, Christel Springmire, Kjirsten Frank, County Assessor Margaret Whitwell and County Sanitarian/Health Director Robert Drake.

Pat Vary, Committee Vice-Chair, called the meeting to order. Ms. Vary noted that all members were present except Roger Steimel and Eileen Dubin..

APPROVAL OF MINUTES

Mr. Faivre moved to approve the minutes of the February 22, 2006 meeting of the Planning and Zoning Committee, seconded by Mr. Lyle, and the motion carried unanimously.

APPROVAL OF AGENDA

Mr. Faivre moved to approve the agenda, seconded by Mrs. Allen, and the motion carried unanimously.

USE VARIATION -- Request of Leonard and Judith Baumgartner for approval to build a house on a vacant one-acre property located on the west side of East County Line Road in Cortland Township, Petition CO-06-02.

Mr. Miller explained that Leonard and Judith Baumgartner, the property owners, have filed a petition for a Use Variance for a vacant one acre parcel located on the west side of East County Line Road, approximately 2,000 feet south of Barber Greene Road, in Cortland Township. The petition is to allow the construction of one single-family detached dwelling on an agriculturally-zoned parcel of less than 40 acres in size. The subject property is zoned A-1, Agricultural District.

A public hearing on the requested Use Variance was held by DeKalb County Hearing Officer Kevin Buick on March 2, 2006. The petitioners indicated that the vacant one-acre parcel had originally been a buildable lot when acquired by their parents, and that Mr. Baumgartner's mother had given the lot plus one other to the petitioners as compensation for their 10 years of labor on her farm. The petitioners built their house on one lot, and would like to give the other to their daughter and son-in-law as a buildable lot. Staff recommended denial of the request, on the basis that there was no financial hardship associated with the request. Staff asserted that financial hardship, in the form of a premium price having been paid for a buildable lot, is the key finding in granting a Use Variation, and the testimony and evidence did not meet this criteria. The petitioners maintained that "price paid" does not require it be money, and that a premium price was paid in the value of their labor. Staff responded that this is a novel interpretation of the regulations which has not been cited in any

previously granted Use Variation. No members of the public spoke in favor of and none in opposition to the request.

The Hearing Officer has submitted his Findings and Recommendation, in which he recommends denial based on failure to meet the specific particular hardship requirement for Use Variations. The Planning and Zoning Committee is requested to forward an ordinance for approval to the full County Board, and may recommend approval, conditional approval or denial of the proposal.

Mr. Slack stated that this is a tough decision to make. He noted that each request for a Use Variation needs to be reviewed independently from others. He explained that Mr. Baumgartner and his wife worked hard for years on his mother's farm, and earned the two buildable lots that they were given. He went on to state that what the question comes down to is if the work completed is relevant and concrete enough to qualify as a premium price paid for the parcel in question. If so, then the County should approve the request. Mr. Slack reiterated that he is not questioning the Hearing Officer's opinion or Mr. Miller's opinion based on the letter of the law, but rather is focusing on the specifics of this issue related to the Baumgartners. He concluded by stating that the Committee needs not only to do what the regulation dictates but also what is fair.

Mrs. Allen stated that she will also be voting for the approval of the Use Variation.

Mr. Faivre said that he agrees that this particular case is a tough decision as well. However, his concern was that a precedence will be established for possibly hundreds of other cases of family farms throughout the County. While he has sympathy for the work the Baumgartners did, the Use Variation procedures were not set up to make lots buildable under these situations. Mr. Faivre concluded by stating that he has grown up on and around farming his whole life and that farm families all helped and were responsible for their own particular tasks. If this is approved, it will be hard to say no to other people in the same situation. He indicated he was opposed to the request.

Mr. Slack responded to Mr. Faivre statements by encouraging the Committee members to do what's right for the people of DeKalb County because each case can reviewed separately therefor not creating a precedence.

Ms. Vary indicated that she agreed with Mr. Faivre. She confirmed that there probably was not a farm family around that does not have children helping the parents work the property. If the Committee starts allowing exceptions to the 40-acre rule, the exception will not allow the County to function as it stands today, especially in the next 50 years. Ms. Vary indicated that the County Board needs to continue to control growth and allow for subdivisions within the City limits.

Mr. Lyle suggested that he feels sympathy for both sides of the issue. He was uncertain which way he would vote.

After further discussion, Mr. Slack moved to table the vote until the next meeting when Mr. Steimel

and Mrs. Dubin can attend. The motion was seconded by Mr. Lyle and the carried with three "yes" (Lyle, Slack, Allen) and two "no" votes (Vary, Faivre).

LANDFILL LICENSE ANNUAL RENEWAL -- Request of Waste Management West for renewal of the annual license to operate the DeKalb County Landfill on Somonauk Road in Cortland Township

Mr. Miller introduced the request of Waste Management of Illinois, which has filed an application for renewal of a County license to operate the DeKalb County Sanitary Landfill. The landfill is located east of Somonauk Road, immediately south of the I-88 Tollway, in unincorporated Cortland Township. The property is zoned A-1, agricultural, with a Special Use for the operation of a landfill.

Mr. Miller explained that the authority for the County to annually license garbage disposal areas, and establish a fee for such license, is set forth in the Illinois Compiled Statutes, 55 ILCS 5/5-8002 and 8003. As operator of the landfill, Waste Management annually applies for renewal of the County licence. As a supplement to the application, the four Quarterly Reports from Waste Management, submitted to the DeKalb County Health Department, will be provided. The request for renewal of the license is subject first to review by the Planning and Zoning Committee, which then forwards a recommendation to the full County Board in the form of a resolution. A draft resolution was provided to the committee members. The period for the requested license renewal is May 1, 2006 to April 30, 2007.

Mr. Miller concluded by explaining that a representative of Waste Management had called and indicated he would be unable to attend the Committee meeting. Regardless, the Committee and County Board needed to take action on the annual license request, as a delay of a month would mean that the current license would expire.

Ms. Vary noted that she recalled from last year that the remaining "life span" of the current landfill is estimated at approximately ten years. She stated that she would like to see the County to begin thinking about the future of solid waste treatment, because if the County chooses to allow new landfill, the process would take five years, not counting the time it would take to reach a decision. Ms. Vary continued by stating that the time has arrived to organize, schedule and recruit a solid waste planning committee of the County Board.

Mr. Slack noted that this is the second year in a row that no representative of Waste Management has been in attendance at the Committee meeting when it discusses the annual license. Mr. Miller responded that he could contact Waste Management and request that someone be in attendance at the next Committee meeting. The Committee directed Mr. Miller to do so.

After further discussion Ms. Vary moved to approve the Annual License to operate a Sanitary Landfill in the County for Waste Management. The motion was seconded by Mr. Slack and carried unanimously.

RECYCLING ANNUAL REPORT -- Report by the Solid Waste Coordinator on Year 2005 recycling rate and goals for 2006

Christel Springmire, Solid Waste Coordinator for DeKalb County supplied the Planning and Zoning Committee with the annual summary of the recycling rates, collection volumes and solid waste achievements for the year 2005. Committee members directed questions to her regarding the recycling rates, the trend of increases and decreases, and plans for recycling activities this year. Following further discussion, the Committee thanked Ms. Springmire for her report.

CORTLAND ADDRESS CHANGE REQUEST -- Report on the public information meeting regarding proposal from the Town of Cortland to change the addresses of certain properties in unincorporated DeKalb County.

Mr. Miller explained that a public meeting was held on Thursday, March 9, 2006, at the Town of Cortland Community Park regarding the request of Cortland that the addresses of certain properties be changed per the Town's new system. Planning and Zoning Committee Chairman Roger Steimel opened the meeting, explaining that the purpose was to solicit input on the proposal by Cortland to change the addresses of certain properties in unincorporated DeKalb County that are in proximity to the corporate limits of the Town. The point of the change would be to put those properties on the same address system as that being adopted by Cortland. "Cookie" Aldis, Town Clerk, explained the reason for the change, which will go into effect for properties within the Town limits on Sunday, March 12, 2006.

Mr. Miller stated that the meeting was attended by six property owners, as well as by Bob Seyller, the Town President, County Board member Steve Slack, and County staff Paul Miller and Derek Hiland. The property owners asked questions regarding the process of changing addresses. It was explained that the Post Office will be changing the zip codes of certain properties regardless of whether or not the County changes the street numbers. This suggested that it would make more sense for the County to change those street numbers at the same time as the zip codes so that the property owners do not have to go through the change of address process twice.

One property owner inquired whether addresses will be changed for the properties on Hahn Drive. Ms. Aldis explained that those addresses will not change this year, but very well might next year if a new subdivision on the opposite side of State Rte. 38 receives approval. A couple of property owners suggested that many people who will be affected by the change were unaware of the public meeting. No comments in direct opposition to the proposed changes were given. Mr. Miller concludes by stating that the Committee can decide to change the address numbers or not. If it determines the numbers should be changed, the Committee can direct staff to do so, send the matter to a formal public hearing, or forward the issue to the full County Board for action.

Mr. Slack stated that because the Post Office will be changing the zip codes on certain properties, it is important that the County not make property owners go through two different changes of address procedures.

Following further discussion, the Committee agree that staff should be directed to change the

addresses in question in accordance with the Town's new system.

Mr. Slack moved that County staff coordinate the street number changes in accordance with the Postal Zip Code change that would occur on July 1, 2006. The motion was seconded by Mr. Lyle and carried unanimously.

ADJOURNMENT - *Mrs. Allen moved to adjourn, seconded by Mr. Lyle, and the motion carried unanimously.*

Respectfully submitted,

**Pat Vary, Vice Chairman
Planning and Zoning Committee Chairman**

DMH:dmh

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