

COMMITTEE REPORT

COMMITTEE: Development & Planning (D&P)
CHAIRPERSON: Merri Berlage
DATE/TIME: June 17, 2014

PRESENT:

Merri Berlage	John O'Boyle	Robert Heuerman
Steve Rutz	Ron Smith	RJ Winkelhake

Other Board members: Brandon Behlke, Jody Covert, Rick Dittmar, Randy Jobgen, Margie Montelius, Terry Stoffregen, Don Zillig. Steve McIntyre arrived at 7:10pm

Others: Linda Delvaux, Melissa Soppe, Dan Reimer, John Hay

1. **Minutes** – no item
2. **Citizens' Comments**

Mel Gratton, Zoning Board of Appeals Member – We always talk about the ordinance and what is wrong, but we need to look at what is right with the ordinance. The ordinance provides protection and preservation in the resources that we have in the county and value. Provides opportunity for safe planning and without this we wouldn't have people looking at plans and providing safe access for ingress and egress, waste disposal, protect the water we drink. There are also economic benefits to zoning; we tend to overlook these at times. Planning for growth does not tend to burden the existing facilities and infrastructures and services we have, it helps us use them more efficiently. It also helps maintain property values and protects them. Insures compatibility to adjoining uses; provides a voice for the public to voice their opinions. Quote a Superior Judge.

Dan Caswell, Supervisor Berreman Township – Suggest a couple minor changes; 1-Family member to build on the farm - talks about this and how it previously was in the ordinance. This would be consistent with the two highest priorities – taking care of the increasing needs of our seniors and also striving to retain through economic development and other means and retaining families and young people in the county. Allow for immediate family for house on farm with minimum zoning lot size of 2 acres and complies with 8-5B-33. I think there are problems with building residential on farmland, but people living on the family farm are not going to be wasting farmland or complaining about manure spreading, or services are further away.

Steve Barg, Director of JDC Conservation Foundation – Support your addition of the “Areas of natural historical/cultural, geological, educational, or research significance” and “Interpretive Center” These definitions will help the preserves and parks that we have. We have 8 preserves in the county. Hope that you support this new definition.

Dan Caswell, Supervisor Berreman Township – Home occupation regulations and talk about liberalizing those, because I consider that an opportunity for the county and could have 2 potential benefits 1-more liberal requirements could contribute to more economic development which is consistent with the Comprehensive Plan and 2-assist in a boost in housing sales and building and if Comprehensive Plan is encouraging retention and creation of jobs to attract families and youth, this would be a good thing. Make a few changes such as using a nuisance

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved

standard instead of having government employees figure the correct number of vehicles or workers. Most of these are in a rural area versus a neighborhood subdivision. Instead of listing the permitted uses use a list that we state are okay with a set of standards then also a list of items not permitted. MetLife is closing in Freeport and most are staying on and going to be working from home for them.

Skip Schwertfeger, Elizabeth, IL – Home business in area is restricted now. We started the Old Northwest Land Company in our home and grew to 2 full time employees and 10 agents and we had weekly meetings there. We did not disturb our neighbors. We grew the company and were successful to build a building and move on with growth. What we did would not be possible now.

Beth Beranski, Galena, IL – I hope that the committee when talking about this that the Zoning Ordinance allows incremental changes to be made and it defines what those changes will be. We can keep the vision of what the Comprehensive Plan lays out. We would encourage economic development, but direct toward communities where infrastructure was present to support it in a cost effective manner. By concentrating development in the communities we would strengthen them and allow the open space and agricultural area to remain. Changing the minimum lot size for a residence or allowing residences on smaller lots talking about one here or there seems like no big deal, but the incremental change will go on into the future and will define what this county becomes. There was a big process for what the vision was and I hope that you will keep the long term incremental things in mind when you make changes or consider changes.

Ronald Lee Lawfer, dairy farmer in Wards Grove Township – I was appalled by the number of special uses for homes in the county. I have from all over the state a minimum size for a residence and there is no magic number. I think more importantly is the attitude of the county board. Every time a house is built in the country it impacts agricultural, it can be positive or negative. Recently one was requested to save them financially to build on the farm that is positive. A son and daughter coming back to the family farm that wants to build a house and expand the family farm that is a positive. A person that is not involved in the farming community and wants to build a house on prime ag land, next to a livestock facility that is probably not a positive impact, that is a negative impact. If the county board is willing to listen to the special uses on a case by case basis and determine if the impacts are positive or negative I think leave the acreage how it is.

3. Unfinished Business – no items

4. New Business

- a) **Process for Amending Zoning Ordinance per 55 ILCS 5/5-12014-Merri Berlage** read information (attached)

Questions from Rick Dittmar about process and cost of things. Linda Delvaux elaborates on costs that are incurred as far as publishing, codifier, and others. There is a fee attached for the public to bring a text amendment forward.

- b) **Identify sections from the County Zoning Ordinance for possible continued review -**

- i. **Discussion and possible action regarding section 8-2D-7: Duration of the Special Use Permit**

- a. **Remove or extend Duration of Special Use one year time requirement to begin use.**

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved

b. Review mechanism to void Special Use Permits if use begins but then ceases and doesn't resume.

The committee and other county board members discussed extensively the one year time requirement to start the use and option to void Special Use Permits if they start the use and then discontinue. **Steve Rutz made a motion to move forward for review 8-2D-7: Duration of the Special Use Permit a. and b. Seconded by John O'Boyle.** RJ Winkelhake if no problems why change.

The motion carried by roll call vote: Ayes-Merri Berlage, Steve Rutz, Robert Heuerman, John O'Boyle, Ron Smith. Ayes: 5. Nays-RJ Winkelhake. Nays:

ii. Discussion and possible action regarding section 8-3: Chapter 3: District Regulations – Address number of variances that have been issued and if that warrants a change in the setback regulations in all districts.

Linda Delvaux discussed the information regarding variance and how many we have issued. The committee and other county board members discussed the requests. **RJ Winkelhake made a motion to move forward for review 8-3: Chapter 3: District Regulations variances/setbacks. Seconded by Ron Smith.**

The motion carried by roll call vote: Ayes- Steve Rutz, Robert Heuerman, John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage. Ayes: 6. Nays: 0.

**iii. Discussion and possible action regarding section 8-3A-2: Permitted Uses (Ag District)
c. Add additional permitted use: Family member to build on farm**

John Hay states that this was previously in the ordinance and was removed in 2009 because of legal concerns, I still have those legal concerns because you cannot zone based on lineage. I am not saying that you can't do this some other way, just not by family lineage. The committee and other county board members discussed in length. **RJ Winkelhake made a motion to move forward for review 8-3A-2: Permitted Uses (Ag District) c. Seconded by Ron Smith.**

The motion carried by roll call vote: Ayes- Robert Heuerman, John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz. Ayes: 6. Nays: 0.

iv. Discussion and possible action regarding section 8-3A-2, D: Agricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres.

The committee and other county board members discussed the section. **John O'Boyle made a motion to move forward for review 8-3A-2, D: Agricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ayes- John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman. Ayes: 6. Nays: 0.

v. Discussion and possible action regarding section 8-3A-2, E: Nonagricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres, and are subject to section 8-5B-33 of this title.

The committee and other county board members discussed the section. **RJ Winkelhake made a motion to move forward for review 8-3A-2, E: Nonagricultural residences provided that the minimum zoning lot size shall be at least forty (40) acres, and are subject to section 8-5B-33 of this title. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ayes- RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O'Boyle. Ayes: 6. Nays: 0.

d. Discussion and possible action regarding section 8-3A-4, B: Intensity of use regulations, Non Agricultural accessory area: Change the size of the allowed accessory area.

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved

The committee and other county board members discussed the section. **Ron Smith made a motion to move forward for review 8-3A-4, B: Intensity of use regulations, Non Agricultural accessory area: Change the size of the allowed accessory area. Seconded by Steve Rutz.**

The motion carried by roll call vote: Ayes- Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O'Boyle, RJ Winkelhake. Ayes: 6. Nays: 0.

vi. Discussion and possible action regarding section 8-3A-5: Height Regulations

The committee and other county board members discussed the section. **RJ Winkelhake made a motion to not move forward for review 8-3A-5: Height Regulations. Seconded by Steve Rutz.**

The motion carried by roll call vote: Ayes-Merri Berlage, Steve Rutz, Robert Heuerman, John O'Boyle, RJ Winkelhake, Ron Smith. Ayes: 6. Nays: 0.

vii. Discussion and possible action regarding section 8-4A-4: Number of Principal Structures on a Lot

The committee and other county board members discussed the section. **John O'Boyle made a motion to not move forward for review 8-4A-4: Number of Principal Structures on a Lot. Seconded by Steve Rutz.**

The motion carried by roll call vote: Ayes- Steve Rutz, Robert Heuerman, John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage. Ayes: 6. Nays: 0.

viii. Discussion and possible action regarding section 8-4A-5: Number of Uses on a Lot

The committee and other county board members discussed the section. **RJ Winkelhake made a motion to not move forward for review 8-4A-5: Number of Uses on a Lot. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ay Robert Heuerman, John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz. Ayes: 6. Nays: 0.

ix. Discussion possible action regarding section 8-4C-2,A,5: Typo - Bulletin boards not over thirty two square feet (32') in area, for public, charitable, or religious institutions which located on the premises of said institutions.

The committee and other county board members discussed the section. **Steve Rutz made a motion to move forward for review 8-4C-2,A,5: Typo - Bulletin boards not over thirty two square feet (32') in area, for public, charitable, religious institutions which are located on the premises of said institutions. Seconded by RJ Winkelhake.**

The motion carried by roll call vote: Ayes- John O'Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman. Ayes: 6. Nays: 0.

x. Discussion and possible action regarding section 8-5A-6: Use Table, make the following additions as special uses in the Ag District

- e. Car Wash, Construction Sales and Service, Hotel/Motel, General Office, Recreation and Entertainment Indoor, Repair Service, Retail Sales and Service, Automotive Service Station, Service Station Truck Stop, Vehicle Paint and Body Shop, Vehicle Repair, Salvage Yard, Transit Facility, Trucking Facility, Warehousing, Welding or Machine Shop.**

The committee and other county board members discussed in length. **John O'Boyle made a motion to move forward for review 8-5A-6: Use Table, make the following additions as special uses in the Ag District - Car Wash, Construction Sales and Service, Hotel/Motel, General Office, Recreation and Entertainment Indoor, Repair Service, Retail Sales and Service, Automotive Service Station, Service Station Truck Stop, Vehicle Paint and Body Shop, Vehicle Repair, Salvage Yard, Transit Facility, Trucking Facility, Warehousing, Welding or Machine Shop. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ayes- RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O'Boyle. Ayes: 6. Nays: 0.

- xi. Discussion and possible action regarding section 8-5A-6: Use Table – Festivals/Events/Fundraisers**
The committee and other county board members discussed the section in length. **Steve Rutz made a motion to move forward for review 8-5A-6: Use Table – Festivals/Events/Fundraisers. Seconded by Ron Smith.**
The motion carried by roll call vote: Ayes- Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O’Boyle, RJ Winkelhake. Ayes: 6. Nays: 0.
- xii. Discussion and possible action regarding section 8-5A-6: Use Table – Add Wholesale Greenhouses as Permitted uses in the Ag District (55ILCS 5/5-12001)**
The committee and other county board members discussed the section. **Steve Rutz made a motion to move forward for review 8-5A-6: Use Table – Add Wholesale Greenhouses as Permitted uses in the Ag District (55ILCS 5/5-12001). Seconded by John O’Boyle.**
The motion carried by roll call vote: Ayes- Merri Berlage, Steve Rutz, Robert Heuerman, John O’Boyle, RJ Winkelhake, Ron Smith. Ayes: 6. Nays: 0.
- xiii. Discussion and possible action regarding section 8-5A-6: Use Table – Add “Areas of natural historical/cultural, geological, educational, or research significance” and “Interpretive Center” as permitted uses in the Ag District with definitions for each.**
The committee and other county board members discussed the section. **Steve Rutz made a motion to move forward for review section 8-5A-6: Use Table – Add “Areas of natural historical/cultural, geological, educational, or research significance” and “Interpretive Center” as permitted uses in the Ag District with definitions for each. Seconded by RJ Winkelhake.**
The motion carried by roll call vote: Ayes- Steve Rutz, Robert Heuerman, John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage. Ayes: 6. Nays: 0.
- xiv. Discussion and possible action regarding section 8-5A-6: Use Table – Add Guest Accommodations as permitted use in the Ag District and the Commercial District.**
The committee and other county board members discussed the section. **Ron Smith made a motion to move forward for review 8-5A-6: Use Table – Add Guest Accommodations as permitted use in the Ag District and the Commercial District. Seconded by Steve Rutz.**
The motion carried by roll call vote: Ayes- Robert Heuerman, John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz. Ayes: 6. Nays: 0.
- xv. Discussion and possible action regarding section 8-5A-6: Use Table – Add Solar Energy, both Commercial as a special use permit and Private as a permitted accessory use.**
The committee and other county board members discussed the section. **Ron Smith made a motion to move forward for review 8-5A-6: Use Table – Add Solar Energy, both Commercial as a special use permit and Private as a permitted accessory use. Seconded by John O’Boyle.**
The motion carried by roll call vote: Ayes- John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman. Ayes: 6. Nays: 0.
- xvi. Discussion and possible action regarding section 8-5A-6: Use Table – Mobile Homes**
The committee and other county board members discussed the section in length. **Steve Rutz made a motion to not move forward for review 8-5A-6: Use Table – Mobile Homes. Seconded by Ron Smith.**
The motion carried by roll call vote: Ayes- RJ Winkelhake, Ron Smith, Steve Rutz, Robert Heuerman. Ayes: 4. Nays- John O’Boyle, Merri Berlage Nays: 2.
- xvii. Discussion and possible action regarding section 8-5A-6: Use Table – Sea Containers/Non Traditional Structures, Permitted-Not Permitted? Definition?**

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved

The committee and other county board members discussed the section in length. **Steve Rutz made a motion to not move forward for review 8-5A-6: Use Table – Sea Containers/Non Traditional Structures. Seconded by Ron Smith.**

The motion failed by roll call vote: Ayes- Ron Smith, Steve Rutz. Ayes: 2. Nays- Merri Berlage, Robert Heuerman, John O’Boyle, RJ Winkelhake. Nays: 4.

John O’Boyle made a motion to move forward for review 8-5A-6: Use Table – Sea Containers/Non Traditional Structures. Seconded by RJ Winkelhake.

The motion carried by roll call vote: Ayes- Merri Berlage, Robert Heuerman, John O’Boyle, RJ Winkelhake. Ayes: 4. Nays-Steve Rutz Ron Smith. Nays: 2.

xviii. Discussion and possible action regarding section 8-5B-16: Standards, Home Occupations – Add uses or loosen restrictions

The committee and other county board members discussed the section. **RJ Winkelhake made a motion to move forward for review 8-5B-16: Standards, Home Occupations – Add uses or loosen restrictions. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ayes- Steve Rutz, Robert Heuerman John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage. Ayes: 6. Nays: 0.

xix. Discussion and possible action regarding section 8-5B-46: Standards, Guest Accommodations and Guest Houses/Homes – review changing setback requirement to be no greater than the maximum number of occupants based upon the 5 foot per bedroom equation.

The committee and other county board members discussed the section. **Steve Rutz made a motion to move forward for review 8-5B-46: Standards, Guest Accommodations and Guest Houses/Homes – review changing setback requirement to be no greater than the maximum number of occupants based upon the 5 foot per bedroom equation. Seconded by Robert Heuerman.**

The motion carried by roll call vote: Ayes- Robert Heuerman, John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz. Ayes: 6. Nays: 0.

xx. Discussion and possible action regarding section 8-6-6: Existing Non-Conforming Uses, I. Abandonment or Discontinuance

The committee and other county board members discussed the section about the time frame in length. **Steve Rutz made a motion to move forward for review 8-6-6: Existing Non-Conforming Uses, I. Abandonment or Discontinuance. Seconded by John O’Boyle.**

The motion carried by roll call vote: Ayes- John O’Boyle, RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman. Ayes: 6. Nays: 0.

xxi. 8-7-2: Definitions

f. Discussion and possible action regarding section Agri-Tourism

The committee and other county board members discussed the section. **Steve Rutz made a motion to move forward for review 8-7-2: Definitions: Agri-Tourism. Seconded by RJ Winkelhake.**

The motion carried by roll call vote: Ayes- RJ Winkelhake, Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O’Boyle. Ayes: 6. Nays: 0.

g. Discussion and possible action regarding section Agriculture

The committee and other county board members discussed the section. **RJ Winkelhake made a motion to move forward for review 8-7-2: Definitions: Agriculture. Seconded by Steve Rutz.**

The motion carried by roll call vote: Ayes- Ron Smith, Merri Berlage, Steve Rutz, Robert Heuerman, John O’Boyle, RJ Winkelhake. Ayes: 6. Nays: 0.

5. Citizens’ Comments

These minutes are not the official record until final approval at the next board or committee meeting and all minutes may be changed until officially approved

Mike Dittmar, Mayor of Elizabeth - thanked the board for taking the time to review these items.

6. Board Member Concerns

RJ Winkelhake states that this will be interesting to go through these and to see how this will impact what we currently have.

Merri Berlage states that we are only addressing the items that were identified tonight and it will not be the whole ordinance.

Next meeting on Tuesday, June 24, 2014 @ 7:00 pm.

John O'Boyle made a motion to adjourn at 10:19pm, seconded by Steve Rutz and motion passed.