

**DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL**

**BOARD:** TAZEWELL COUNTY

**COMMITTEE:** LAND USE

**DATE/TIME:** Tuesday, July 10, 2012 at 5:00 p.m.

**PRESENT:** Chairman Carroll Imig, Monica Connett, Paul Hahn, Terry Hillemonds, Dude Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell.

**ABSENT:** Vice Chairman K. Russell Crawford

**STAFF PRESENT:** Kristal Deininger, Community Development Administrator; Kyle Smith, Land Use Planner; James Newman, ZBA Chairman; Matt Drake, Assistant States Attorney; Michael Freilinger, County Administrator

**OTHERS PRESENT:** Kelli Otting; Tim Herrin; Dustin Eitenmiller; Ken Harris, Peoria Journal Star

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**CALL TO ORDER:** Chairman Imig called the meeting to Order at 5:00 p.m.

**MINUTES:** Moved by Palmer, seconded by Hahn, to approve the minutes of the June 12, 2012 Land Use Meeting. On voice vote, **motion declared carried.**

**CASES:**

LU-12-10  
Case No. 12-23-V

The petition of Keith and Patricia Johnson for a Variance to waive the requirements of 8TCC 4-7(f)(vii) of the Tazewell County Regulating Development in the Flood Plain Ordinance to allow construction of a 38' x 30' unattached garage below the flood protection elevation and to be larger than 500 square feet in an A-2 Zoning District with a Flood Plain Designation of A4.

Moved by Connett, seconded by Stanford, to recommend approval of LU-12-10, Case No. 12-23-V, to the Tazewell County Board. On voice vote, **motion declared carried.**

**UNFINISHED BUSINESS:**

County Administrator  
WAGONSELLER RD.:

Michael Freilinger, County Administrator addressed the Committee. Mr. Freilinger explained a recent development regarding the Wagonseller Road upgrade project. Mr. Freilinger stated he would be recommending to the Executive Committee and the County Board that a Resolution be passed stating the County would not Rezone properties along Wagonseller Road for a period of 5 years. Mr. Freilinger said this came following a Grant Request from the EDA (Economic Development Administration) for assistance in funding the project. Originally the EDA wanted all property owners with properties currently Zoned A-1 and Conservation to sign a PVA (Property Valuation Agreement) stating they would agree not to sell their properties for at least 5 years above the current assessed value. Mr. Freilinger added the County was able to negotiate a different agreement which he felt was better for the residents.

Member Hahn questioned the legality of enforcing a Zoning Prohibition upon area property owners. Mr. Hahn requested the States Attorney be consulted prior to the County signing any such Agreement regarding the Wagonseller Road project.

RESIDENTIAL BLD  
CODE:

Mr. Freilinger also stated he wanted to advise the Committee he was in support of the adoption and implementation of a Residential Building Code. Mr. Freilinger said Codes are needed for the safety of residents of Tazewell County and he would be a strong proponent of the issue.

The above items were for discussion purposes only. No action was taken.

**COMMUNITY  
DEVELOPMENT ADM.:**

Proposed Ordinance  
Revisions:

Administrator Deininger submitted to the Committee a proposal of general conditions for allowing Chickens in a Residential District. Ms. Deininger stated she had met with Kyle Smith, Land Use Planner and had conducted a survey of Illinois counties. Ms. Deininger said the addition of other farm animals were possible with an Ordinance Revision. Ms. Deininger added the Committee may need to discuss whether to require a Special Use or if farm animals would be permitted. Ms. Deininger stated there had been several violations issued recently regarding chickens and there had also been an increase in the amount of phone calls. Ms. Deininger said she would like the Ordinance revision to address sustainable living. Ms. Deininger added Administrative Review may be an option prior to requiring an appearance before the ZBA. Ms. Deininger stated she would contact the Health Department regarding requirements for animal waste.

Kyle Smith, Tri County Land Use Planner stated he looked into various codes allowing chickens and established guidelines with regards to allowing chickens in the R-1 Zoning Districts.. The handout established the number of chickens, lot sizes and also detailed the number of R-1 Zoning properties that may be affected. Mr. Smith said he had to have a cut off number for a minimum standard and chose 8 chickens which seemed to be a common maximum number of chickens allowed. Mr. Smith added at this time he had only addressed chickens but understands additional animals may be discussed later. Mr. Smith stated coops would have to meet setback requirements.

Paul Hahn stated he was concerned of allowing too little which would not be enough for sustainable living. Mr. Hahn said he was unsure if permitting chickens would be a good idea and liked the idea of have a variance process where neighbors could weigh in on the subject. Mr. Hahn added he felt other animals could be allowed, i.e. goats and pigs and questioned what costs would be involved.

Terry Hillegonds questioned if chickens are permitted and requirements are not followed, would a Permit be able to be revoked. Mr. Hillegonds stated he was not fond of allowing larger farm animals on as little as 2 acres. Mr. Hillegonds said he was in favor of allowing chickens as a permitted use.

Mel Stanford stated he was in favor of allowing chickens as a permitted use.

Tim Herrin appeared and stated he constructed a home in the Spring Lake area in 2009. Mr. Herrin said he has had chickens for 4-H projects for years, beginning when he lived in the City of Pekin and was not aware he could not have 4H chickens in the County. Mr. Herrin added 4H was growing and that may be why so many have chickens in subdivisions. Mr. Herrin stated his neighbors were upset to learn chickens would not be allowed in his neighborhood.

Dustin Eitenmiller appeared and stated he would be willing to help the Committee with any questions regarding allowing chickens.

It was the consensus of the Committee that the Community Development Administrator and Land Use Planner prepare options of potential Code Amendments with regards to allowing chickens either as an allowable use or as an Administrative Review.

**5 YEAR AUDIT BY IDNR:** Administrator Deininger presented to the Committee a letter from Paul Osman of the IDNR. Ms. Deininger stated that every 5 years IDNR conducts an audit of how the County administers Floodplain regulations. The letter indicated that the County was compliant in enforcement of the Ordinance and for regulating development in the County which has reduced the County's overall flood losses.

**HB 4145:** Administrator Deininger stated that HB 4145 with regards to how Counties can regulate dilapidated motor vehicles was recently approved and sent to the Governor. Ms. Deininger stated currently removal of vehicles are conducted by Administrative Review which is timely process, however with approval of the House Bill the County would only need to give the individual 10 days for removal of a dilapidated motor vehicle (s), and if not removed in the 10 days the County has the right for removal and impoundment by a towing service.

**BILLS:** Moved by Hillegonds, seconded by Hahn, to approve the bills for the Community Development Department as submitted. On voice vote, **motion declared carried.**

**NEXT MEETING:**

The next meeting of the Land Use Committee will be held on **Tuesday, August 14, 2012 at 5:00 p.m.** in the 3<sup>rd</sup> Floor Jury Meeting Room of the McKenzie Building.

**RECESS:**

There being no further business, the meeting recessed at 6:10 p.m.

Kristal Deininger, Secretary

Transcribed by Melissa A. Kreiter  
Administrative Assistant