



JO DAVIESS COUNTY, ILLINOIS

MINUTES

ZONING AD HOC SUBCOMMITTEE

Tuesday, May 20, 2025 – 6:00 p.m.

*Jo Daviess County Administrative Offices (Temporary Location)
Former Galena Primary School – 219 Kelly LN, Galena, IL*

CALL TO ORDER:

Chair Cassens called the meeting to order at 6:00 p.m.

ROLL CALL:

Present: Trost, Cassens, Jones, Baranski, Caswell, D Gallagher, Holland, Dittmar, Meeker, Deininger, Creighton (on-line), and Heitkamp (on-line)

Absent: McIntyre

Also Present: Angela Kaiser, County Administrator

APPROVAL OF MINUTES:

Motion by Meeker, seconded by Jones to approve the minutes of the April 15, 2025 meeting, as submitted

Motion Carried: 12-0-1 (McIntyre absent)

CITIZENS COMMENTS:

None.

UNFINISHED BUSINESS:

ITEM 5A (Identify Top Three (3) Goals):

Cassens: May have made homework more complicated than needed. Generated 39 goals. Can we do something that is not included in our goals; yes. If we can identify three (3) to five (5) goals, then it could help guide the work of the Committee. Could serve as the introduction to the ZBA/PC and Board. Provided a tally sheet to Dittmar, with direction to the members to identify which of the three goals highlighted at the prior meeting is your most desired goals: 1, 2, & 3, sourcing from the goals identified at the last meeting by the members of the Subcommittee.

Member Identification of Top Goals to Pursue: Cassens asked each member for their ranking of the top three (3) goals from their perspective.

Cassens:

1. Reduce the need for Variances without compromising County-wide respectable standards.
2. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.
3. Identify information that may jeopardize new/expanding businesses.

Jones:

1. Move away from one-size fits all; not everyone wants the same thing.
2. Simplify Zoning Ordinance.
3. Identify information that may jeopardize new/expanding businesses.

Holland:

1. Simplify the Zoning Ordinance.
2. Promote residential and commercial growth while upholding standards.
3. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.

Engle:

1. Produce a document rooted in principle, not detail.
2. Identify information that may jeopardize new/expanding businesses.
3. Reduce the need for Variances without compromising County-wide respectable standards.

Meeker:

1. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.
2. Reduce the need for Variances without compromising County-wide respectable standards.
3. Identify information that may jeopardize new/expanding businesses.

Deininger:

1. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.
2. Simplify the Zoning Ordinance.
3. Identify information that may jeopardize new/expanding businesses.

Caswell:

1. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.
2. Produce a document rooted in principle, not detail.
3. Favor freedom with reasonable limits; list what is prohibited, is called “negative law”, as opposed to “positive law” which requires government permission which impacts time, cost, etc.

Dittmar:

1. Identify information that may jeopardize new/expanding businesses.
2. Simplify the Zoning Ordinance.
3. Favor freedom with reasonable limits; list what is prohibited, is called “negative law”, as opposed to “positive law” which requires government permission which impacts time, cost, etc.

Baranski:

1. Cooperative planning; much of the population is within the municipalities; there should be a good understanding between cities and County regarding how, together, we can achieve goals and bring back good paying jobs, promoting/retaining the younger residents, etc.
2. Improve impressions of zoning.
3. Identify information that may jeopardize new/expanding businesses.

D Gallagher:

1. Simplify the Zoning Ordinance.
2. Identify information that may jeopardize new/expanding businesses.
3. Reduce the need for Variances without compromising County-wide respectable standards.

Trost:

1. Reduce the need for Variances without compromising County-wide respectable standards.
2. Identify information that may jeopardize new/expanding businesses.
3. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.

Creighton:

1. Favor freedom with reasonable limits; list what is prohibited, is called “negative law”, as opposed to “positive law” which requires government permission which impacts time, cost, etc.
2. Reduce the need for Variances without compromising County-wide respectable standards.
3. Produce a document rooted in principle, not detail.

Identification of Top Three (3) Goals:

1. Identify information that may jeopardize new/expanding businesses.
2. Streamline and clarify the Zoning Ordinance to make it more user friendly, simplify.
3. Reduce the need for Variances without compromising County-wide respectable standards.

Cassens: Suggested keeping the 39 goals identified in the April meeting in front of members, but focus on the top three. Not every recommendation needs to be directly related to the top three goals. Consider unintended consequences: look forward to ensure that the standards continue to apply over time.

ITEM 5B (Comments Regarding Potential Amendments:

Caswell: Determine a structure that provides an overview of each district’s allowed uses, with a short list of what is prohibited. Give examples. Have all information for district in one place; can simplify.

Meeker: Agreed; have all information for each district in one location or code; everything in one place. Am seeking examples of this approach.

Baranski: Provide a simpler means of finding your information. Other counties do much of this work on-line. Suggested looking at McHenry County. Meeker: we do accept applications on-line. Agrees with simplifying as suggested; have all information in one location for each district.

Dittmar: The ordinance has been cut and pasted over time. Is a daunting task to review completely; streamline.

Caswell: Intrigued by use of Artificial Intelligence as a means of finding information in ordinance.

D Gallagher: Saw many issues with Guest Accommodations. The situation with fiber has opened up many opportunities. Large industry is far off. Zoning office knows what problems have been encountered over time. Have there been issues with home occupations? Is limiting the number of employees really a big problem?

Dittmar: Nurseries, greenhouses, etc. have all been dinged by zoning.

Caswell: Are there some home occupations that have been problematic?

D Gallagher: Don't want to harm the communities. Avoid unintended consequences.

Dittmar: Need to look at home occupations.

Cassens: What businesses are advantaged by being in an Agricultural (AG) district vs other districts?

Dittmar: Cited differences with Galena Cellars vs his business. Noted music complaints. Wineries are perfect for Jo Daviess County. Both wineries near Hanover annexed to the village to avoid the County's regulations. Wants the area to be like Gays Mills or Door County. County considers wine production not to be agriculture.

Deininger: Lost three businesses to Wisconsin due to the extreme rules imposed by the County.

D Gallagher: Agrees with Dittmar comments. Makes no sense that pre-purchased items cannot be sold from a property; even though these items go along with items grown on the property.

Cassens: Anyone like the rules the way they are for home occupations.

Deininger: Does the State provide a break for agricultural uses?

Meeker: Not certain if this is the case, but agrees with comments regarding ancillary items sold by agricultural uses shouldn't be a problem.

Caswell: Some businesses want to be in town for the foot traffic. Let people make their own decisions regarding locations and competition.

Dittmar: Recounted working with prior Zoning Administrator on his agricultural business. Treat everyone the same and grant Zoning Administrator ability to make decisions, but done the right way with no favoritism.

Cassens: Noted high level of regulation of farming activities from other agencies.

Baranski: Look at other counties regulations and modify to meet our needs. Perhaps use AI to assist.

Meeker: Noted that this is how zoning ordinances are typically drafted; need to make certain that the ordinance being used as a model is for an area similar to Jo Daviess County.

Creighton: Zoning regulations drafted by a consultant that used another ordinance (possibly from New York state) as the basis for our regulations; adapted someone else's work. Ordinance was farm-friendly because, at the time, likely 17 out of the 21 County Board members were farmers.

Engle: Clients don't typically choose anything new, they modify what has been done before to make it work for the them. We can take bits and pieces from other ordinances that can be assembled to work for Jo Daviess County.

Baranski: Changes could be as simple as modifying the standards contained in a particular district's regulations.

Caswell: This is where the goals can be very helpful. If we're looking to simplify, keep that as an overarching theme when reviewing regulations from other organizations.

Cassens: Provided an overview of the discussion so far.

D Gallagher: Always start with the "intent" of regulations; explain why the regulations exist.

Dittmar: What is our goal? Being proactive is better than being reactive. The goal when the ordinance was adopted was to preserve agriculture and views, but stifled everything else. Need to work closely with incorporated communities. Should be able to re-use existing non-agricultural uses (e.g. industry, commercial) in order to encourage commercial uses. Agri-tourism should be a focus; regulations need to address this fact. Not a huge proponent of changing everything, but wants to ensure that it is easier to use properties in the rural areas. Homes should be encouraged near municipalities due to the availability of services (e.g. sewer, water, etc.).

Trost: Need to accommodate people that don't want to live in town.

D Gallagher: Have the best of both worlds living in the country, but having access to the municipalities.

Deininger: Has heard complaints regarding the lack of ability to build tiny homes. There should be flexibility for people

Caswell: Need to give people's desires on where they wish to live consideration. Develop regulations that work, but do not destroy the character of the area.

Cassens: What would attract the most people into the County given the population decline? Town vs country? A county that directs living in the towns, country, both? How do you attract jobs?

BREAK: 7:00 p.m. to 7:10 p.m.

Cassens: Any changes to suggest?

Dittmar: Home Occupations; referenced maximum floor area for home occupations that excludes the basement level; allow 100% of basement to be allowed. Look at limitations on number of employees. Noted the following restrictions for guest accommodations that should be reviewed; standards shouldn't differ from those for any other residence: 15% grade, fire and carbon requirements, chimney, septic pumping. Make it easier to have a guest accommodation license.

Meeker: Variances are frequently approved from Guest Accommodation standards.

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Dittmar: Noted the frequent variances from setback requirement at Apple Canyon Lake from side setback due to the 10-foot setback that is normally required.

Meeker: Noted that we do acknowledge the lesser setback at Apple Canyon Lake for general construction, but not for GA licenses. Reviewed the Guest Accommodation zoning restrictions: setbacks, etc. Always ask those building a home if they intend to request a GA license so that they can design with that in mind.

Cassens: What was the original intent of the Guest Accommodation requirements?

Dittmar: Felt that the standards were intended to deter the use.

Holland: Likely the standards were intended to preserve privacy of permanent residents.

Deininger: Why is there a different standard for driveway grade, particularly related to emergency service access?

Meeker: Believes that this is a built-in protection since the assumption is that visitors will not be as familiar with the property as a permanent resident.

Dittmar: Noted the parking slope requirement as well. Noted that Guest Accommodations requires a Wi-Fi access for phone service; everyone has a cell phone.

Cassens: Are AirBnB treated differently?

Meeker: A Guest Accommodation License would also be required for that type of rental.

D Gallagher: Recognizes that there has been a change in the type of people living in the resort communities; more permanent residents. Neighbors will be fearful of “party houses” next to their home. Some would like to see a moratorium on more short-term rentals. Noted concern re: budget impacts related to transient occupancy tax collection.

Dittmar: How many new homes are built for guest accommodation?

Meeker: Doesn’t have a firm number, but in his experience, it appears that most new homes are built to meet the GA standards.

Dittmar: Need to have the same rules for all.

Baranski: It is important that the Guest Accommodations standards are intended to protect the residents.

Dittmar: Should be up to the homeowners’ associations (HOAs) to enforce standards for short-term rentals. Should only focus on areas outside the resorts.

Meeker: Noted that the HOA restrictions can’t be enforced by the County, but the HOAs are typically resistant to enforcing their covenants. More restrictive standards will apply where the HOA standards conflict with County standards.

Deininger: Provided details regarding homes, short-term rentals, permanent residents, etc. in The Galena Territory.

Holland: Don’t want to turn the County into the Wild West, but need some rules.

Meeker: Find the balance between County character, permanent residents desires, and tourism.

Baranski: Need to find a balance between all the variables re: short-term rental and impacts upon the County and communities. Ensure long-term viability of the communities and counties.

Caswell: What makes the area desirable; find a means of communicating this.

Cassens: Noted that the regulations as adopted were likely attempting to preserve what existed at the time.

Trost: Reason for zoning was because of “Galena Oaks” and “Galena Ridge”; zoning happened shortly thereafter. Committee at the time was made up of primarily of farmers interested in preserving land. Much has changed; tourism is a huge factor in Jo Daviess County. Concerns of those who drafted the current regulations was to keep the County pristine and rural; need to change the way we think.

Meeker: Noted the technological advances that have occurred in the past 30-years. Need to find a balance that encourages people to live and work here while preserving tourism and the unique character of the area.

Trost: Referenced a dairy operation that ended up moving across the border into Wisconsin because Jo Daviess County’s regulations were too restrictive. Other similar uses exist in Stephenson County.

Cassens: Expanded upon member Trost’s comments. Noted that restrictions that prevent new businesses; any suggestions?

Dittmar: Former director of NW Illinois Economic Development noted many businesses lost due to regulations. Will review GA and home occupations; will also review non-conforming properties.

Cassens: Discussing real-life examples would be helpful in identifying potential changes to ordinance.

Creighton: Recalls a use “barndominium” that couldn’t be built in the County; they were forced to go to Stephenson County. Waive need for construction detailed construction documents for projects of a certain dollar amount; these references should be indexed to reflect current financial conditions.

Holland: Doesn’t know what a new “number” should be used. Does the restriction also relate to remodels, maintenance? If a maintenance item, then perhaps this shouldn’t apply.

Meeker: Noted that the requirements are in the local amendments to the Building Code.

Baranski: Make certain what this section affects before changing.

D Gallagher: Skilled workforce drives business; the code is not the sole issue.

Baranski: May be helpful to have David Schmidt attend a meeting to provide his perspective. Will invite him to next meeting.

Dittmar: Would like to invite Galena Cellars to a meeting to describe their experience.

Cassens: If there are any other businesses that have input regarding their experience with County restrictions, they are also welcome to share their perspectives.

Baranski: Noted that the Building Code is not the subject of the meetings.

Meeker: Though the cost threshold for requiring detailed plans is pertinent.

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Cassens: Review the code and make good notes on problem areas with suggested solutions.

Engle: Create hyperlinks to code sections and clear summaries in order to simplify and make the code more user friendly. Should definitions be included in the use table?

Deininger: Could members send out their comments to all others a week before meeting?

Cassens: Is best to present the information at the meeting due to the risk of having a meeting outside of the normal regular meeting format.

ADJOURNMENT:

Meeting adjourned at 7:42 p.m.

NEXT MEETING: Tuesday, June 17, 2025

Respectfully submitted,

William Meeker
Planning & Development Administrator