

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
January 27, 2016

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
- ✓ Laura Winter
Ron Mapes
- ✓ Gary Diedrick
- ✓ Jody Carroll, Alternate

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
Matt Calvert, JDC Health Dept.
John Hay, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ John O'Boyle, JDC Board Member

Approval of Minutes: A motion was made by Jody Carroll to accept the December 16, 2015 minutes. Seconded by Gary Diedrick. Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

James Wolf, (address: 12856 E Winslow Road, Warren, IL 61087), owner, requesting a variance from the required Road right-of-way setback of 110 feet from the centerline of the roadway to 90 feet from the centerline of the roadway. Requesting a twenty (20) foot variation. Property is located in the AG Agricultural District. Common Address: 12856 E Winslow Road, Warren

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion, and variances should be reviewed with that in mind.
- Wastewater Treatment: This house has an existing septic system that was installed in 1985. The septic tank is located 20' north of the house and the septic drainfield is located north of the tank. The well is located east of the house. The variance request should not affect the septic system or well.
- Access Considerations: The property has an existing entrance onto county maintained Winslow Road with adequate sight distance. No changes to the entrance are being proposed.
- Other Considerations: The applicant has torn down an existing structure and has put up a larger structure in its place, but, did not procure a permit from the Building & Zoning Office prior to construction. Applicant constructed the new accessory structure closer to the roadway than the Zoning ordinance would allow. Applicant is now asking for consideration of a variance to bring the structure into compliance

Jamie Wolf, owner

- I constructed a building, there was an old barn that was torn down and I was under the assumption that if this was in the same spot as the old barn we would have no problem as far as setbacks. The house is close to the road, but we are 20 feet short of the requirement. This was the best place on the property with the access, the north side was not a good place with another building, and it also gets wet in that back area.

Deidrick asks when you realized you needed the permit and didn't meet setbacks

- James Wolf states that I got a letter from the Zoning Office and I went to the office and addressed it with Linda, Melissa and Andy, helped him out with the process.

Public Testimony

None

Public Testimony Closed

Gratton states this is a county road so has a greater setback. We look at the area around there and try to at least go no closer than what the house or other buildings are.

Carroll states that he took the old barn down and is trying to improve the property

A motion was made by Carroll to approve the variance from the required road right-of-way setback of 110 feet from the centerline of the roadway to 90 feet from the centerline of the roadway stating the variance standards are met.

Seconded by Winter

Roll Call:	Laura Winter – Aye	Jody Carroll – Aye
	Nick Tranel – Aye	Mel Gratton – Aye
	Gary Diedrick – Aye	

Wayne J Wand (address: 6014 S Derinda Road, Elizabeth IL 61028), owner, and William & Dena Boehm (address: 4502 S Derinda Road, Elizabeth IL 61028), contract purchaser/petitioner, requesting a Map Amendment from the AG Agricultural District to R-1 Single Family Residential District. Common Address: 4840 S Derinda Road, Elizabeth IL 61028

Staff

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the area of farmland of statewide importance with corridor of Not Prime farmland running along the area of high elevation, in an agricultural preservation area 2. This parcel is within the mile and ½ planning area of the Village of Elizabeth but is not identified as part of their contiguous growth area. The County's Comprehensive Plan would encourage growth and development adjacent to a community or at least a part of the City or Villages desirable growth area. The County's Comprehensive Plan recognizes that home building provides an enormous infusion of dollars to the local economy. It contributes not only the construction value of the homes but also

increases the tax base and provides hundreds of well-paying jobs. The County recognizes the importance of this sector of the local economy.

- Waste Treatment: According to the USDA soil survey, the soils on this parcel are Group IV & V and not suitable for a conventional septic system. On-site soil borings have not been completed at this time and would ultimately determine the soil type and best location for the septic system. This property will be served by a private water well.
- Access Considerations: This parcel has frontage on county maintained Derinda Road. An access with adequate sight distance can be located within the frontage.
- Other Considerations: The parent parcel, prior to a previous 6.24 acre split and the 12.37 acre split, both done in 2015, was a 55.97 acre parcel. This 55.97 acre parcel had a structure built in 1998 that is being taxed for residential use. The 55.97 acre parcel was in a forestry management plan and at that time the Building & Zoning Office was not requiring permits for structures on parcels over 40 acres and being used agriculturally, of which forestry management was considered Ag. Therefore there is no permit for this structure on file. In 2012 the forestry management plan was discontinued on the parent parcel, and when the parcel splits were done in 2015 it left the parent parcel with 37.36 acres which is less than the 40 acre lot size for a residence in the Agricultural District, and, we have no record of a map amendment or special use permit on this parcel for the residential use on a lot less than 40 acres. Consequently the series of splits from the parent parcel has left it as an illegal nonconforming use.

This requested property is surrounded by agricultural properties with a mix of residential and agricultural uses. There are a series of small lots developed along Derinda Road to the north of this request. The Land Evaluation score on this property is 40.9, which is below the County average of 62.2 with an overall LESA score of 153. Some of the contributing scores to the Site Assessment end of the LESA were the percent of Agricultural land adjacent coming in at 15 points, percent of land in agriculture within 1 mile coming in at 12 points, availability of public water and sewer came in at 10 points each, distance from community services at 12 points, soil suitability for on-site disposal came in at 25 points and the consistency with the County Comprehensive Plans came in at 10 points, this is due to the fact that the property falls within the 1.5 miles of the community, but, is not identified as a contiguous growth area by the Village of Elizabeth.

The Village of Elizabeth has not commented on this request. The Natural Resource Inventory Report indicates that the upper level bedrock under this parcel is Silurian dolomite. Under Standard 8-5B-33 it states that the most sensitive areas for development in Jo Daviess County are underlain by Silurian geological formations. These elevated ridge tops and hillsides are scenic, prone to excessive erosion and often provide the least amount of ground water protection. These areas are mapped and are presented as part of the Natural Resources inventory (NRI) Report for every requested change in zoning for Jo Daviess County. Development located in these areas will be subject to standards B, 1-7 of the Zoning Ordinance:

1. *A site plan which provides the following information shall be provided:*
 - a. *The existing and proposed topography, slope, and drainage patterns of the lot.*
 - b. *The erosion control measures used during and after construction will be identified.*
 - c. *The area to be cleared if the lot is wooded.*
2. *On site wastewater facilities shall conform to all Illinois statutes and those established by the Jo Daviess County health department.*
3. *All lighting shall conform to section 8-4E-3, "Outdoor Lighting Standards", of this title.*
4. *Buildings and roads located on sloping sites shall be built to blend with the existing topography.*
5. *Exterior building colors are encouraged to blend with the natural background.*
6. *Yard areas shall not be clear cut, existing trees shall be protected whenever possible, clearing of trees to create a building site should be as minimal as possible and the continuity of wooded sites shall be preserved. If trees must be removed in the construction process, they should be replaced with trees of species similar to those in surrounding woodlands.*
7. *Additional erosion control will be required on highly erosive sites. (Ord. 2009-3, 5-12-2009)*

Daisha Boehm, representing petitioner (address: 4502 S Derinda Road, Elizabeth IL 61028)

- We are requesting a map amendment from the AG District to R-1 Single Family Residential District. We are 0.6 miles from the corporate limits of Elizabeth, 20 similar parcels within the same community and would fit in. Site distance for driveway is over 500 feet. The plan is for construction for a single family home and leave the remaining in trees. This land was my grandfathers and was purchased on a land contract by my father until such time when my sister Danesa & Cody Harbach are able to purchase and build on the property. They are young, just got married and want to save up some money then will buy and that is why they are asking for the residential zoning so that they have enough time to save to build their home. They realize they will have to do soil borings to determine septic system. A private well and septic will be necessary. Our father is in the excavating business and will be there to help in that process, we are also sensitive to the concerns of erosion and will work with the zoning board when construction plans are being developed. We want to keep this land as close as possible to what it is now. The Land Evaluation is 40.9 which is well below the county average, the LESA score was 153 which is also below the magic number of 200. We feel that this application meets all the standards for rezoning of this parcel. At time of construction we will work develop erosion control measures.

Gratton asks how you determined if the residential zoning was the proper zoning classification for what you want to do.

- Daisha Boehm indicates that going for the special use permit with the 3 year limit, they are not sure when they will be able to build, they wanted to make sure they are saving up for something that they can eventually do.

Gratton states that I would correct you on a special use permit does not have a given 3 year time limitation, we have granted up to 3 years extension.

Linda Delvaux states that a special use permit is one year, but the zoning board has granted up to three year extension.

Gratton states that you are asking for residential zoning, before we changed the ordinance we had made zoning changes from Ag to residential in areas of the county, but with a special use permit for a non-farm house, they zoning district will remain agricultural with the special use for the single family home. The neighbors are zoned agricultural with that residential use. Residential zoning has different uses and different intent than the non-agricultural residence. I don't think this lot would be intended for residential.

- Daisha Boehm indicates that the other parcels were grandfathered in as agricultural and that is why they are in that zoning. If they were not grandfathered in as that they would be classified as residential. They are more residential and not used as agricultural.

Gratton asks if they worked with the Zoning Office to determine the best classification.

- Daisha Boehm indicates that we did not. I wish we would have, we are new to this. Moving forward we will work with Linda. It is 0.6 miles from the village and thought it would fit that criteria for residential.

Gratton states that is a plus, but Elizabeth has not defined that area as the intention for this area. There is a lot of agricultural around you.

- Daisha Boehm states would it help that the land could never be used for agricultural purposes, it can't be row cropped.

Gratton states trees are agricultural as well, just as it was before an agricultural use. We are trying to keep the integrity of the ordinance intact and would have helped to talk to the office.

Gratton asks if you had a chance to look at the Natural Resource Inventory Report

- Daisha Boehm indicates no we have not.

Gratton states that the information that is provided in this report is helpful. This property is under laid with Silurian bedrock which only covers about 9% of the county. I think our goals are the same in preserving, but the plans for roadways and home site need to be established.

- Daisha Boehm indicates that they have not figured out their plan yet. They definitely want to keep it as close to what it is now.

Gratton states the application should have had that information initially, it is lacking it.

Public Testimony

Raymie Diestelmeier, 4602 S Derinda Road, Elizabeth

- I am being taxed on my real estate as scenic and with this additional house behind me; I have no reason to believe that I should be taxed on scenic property anymore. This fall trees were being cut down in the timber. What else is going to happen to this property?

Gratton states that this meeting is not about your taxes.

- I am stating that the value of my land will go down with this additional house. The basis is the traffic will be coming in and out, he is running his business out of his property, which is not being taxed as a business.

Gratton states that I think you are referring to a property that is north of the property we are considering tonight.

- I know there will be a lane coming behind my property to get access to the lakes and

ponds.

- Daisha Boehm indicates that property has nothing to do with this request. The property will be sold to Danesa & Cody Harbach and will be theirs and will have nothing to do with Bill & Dena Boehm's property.

Craig & Jenny Schnitzler, 4794 S Derinda Road, Elizabeth – adjoining property

- Their proposed lane will go along the west property line right behind our house. This will take our privacy away; we have a deck on the backside. It will cause our property value to decrease. We have three small children that play on the deck and back yard. The gravel road will be an issue; it is about 40 feet from the back of our house. There will be a lot of traffic, if the house goes in.

Gratton asks petitioner if what he has indicated as the area for driveway is what they are planning.

- Daisha Boehm indicates that is the intended location for a driveway, we are not bad people we would be sensitive to making it convenient for everybody. They also plan on raising a family and kids; they understand that aspect and respect it. They would be happy to work with and make all their neighbors as happy as possible.
- It is going to be a driveway there, we have Derinda on the east side then on the west side it was our privacy, there is already a driveway 50 yards below the proposed driveway going to Wayne's cabin, now you have two driveways, it squeezes things in close.

Gratton asks the width of the area where the driveway will be

Linda indicates that it is about 60 feet at the narrow point.

- If you were standing there it is more like 40-50 feet judging from where the fence line is and survey stakes. A lot of mowing of small trees has been taken down, in preparation for their house.
- Daisha Boehm indicates what he is talking about is brush, not trees, they are cleaning out as much brush as they can.
- If you were standing there you would understand what has been mowed off, some of it is brush, but there are small walnuts and oak trees that are 3 inches in diameter that have been shredded down.
- Daisha Boehm indicates that would be the last thing we would do, we know the value of walnuts. They are trying to keep as many trees intact as possible.

Tracy Diestelmeier, 4602 S Derinda Road, Elizabeth

- I would like to concur with Craig Schnitzler that there has been brush cutting including small trees all along the back of my property. I have not checked out the other end of our property.
- Daisha Boehm asks why this other property is being brought up because it has nothing to do with the request.
- It is being brought up because he was traveling through here and indicated to me that this would be for access to the new house. Erosion is already taking place. If they are not ready to build, I would hope that the County Board would wait till all the information is in and the decisions have been made before making that residential change. If Wayne Wand and Bill Boehm are making the ownership decisions now, but they are not the one making final decision when the house is built can't it be looked at later? We bought this because the Ag on both sides, that is why we bought

this property. We have a row of trees and bushes that screen from the roadway. Daisha is doing a fantastic sales job and I would expect that from you, you are a good person, but she is not the one making the decisions, she is the spokesperson. Bill went to Craig and said let's put the road between Diestelmeier's and Schnitzler's. We are good neighbors to Schnitzler's. I don't think that is taking care of the neighbors.

Danesa Harbach, 4502 S Derinda Road, Elizabeth IL 61028

- Bill did not go over for that, he wanted Craig to have the best option for putting in the lane, if Craig was happier to put it into the north of the property rather than behind him. He was not interested so it is not in our plans at all. The house would be on the very western edge of the property, nowhere near the homes that they would be able to see our house. Their view would be no different.

Daisha Boehm, 4502 S Derinda Road, Elizabeth IL 61028

- I feel a lot of other issues are at play and we are discussing land that is not up for review right now. They don't want to see anybody else's house; they want their privacy as much as everyone else.

Gratton states that we are only considering the one parcel, but what happens on one parcel sometimes does impact neighbors.

Tranel asks about the location of the home site being on the west edge of the property that seems it would drop off and be difficult, but not impossible.

- Daisha Boehm indicates they are not talking about on the hill at all, but where the flat land is, it cannot be seen from any other house around. They wanted to make sure they could not see their parents' house at 4502 S Derinda Road. They don't want to see anyone else; it is in an area that is flat and not on that slope.

Carroll asks if you are set in the map amendment request. To me this is an agricultural area

- Daisha Boehm indicates the reason for the rezoning is they are not sure when they will financially be able to build, they wanted to ensure when they went to build they could.

Public Testimony Closed

Gratton states that I would see more the special use than the residential zoning district.

Tranel agrees; this is more suitable for special use, fits ordinance better.

Winter asks what the homes along Derinda Road zoned.

- Linda indicates they are all zoned agricultural, pre-zoning.

Carroll indicates that house adjacent is a newer house.

- Linda states we looked at the zoning map before we left the office and this did not indicate to us that it was zoned residential and did not indicate a special use was done on it either. This would then most likely be considered a lot of record, but I would have to confirm that with records at the office.

Diedrick asks that a special use permit can be renewed, correct?

- Linda indicates that an applicant can apply for a time extension to the special use permit; you have done those in the past.

Carroll asks what the history is on time frames and process they would have to do.

- Linda states history has indicated that if this board has granted an extension at the time it has been typically 3 years. We did have one that comes to mind that had a 3 year time extension initially, did not start so they came back for another time extension.

Gratton states that I don't think the time frame is the big issue here. We have been open to granting extensions. I think a special use permit could accommodate this as well. If nothing anticipated in the near future, we have the time to do this correctly and not rush it. Is this the correct zoning for this property with what is around it? To change to residential we also have to consider if there is a need for it, I see no need for the new building site. Is there property available that is residential, yes there are.

Tranel states that we have questions that need to be answered by petitioner and they do not have the answers right now.

Carroll agrees that it should be a special use, it is agricultural in that area, if closer to Elizabeth that may be something that was going to be annexed, and you might consider it. This also puts a potential burden on farmers for setbacks.

Diedrick states that we need to look at this area to remain agricultural.

Gratton states that we don't have the full information to make a decision on this request.

Tranel states that it does not seem right to put residential here when surrounded by agricultural

A motion was made by Gratton to continue this request to consult with the Zoning Office for the further information pertaining to the Standard and review if this is the appropriate zoning usage.

Seconded by Diedrick

Roll Call:	Nick Tranel – Aye	Mel Gratton – Aye
	Gary Diedrick – Aye	Laura Winter - Aye
	Jody Carroll – Aye	

Steven & Deanne Arthur, owners (address: 15794 Clover Lane, Dubuque IA 52002), contract purchaser/petitioner & Powers Family Limited Partnership (Daniel & Deborah Powers, W8693 Hales Road, Browntown, WI 53522) and James & Deborah Sullivan (5836 S Piroke Road, Stockton IL 61085), owners, requesting a Special Use Permit to allow for an outdoor recreational use, zip line canopy tour, also requesting a variance in standard 8-5B-27. Common Address: 3247 W Longhollow Road, Elizabeth IL 61028

Staff

- Comprehensive Plan: In the County's Comprehensive Plan it is stated that Jo Daviess County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy. It places a high value on new well-planned commercial and industrial growth, due to the demand for jobs and the sufficient wages they can bring. The County would

encourage these types of developments to be placed in the appropriate areas that have the best capacity for supporting them. They must also balance the desire for new growth with the equally important needs of health, safety and welfare and the scenic beauty of the County. The County also supports the tourism industry, of which this request is tied closely too. The county's tourism economy is strong, the agricultural economy, while still strong here, can expect increasing pressure from encroachment of development into the agricultural areas. The Comprehensive Plan goes on to indicate that the scenic beauty and pastoral appearance of the county have been identified among the most significant attributes and are the very underpinnings of the tourism economy. The residents support rural ambiance and at the same time value tourism. Careful land use planning can allow for growth and development while preserving the natural beauty and rural character of the county. By managing development and directing it to areas best able to support it, the agricultural economy, rural character and scenic beauty of the county, valued by county residents, can be protected to a greater degree. The principles on which the Comprehensive Plan are based on are not anti-growth, but rather "smart growth".

- **Wastewater Treatment:** According to the USDA soil survey, the soils near the existing barn, where the proposed septic system is to be placed are Group I and suitable for a conventional septic system. The remaining acreage has many soil transitions, most of which cannot support a conventional septic system. On-site soil borings have not been completed at this time and would ultimately determine the soil type and best location for the septic system. This property will be served by a private water well. If this business will regularly serve 25 or more non-resident individuals daily for at least 60 days a year, then the well would be considered a non-community water system. Periodic sampling is required for a well that falls under this classification.
- **Access Considerations:** The property has an existing entrance with adequate sight distance onto Elizabeth Township maintained Longhollow Road. The applicant proposes to build/improve an access roadway to a parking area. The roadway should meet IDOT design standards for the anticipated traffic volume. This access road also includes a new one lane bridge over Furnace Creek. This bridge should meet current IDOT design standards/specifications regarding structural and hydraulic capacity. Since the bridge is one lane, there will need to be adequate sight distance for approaching traffic to ensure vehicles do not meet on the bridge.
- **Other Considerations:** This request is in Elizabeth Township and sits a little over a mile south southeast of the Galena Territory. The assessor notes indicate there is an abandoned home on this property that is in very poor shape as well as some outbuildings. Applicant has informed this office that the building has been demolished. Applicant will want to work with the Assessor office to get those structures off the tax role. The applicant has also requested a variation in the Standard 8-5B-27 which would require an outdoor recreation and entertainment use to be located on an arterial or collector road and that the public activity areas shall be located at least six hundred sixty feet from any adjacent residential district or residential dwelling. Longhollow Road is not considered to be either an arterial or a collector roadway and there is one residential dwelling within the 660' of the access to the requested use. The applicant has provided a site plan indicating approximately 30 parking

spots which will be more than sufficient according to Chapter 4, Article D of the Zoning Ordinance and any lighting installed will need to comply with Chapter 4, Article E as well. The surrounding area has a mix of Agriculture and residential uses. Staff has done a Land Evaluation Site Assessment (LESA) on this parcel, but, it is important to understand that the purpose and intent of a LESA is to provide a rational objective process for assisting local officials in making farmland conversion decisions. This parcel will remain agriculture with petitioner applying for a special use permit. The LESA Point System has been designed to provide for the assignment of points: values of 200 and above indicate that the site is a prime location for agricultural retention, values above 165 up to 200 indicate that the site may be suitable for non-agricultural related uses depending on other factors and values of 165 and under indicate that the site is generally suitable for non-agricultural related uses. Point values are not intended to be bright-line-cutoff limitations. Every project proposed is to be considered in the context of its unique characteristics. The proposed US 20 4-lane corridor runs through this property. The applicant has contacted IDOT and they have indicated the project is not currently funded and they do not intend to purchase the corridor and have indicated the applicant has satisfied the corridor protection notification requirements, with respect to potential development. The LESA done on this agricultural piece came in at 155. The LE score came in at 45, which is below the County average of 62.2. An Ecological Compliance Assessment Tool called ECO-CAT was used as a consultation for endangered species protection and natural areas preservation. The requested area sits adjacent to Tapley Woods Illinois Natural Areas Inventory (INAI) Site and indicates the Drooping Sedge and two different bat species may be in the vicinity of the project location. The applicant has been in contact with Keith Shank from the Department of Natural Resources and will work within the Departments mitigation guidelines if any of these species are found in an area to be impacted by the special use permit.

Steve Arthur, contract purchaser/petitioner

- Mackenzie Arthur, my daughter, is my technology technician and she has the history of being an experienced zip line guide as well.
- Looking to purchase this 210 acres of land and get a special use permit. We have a financial investment in this to date with trying to put forth a complete packet as possible not only for board, staff, but for the surrounding neighbors as well. Show a sample sign that will be put on the property also show a video by Bonsai Design who was obtained to consult on this property. This video is not the property in question and is more significant in size than what we are requesting. We want this to be more than just zip lining through the trees, but an educational experience, bring people closer to nature, sharing the history of the area, and guides would be advocates and resources for the area.
- This is about 2.5 miles from the front entrance of the property, adjacent to Galena Territory and Tapley Woods. We looked around the country for a suitable piece of property for our needs; adequate road, topography, and mature tree stands. This property is close to Highway 20, and larger areas, tourism market here, stand of

- hardwood trees, we do not intend on removing any more trees unless absolutely necessary, will do limb trimming. This is close to our home which is in Dubuque, we looked in Virginia, Wisconsin, and North Carolina and we ended up here.
- Try to narrow the scope of the piece of property, 44 acres of the 210 acres is inside of our proposed special use. We have up to about 100 feet of border buffer area around the facilities, only exception is in the back, we drew a straight line. We did not define per staff suggestion this in legal description so that someone could not go and record this as a separate piece of property. The Ag fields are outside the corridor of use except for a small strip. The Ag fields will be continued to be farmed, currently they are in CRP, will take out and put in productive Ag fields.
 - Operation schedule: Mid-April to Memorial Day – Part time, Memorial Day to Labor Day – 7 days a week, Labor Day to end of October/beginning November – Part time. Schedule is tentative yet, but Part time schedule – Tuesday & Wednesday – closed, Thursday, Friday, Sunday, Monday – ½ day schedule, Saturday – full day (6 tours); Full time schedule – Monday, Tuesday, Wednesday – 4 tours, Thursday, Friday, Sunday – 6 tours, Saturday – 8 tours. Maximum participation on any tour would be 10 people with 2 guides. Our consultants recommended expanding the number of tours a day, but we are not in favor of that because we need to be sensitive to the neighbors and our traffic counts. The busiest time would be middle of June to middle of August and fall weekends because of changing colors.
 - We are going to rebuild the road and it will be 18 feet wide, we have the stream to deal with, intent is to put the parking near the barn. The barn would be renovated to where the registration area would be. Barn is not historical, desire is to use the barn, but doing this is expensive, if this is not structurally sound, then we would tear down and build a new building no larger than what was existing. This would be similar to other barns along the roadway. The facility function is to register people, harness the people into the gear, retail sales of primarily clothing, restrooms, minimal vending options, no interest in being a restaurant, and store equipment.
 - To get people to the top of the course we would create a path, close to the Ag land and transport to top by purchasing new mules – 6 passenger (1 instructor and 5 patrons) would need 2 for each tour.
 - First stop has the safety training, then steps or ladder to get to the first platform, trees are not on the top of the property due to getting blown over or damaged due to weather. We have 9 elements, first 5 are zips ranging with 900 foot runs, propel to the ground then, we suspect the drooping sedge found in the Eco-Cat would be in the area of the propel to the ground, they will follow a path to another point (timber roads, atv road, we would try to use those as best as possible, 140 foot rope bridge from ground level back up to a platform, then will do last zip coming out of the trees at a distance of just shy of 1,300 feet to the registration building. Constructed tower of wood not metal. This tower will be the only thing that will be visible for the course. The tour will last from 2-2.5 hours depending on how many. Each tour will have 2 guides 1 in front, 1 follow. We are banding the platforms to the trees, no nails, stakes; trees have to be able to grow. You need more than one tree in an area; you need a family of trees to band together.
 - The stream covers 7.5 square mile in a hundred year flood area. Three different options – Option 1 - put registration and parking up on front of the property – proximity to the flood plain, to close to the neighbors with parking and registration area. To cross the stream we would have to build a pedestrian bridge and use ATV to

get to course. Option 2 – use barn as registration, parking only on the other side of the stream still caused issues with flooding, too close to neighbors, operational issues yet, and we would still put in a pedestrian bridge. Option 3 – most expensive, construct a vehicular bridge across the stream. Proposal was for a railroad car to be used, this we thought would be less expensive than bridging the stream, and we would have the hydraulics of the water engineered, embankment engineered and the stamp of approval on the bridge. The railroad cars would hold about 145 Tons, and would have to get an engineer to design and stamp it. We will put together a bridge, embankment, and hydraulics that have all been stamped by an Illinois engineer; It is looking like we would probably do the pre-cast concrete bridge similar to most roadways. 12 feet wide and ensure clean line of site and engineered completely. Would work with county staff to get this placed correctly.

- Traffic counts – peak season Monday through Sunday maximum patrons would be Monday, Tuesday, Wednesday – 40 patrons, Thursday, Friday, Sunday – 60 patrons, Saturday – 80 patrons. We have used all numbers based on 75% capacity to figure traffic counts. 2 people per vehicle average. Employee staff, one manager, various crews – tours would run about every hour. We anticipate 382 weekly, 55 daily, current road counts are 350 per day, and we are anticipating a 16% increase of vehicular count. If you consider the whole season I anticipate that number to be half. Cars should not be crossing with the staggered start times.
- Adjoining landowners – very conscientious of this, we are not going to operate an outdoor music facility, what we will be allowed to do would be only what is in this application, no more. We will not have intrusive lighting, we will primarily operate during the day, we will potentially on occasion run an evening tour, but you have to have perfect weather conditions and a full moon to make it work, we do not light up the place. The only lighting would be security lighting at night which will be full cut off. The course itself is well away from the neighbors.
- Hunting is a concern in the area; we are not operating during deer season we will be shut down before then. We will post our property no hunting, I have no opposition to hunting, but I can't allow people on this property with what will be invested in this. Tapley Woods does allow other hunting as well, but should not be an issue. This should not restrict adjoining neighbors on their ability to hunt. We want to naturally screen the parking lot. Only thing you should see from the road is the final tower and the registration building and a hidden parking lot.
- This fits into the County's Comprehensive Plan vision statement – preserve rural character by maintaining all the Ag fields, preserving the scenic areas because that is what we are trying to sell in this process, and for 7 months we will give you outdoor recreational opportunity. Keeping the tourism in mind, expand the counties recreational uses and scenic beauty and the pastoral appearance of the county – everything we are doing is going to maintain this.

Carroll asks about how you anticipate the traffic.

- Mr. Arthur states that most of the traffic will come through the main entrance to the Galena Territory. My reason for thinking is based on the average traffic counts. Our directional signs will be the only one we can put up will be on the property; our other option would be renting billboard space or TOD signs. We will direct people to the main entrance and down.

Gratton asks about the roadway from the bridge up into the property with slope

- Mr. Arthur states that where we are going to put the driveway is not that steep, we will try to minimize the grade as best as we can, we will put an 18 foot, 8 inch rock sub-base road so it will be a quality rock road. We will maintain it and the equipment to deal with erosion.

Public Testimony

Dan & Gerry Sullivan, 2959 W Longhollow Road, Elizabeth

- I am the property that this property surrounds. When this property came up in an estate sale I was outbid by \$100 by the guys that bought it. I then made an offer for the 84 acres that went off the back of my property and would include the entirety of what the petitioner wants to do with this zip line. I want to ensure you that I no longer have interest in the property and do not want to buy it. The property is going to be right in the way of Highway 20. This then will drive the price up when the State goes to buy the property rather than it just being farmland. I specifically object to any opening of 8-5B-27 recreational entertainment variance. If you grant a special use variance then it should be for exactly what the buyer wants. It shouldn't be for anything more than that. We could have dirt bike trails, or other outdoor activities. There should be a limitation to what is being asked for as well as a geographical limitation to the variance to ensure the special use is limited to what the petitioner wants. The special use should not be able to continue if the highway comes through. The road does not meet the requirements of 8-5B-27; it is not an arterial or collector road. West Longhollow is a farm road. Safety issue with the road and farm traffic. I raise race horses and I maintain a cow/calf herd, this is not a place where tourists can come up to and pet the horses, this will create trespassers onto my property, which I am not sure my insurance will cover. When the rodeo happens, we get traffic coming to our place asking where the rodeo is, my workers will be tour guides. I would like to see a variance to let them put up signs so that they leave me the heck alone. We hunt on our property and have nightmares about someone being shot while on the zip line. We have been assured that they will not run during hunting season. Granting the variance will inalterably change this area from a farming area, it should be granted only for what he is asking for, nothing else, and ensure roadway safety and the safety on my operation.

Gratton asks about the area to be utilized.

- Linda Delvaux states it was initially decided to establish a corridor of use and that the special use would be attached to the corridor of use. This limits the special use to the corridor only. I didn't want the corridor to be established as a separate parcel. The intent here is no matter what the corridor of use would be attached to that special use. The surveyor did not put stakes in the ground, but you can identify those points when geographically mapped out. No legal description was done, but, a surveyor could get a legal description if one is desired.
- Mr. Arthur indicates that we can get one if we need one.
- Mr. Arthur states that this is not a plan to profit from Highway 20 going through that is the last thing I want to go through this property. I called IDOT as to the likelihood of the project; they did not indicate this was going to happen anytime soon. We do not want to run other things, only the zip line as it is laid out on the map. IDOT has signed off on this and have no intention to buy this property, they will have first right of refusal to buy the property. If nothing happens with that in 2 years it disappears. There is a moratorium and statute of limitation on what they have designed and if

they don't do something within the next 2 years, it disappears from the map. We want this to be a long term adventure specific to this area. We will have a large sign as large as we are allowed right at the entrance of the property. We are not allowed to have more than one sign. I would be delighted to have more signs. I would post the fence line with private property, no trespassing, horses, and stay away, whatever is needed. The speed on Longhollow up to Brodrecht is 35MPH after that it is 55 MPH. A suggestion, and I would work with the county, would be to utilize yellow warning sign stating turning ahead, 35 MPH. During the peak season we see about 16% increases in traffic on a road that is already busy; I wish I could control the speed limit, but I can't. We are limiting our activity to that corridor that is showing. I am willing to work with you to keep people from coming onto your property.

Glen Evans, Longhollow Road

- I own land slightly west of this property. I would like to comment, not necessarily on the environmental question, as to agree with the previous speaker that this is a very major consideration and I don't think that we have enough facts at the moment to be able to make a judgement. I think it is incumbent on the board to independent auditors to look at this project to see that it is in fact viable. This will be for profit and will need to look at this in an objective way and make a much more assessment than we have at the moment. How much is it going to cost him, this needs to be disclosed and known. We have the Galena Territory where most of the recreational facilities are situated, that is a much better development for this.

Mr. Arthur talks about his financial background – we own 2 businesses already, I am a CPA by training, 10 years in public accounting, I do my own financial projections, I am probably the most conservative business person you will ever meet. I can assure you that I am not going into this adventure if I don't think it is viable. I am putting a significant amount of personal capital in this, there will be financing, we have anticipated values we can charge, I would like to not disclose that now, also the zip line people have suggested prices. There is not enough land in the Galena Territory for sale to do this, with the topography and the trees.

Alan Bird, south of the request

- We travel Longhollow with farm equipment. There are blind curves on this road. IDOT sent a letter a few years ago about not developing my land because if we did we would not be compensated for those improvements. I have not gotten any release on that. The Comprehensive Plan lists a number of goals, three of them on page 16 of the application – scenic beauty, Ag usage, rural character. I don't see how any of this activity will improve on that. I think the applicant did a fine job putting this proposal together. I have concerns about having the 200 acres and if this is not successful, then what. Putting up big signs is not my way of enhancing the scenic beauty. What does a tour involve?

Mr. Arthur states that a tour is the grouping of up to 10 people which will be transported from the barn to the top of the course; they do the entire course and then come back to the registration.

Ron Malon, 2988 W Longhollow Road, Elizabeth

- I live across from the request. I have no objection to the zip line, but the traffic is a concern. I figure with their figures 350 cars per day, 14 cars an hour and you will

increase on Saturday by 40 cars going in and going out, 11 employees in and out, that is 10 more cars per hour, from 14 cars per hour and adding 10, how is that 17% increase. The traffic count at the main entrance to the Galena Territory people are going into the Territory not coming down our road. I think people will come from the east and will take them down Elizabeth Scales Mound down to Longhollow. There are 2 maybe 3 single car bridges on Longhollow. Longhollow has no shoulders, ditch on both sides, narrow road. Longhollow Road speed limit should be lowered. If traffic is coming from the east they will need to turn left into the property, you cannot see down the road as there is a curve in the road.

Mr. Arthur states that I stand by my math. Your assumption is that 17% is over 7 days, Saturday will be the busiest day, but I am assuming Saturday will increase by 82 cars. I can go on the information for traffic count on Longhollow further down that they do not utilize that with only having 50 cars per day. The Staff Report indicated the line of site was 0.3 of a mile.

- Steve Keeffer states that they were adequate. From the driveway to the curve the distance is about 400 feet, I wasn't concerned when I looked at it. I can go back out if need be. There is brush to the east and I figured Mr. Arthur would take care of that.

Bobby Turner, W. Longhollow Road, Elizabeth

- I know this property very well; I have been hunting this property, cutting wood up in here. Is it 100% sure you are putting the road in where it currently is or could you move it from Sullivan's fence.
 - Mr. Arthur states that I did not want to take any of the farm fields in order to move the driveway.
- The traffic turning left into the property, I have wagons and trailers that I have and I have not had an issue pulling in there. There is a visibility issue, but not an abundance of an issue. I am not opposed to the zip lines at all. The road going up in there should not be very steep. There are logging road in there, I have been cleaning up on the logging roads. The building is very solid on the inside; I could see you reusing that. It is not an old antique barn. There is a buffer for the surrounding properties and hunting. We need to slow the traffic down on Longhollow that is not his problem, it is all of ours.

Mr. Arthur indicates that he will be re-fencing the area to secure it.

Mackenzie Arthur

- Typically on road if you are not familiar with it you drive slower to look for the property; if you are familiar you drive faster because you know the road better.

Public Testimony Closed

Gratton states that the Highway 20 corridor was established. This special use being requested tonight will be the only thing that will be allowed if approved on this property. Anything that is not included he will have to come back to ask for that.

Diedrick asks about concern with signage and speed limits.

- Steve Keeffer states that the County Board has the power to alter speed zones, but it needs to be based on a speed study, you need to go out there and clock vehicles, and then at the 85% speed; you take the 85 slowest of 100 cars that is what the speed would be. We can do it, I don't think the speed limit will be reduced that much

maybe 45 MPH to 50 MPH.

Tranel asks if any additional structures will be needed on the property.

- Mr. Arthur indicates no we will not. I don't think we would be allowed any more than what we have presented. If we need to put up a barn for the Ag use we could do that.

Diedrick asks about additional restrooms along the course.

- Mr. Arthur states that we are not planning on any, we will indicate to them to take care of business before they leave.

Carroll states this is setback away from others in the area.

Gratton asks about the variance for the type of road.

- Steve Keeffer states that this would be a local road, collector roads are going to be county roads, and arterial roads will be Highway 20.

Gratton states the other variance he is asking for is to be less than the 660 feet to a residence. The driveway is within the distance of that to his house. The activity area is more than the 660 feet away from the house though and will not impact him.

A motion was made by Diedrick to approve the variance for standard 8-5B-27.

Seconded by Winter

The actual operation will be away from the roadway and this is unique to the situation.

Standards have been met

Roll Call:	Gary Diedrick – Aye	Laura Winter – Aye
	Jody Carroll – Aye	Nick Tranel – Aye
	Mel Gratton – Aye	

Diedrick asks if we can allow additional signage on Longhollow off-premise.

- Linda Delvaux states that off-premise signage is not allowed. You are allowed to vary or allow more signage on premise with the special use permit. They could utilize an existing non-conforming signage and reface it.

Carroll asks about the blue signs and the signs for curve ahead or entrance ahead

- Linda Delvaux states those are called TOD signs (Tourist Oriented Destination Signs) they need to apply to the road authority to get these signs.
- Steve Keeffer says you would need to work with the township road commissioner on that; I would be a mediator for that if need be. We also could do a speed study.

Gratton states I don't think we want to mess with the signage portion of the ordinance.

Diedrick states the petitioner presented a unique package. He seems conscious and aware of the concerns expressed by the neighbors, I would hope he would be a good neighbor to the adjacent landowners, we have no guarantee though.

Gratton states this is laid out better than just buying a smaller acreage of land. This is in the middle of the farm with the natural buffer and distance.

Tranel states the natural buffer is good, traffic could be a concern.

A motion was made by Tranel to recommend approval of the outdoor recreational use, zip line canopy tour as presented in the site plan/designated area along with providing a legal description for that designated area.

Seconded by Diedrick

Special Use standards have been met.

Gratton states that the brush along the road could be an issue, maybe work with township road commissioner at the curve up the road.

Gratton states there are impacts in the county, but also benefits for this. I don't think we can have development without having minor tradeoff.

Tranel states this is a clean enhancement to the county.

Carroll states this is a small imprint on the whole property.

Roll Call:	Jody Carroll – Aye	Nick Tranel – Aye
	Mel Gratton – Aye	Gary Diedrick – Aye
	Laura Winter – Aye	

Reports and Comments:

Special Development & Planning meeting Promoting AG at the Old School in Elizabeth Wednesday, February 3, 2016 at 1:30 pm. – invited Zoning Board if they can attend.

Nick Tranel made a motion to adjourn at 10:15 PM. Mel Gratton seconded. Voice Vote: All Ayes