

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
May 23, 2007**

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

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ Tom Heidenreich
- William Tonne
- ✓ Nick Tranel
- ✓ Dave Jansen (Alternate)

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- Heather Miller, Environmental Health
- Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, Jo Daviess County Board Member

Approval of Minutes: A motion was made by Susie Davis to accept the April 25, 2007 minutes with the changes **Comments: The Zoning Board directed Linda Delvaux to move forward on bringing forward text amendments to the ordinance for next month.**

Seconded by Nick Tranel Voice Vote: All Ayes

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

Unfinished Business

Glen & Genevieve Wiene, owners, requesting rezoning from Ag-1 General Agriculture District to R-2 Rural Residential, approximately 105 acres. Common Address: Buckhill Road, Galena. **Request sent back to Zoning Board from the County Board for clarification of motion.**

Mel asks Ron Mapes, County Board Member, to elaborate more on what the County Board is looking for with their request.

Ron Mapes states that we need to understand the reasoning behind the vote, there may have been doubt because the vote was split and the statement made; if this was somewhere else it may go through. What was the main reason for the recommendation to deny? We actually at the County Board level had a tie vote.

Mel talks about how it was sent back after the initial vote from the County Board, that maybe it should have been sent back before any vote was taken.

Ron states that the initial vote was tied and then nobody knew what to do with the request.

Mel asks if he thinks we should open public hearing again or not.

Ron states that it is your decision.

Discussion:

- Mel talks about the information from IDOT and what the proposed project will ultimately do to this farm, and any emergency access off Buckhill Road or Council Hill Road, but no new information was provided. Andy Lewis, City of Galena Engineer, stated that no matter where the emergency access is they will not be changing any streets in the city, both Dewey and Donnegan Streets.
- Linda Delvaux states that the City is planning on resurfacing areas of Donnegan and recognizes the difficulties with Dewey, but nothing is planned at this time.
- Susie asks Linda how she presents to the County Board the information.
 - Linda states that she reads the recommendation with any findings, conditions, or statements that were in the motion.
 - Susie reads the statements that were in the motion
Road access to the property from the City of Galena - Dewey and Donnegan inappropriate roads to serve the additional traffic
Not in the City's Contiguous Growth Area
Not in the County Comprehensive Plan to develop in this area
City voted at the Zoning Board and the City Council to deny this

request

- Density causes issues for the area to the infrastructure
 - Susie states that the denial vote at both boards in the City was a big issue. I do not see anything different that would change my vote.
- Genevieve Wiene talks about the acreages that will remain and that we will not have the 40 acres for someone to buy and put a house on each of the property. Talks about the emergency access from IDOT and the road systems, Dewey Avenue and Donnegan Street. Talks about the city annexing property in and Rawlins is losing tax money, we will have to generate tax money somehow.
- Mel talks about IDOT splitting this property with the highway and that the County Zoning Ordinance should not make this whole, IDOT should.
- You need to talk with IDOT if values are diminished and work that out with them.
- Ron Mapes states that this would be classified as a hardship with IDOT because of the splitting of the property. If we put everything together with the Comprehensive Plan and the road issues then this may be clearer to the board, maybe the County Board thought the only reason for denial was the road system.
- Mel states that a big issue is the road and how you serve the area.
- Genevieve Wiene states this is just an extension of our existing subdivision.
- Mel states we do recognize the other subdivision of your land, but that was created

- prior to zoning.
- Dave talks about Dewey Avenue and the fact the resurfacing may provide a better surface, but the only way to make Dewey wider and get 2 lanes is to tear down buildings. This is an old road and county board members should travel that road and they will see the concerns the ZBA and the City of Galena have with the access roads . Donnegan Street is getting resurfaced areas, but this is an old road and do not see this as a great improvement. The contiguous growth area was developed with a reasonable plan and Rawlins Township is getting generated tax funding. Not much on the request has changed. The city objected so you needed to get a ¾ majority to pass the request at County Board level.
 - Mel states that if county board members need a better understanding of the request they need to travel up and down Dewey and Donnegan.
 - Mel talks about the creating of the Comprehensive Plan and how we worked with communities on where development would work and not create undo hardships on infrastructure and townships. The biggest hurdle is the City of Galena’s objection. Mel asks if we should send this back to the petitioner and have them work with the City of Galena to get over the hurdles.
 - Ron states that may be a good idea because if they have covered all the issues and nothing will ever happen then I would feel comfortable.
 - Tom talks about the objection of the City and not the subdivision itself, was the info we used. I think it should go back to the City of Galena and try and solve the problems that created the denial.
 - Dave asks in the last meeting there was a request to downsize the number of potential lots and more time, and that was maybe what the nay votes were, but a majority could not see how that would make a difference.
 - Tom asks procedurally the motion that they have already done can they remove that.
 - Linda states that I am not sure that you can pull your motion or just clarify the motion as the County Board directed and send it back to the County Board.
 - Linda states that if you want to hold off then you can continue till next month, but if we do then we will have to publish in the paper again and that would be the petitioners cost.
 - Mel states that we probably don’t need to continue and we would be adding burden to the petitioner. Let’s put this in form of a motion with as much information as possible.

A motion was made by Dave Jansen to deny the request for R-1 Rural Residential stating the following:

1. Road access to the property from the City of Galena - Dewey and Donnegan are inappropriate roads to serve the additional traffic – Dewey Avenue is a narrow 1800’s street. The only way to make the road adequate would be to remove buildings and houses and widen the street. Dewey is inappropriate to serve the traffic from the subdivision into the City of Galena. Donnegan Street is an old road, but certain parts may be resurfaced or improved over time, it does not provide the appropriate

access for the same reasons. The City has no intention of improving Dewey or Donnegan. Current vehicle count per day – School Section/Donnegan – 100 vehicles, Council Hill Road 300 vehicles, Buckhill Road 75 vehicles, and Dewey with 550 vehicles, this subdivision would potentially put an additional 300 cars on those roadways per day.

2. This request is not in the City's Contiguous Growth Area - Representatives from the county met to talk about how each community wanted to grow and the City of Galena stated this is not an area that they wanted to grow, based on infrastructure and servicing.
3. This request is not in the County Comprehensive Plan to develop in this area – County accepted the position of the City of Galena and included that in the County Comprehensive Plan
4. City of Galena voted at their Zoning Board and their City Council to forward a resolution of opposition to the County on this request – With that filed, the County Board may not approve this request without a $\frac{3}{4}$ majority vote.
5. Density causes issues for the area to the infrastructure – ultimately will create a hardship for county and the city.
6. This would set a precedent in the area for the potential subdivision of other property and create a bigger burden and does not create good planning.

Seconded by Susie Davis

Discussion:

- Mel states that if the county sees that more review needs to be done with the City then the County Board could request to the petitioner work with the City on the issues.
- Tom and Nick agree with that statement.

Roll Call: Tom Heidenreich – Aye
Nick Tranel – Aye
Susie Davis– Aye
Dave Jansen – Aye
Mel Gratton – Aye

New Business

Jo Daviess County Public hearing and recommendation requesting Text Amendments to the Jo Daviess County Zoning Ordinance.

Linda Delvaux, Zoning Officer

- We want to take care of some housekeeping issues. By deleting the following it doesn't change the intent of the ordinance, but, it does bring this paragraph into compliance with an amendment that was done previously. This language should have

been changed at that time, but, it was missed. Below is what would be added and stricken. Farm residence is now referred to as agricultural residences and mobile homes were previously taken out of the permitted uses in the Ag district, but inadvertently left in the purpose section. This is just confusing to anyone trying to read and interpret.

3.1 PURPOSE

D. Permit the construction of additional ~~farm residences/mobile homes~~ agricultural residences on a farmstead. ~~for the use of the immediate family or employed farm manager or laborers.~~

- We have come across properties that were deeded and recorded prior to 1995 with a legal description, but did not have a drawing or plat recorded. This would allow those properties the right to build a home if they have a legal description recorded prior to 1995 and remained the same acreage today with out having to rezone the property. Below is what would be stricken.

3.3 LOT SIZE REGULATIONS

A. Minimum Lot Area, Principal Residence—Two (2) acres.

For non-agricultural residences, forty (40) acres, however, except that residences may be constructed on a lot less than forty (40) acres if the lot was recorded as a lawful ~~platted~~ lot prior to March 1, 1995 and provided further that said residential use conforms with all septic and waste disposal requirements for said use.

- Looking at changing from Farm Consolidation to be able to split an existing agricultural residence off with requirements of 2 acres and 150 feet at the front property line. By not requiring this to be a farm consolidation it would allow an Ag residence built prior to 1995 to be split from the farm and allow the residential use to continue and would eliminate the spot zoning of these kinds. Many times a farmer no longer has a need for the residence, for one reason or another, this will allow an existing structure to be used and maintained without spot zoning residential pieces in an agricultural area. Below is what would be stricken and added.

3.7 ~~FARM CONSOLIDATION EXISTING AGRICULTURAL RESIDENCES~~-- Single-family ~~farm dwellings~~ agricultural residences existing at the time of the effective date of this Ordinance, ~~which remain after farm consolidation~~, may be separated from the farm lot provided:

Public Testimony

None

Public Testimony Closed

Discussion:

- Tom asks if the agricultural residence is in the definitions of the Zoning Ordinance.

- Linda reads the definition from the Zoning Ordinance
- Dave asks about the clean up of language
 - Linda states that we did previous amendments to take out mobile homes from the Agricultural District and this was missed in the purpose section and we want to remove any contradictory issues.
- Mel asks about the possible housing in place of a mobile home so that we have an understanding.
 - Linda states that the building code does not allow a single wide mobile home, but you can put a double wide set on a permanent foundation, the double wide would have to meet the affidavit and the building code for roof slope and other requirements.
- Tom states that the agricultural residence is not clearly defined; I would think a mobile home would be considered a residence under that definition.
 - Linda states that the ordinance is not allowing a mobile home. The State's Attorney did review and made no comment on the changes.
 - Susie states that you are not allowing a mobile home in the Ag district, just an agricultural residence.
- Mel goes over the history of the zoning ordinance with mobile homes.
- Ron Mapes states that it may come to modern equipment that can do more and then need less people therefore not need the residences.
- Dave talks about if you did not have the language in the ordinance for additional residences then can't you build multiple houses on one parcel.
 - Linda states that 3.1 Purpose D is only under the purpose, that is not what is allowed. We are already open to multiple houses on a property, the only way to control this in an agricultural district for an agricultural use is to do lot size regulations or acreage density on ag residences.
- Nick talks about the use for additional Ag residences.
 - Linda talks about the information we need to determine what an agricultural residence is. If it is truly an agricultural structure than they get a site permit.
 - Marvin Schultz states that we are using terms and we want to make sure that we use the correct terms – site permit or a building permit.
- Mel states that he supports the changes coming forward.
- Marvin asks about the changes allowing the Ag residences to be split off then we are allowing more Ag residences to be built in another section of the ordinance. How are we going to treat the ones after 1995 when they want to split off and they were initially built as an Ag residence? Are we creating the same problem?
 - Linda states that we have that problem under the ordinance right now, they are supposed to be rezoned according to the ordinance. That is not easily caught.
- Tom poses a scenario with shareholders owning a farm and wanting to build multiple homes.
- Linda states that a possible scenario that could happen on larger pieces of property.
- Linda asks for the terminology on page 11 Article 3 Section 3.3 B (2) ...~~and/or~~

~~mobile homes~~ to be stricken from the text. This again, will bring this paragraph into compliance with existing language in the ordinance.

3.3 LOT SIZE REGULATIONS

B. Minimum Lot Area

- (2) Resale of such residences ~~and/or mobile homes~~ to outside parties, however, shall make them subject to all requirements of zoning, building, septic and other applicable ordinances, including the County's Subdivision Regulations.

A motion was made by Tom Heidenreich to recommend approval with the following changes:

1. 3.1 PURPOSE D. Permit the construction of additional ~~farm residences/mobile homes~~ agricultural residences on a farmstead. ~~for the use of the immediate family or employed farm manager or laborers.~~
2. 3.3 LOT SIZE REGULATIONS A. Minimum Lot Area, Principal Residence—Two (2) acres. For non-agricultural residences, forty (40) acres, however, except that residences may be constructed on a lot less than forty (40) acres if the lot was recorded as a lawful ~~platted~~ lot prior to March 1, 1995 and provided further that said residential use conforms with all septic and waste disposal requirements for said use.
3. 3.7 ~~FARM CONSOLIDATION~~ EXISTING AGRICULTURAL RESIDENCES-- Single-family ~~farm dwellings~~ agricultural residences existing at the time of the effective date of this Ordinance, ~~which remain after farm consolidation~~, may be separated from the farm lot provided:
4. 3.3 LOT SIZE REGULATIONS B. Minimum Lot Area (2) Resale of such residences ~~and/or mobile homes~~ to outside parties, however, shall make them subject to all requirements of zoning, building, septic and other applicable ordinances, including the County's Subdivision Regulations.

Seconded by Nick Tranel

Roll Call: Nick Tranel – Aye
Susie Davis – Aye
Dave Jansen – Aye
Mel Gratton – Aye
Tom Heidenreich – Aye

Reports and Comments:

Mel would like to schedule in the second or third week of July a meeting to start going over the rewrite of the Zoning Ordinance.

Nick Tranel made a motion to adjourn at 8:45 PM. Susie Davis seconded the motion. Voice Vote: All Ayes