

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
March 26, 2008**

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

Roll Call Present:

Planning Commission:

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

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- ✓ Matt Calvert, JDC Health Dept.
Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, JDC Board Member
- ✓ Marvin Schultz, JDC Board Chair

Approval of Minutes: A motion was made by Susie Davis to accept the February 27, 2008 minutes. Seconded by Bill Tonne Voice Vote: All Ayes

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

New Business

Johnson Rinn Development (Bob Johnson & Bill Rinn), owners, requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential. Common Location: Frontage on North Miner Road, just south of the intersection of North Miner Road and Stagecoach Trail

Michael Toepfer, attorney with Vincent, Roth, & Toepfer representing the owners, requested a continuance until the May 28, 2008 Planning Commission/Zoning Board of Appeals Meeting

The continuance was granted.

Gary & Mary Frank, owners, and Fischer Stone & Materials, petitioner, requesting a Special Use Permit to allow for the reopening of an abandoned quarry. Zoning District Ag-1 General Agricultural. Common Location: Just south of 7333 South Town Hall Road, Stockton

Staff Report

- Comprehensive Plan: The Comprehensive Plan does not address quarries.
- Access Considerations: Sight distance at the existing entrance for the proposed quarry is adequate.
- Waste Treatment: The Illinois Water Well Construction Code mentions that any excavation for the discovery, development or production of stone, sand or

gravel is a potential route for groundwater contamination. To protect wells from contamination, a minimum lateral separation distance, from quarries, is 200 feet in clay and loam soils. The soils on this lot and the property to the north are clayey soils. The nearest well is located approximately 600 feet to the north of the existing quarry location. According to the plat of survey, the northern most property line of the quarry is approximately 300 feet from the nearest well so if maximum expansion of the quarry did occur, the required distances would still be met.

- Site Considerations: The only home within the 1000 foot setback would be owned by the owner applicants, Gary & Mary Frank; all other residences are beyond the 1000 foot setback of the requested expansion. Quarries are allowed by Special Use only in an Agricultural area. This request sits in an agricultural area that had been previously quarried.
- Other Considerations: This quarrying of this parcel had occurred and was abandoned before zoning was adopted in the County in 1995.

The following is a list of conditions that are typically attached to special uses for quarries:

- size limit; legally surveyed site
- Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
- A 4 ½ foot fence, surrounding the quarry
- No fuel storage on the site.
- No asphalt batch plants or concrete allowed.
- Change in ownership or any kind of new lease will terminate the Special Use Permit.
- Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
- Upon reclamation a minimum of 2 to 1 slope would be required for the sidewalls, with cover and seed as with topsoil and vegetated growth.
- Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
- Bonding for the reclamation of the quarry with a minimum of \$25,000
- No materials stored off site
- Operation hours limited (to be established by the Zoning Board of Appeals if necessary)

Paul Brashaw, surveyor

- 5.51 acres Gary and Mary Frank live about 300 feet to the north of the request. This is a layered stone that they will be mining for decorative walks, sidewalks, patios, small retaining walls. They do not anticipate any blasting, but do want to leave that option open. They will be using forklifts and other machinery to obtain the material that they need. They are looking at 100 tons or five trucks the first year, because they need to load each manually on the pallets. The first year they would employ two full time employees. They would probably operate between the months of April to

December. This was an existing quarry and has been dormant for about 40 to 50 years. There is about a 10 foot layer of this flagstone that they can mine, anything under that may not be usable. They have an EPA approved waste management permit. Addressing the special use standards, site distance is good; the owner is the only one on this section of the road. This site should be adequate for what they want to do. They submitted a reclamation plan.

Discussion:

- Gratton states that this quarry will look different than a typical quarry.
 - Paul Brashaw states that they will be mining with only skid loaders and other small machinery. This will not have a high face. They are looking for hours of operation from 7:00 a.m. to 5:00 p.m. Monday thru Friday.
- Tonne asks if they are agreeing to the 12 standards that were in the staff report.
 - Todd McPeck, CEO of Fischer Stone, asks about the 4 ½ foot fence surrounding the quarry, if that could be changed to the active part of the quarry and as it grows the fence would move also, because this would restrict the owner from farming some of the ground if the whole 5.51 acres was to be fenced.
 - Another question would be that the overburden be stored on the farm instead of just the 5.51 acres. They are looking for the option if they need that. The area would be to the east.
- Jansen asks about a potential blast schedule.
 - Paul states that they are not planning on blasting and if they do it would be a very light blast maybe two to three times a year.
- Tonne asks if you would stipulate no more than three blasts per year.
 - Todd McPeck states I would agree to that.
- Tonne asks about berming on the property, high side or all sides.
 - Linda Delvaux states that they submit an engineered plan including berming when they apply for the NPDES permit.
 - Todd McPeck states that we are required to control storm water within the quarry and there are berm requirements via the EPA and have been established.
- Jansen asks if there is any intention of storage buildings or lighting
 - Todd McPeck states that they are not intending on any buildings, or need for lighting, no fuel storage. The only thing would be a port-a-potty on site; we are looking at a 40 hour work week, two to five employees.
- Gratton asks if there is any intention to quarry beyond the 10 feet that was mentioned for the flagstone.
 - Todd McPeck states that they are not intending to go past that because we have closer quarries that we can get the same product economically cheaper. We could not find this product closer to our existing quarries. We are looking at about 100 trucks in a year taking out material would be a good start.
- Tonne asks if you would agree to quarry no deeper than 15 feet.

- Paul states that you may not be restricted once you get to that depth to get the product we are looking for. The ASCS office states that it looks as though there is about 10 feet in depth of the product they are looking for.
 - Todd McPeck asks 15 feet from what measurement.
 - Tonne states from the point after overburden has been removed.
- Tonne asks about hours of operation from 7:00 a.m. to 6:00 p.m. if you would agree to that.
 - Todd agrees to those hours

Public Testimony

None

Public Testimony Closed

Discussion:

- Gratton talks about the fence request of the petitioner to not do the 5.51 acres, but only the active part of the quarry.
- Tonne asks about the storing of material off the 5.51 acres, is probably not an issue at this location.
 - Paul states that they wanted to go to the east for the storage of overburden if they could about 50 feet.
- Jansen asks about the road and the site distance when traveling south on Town Hall Road. Is the impact of the trucks on the road going to be an issue?
 - Steve Keeffer states that the site distance is okay. Right now county maintained Willow Road is posted so they can not get to this road, so he is not sure if Berreman Township posts his roads. There would be times of the year when they could not transport their material.
- Jansen asks about the reclamation bond of \$25,000, that amount seems small for the work that they will be doing.
 - Linda Delvaux states that we typically have been putting that amount to this size of a quarry.

A motion was made by Mel Gratton to recommend approval with the following conditions:

1. Size limit; legally surveyed site
2. Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
3. A 4 ½ foot fence, surrounding the active quarry, but no closer than 50 feet to the quarrying itself
4. No fuel storage on the site.
5. No asphalt batch plants or concrete allowed.
6. Change in ownership or any kind of new lease will terminate the Special Use Permit.
7. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
8. Upon reclamation a minimum of 2 to 1 slope would be required for the

- sidewalls, with cover and seed as with topsoil and vegetated growth.
9. Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
 10. Bonding for the reclamation of the quarry with a minimum of \$25,000
 11. Top soil remains on site or no more than 50 feet outside of the east survey boundary of the 5.51 acre parcel
 12. Operation hours limited 7:00 a.m. – 6:00 p.m. Monday - Friday
 13. Limit blasting to three (3) times per year
 14. Quarry limited to a depth of 15 feet following surface topography after overburden has been removed
 15. Complete application packet included with all stipulations in the application packet to be followed

Seconded by Dave Jansen

Zoning Board finds that the standards have been met with all the conditions applied

Roll Call: Susie Davis – Aye
Dave Jansen – Aye
William Tonne – Aye
Mel Gratton– Aye

Arnold Kellen, owner, requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District. Common Location: Just north of the intersection of Airport and Curtiss Road on Curtiss Road

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agricultural Preservation 1 area, and is shown to have some mostly important farmland soils with some pockets of prime soils. This request is approximately 1.3 miles southeast of Stockton. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality.
- Waste Treatment: Soil borings were performed for this property on 10/18/02. Borings indicated that suitable soils for a conventional septic system are present on the southeast end of the existing pond. Drainage tiling will be needed to address a high seasonal water table.
- Access Considerations: The parcel has frontage on both Airport and Curtiss Road. There are locations on each road where an entrance could be constructed with adequate sight distance.
- Other Considerations: A LESA has been completed and scored at 186. There is a mix of agriculturally and residentially zoned property in the adjacent area. Just east of this request are two parcels of land that were rezoned to residential in 2005 and 2006. Just southwest is another parcel that was rezoned to residential in 2000. This area has seen development in the past few years.

Arnold Kellen, owner

- Property to the east has been rezoned. I currently own 75 acres, which I could build a house right now, but we are asking to allow for the housing in the future. We are not sure if we want to build or to sell off and have someone else build.

Discussion:

- Gratton asks if you are requesting to rezone the whole 13 acres
 - Arnold Kellen states that they want the option of having an additional home such as our children. This land is really only suitable for houses. Soil & Water Conservation was generally opposed to the request, but agreed that they don't want to see many houses on this parcel, but maybe a couple would be suitable.
- Tonne asks if they rezone the whole 13 acres who says that we won't have more than 2 houses on this parcel except that they have to come back for subdivision.
 - Linda Delvaux states that they can not split it into more than two parcels, because they would trigger the subdivision requirements and be back in front of the board.
- Gratton talks about the soils that are on the property
 - Matt Calvert states that the entire property shale clay layer, and has seasonal wetness on the property, so this limits the area for a conventional septic system.
- Davis states this is a good farm, but if there has to be more building wouldn't this be the place on the property.

Public Testimony

None

Public Testimony Closed

A motion was made by William Tonne to recommend approval stating the following:

1. Suitability because of the LESA score 186 and other residential in the area
2. Within 1.5 miles of Stockton
3. Soil suitable for conventional septic system
4. Good access and site distance
5. Other residential development in the area

Seconded by Susie Davis

Roll Call: Dave Jansen – Aye
William Tonne – Aye
Mel Gratton– Aye
Susie Davis – Aye

Reports and Comments:

The April County Board Meeting has been changed to Monday, April 7, 2008 7:00 p.m.

Discussion was held on the Zoning Ordinance Rewrite. Potential meeting dates are April 30, May 1, 6, 7, 8. The next review meeting will be April 3, 2008 at 7:00 p.m. at the County Courthouse, Galena.

Dave Jansen made a motion to adjourn at 8:30 PM. Susie Davis seconded the motion. Voice Vote: All Ayes