

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
October 26, 2011**

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

**Roll Call Present:**

**Planning Commission:**

- ✓ Melvin Gratton
- ✓ William Tonne
- ✓ Nick Tranel
- ✓ Dave Jansen
- ✓ Jody Carroll, Alternate

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer
- ✓ Sandra Nolan, 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 Jody Carroll to accept the September minutes. Seconded by Nick Tranel Voice Vote: All Ayes

Questions from the public:

Ron Lawfer, wonders why the County petition is in front of his request on the agenda. Also did not receive a copy of the staff report for my request.

Gratton states that there is a lot of overlap on the two requests and they are addressing the same issues, and I want to make sure we have enough time to address these. I will move your request before the County request. We will get you a copy of the report.

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

**New Business**

**Jason Rath (116 Tomahawk, East Dubuque), owner,** requesting a variance from the required setbacks of ten (10) feet from a side lot line to six (6) feet for an existing structure. Four (4) foot variance request. Common Address: 116 Tomahawk, East Dubuque

**Staff Report**

- Wastewater treatment: A new drainfield was installed on this property in 1992. Because of the small lot size, the drainfield serving this house is undersized. It appears that the new addition was built over a large

portion of the drainfield, making that area unusable.

- Access Considerations: The property has an existing access to a Dunleith Township maintained road. The proposed variance will not alter the entrance.
- Other Considerations: The applicant Mr. Rath constructed an addition to his home without first obtaining a building permit. When the applicant then applied it was discovered that the structure was in violation of the setback regulations. The applicant is now applying for a variation in the setback so that he may then proceed in procuring the building permit. This parcel is part of the Pioneer Acres Subdivision that was recorded prior to zoning in 1995. These older subdivisions typically have small lots. This area has several lots with structures pre zoning that sit closer to the lot line than the ordinance would allow.

#### Jason Rath, owner

- The only thing that I question is the wastewater treatment information stating that the area below the addition is not useable. It has 6 posts and 10 feet in the air and why that could not be useable. I do have pictures of the site, with the addition which is actually a deck.
  - Gratton states that you did not get a building permit and that is how this was not met.
  - Mr. Rath states that I assumed it was 5 feet from the side lot line.

Tonne asks what is under the area.

- Mr. Rath states that there is a concrete sidewalk and the footings for the deck are underground.

Tonne asks when the addition was done.

- Mr. Rath states last summer

Tonne asks if when digging for the holes if you hit any drainfield.

- Mr. Rath states I was worried about that when digging, but did not hit anything.

Tonne asks Sandra, Environmental Health, where the septic field is.

- Sandra states that it is 11 feet of the back of the original house and runs in that area.

Tonne asks if it is undersized for the house

- Sandra states it is undersized for the house size when it was initially installed because of space on the lot. They may be able to go around to the front of the house, but I think there were water line issues. They used all the space that was available.

Tonne asks what the undersized amount for the property is.

- Sandra states that it has 650 square feet and that would be just over 2 bedrooms worth. The permit was for 3 bedrooms. Best conditions would be for 3 bedrooms would be 900 square feet. This is not unusual in this area.

Tonne states that the deck is over a portion of the 650 square feet, is that a problem for the function of the septic under the deck.

- Sandra states as long as they didn't hit anything when they were digging for the posts. My concern was more for the part with the roof over the top of the septic.

Jansen asks if they need replacement area where would they put it.

- Sandra states they would have to go in the front yard or side yard.

Tonne asks if there is any other option for a replacement system such as sand filter.

- Sandra states there are alternative systems and they take up quite a bit of square footage, but there might be alternatives if necessary.

Tonne states the drainfield was installed in 1992. If it fails, then what?

- Sandra states we look at what we have and see what we can do. These lots are hard to fit things in.

### **Public Testimony**

None

### **Public Testimony Closed**

### **Discussion:**

Gratton states that the septic is an issue, but not an issue to overly concern ourselves tonight, other than we do all have very small lot sized and it does present problems with setbacks, septic and anything else. This is not an uncommon situation.

A motion was made by Nick Tranel to approve the variance request stating the following:

Seconded by Dave Jansen

### **Discussion:**

Standards for variation have been reviewed and met

Tonne states that this is quite common because all the lots were drawn up before these setback requirements and the septic might be its own punishment when it fails.

Roll Call:     Nick Tranel – Aye  
                  Jody Carroll – Aye  
                  Dave Jansen – Aye  
                  Bill Tonne – Aye  
                  Mel Gratton – Aye

**Terry & Gail Winter (717 North Blackjack Road, Galena) owners** requesting a variance from the required one hundred ten (110) foot from the centerline of the right of way to fifty (50) feet from the centerline of the right of way. Common Address: 171 North Blackjack Road, Galena

### **Staff Report**

- Comprehensive Plan: The Comprehensive Plan does not address Variances directly, but does recognize the importance of agriculture in our County.
- Wastewater treatment: The septic system serving this property is located east of the house. This variance request should not affect the existing septic system.
- Access Considerations: This property is accessed from county

maintained Blackjack Road. This proposal will not change the existing entrance.

- Other Considerations: This property has existing structures on it that sit closer to the road than the current ordinance will allow. Petitioner rents the adjacent 47 acres as part of his farming operation. Petitioner has two existing structures that he would like to demolish and replace with one new building. The roof has collapsed on one of these structures, making it a dangerous building. The bulk of this property is being utilized for livestock with some existing farm buildings and the residence.

Tom Long, representing owner

- The machine shed fell because of snow load and wants to tear that structure down and another little shed and built a 50 by 80 machine shed to keep his machinery and equipment inside.

Gratton states that the existing structure may be closer than what you are requesting.

- The smaller shed is a couple feet closer. He will also be taking out some corn cribs that are about 30 feet from the center of the road.

Gratton asks if he knows how far the house is from the center of the roadway.

- Melissa Soppe measures and the house is about 62 to 63 feet from the centerline of the roadway.

Gratton asks about the topography on the rear of the property.

- Behind the shed is a small cattle yard and pasture, but slopes down into a ravine and there would be no way to put it on that part of the property.

Gratton asks if this is the extent of his property.

- That is correct.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

Gratton states that we have historically tried to line these up with other buildings and we want to make sure we check with the County Engineer.

Linda Delvaux spoke on behalf stating that he did not see any issues and have nothing planned for Blackjack Road in that area.

A motion was made by Dave Jansen to approve the variance as requested stating the following:

1. Will be close to lining up with other structures on the property

Seconded by Nick Tranel

**Discussion:**

Jansen states that it will not be a significant amount closer to the road that structures on the property already are.

Tonne speaks in favor of the request.

Standards have been met.

Roll Call: Jody Carroll – Aye  
Dave Jansen – Aye  
Bill Tonne – Aye  
Mel Gratton – Aye  
Nick Tranel – Aye

**DeBruce Grain, Inc (4100 North Mulverry Drive, Kansas City, MO),  
petitioner/contract purchaser,** requesting a Map Amendment from AG Agricultural District to M General Manufacturing District to allow for a proposed unit train grain loading facility. Common Location: Just north of 6805 Illinois Route 78 North, Warren

### **Staff Report**

- Comprehensive Plan: On page 44 of The County’s Comprehensive Plan it is stated that Jo Daviess County is strongly supportive of commercial and industrial growth and recognizes the need to stimulate and diversify the economy. It places a high value on new well planned commercial and industrial growth. There is a strong support for new manufacturing, high-tech and professional growth. The Comprehensive Plan goes on to state that we recognize the importance of cooperating with municipalities in guiding growth and development to those areas within or near communities where services are most readily available and where growth is desired. Page 44 also indicates the need to balance the desire for new commercial uses with the equally important needs of health, safety and welfare of the surrounding area and preserving productive farmland and the scenic beauty of the County.
- Waste Treatment: A soil investigation will be required to determine the appropriate location for a septic system installation. The request should not affect potential septic system placement.
- Access Considerations: The proposed project will utilize an existing private roadway that accesses state maintained Illinois Route 78. The petitioner will have to acquire an access permit from IDOT. IDOT will need to review the project submittal before establishing their requirements.
- Other Considerations: The applicant’s proposal is to operate a unit train grain loading facility to facilitate handling, shipping and storage of regional grain production. The desired use would be categorized at a freight terminal in the Zoning Ordinance which is defined as: A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air; therefore, the applicant is requesting the Manufacturing District in which a freight

terminal is a permitted use. The proposed site is surrounded by mostly agriculturally zoned property with a small three lot residential subdivision adjacent and is within the mile and a half of both Warren and Nora. Both the communities were notified of this request. An Endangered Species review was submitted to the IDNR through EcoCat. The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location; therefore, the consultation/review has been terminated. The project was also reviewed under the Wetland Review, whereas the National Wetlands Inventory does not show wetlands within 250 feet of the project location, therefore, the wetland review was terminated.

- A Land Evaluation Site Assessment review was done and resulted in a score of 235. The Land Evaluation section of this review scored in very high with 95 out of 100 possible points. The average for the County is 73. The Site Assessment section came in at 140 out of a possible 200 points. This part of the assessment came in higher due to some larger numbers in the commitment to agriculture. The Harbach's and Hick's have large farming operations of which the property for this request was split off of, which bumped this number to the maximum. This is a large parcel split off of an even larger piece, which also bumped up the size of parent parcel number to the maximum. Also the fact that the percentage of land adjacent and within 1 mile of the request is primarily Agriculture also boosted the LESA score.
- Although the LESA score is high this request is a supportive and necessary use to the agricultural industry and is within a mile and a half of two different communities of which the Comprehensive Plan would encourage development. At the same time care must be taken to review the possibilities and their appropriateness for this area, by rezoning the property to M General Manufacturing District. Some of the potential permitted uses in the Manufacturing District are: Animal Care, Car Wash, Health Club, Hotel/Motel, Manufactured Home Sales, Commercial Parking lots, Indoor Recreation & Entertainment, Restaurant, Service Station, Vehicle Paint & Body/Sales & Repair, Warehouse/Self Storage, Hospital, Heliport or Helipad, Recreational Vehicle Park, Fertilizer Distribution Plant, Manufacturing and Assembly to name a few. Although neither community's have commented on this request, with this property sitting within a mile and a half of both Nora and Warren, this site may very well be a desirable growth point for the two communities.

Marv Hachmeister, Vice President of DeBruce Grain Company

- History of the company. Founded in 1978 in Kansas City, Missouri. We have high speed grain handling, operations and train handling facilities located

throughout the Midwest. We have wholesale fertilizer distribution network, feed mills, and feed crusher plant in Iowa. An extensive trading office in Kansas City, Missouri, as well as traders at all of our facilities provides customers with market information and marketing opportunities for domestic and international business. You can visit our website at [www.debruce.com](http://www.debruce.com). Pictures on the presentation are of different locations.

- DeBruce sold to Gavilon on December 31, 2010. Gavilon has about 150 million bushels of space. Gavilon is a leading commodity management firm, connecting producers and consumers of food, feed and fuel in the US and abroad. Headquartered in Omaha, Nebraska. We currently have over 2,000 employees. DeBruce and Gavilon combined we are the third largest grain operation company in the United States. We have over 125 grain facilities with over 300 million bushels of space. They are all federally licensed around the United States. We distribute about 1.2 billion bushel of grain and with million metric tons of ingredients in 2010. Partner with Kalama Export Company, which was formed in 1998, in Kalama, Washington, which is a joint venture between Gavilon, ADM, and Mitsubishi, this facility handles about 25% of all grain exports off the Pacific Northwest.
- The biggest asset in our company is our people. We train and grow our employees. DeBruce will hire this year 60 new traders and currently we have over 155 traders and Gavilon has about 150, compiled together we have over 300 people. Training benefits the individual by allowing them to develop the fullest potential. Some type of training is done everyday, whether formally or informally.
- If we are approved for the zoning and E-zone expansion, DeBruce Grain intends to build, operate shipping and storage facility with upright capacity of two million bushels and a ground pile of two, two million bushels. Total investment is estimated at about \$20 million. The DBG Nora facility will be on January 1<sup>st</sup> Gavilon, but I have worked for DBG for 23 years and to switch it is hard. This will be one of the fastest, most efficient grain elevators in the US. Truck receiving will have a minimum of two pits that will take at least 20,000 bushels an hour each. We may have more than two pits. We will also have a wet grain pit at 15,000 bushels per hour. We believe strongly about efficiency with how we handle transportation on our property, quickest in and quickest out is our motto. We will have inbound and outbound scales. We will have remote ticket printers at the outbound scales. For the railroad output we put in a minimum of 60,000 bushels per hour. We are loading 1 car at every 4 minutes. The railroad runs a shuttle trains in a fleet, at about 130 trains in their fleet. They are run on a continuous cycle. DeBruce and Gavilon have 9 of those trains that we run continually within our system. Those trains are turning about three to three and a half turns per month at a location. You are loading 400,000 bushels a train, 1.2 million minimum per month in that shuttle train. The hardship about using trains is that they are unpredictable. When that train comes in at 2:00 am we are obligated to load that train within 15 hours in order to collect the incentive for that train. It takes about an hour to an hour and a half to clean the cars and open them up. Dryer capacity would be about 10,000 bushels an hour with five point removal. The property consists of part of three different parcels, 220 acres that is

under options in order to get enough land to build this facility. There are criteria for shuttles that they have to land the train in a contiguous unit of 110 cars at a mile and a half long. You have to have one piece of property paralleling the main or build a loop tract. Not very many places that you can have a mile separation and have the turnouts on the main to put them in there. The last three or four we have built we have done loop tracks. This requires a lot more property. Harbach and Hicks property that we have done options on. We will not use all the property, but we had to get enough to see how the layout of the track would be within the property. We will have slightly less than 200 acres that would be retained for the proposed E-Zone expansion. The footprint is a lot less than that, because you have unutilized land that is inside the loop. The loop itself is taking about 160 acres of land to build. You have to build at certain curvatures that the railroad requires. This would be the first DeBruce shuttle loader in the State of Illinois.

- The proposed project fits within and supports the Jo Daviess County vision statement as adopted by the County Board in 1997. Excerpt, as stewards, we value the land and our strong agricultural heritage. Our proposed project will provide additional opportunities for local agricultural business include family farmer and country elevators. Excerpt, we encourage responsible growth and planned development. DeBruce has grown from a single elevator owned in 1981. Treat everyone respectfully and most of the employees came from family farms. Excerpt, we celebrate our small town traditions of hospitality, cultural heritage, neighborliness and community involvement. DeBruce involvement in agricultural make it uniquely sensitive to the small town needs of rural America and the requirement to be a good neighbor supporting of local interests.
- Facility would employ approximately 12 people with payroll total which would exceed \$500,000 a year. The full time positions will be eligible for benefits. Provided we build a slit form elevator we would have 50 to 100 prevailing wage jobs when building the project and that would cover about nine to 10 months. Other investment options may be available later down the road.

Tonne asks about the statement that would benefit local farmers by giving options.

- Mr. Hachmeister states that the capabilities of being able to load the rail cars within 15 hours will give them additional incentives and the value of the grain inherently is there, by virtue of the market that is created by the market and right now the grain is going to Dubuque. I would say DeBruce Grain is the premiere cross country trader across the United States. A lot of the grain we buy never goes to an elevator, 30% of grain we purchase will not touch our facility.

Tonne furthers his question about the profitability for the farmer.

- Mr. Hachmeister states that I would hope we value add the producer. If I am not a functioning market for that producer I don't expect to buy a bushel of grain from him.

Gratton asks about the traffic numbers and changes

- Mr. Hachmeister states that we hired Fehr Graham to do an analysis.
- Mick Gronewold what specific are you looking for train traffic, road traffic, peak traffic.

Gratton states if you could hit on all and in a short report.

- Mr. Gronewold states harvest season would be the peak traffic of 300 trucks a day in and out of the facility in a 24 hour period. This would be about a two to five week period; normally the other parts of the year would be about 60 to 70 trucks a day.

Gratton asks work schedule.

- Mr. Hachmeister indicates at harvest time about early October to mid November they would work 6.5 days a week and in the off season would be five days a week 7:30-4:30.

Carroll states that you already have trucks on the highway heading south would this affect the traffic much. The trucks may be stopping here instead of continuing south and may decrease truck traffic.

- Mr. Gronewold states that is correct because we will be adding more trucks coming to that facility. There are about 1,800 units that go by that location right now in an hour, there are about or possibly 200 in a day that turn into Harbachs.
- Mr. Hachmeister states you are changing the disposition of the trucks.

Carroll states that you may be increasing the traffic, but not as much as you would think, because the trucks are traveling this road already and destination would be here instead of further south.

Tonne asks if it would be about a train a day.

- Mr. Hachmeister states no that would be about a train a week on average, there are peak times and some would be slower times than other.

Carroll asks about the fertilizer and feed ingredients.

- Mr. Hachmeister states that I don't see fertilizer into this picture because we have terminals in Dubuque, Prairie du Chein, Rock Island and couple places on Illinois River, barge traffic is a lot more efficient and cheaper than you can get rail. We are looking at putting commodity barns for cottonseed that can feed the dairy. This is not probable. Our company is 95% in wholesale and 5% in retail. We are not good at retail and we do not focus on it.

Tranel asks if you would be set up to handle the by products from ethanol plants.

- Mr. Hachmeister states that I have talked to plants about that and their might be that opportunity, but first things first with this project.

Gratton asks if the center of the loop will be farmed.

- Mr. Hachmeister states that it will be farmed. Footprint for the track, silos, and roadways would be less than 50 acres.

Carroll asks about the benefit to the bases for the local farmer.

- Mr. Hachmeister states that I would like to state that we will always be competitive, but I will not be the best bid all the time, we will be competitive and bring more value to the producers to the area. We have never had a white elephant where the success will be there and the farmers will be the benefactors of it.

### **Public Testimony**

James Cropper, 13622 E Mahoney Road, Warren adjoining landowner

- The white lines on the aerial photo are tile drains. This property does not have wetlands on the property, but by virtue there has been 100 years of drainage. The

proposed tracks encircle what was called the Duck Pond, a shallow marsh. Question the contour marks on document he has.

- Mr. Hachmeister states that the current landowners are looking at relocating the drain tiles, I am not sure of the specifics. We don't want to have improper drainage. The track will be level at grade all the way around the track.
- You show number of structure on that site plan is that what it will be.
  - Mr. Hachmeister states that is just a preliminary site plan, but at most we would be looking at six. The bunkers are typically 650 feet long by 150 feet wide with nine foot side walls. Those generally run perpendicular to the facility. Bunkers will be above grade. If we were to ever put a commodity shed in I want to square the property on the south west side to leave enough room to extend the roads down and be able to get the traffic flow in the same direction. It also has to be on the inside of the loop because it takes up too much space. Right now the way it is drawn is I would use about 185 acres out of 200 acres.
- Concerned where the packet information is held at in Hanover. That is a long way from Warren, IL. Wondering if a set of plans could be available at Warren Village Hall.

Kathy Hicks, 6834 IL Route 78 N, Warren

- They state that they meet the criteria of the Jo Daviess County Comprehensive Plan. The duck pond was opened in 1948 and laid 5 miles of tile. If this zoning is site specific, it will not be going from Warren out to the site.
  - Gratton states the request is for 220 +/- acres to be rezoned.
- They state they are requesting an E-Zone which is an Enterprise Zone.
- I am concerned about the truck traffic and the property values. My house is about 500 feet from where they will be turning, how will that affect my property values of the houses.
  - Gratton states that we can not answer that, if it were to devalue properties that would be a concern, being on a state highway, they carry the traffic.
- Are they going to have enough turn lanes, my concern is noise control.
  - Mr. Hachmeister states that the trucks will be going a lot slower than going 70 miles an hour.
- They also start putting on their jake brakes in that area now. I would ask that there be no use of jake brakes. There is no reason for using them.
  - Gratton states that we do not have the authority to deal with the jake brakes.
- Is this site specific, because when she said about hotels and motels, I don't want it there?
  - Mr. Hachmeister states that we are not in that business.
- Tonne states that the petitioner does know that they need to deal with IDOT for access requirements
  - Mr. Hachmeister states that is why we did the traffic count and so forth.

- How come you are calling this the Nora project when you are in Warren Township?
  - Mr. Hachmeister states I did not put the slide show together.
- We do have Consolidated Grain in Warren, is that going to affect them in any way by taking jobs away.
  - Mr. Hachmeister states that I would hope not to. Where we put these we buy from other elevator and farmers. I don't know that we have run any other elevator out of business or out of town before.

Wayne Raisbeck, Mayor of Warren, IL

- The Village of Warren is in support of this project.

Jim Davis, Mayor of Scales Mound, IL

- We are not opposed to the request, but are here more about the rail traffic. Only place between Galena and Freeport that trains can pass. Have concerns because we only have one rail crossing in town and the detour around is about eight to nine miles. We lost our underpass that was about five or six mile detour to the floods this last year. If they could help maybe with the push to get a crossing or a way to allow the train to not block the tracks. The rail road are not easy to work with.
  - Mr. Hachmeister states that they are working on the rail and the speeds will be faster.
- The speed when going through is not the problem it is when they stop.

Tonne asks if you have had this problem any where else and do you have any luck with the railroad.

- Mr. Hachmeister states that he was not wrong about the railroad. Our trains should not stop; they usually get to California in a day and a half.

Kathy Hicks, 6834 IL Route 78 N, Warren

- Do you have parking lots set aside for trucks or are you going to unload as fast as you say and not have trucks backed up?
  - Mr. Hachmeister states that this site gives us a lot of staging area for trucks. There is roughly a half a mile between the dump site and the entrance and if you even double stack them. We could handle 500 trucks a day at maximum speed. We will not back them up on Route 78 because we will get citations for that.

**Public Testimony Closed**

**Discussion:**

Gratton states that the LESA score is high at 235 on this request. The LESA score has a section of commitment to Ag to protect the farmers so they can expand and not inhibit them from growing. This will be a plus for the farmers even though the LESA is high.

Tonne states a plus with the location is that it is within a mile and a half of two communities. This is also agricultural related and would want to put this in an agricultural area.

Gratton states that the Comprehensive Plan encourages development in or near a community, but you would not want this in a community and this would be a good location for that.

Gratton states that they will have to comply with any EPA or any other regulations. Our ordinance requires a hard surface for dust reduction.

- Mr. Hachmeister states that is new to me
- Linda Delvaux states that according to the standards in the Manufacturing District attached to the Freight Terminal there are requirements for hard surface material.

Gratton also talks about the concern of someone about property values and I don't believe this will decrease property values.

Carroll states that the truck traffic is not significantly increased on the roadway, but will be turning in.

Gratton states that the jake braking will have to be addressed by IDOT.

Carroll states this is very positive for the agriculture and supports the area and our county.

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

1. Compatible with existing uses and Comprehensive Plan
2. Public benefit and community need
3. Lack of a facility in this area
4. Complements the agriculture in this area
5. Property values are not diminished
6. Public gain outweighs the individual hardships
7. Requirements by IDOT, EPA, and other regulatory departments are abided by.

Seconded by Bill Tonne

**Discussion:**

Tonne states that the jobs and taxes that will go to the schools will help property values and the schools are important on where people decide to live.

Jansen states that the Village of Warren is in favor of the request. The property that will not be utilized for the development will be put back into production.

Gratton states with the economic commitment this will be in operation for a long time.

Roll Call: Dave Jansen – Aye

Bill Tonne – Aye  
Mel Gratton – Aye  
Nick Tranel – Aye  
Jody Carroll – Aye

**I. Ron Lawfer (14123 Burr Oak, Stockton)**, requesting a proposed amendment to the text of the Jo Daviess County Zoning Ordinance, Title 8-7-2, Definitions; Agriculture.

**Staff Report**

- There was a very similar request submitted in April 2011, below is the staff memo from that application file number 11-10:
- During the recent review of our Ordinance in 2009, the County retained the Services of Dave Akemann, Attorney at Law. At that time he was of the opinion that the definition for agriculture as stated in our Ordinance was most appropriate and had indicated the term ‘agriculture’ was long ago defined by our Supreme Court in the manner in which we currently use.
- After two years of having the Ordinance amendments in place, staff believes the Agriculture definition could use a review. Staff agrees with Mr. Lawfer as to the insertion of viticulture into the definition and at the same time feels that it would be redundant to insert agri-tourism into the agriculture definition when it has been defined itself in the proposed application 11-30.
- After reviewing the applicants’ proposal, our current definition for agriculture and the State Statutes, staff would recommend the definition of agriculture be modified as follows, if changes are desired.
- (The following language is taken from 55 ILCS 5/5-12001)
- The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nurseries, tree farms, sod farms, pasturage, viticulture, and wholesale greenhouses when such agricultural purposes constitute the principal activity on the land, including, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds

**I. Ron Lawfer, petitioner**

- Would this replace the existing definition?
  - Linda Delvaux states that would be staff recommendation to replace the whole definition if the board feels that is necessary with the state statutes and not veer from that.
- The verbiage is from the state statute is direct but taken out of context, but right before that there should be no regulations that require permits for land that is used for the agricultural purposes.
  - Linda Delvaux states that as far as building permits and structure permits no, but as far as setback and flood plain we do permit structures.

- You are requiring permits for the agricultural uses in the Agri-tourism.
  - Linda Delvaux states that those type of uses are not of the agricultural use such as growing of the crops and pasturing. When we deal with the other things we are talking about agricultural events that are more festival in nature having booths set up, music to celebrate the things that you do on your farm. It goes above and beyond what the true meaning of agriculture and purpose is.
  - Tonne states that these temporary uses are public events.
  - Gratton states that what you state about the language that is in the state statute that still applies and governs.
- I would ask that you add the information about the agri-tourism.
  - Gratton states that agri-tourism will be talked about in the next hearing and I don't think that we need to add it in the agricultural definition.
  - Tonne states that when we get to the next hearing we will address agri-tourism and contains some of the information you are looking for.
- I have to compliment the committee, they worked hard on that, my only regret is that there was no public input prior to this meeting. I have some questions as I sat through some of the committee meetings. The letter read to the county board indicated agri-tourism as a business. My definition change states that agri-tourism is a business.
  - Gratton states that I would recommend that we keep agricultural and agri-tourism separate rather than lump them together.
- The agri-tourism is a business and if you as a beef farmer wanted to sell or buy any day of the year that is a business. To put requirements or permits on tourism as a business contradicts the business part of it.

Linda Delvaux states that I object to talking about the next request when we have not been able to do a presentation on it, but yet you are discussing this with no input from the applicant.

- I Ron Lawfer read a section from the letter that was sent from the agri-tourism committee to the county board. 'Agri-tourism products are generally defined as a business venture on a working farm, ranch or agricultural enterprise and are growing in popularity throughout the United States. Agri-tourism lends entertainment, education, and tourism to provide a fun, exciting, memorable getaway for school trips and leisure travel. Jo Daviess County recognized the tourism trend and it is important to the economic and educational impact on the county.' It refers to a business and no where is there in the amendment coming up it refers to agri-tourism as a business.
  - Gratton states that agri-tourism will be discussed next and decide at this point do we want to include agri-tourism in this definition or not.

### **Public Testimony**

Linda Delvaux, Zoning Administrator

- I would like to put the letter in context that Mr. Lawfer read to you in reference to agri-tourism as a business, that letter was read at the Development and Planning Committee as an introduction letter by myself and the agri-tourism committee and in no way was that a legal indicator as far as business goes, we firmly believe that agri-tourism along with farming and along with the restaurant and the shoe repair store are all businesses, by definition.

Ronald Lee Lawfer

- Request the definitions be read out loud.
  - Linda Delvaux reads the recommended definition change by staff of agriculture.
- The statute it is not inclusive of all the agricultural activities, somewhere in the definition it should say that this is not a complete list.

Chris Kirkpatrick, 523 S High Street, Galena, IL

- Could you read the definition that Mr. Lawfer is proposing?
  - Gratton states that we should also read our current definition because it is all on the table tonight.
  - Linda Delvaux reads the proposed amendment and the current definition of agriculture.
  - Gratton likes our current definition with the added information that staff suggested as far as the types of activities and the elimination of butter and cheese making and ending with the etc.

Jim Davis, Mayor of Scales Mound

- Easily fix the issue of not having everything included you could state at the beginning by adding: including, but not limited to.
  - Tonne states that we thought of that and what we copied was what was tested in the courts.

Jansen states that we should go with what is in the statute because the state is telling what agriculture is. I understand that this is only an excerpt out of the statute. This is more of a control thing rather than a money making thing.

**Public Testimony Closed**

A motion was made by Nick Tranel to approve the definition provided by staff.

Seconded by Dave Jansen

**Discussion:**

Linda Delvaux states that there is more to the state statute for agriculture, but this is what was pulled out.

Jansen states that it is more defining and more limiting.

Tonne states that I believe our current definition includes everything from the state statute. This definition we had legal opinion on, not what is being requested.

Linda Delvaux states that the proposal in front of you was submitted by Mr. Lawfer so your motion should be to either approve or deny his request. If committee desires to move forward with what staff has proposed then I will take that to the Development & Planning Committee at the same time other text amendments come through.

Carroll asks what current problems we have had with our definition. I don't remember turning anything down that was agriculturally related.

Jansen states that we have looked at septic and other concerns, but nothing limited for the agriculture.

- Linda Delvaux states that I do think there could be some clarifying verbiage, and when you take straight from state statutes there is no question about it then. Our current definition has been taken from court cases versus out of state statute. I do think things in the definition can be confusing such as the butter, cheese making, sugar making those types of things, when you are talking production of plants and animals useful to man.

Roll Call: Bill Tonne – Nay  
Mel Gratton – Nay  
Nick Tranel – Nay  
Jody Carroll – Nay  
Dave Jansen – Nay

**Discussion:**

Carroll states that we should have two different definitions for agriculture and agri-tourism.

Tonne and Tranel agree with two different definitions.

A motion was made by Bill Tonne to deny the request.

Seconded by Mel Gratton

Roll Call: Mel Gratton – Aye  
Nick Tranel – Aye  
Jody Carroll – Aye  
Dave Jansen – Aye  
Bill Tonne – Aye

**Jo Daviess County Board** on a proposed amendment to the text of the Jo Daviess County Zoning Ordinance, addressing agritourism in Title 8 Chapter 5 Article 5b-37,

Temporary Uses, Title 8 Chapter 7-2, Definitions and Title 8 Chapter 5 Article 5a-6, Use Table.

Linda Delvaux, Agri-Tourism committee member

- Good evening, for those of you who don't know me, my name is Linda Delvaux and tonight I will be standing down from my position of Zoning Administrator and will be presenting a text amendment along with my fellow committee members on behalf of the Jo Daviess County Board to include agri-tourism and uses associated with it into the County Zoning Ordinance. I would like to start off by giving you just a little bit of background that got us to this point.

The Galena/Jo Daviess County CVB and the Jo Daviess County Farm Bureau started the initiative of Agri-tourism approximately a year ago. The two entities worked closely together to uncover and encourage this somewhat unconventional partnership, which provides additional avenues for both Agriculture and Tourism to flourish. They were recently recognized for their achievements by Judy Bar Topinka, as part of the Office of the Comptroller's "Agri-Tourism Day" at the Illinois State Fair in Springfield.

As a result of this initiative and other concerns brought to the attention of the County Board, a committee was appointed at their June 14, 2011 meeting to address Agri-tourism. I would like to introduce you to the members of that committee. Ronald L. Lawfer, Dorian Dickinson, Nick Tranel, Ron Mapes and Myself.

On behalf of the committee I would like to say, it's exciting for Jo Daviess County to be at the forefront of this agri-tourism effort.

During our meetings, over the course of a month and half, committee members discussed proposed additions and changes to the Jo Daviess County Zoning Ordinance to include the definition of Agri-tourism and its related uses. These recommendations were presented to the County Development & Planning Committee, along with a resolution to take the drafted proposal to the ZBA. The D&P committee voted to forward the resolution to file the petition on the drafted amendment on to the whole County Board. In September the County Board passed the resolution to file the petition, which brings us to the meeting tonight.

What you have in front of you is the culmination of this committees hard work and dedication to the task we were assigned. Up to now agri-tourism and farm tours as defined in our proposal have gone on at somewhat of a small scale without any type of distinction or clarity in the zoning ordinance, lying in somewhat of a grey area if you will. In the zoning ordinance agri-tourism is not currently identified, and, according to Chapter 5, 5a-4 uses not identified in a zoning district column of the Use Table as permitted or specials uses are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this zoning ordinance. Because of that and the fact that agri-

tourism is quickly becoming a part of what brings visitors to our County, it is important to provide clarity by way of directly bringing these terms and uses into our zoning ordinance.

I would like to break my presentation up into three segments, starting with the definitions as they create the foundation on which the remainder of our proposal is built. We have proposed the following definition for agri-tourism:

Agri-Tourism: The act of visiting an active agricultural operation for the purpose of education, enjoyment or active involvement for the visitor in the activities of the agricultural operation.

The second proposed definition is for an active agricultural operation; if we are to attach agri-tourism to an active agricultural operation, we must provide a definition for such. The Committee felt agri-tourism was very important to attach to an active agricultural operation in order to keep it pure with the true farming operation and not a stand alone type of use. We have proposed the following definition for Active Agricultural Operation:

Active Agricultural Operation – An act of performing agriculture as defined in this Ordinance.

Next we are presenting a definition for farm tours; this definition makes it clear as to what types of uses are considered under the umbrella of a farm tour defined as:

Farm Tours – The act of viewing and or participating in active agricultural operations. Typical farm tours may include but are not limited to educational programs, trails, on farm animal petting areas and historical agriculture exhibits.

Wrapping the definitions up with agricultural themed public events. These are events that go beyond a typical farm tour. These are events that are “festivalish in nature”, and with that being said the committee felt these types of uses could benefit from a set parameter that provides safety oversight. The proposed definition for agricultural themed public events as:

Agricultural Themed Public Events – An event organized, managed and promoted that is beyond the principal agriculture use, or permitted agri-tourism activity normally associated with the operation that includes, but not limited to, the selling of additional food, alcohol, or other goods; the installation of tents, stages and stands. An Active Agricultural Operation may not exceed three (3), two (2) day events annually.

Gratton questions the last sentence in the definition of the agricultural themed public events.

- Linda Delvaux states that we are trying to say that each farm can have three events and each event can last two days.

Tonne states add in the following:

An Active Agricultural Operation may not exceed three (3), two (2) day agricultural themed public events annually.

For the same reason we defined active agricultural operations, we are also requesting that a use standard be placed upon agri-tourism. This standard indicates very clearly that it shall be only permitted when it is associated with the active Ag operation.

#### 8-5b-51 Agri-Tourism Standard

Those uses listed as permitted under the Agri-Tourism Heading are only permitted when associated with an active agricultural operation.

This keeps the agri-tourism pure and true to the use.

Segment three of my presentation deals with agricultural themed public events:

Earlier I hit on a set parameter that would provide for safety oversight, for agricultural themed public events, this can be accomplished by creating a type 3 temporary use which would allow for a permit and review process for things such as compatibility, safety, traffic circulation and to make sure things like parking and sanitary facilities are provided for the public event.

#### 8-5b-37 Temporary Uses

##### 3. Application and Review Procedures:

- a. Approval of Type 2 and Type 3 Temporary Uses by the Zoning Administrator: The Zoning Administrator may approve Type two (2) and Type (three) 3 Temporary Use permits after determining that the use will comply with all of the standards of this Subsection.
  - (1) Contents of All Applications: An application for a temporary use permit shall be accompanied by a fee established by the County Board. The application shall be made to the Zoning Administrator on a form available from the Zoning Administrator.
  - (2) Review and Approval Process: A complete application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the requested start The Zoning Administrator shall make a determination whether to approve, approve with conditions, or deny the permit within fifteen (15) working days after the date of application. Any

applicant denied a permit by the Zoning Administrator shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the Zoning Board Of Appeals at their next regularly scheduled meeting

4. The following provisions shall apply to all Type two (2) and Type three (3) Temporary Uses.
  - a. Land Use Compatibility. The special event must be compatible with the purpose and intent of this Article and the Zoning District in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.
  - b. Traffic Circulation: The special event, as determined by the County Engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. The special event application shall be reviewed by the Sheriff's Department for public safety.
  - c. Off-Street Parking: Off-street parking shall be provided in a manner as determined by the Zoning Administrator to meet the needs of the requested special event.
  - d. Setback from Road Right-Of-Way: Structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the Zoning Administrator for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public streets and shall conform to the requirements of the sight triangle as specified in Section 8-4a-6 Sight Triangle.
  - e. Other Conditions: The Zoning Administrator may establish any additional conditions deemed necessary to ensure land-use compatibility and to minimize potential adverse impacts on nearby uses.

C. Type 3 Temporary Uses: The following uses shall be allowed by Temporary Use Permit only:

1. Agricultural Themed Public Events

- a. Application and review process stated in 8-5b-37, B 3 and 4 above is applicable.

Ronald Lee Lawfer, Agri-Tourism committee member

- The word business was brought up earlier, and our definition of agri-tourism implied that it is a business and it can be a business although we do not have that word in it, it is implied.
- The last sentence of the agricultural themed public events with the three, two day events was an arbitrary number that the committee came up with. We wanted something that we felt was fair and the requirements of getting a permit is strictly for the safety issues are met and recognize. We hope there is no cost to this permit, but that is up to the County Board, but we would like to encourage the use and not discourage it.

Dorian Dickinson, Agri-Tourism committee member

- Our intent behind defining agri-tourism is to be as broad as possible to get as many opportunities and economic development opportunities for the farmer and options for the tourist in the area.

That concludes the presentation on the proposed text amendments.

**Public Testimony**

I. Ron Lawfer

- The amendment you are considering is very important, not only for Jo Daviess County, but for the agri-tourism industry. I have questions about the permits and the restrictions on the events.
  - Tranel states that we put those numbers in and were in no way firm on those, we thought those numbers were fair, but they can be changed.

Tonne asks how long the farm progress show lasts.

- Carroll states that it is usually four to five day event, but they set up the week before.

Gratton states that it may be better to have three, two day events.

Ronald Lee Lawfer states that we put that sentence with the number and days as a consideration, but it could all be taken out.

Linda Delvaux states that the vision of the committee for the agricultural themed events would be if it is dairy month and you have a dairy farm, you have advertised, a band will be playing, 20 booths that will be set up and show different ways dairy can be used, and include your typical things you could anyway such as a farm tour, but then bring in a

bouncy house, other types of things, that is what we envisioned as an agricultural themed public event, something on a much larger scale than a typical farm tour would be.

Carroll asks about previous place had a fall harvest every weekend in October with a three man band and such they would not need to get a permit.

- Linda Delvaux states that we envisioned anything beyond that regular type of every weekend scope, we are going to have farm tours, learn to milk a cow, nature walk on the farm, and bring you back on the hay wagon this would all be considered part of the agri-tourism which is permitted on your farm, but when you take it one step further and advertise and expect to have three or four hundred people there in a day that is when we felt it triggered something like an agricultural themed public event, that you may have traffic issues, sanitation issues, and life safety issues. These uses can be more intrusive to adjoining landowners than your typical farm tour and that is why we put this as a temporary use.

Carroll states that two days is not long enough.

Gratton agrees and states three, three day events.

#### I. Ron Lawfer

- If I had a series of one day events that would not require a permit, is that correct.
  - Gratton states that if it is permitted you would not need a permit.
  - Linda Delvaux states unless it is categorized as an agricultural public themed event.
- On a permit what would the time table be? I apply for a permit the Zoning Administrator has 15 days to review that, if it is denied, I ask for reconsideration, she needs to reconsider it within 30 days then if I do not agree with the reconsideration then it has to go to the Zoning Board of Appeals, and that has to be publicized before hand. What are we talking on time frame, four months?
  - Linda Delvaux asks if an appeal needs to be published.
  - Melissa Soppe, Administrative Assistant, states the draft indicates that if the temporary use is denied then it would be heard at the next regularly scheduled Zoning Board of Appeals meeting.
- I am not in favor of this amendment. If requires permits that are not necessary and agri-tourism should be broader.
  - Tranel states that if it is not on an active agricultural operation they would have to request a special use permit.
- This request is not encouraging agri-tourism and not meeting my goals.

#### Katherine Walker, 9544 Jupiter Drive, Galena

- I applaud the work of the committee. My concern is of the definition of active agricultural operation. I have personal experience with historic barn tours and many of the properties were owned by non-farmers. Another entity was farm cemeteries, same type of situation. We have used land for hunting, but owners were not by farmers.

- Gratton asks to expand on the last point.
- We host dog hunting events, but the property we used were four or five contiguous properties, but the properties themselves were not being farmed and were not owned by farmers.
  - Carroll asks how many acres were there in each parcel?
- They were large farms because they also rode horses to hunt.
  - Carroll states that if you have 40 acres you are a farmer.
  - Melissa Soppe corrects and says that you need 40 acres or more in order to build an Ag or non-ag residence. It is the use we look at.
  - Dorian Dickinson states that it is for a property owner within an agricultural area would be considered active.
  - Linda Delvaux states that we were trying to clarify between an agricultural operation and the one acre that I buy and bring in a petting zoo and start my business. If you wanted to run that business on the one acre you would just need to come in and get a special use permit.
  - Tranel states that we did include Christmas tree farm sales as a permitted use because they are farm even though they may be on a smaller parcel.

Chris Kirkpatrick, 523 S High, Galena

- If this goes through as is then they would go to the zoning administrator for application and not the zoning board of appeals unless zoning administrator would deny or they would not qualify for the agricultural operation. Can they still apply for the temporary use, but if they want the event for 7 days instead of the allowed three days, could they ask for a variance in the days allowed.
  - Linda Delvaux states that if they allow four days, but they want to hold the event for five days, they may ask for a variation in that regulation, but knowing that make sure plan accordingly on the time frame to request a variance.
- If someone does it without permit what would happen.
  - Linda Delvaux states that I would hope they would work with the zoning office. If the permitting process is in place and they continue to violate there are remedies in place to deal with violations.
  - Carroll asks if those three, three day events can be held consecutively.
  - Linda Delvaux states that is a gray area and our intention is to not have them back to back.

Jim Davis, Mayor of Scales Mound

- Why couldn't you word it so that you can have a maximum of three events per year that total no more than nine days?

Steve McIntyre, 11A152 Bogey Court, Apple River

- I live close to Tom Arnold where they did corn maze and pumpkin patch, where

would that fit in with this request.

- Melissa Soppe states that if you have the u-pick and the corn maze, those are all permitted uses, so they can carry those on, but if you added the music, bouncy house, and the more commercial type things that is when you would have to get the temporary use permit.
- If in the month of October they did these things every day or every weekend with the petting zoo and the small blue grass band then they would have to get a permit.
  - Ronald Lawfer states that this would be the normal Ag operation of the pumpkins and the corn maze and would not have to get a permit for those uses. Wineries have visitors come in and have people taste the wine and that is part of the normal business venture. I feel our definitions we are encouraging agri-tourism and not being restrictive at all. We put active Ag operation in there because we felt that if it was not in relation to that active agricultural operation then it was not agri-tourism. Barn tours I wouldn't think they are Ag related.
  - Dorian Dickinson states that we never got into restricting the number of people because we never wanted to restrict the farmers from being successful.

### **Public Testimony Closed**

#### **Discussion:**

Gratton states that the committee did a pretty decent job in the review.

Discussion on changing the days of events from two to three along with adding in the agricultural themed public.

A motion was made by Dave Jansen to approve the request with the following changes:

#### Article 5b: Use Standards

##### 8-5b-37 Temporary Uses

##### 5. Application and Review Procedures:

- b. Approval of Type 2 and Type 3 Temporary Uses by the Zoning Administrator: The Zoning Administrator may approve Type two (2) and Type (three) 3 Temporary Use permits after determining that the use will comply with all of the standards of this Subsection.
  - (3) Contents of All Applications: An application for a temporary use permit shall be accompanied by a fee established by the County Board. The application shall be made to the Zoning Administrator on a form available from the Zoning Administrator.

- (4) Review and Approval Process: A complete application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the requested start. The Zoning Administrator shall make a determination whether to approve, approve with conditions, or deny the permit within fifteen (15) working days after the date of application. Any applicant denied a permit by the Zoning Administrator shall be notified in writing, of the reasons for the denial and of the opportunity to appeal the denial to the Zoning Board Of Appeals at their next regularly scheduled meeting.
6. The following provisions shall apply to all Type two (2) and Type three (3) Temporary Uses.
- f. Land Use Compatibility: The special event must be compatible with the purpose and intent of this Article and the Zoning District in which it will be located. The special event shall not impair the normal, safe and effective operation of a permanent use on the same site. The special event shall not endanger or be materially detrimental to the public health, safety or welfare or injurious to property or improvements in the immediate vicinity of the special event, given the nature of the activity, its location on the site and its relationship to parking and access points.
  - g. Traffic Circulation: The special event, as determined by the County Engineer, shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. The special event application shall be reviewed by the Sheriff's Department for public safety.
  - h. Off-Street Parking: Off-street parking shall be provided in a manner as determined by the Zoning Administrator to meet the needs of the requested special event.
  - i. Setback from Road Right-Of-Way: Structures and equipment used in conjunction with a special event need not comply with the setback requirements of the applicable district in which the special event is located unless otherwise required by the Zoning Administrator for public safety reasons. However, structures or equipment shall not block the view of operators of motor vehicles on the public streets and shall conform to the requirements of the sight triangle as specified in Section 8-4a-6 Sight Triangle.
  - j. Other Conditions: The Zoning Administrator may establish any additional conditions deemed necessary to ensure land-use compatibility and to minimize potential adverse impacts on nearby uses.

- D. Type 3 Temporary Uses: The following uses shall be allowed by Temporary Use Permit only:
1. Agricultural Themed Public Events
    - a. Application and review process stated in 8-5b-37, B 3 and 4 above is applicable.

8-5b-51 Agri-Tourism Standard

Those uses listed as permitted under the Agri-Tourism Heading are only permitted when associated with an active agricultural operation.

**DEFINITION**

Agri-Tourism: The act of visiting an active agricultural operation for the purpose of education, enjoyment or active involvement for the visitor in the activities of the agricultural operation.

Farm Tours – The act of viewing and or participating in active agricultural operations. Typical farm tours may include but are not limited to educational programs, trails, on farm animal petting areas and historical agriculture exhibits.

Agricultural Themed Public Events – An event organized, managed and promoted that is beyond the principal agriculture use, or permitted agri-tourism activity normally associated with the operation that includes, but not limited to, the selling of additional food, alcohol, or other goods; the installation of tents, stages and stands. An Active Agricultural Operation may not exceed three (3), ~~two (2)~~ three (3) day agricultural themed public events annually.

Active Agricultural Operation – An act of performing agriculture as defined in this Ordinance.

| <b><u>USE TABLE</u></b>                         |                         |            |            |           |                       |          |            |              |                      |                    |
|---|-------------------------|------------|------------|-----------|-----------------------|----------|------------|--------------|----------------------|--------------------|
| <b>USE TYPE</b>                                 | <b>ZONING DISTRICTS</b> |            |            |           |                       |          |            |              |                      |                    |
|   | <b>RESIDENTIAL</b>      |            |            |           | <b>NONRESIDENTIAL</b> |          |            |              | <b>Use Standards</b> | <b>Page Number</b> |
|   | <b>A</b>                | <b>R-1</b> | <b>R-2</b> | <b>RP</b> | <b>Co n</b>           | <b>C</b> | <b>M-1</b> | <b>IND-1</b> |                      |                    |
| <b><u>AGRI-TOURISM</u></b>                      | <b><u>P</u></b>         |            |            |           |                       |          |            |              |                      | <b><u>51</u></b>   |
| <b><u>Agricultural education center</u></b>     | <b><u>P</u></b>         |            |            |           |                       |          |            |              |                      |                    |
| <b><u>Christmas tree sales/cut your own</u></b> | <b><u>P</u></b>         |            |            |           |                       |          |            |              |                      |                    |

|  |          |  |  |  |  |  |  |  |  |  |
|--|----------|--|--|--|--|--|--|--|--|--|
| <u>Cooking demonstrations</u>                    | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Exotic animal farm</u>                        | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Farm Tours</u>                                | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Fee fishing/hunting</u>                       | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Game preserve</u>                             | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Hay Rides/Wagon/sleigh rides</u>              | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Hay Tunnels/Mazes/Crop art</u>                | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Horse stables and riding Horseback Riding</u> | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>On-farm sales</u>                             | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Petting zoo's</u>                             | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Picnicking</u>                                | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>School tours</u>                              | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>U-pick operations</u>                         | <u>P</u> |  |  |  |  |  |  |  |  |  |
| <u>Wildlife Viewing &amp; Photography</u>        | <u>P</u> |  |  |  |  |  |  |  |  |  |

Seconded by Bill Tonne

Roll Call: Nick Tranel – Aye  
 Jody Carroll – Aye  
 Dave Jansen – Aye  
 Bill Tonne – Aye  
 Mel Gratton – Aye

Ron Mapes comments on the good job the agri-tourism committee did.

Dave Jansen would like to see no fee in place for these, but if a fee is established that it be nominal in fee so that it does not discourage this from happening.

**Reports and Comments:**

November Planning Commission is moved to Tuesday, November 29, 2011.

Nick Tranel made a motion to adjourn at 10:45 PM. Jody Carroll seconded. Voice Vote: All Ayes