

**Jo Daviess County Planning Commission/Zoning Board of Appeals**  
**Minutes for Meeting**  
**At the Courthouse-7:00 PM**  
**August 28, 2019**

**Call to Order:** Meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

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

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer  
Sandra Schleicher, JDC Health Dept.  
John Hay, State's Attorney
- ✓ Eric Tison, Planning & Development  
Robert Heuerman, JDC Board Member
- ✓ Melissa Soppe, Planning & Development

**Approval of Minutes:** A motion was made by Winter to approve the minutes of July 24, 2019. Seconded by Tranel. Voice Vote: All Ayes

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

**New Business**

**Roger & Elizabeth Farrey (8777 Route 84 South, Hanover, IL 61041) owners,** have petitioned for a Variance from the required rear yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A3 Minimum Rear Yards, of forty (40) feet to fourteen (14) feet, a twenty six (26) foot variation for a detached accessory structure. Property is located in the AG Agricultural District. Commonly known as 8777 Route 84 South, Hanover, IL

**Staff**

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of agriculture as one of greatest assets of the county and farmer. Agriculture relies on the preservation and protection of farmland for a successful future.
- Wastewater Treatment: A new septic system was installed in May 2010 to replace a failing system serving this duplex. The new drainfield is located south of the house, as shown on the attached exhibit. The variance request should not affect this existing system as long as the required 10 foot separation between a structure and drainfield can be maintained. The limited area of soils suitable for a conventional septic system includes the proposed area of the detached structure, but this area does not meet the required setback from the well for a septic system. It will be important to protect the drainfield from being driven or built on. The existing septic system is not sized to accommodate any plumbing fixtures in the new garage.
- Access Considerations: This is IDOT's road and really is their call, but there

were not issues. IDOT has no objections per letter.

- Other Considerations: The property is located in Hanover Township on IL Route 84, just south of the Village of Hanover. The parcel is a Lot of Record.
- The existing residence was built in 1968. The proposed accessory structure is a detached garage requiring adherence to the setbacks for the AG district. All surrounding properties are zoned AG Agricultural.

Diedrick asks about any adjoining landowner responses.

- Eric indicates nothing from neighbors.

Gratton asks where the well is located.

- Located to the rear of the house

Shelly Segal, representing 1000 N Nollis Boulevard, Las Vegas

- Asking for a variance to build a detached garage for Roger for his belongings and vehicle, which problem and location of drainfield it has to sit back further than we wanted to. It could be slightly moved to the north some, but there is a swale there where property naturally drains, so it is kind of setback for that reason.
- The adjoining property is actually a commercial business and was granted a 20 foot setback for their building.
  - Gratton states that they are operating under a special use permit

Gratton states that this is only a 1.46 acre lot.

**Public Testimony**

Elizabeth Farrey - owner

- We have been asked if this was for a commercial, like the logging company, no this is for Roger who is retiring and he needs a place to play.

**Public Testimony Closed**

Standards for variance reviewed 1 –met; 2 – true; 3 – true; 4 – true; 5 – true; 6 – ok; 7- true

A motion was made by Diedrick to approve the variance request as presented from the rear property line of 40 feet to 14 feet for an accessory structure stating the following:

1. Standards for variance are met

Seconded by Winter

Roll Call:	Gary Diedrick – Aye	Ron Mapes – Aye
	Nick Tranel – Aye	Mel Gratton – Aye
	Laura Winter – Aye	

**Daniel & Ann Sertle (1972 E Cross Road, Galena, IL 61036) owners**, have petitioned for a Variance from the required rear yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A3 Minimum Rear Yards, of forty (40) feet to ten (10) feet, a thirty (30) foot variation for a detached accessory structure. Also requested is a Variance from the required side yard setback as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A2 Minimum Side Yards, of twenty (20) feet to ten (10) feet; a ten (10) foot variation. Property is located in the AG Agricultural District. Commonly known as 1972 E Cross Road, Galena, IL

**Staff**

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but

does recognize the importance of agriculture as one of greatest assets of the county and farmer. Agriculture relies on the preservation and protection of farmland for a successful future.

- Wastewater Treatment: This home is served by an existing septic system installed in October 2000. The system is located east of the house in the front yard. This request should not affect the existing septic system. The system is not sized for any plumbing fixtures in the new garage.
- Access Considerations: No issues with access with the speeds that are being traveled
- Other Considerations: The property is located in West Galena Township on E Cross Road, just outside the City of Galena. The parcel is a Lot of Record. The existing residence was permitted in 2000. The proposed accessory structure will replace the existing detached garage and must adhere to the setback requirements for the AG district. All surrounding properties are zoned AG Agricultural.

Diedrick asks about comments from neighbors

- Eric states Linda Sproule inquired and I responded via email, no response or objection received from that. This is the neighbor to the south.

Dan Sertle, owner

- Requesting to place accessory building 10 feet from side and rear property line. It is just a garage and I need a place to play.

Gratton asks about the size of the lot.

- Dan Sertle states 1.8 acres, and far side is cutoff by a runoff drainage way and wouldn't want to put a road across that to get to other side.

Diedrick asks about utility services to the structure.

- Dan Sertle indicates just electric service

### **Public Testimony**

None

### **Public Testimony Closed**

Standards for variance were reviewed and no issues

A motion was made by Winter to approve the variance request as presented from the rear property line of 40 feet to 10 feet and from the side property line of 20 feet to 10 feet for an accessory structure stating the following:

1. Standards for variance are met

Seconded by Tranel

Roll Call: Nick Tranel – Aye  
Laura Winter – Aye  
Ron Mapes – Aye

Mel Gratton – Aye  
Gary Diedrick – Aye

**AG-Tech Air, LLC (6142 N Lake Road 1, Apple River, IL 61001), Drew Spidahl (9860 W Deerfield Ln, Lena, IL 61048) owner, and Highland Chemical dba AG-Tech (13276 Highway 20 East, Stockton, IL 61085), Drew Spidahl (9860 W Deerfield Ln, Lena, IL 61048) and Brandi Nehmer (N9161 Cardinal Crest Ln, New Glarus, WI 53574) as petitioner, have petitioned for a Special Use Permit to allow for a Fertilizer Distribution Plant.**

Property is zoned AG Agriculture. Common Address: 6142 N Lake Road Number 1, Apple River, IL

### **Staff**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in Agricultural Preservation Area 1, north of Apple Canyon Lake. The parcel is not in any Contiguous Growth Area. It is situated more than 1.5 miles from both Scales Mound and Apple River. More than 75% of the soils on this small parcel are identified as being prime farmland; the remaining is designated as farmland of statewide importance. The Comp Plan also indicates that the farming/agricultural character of the County should be maintained by encouraging farm related businesses and value-added enterprises.
- Wastewater Treatment: There is no record of a septic system on this parcel. The application does not indicate that any plumbing will be installed in the building. If the proposed structure will include any plumbing or drains, a soil investigation and septic system will be required.
- Access Considerations: Existing entrances are fine.
- Other Considerations: This property is located north of Apple Canyon Lake and south of Stagecoach Trail. It was acquired by the applicant in 2012.
- There were prior zoning actions approved related to this (PIN 01-000-104-16) and adjoining parcels encompassing Foster Field, as summarized below:
  - 01-000-104-20, Case #04-12 approved a one (1) acre subdivision for the aircraft storage hanger on this adjoining parcel
  - 01-000-104-16, Case #12-16 brought Foster Field into compliance with the Zoning Ordinance with a Special Use request
  - 01-000-104-13, Case #14-06 approved a repair shop to this adjoining parcel with a Special Use request
- The applicant had reached out to the department regarding construction of a building to securely store chemicals related to AG Tech Air operations. Upon review it was determined that additional action would be required prior to issuing a permit for the purpose of distribution mixed fertilizer by air.
- A Fertilizer Distribution Plant is defined as: Premises or buildings where agricultural fertilizer products are stored, mixed and blended and sold at retail or wholesale, but not including the manufacture of such products. The plant is permitted in the AG district, subject to a special use being approved.
- Per the application, to this point AG Tech Air had been transporting fertilizer chemicals to this location by truck prior to preparing the planes for distribution. All but one of the surrounding properties are zoned AG Agricultural; the vacant parcel, 01-000-104-06 adjacent to the northernmost building, is zoned R2.
- LESA: The Land Evaluation score on this property is 73.23 (above the County average), with an overall LESA score of 205.23. Some of the Site Assessment factors contributing to the overall score were the size of the parent parcel (0/15 pts), percent of AG land adjacent (20/25 pts), the commitment to AG adjacent (20/25 pts) and the percent of land in AG (12/15 pts). Additionally contributing factors were distance from community services (12/15 pts), availability of sewer utilities (max pts, 10) and water (8/10 pts) and the use is allowable, subject to special use approval (10/20 pts).

Drew Spidahl, owner

- Would like to put up a building 27x40 and inside put fungicides and small tank of liquid fertilizer in there as well. The total gallons would be 20,000 or 8 tanks inside the structure. This is low scope for this; we currently haul by truck to the site when needed about 60-70 trucks loads and my concern as an owner is the exposure when you have a truck on the road hauling that Stagecoach Trail is not the best road for truck traffic. We are looking to have bulk fungicides or liquid fertilizer and mixing on site to reduce traffic. The property has not been farmed since the airport came in. The parcel to the north zoned residential is currently being farmed. Everything we are doing has to be approved by the Illinois Department of Ag. The largest size tank can only be 5,000 gallons and a maximum of 23,000 gallon capacity for containment.

Tison asks if securing building is still the plan and wondering about a fence.

- Drew Spidahl indicates that no fence around the property, but we are going to put a building around the tanks so we can shut the doors and lock them.

Mapes asks all the material is meant to be loaded on a plane to be sprayed. One thing concerning me is that there is no water.

- Drew Spidahl indicates yes. We have a garden hose that is connected to a shared well with the neighbor. Where we load the planes already is a containment area.

Tranel asks if this is dry fertilizer application as well.

- Drew Spidahl indicates we do some now from there, but it is all hauled out of our Stockton location, we do not have equipment there to haul out of the shed.

Gratton asks if storage and containment will all be under the same roof.

- Drew Spidahl indicates yes. There is a containment area that we currently use that will be right next to the building. If we wanted to do a well later we would just have to go through the county right?
- Tison indicates yes with the Environmental Health Department a permit would be needed for well, if water in the building you would need a permit from our office to change the area inside the building.

### **Public Testimony**

None

### **Public Testimony Closed**

Gratton states that we have seen this area before, but we haven't looked at the LESA scoring and need to verify our thinking on that. This is right in the middle of AG country and in my mind makes this the right place for that reason, but justify using AG land for that purpose. Most of the airport proper is runway now. The high productivity and distance from services give the LESA a higher score. I think we can make a case if we so choose, this is the proper site for this even with the airfield for service, storage and need it in an AG District. There are some mitigating circumstances.

Mapes states the LESA score is high, but looking at what it is for and what the property is now, less trucks are off the road, much safer and fits the locality.

Diedrick states benefit to the AG community.

Tison asks for an estimate to reduce the truck traffic.

- Drew Spidahl indicates right now we have plus or minus 70 trucks, 140 round trips, I would guess reducing to less than 25 trips, 50 round trips.

Gratton states that the pressure of the truck traffic would be lessened.

Standards for special use reviewed 1 –ok; 2 – ok; 3 – yes; 4 – yes; 5 – yes; 6 – yes

A motion was made by Tranel to recommend approval of the special use request as presented for a fertilizer distribution plant with the following conditions:

1. State Regulations/Permitting and EPA Regulations/Permitting to be met and provided
2. Standards for Special Use are met

Seconded by Mapes

Gratton asks about FAA requirements as far as height of buildings and setback from runway

- Drew Spidahl states that there is line of site requirements for both at the end of the runway and the sides at different elevations. This is governed by the Illinois Department of Transportation Aeronautics Division and we have plans to them, just waiting for this approval to move forward with them.

Roll Call:        Laura Winter – Aye  
                      Ron Mapes – Aye  
                      Mel Gratton – Aye

Gary Diedrick – Aye  
Nick Tranel – Aye

**Reports and Comments:**

Concerns and questions among Zoning Board Members of review of the Zoning Ordinance with \$150,000 and Comprehensive Plan with \$100,000 of unfunded request money to budget for that review.

Tison states that the Comprehensive Plan was originally approved in 1999, been 20 years probably needs to be review, could there be some additional changes regarding land use or long range plans, economic development. It would be good to engage a third party consultant to assist with that process. I think that needs to be done before a comprehensive review of the Zoning Ordinance to avoid any potential conflicts. The last major text amendment was 2009. We just want to make sure that gets done correctly. There was a third party attorney engaged for the review of the text amendments and my concern is to make sure no long range or long term conflicts that could create potential difficulties between the Zoning Ordinance, Land Use and Comprehensive Plan.

Gratton states that I worked on both of these and the last time the Zoning Ordinance rewrite process was done in 2009 and the Comprehensive Plan a few years before that, one of the things in rewriting that was to conform to what was in the Comprehensive Plan because the Comprehensive Plan came after Zoning first began. We had a very generic ordinance and in rewriting it we included the things within the Comprehensive Plan. The original ordinance had many deficiencies and we would have to try and make things up because they were not in there.

Tison states that you have to be careful in this process, because if the land use objectives have changed, you need to identify those first before you address the Zoning Ordinance that governs how the land is used. I think there is a logical conclusion to that. I think this is the appropriate way to do that, I do have to emphasis that these are unfunded requests and that list is growing as the budget process is growing.

Gratton states that I realize that and that both of these documents are subject to updating and keeping them current and I think that is what we have been trying to do, every year or two, since we did the rewrite there have been amendments, I have also mentioned to you that if there is a need or deficiencies to bring them forward as least once a year, keep a list. The thing that shocked me was the cost of it. I know you may never get that amount, but a quarter of a million dollars is a lot of money. We listen to people blame the Zoning Ordinance for lack of Economic

Development, I think that is incorrect, but \$250,000 could go a long way in a different pot. I don't know why we would want to fix something that isn't totally broken. We can improve it all the time, but I don't know why spend that kind of money to fix something that isn't broken.

Tison states that it was based on previous forays down this road, that is costs of the prior update. Along the lines of a new Comprehensive Plan document virtually starting over to a degree and engaging a third party consultant, it would be something a little out of my comfort zone to do something that comprehensive, I would prefer to engage a professional who understands that. That number could be high and could be spread out over multiple fiscal years; I anticipate this process to take many months if not over two years.

Gratton states we spent many years and the thing I like that was done is that it was in house with expertise from out of legal and otherwise and we looked at most of the Zoning Ordinances around us and throughout Illinois. We do not have anything different than any other ordinance except it is tailored to the needs of Jo Daviess County. We are unique and it bothers me when some of the consultants charge a lot of money, but when they come in with a large group, you feed them your thoughts and they put a few of those words in the document and take a boiler plate ordinance in front of you and it will already have 90% of what we already have in ours, without any true reference to Jo Daviess County. We did that once for the first many years and it was a total disaster. I will say again do not fix something that isn't broken.

Tison states that we have a couple mechanisms in place that the county board to assist with guidance in this process and certainly your input as the zoning board will have to be considered. It is a collective input.

Gratton states that nobody has asked for our input. This is the first I have heard of this, I have read some of the other minutes and zoning has been discussed, but this is the first time I have seen numbers. That just shocked me.

Tison states that perhaps it could be an overestimation on my part; I need to prepare for a potentially comprehensive rewrite of both documents. May not get to that level, but we need to have something in place to give me resources to update both of those documents.

Mapes agrees with Gratton and I have been with this, maybe too long, but when the Comprehensive Plan was a disaster at first and now it is tailored to Jo Daviess County, I don't disagree for reviewing it, but question is it broke, review it here before hiring a consultant at thousands of dollars. Zoning issues if they are not broken or having trouble, there are misconceptions of how people think of zoning and may not know what zoning is. In regards to building a house on 40 acres, you could build on 2 acres it just is the perception that they have and the full value of zoning. It is a lot of wasted money, I think, money is tight, taxpayers do not like increases and we have a lot of important things to do in this county that need fixing, the road system is becoming a disaster. The Comprehensive Plan is a blend of this county and what has changed; AG and tourism are still on top. Economic Development, we are not stopping it, but people are saying we are. People say fees are too high, and then what is this going to bring on. I am totally against it.

Tison states that as part of the office we try and educate individuals about the processes. When explained people do understand. A lot of what we do is dictated by state statute. We will see how this process plays out.

Gratton states that if you could identify things that are not correct with the ordinance or functioning correctly, we want to know about that. That is part of this process and finding the problems or weak link and then you move forward.

Tison states that I have a list. Recent state legislation will require action as well.

Gratton asks what actually has changed in 10 years in Jo Daviess County. We would be here a long time at these meeting because places like the Galena Territory were in growth mode. We have a mature 2<sup>nd</sup> housing industry and tourism is another entity shown in the Comprehensive Plan as well as the Zoning Ordinance as being vital to the viability of this

County, but again it is mature in this area, unless we are going to make some huge attraction that will facilitate more people coming here. So I would ask the question of what has actually changed in 10 years that has made this unsuitable today. I just dropped my taxes off and I feel strongly about this, and I think most people in the county do.

Tison states that I will keep that in mind.

Tranel states that I don't disagree with anything you said, but a document does need to be looked at and updated as we go along. We haven't had a lot of change in the last 10 years, but it doesn't hurt to plan or look at the Comprehensive Plan to see if we can do something to entice or encourage or spur some type of economic growth as well. This seems a little pricey as well to me.

Gratton states that if we spent that on economic development would make more sense than changing the whole Comprehensive Plan and Zoning Ordinance.

Tison states that is part of the budget process of making sure you don't under estimate and fall short if you get something approved.

Gratton states the press was a part of the process originally and if we could educate and get people to understand.

Tranel made a motion to adjourn at 8:15 PM. Winter seconded. Voice Vote: All Ayes