

Planning, Zoning, and Agriculture
Committee Meeting
January 23, 2007

Members Present

Mr. Stauffenberg, Mr. Bertrand, Ms. Hertzberger, Mr. Hess, Ms. McBride, Mr. Scholl, Mr. Tripp, Mr. James, and Mr. Whitten

Members Absent

Mr. Olthoff, Mr. Washington, and Mr. Marcotte

In Attendance

Mr. McLaren, Mr. Nicholas, Mr. Whitis, Mike Van Mill, Delbert Skimerhorn, Eric Sadler, Sarah Billadeau, Donna Shehane, Mike Lammey, Erik Rayman, Neil Piggush, Jim Greenstreet, Marc Wilson, John Bevis, Don Pallissard, Mike Watson, Keith Runyon, Dana Meyer, Rich Howell, Ellen Robinson, Brenda Gorski, and Rich Finley

1. Call to Order

The meeting was called to order by the Vice-Chairman, Mr. Stauffenberg at 9:00 a.m. Quorum present.

2. Public Comment

Don Lambert spoke regarding the Kankakee River Conservancy District.

Joellen Gyorkos spoke regarding the Delegation Agreement.

Kathy Powles spoke regarding ZBA Case #06-15.

Dana Meyer spoke regarding ZBA Case #06-15.

3. Approval of Minutes

There were no minutes to approve today.

4. Building

• Discussion Regarding Building Permit Service within Select Municipalities

Mr. Van Mill stated he wanted to make the committee aware of some issues that his department is dealing with in regards to discussions with Municipalities in Kankakee County for building inspection services. As the committee is aware there are two new Municipalities in Kankakee County in which his department has been in discussions with them indirectly and informally as to what can the County provide in terms of building, zoning, and code enforcement services. He has put together a request for the State's Attorney's Office to ask about how we would want to go about looking at that but he thinks that this committee may need to address this issue more thoroughly to see if that is something the County Board wants the Planning

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Department to offer. He would suggest that a small ad hoc committee of the PZA to look into the legal opinion and come up with a policy for how we would want to propose to go forward.

A motion to have the chairman select three members to serve on an ad hoc committee was made by Mr. Tripp and seconded by Mr. Scholl. Motion carried.

Mr. McLaren asked Mr. Van Mill to explain what this ad hoc committee would be doing.

Mr. Van Mill stated the Planning Department has been doing building inspections since 1959. Part of this conversation and thought process internally came about when we started talking with the Village of Limestone and the Village of Sammons Point about what can the County provide in terms of services. The County Board has been very supportive of the Planning Department providing land use, zoning, and regulatory support to Municipalities that need it.

Mr. Stauffenberg stated that the County should speak to the insurance carrier to see where the County would be liability wise.

5. Zoning

• ZBA Case #06-15

Mr. Van Mill stated that this case was tabled from the last committee meeting for the purposes of the Planning Department to obtain comment from the City of Kankakee in terms of what their position is on this rezoning application. As the committee may recall this is just outside the City limits within the mile and a half jurisdiction. The Planning Department did receive a formal letter from the City of Kankakee on Friday. From his perspective he is a little bit apprehensive in sharing that letter with this committee because it should be part of the public record and should have been presented at the ZBA when they were deliberating the case. With that being said, it is his opinion that the committee has two options to follow, the first one is to take the record and the recommendations that have already been received and act upon that recommendation, or if the committee wishes to consider the position of the City of Kankakee this case should be referred back to the ZBA where they can open up the public hearing and put that letter into the record for part of their consideration and recommendation.

A motion to approve the variances and the rezoning was made by Mr. Whitten and seconded by Mr. McLaren. Motion failed by a roll call vote of 4 ayes (Mr.

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Stauffenberg, Mr. James, Mr. Whitten, and Mr. McLaren) and 6 nays (Mr. Bertrand, Ms. Hertzberger, Mr. Hess, Ms. McBride, Mr. Scholl, and Mr. Tripp).

Mr. Scholl stated it is only the wise case/process to send this case back to the ZBA. Let the ZBA consider whether or not this letter should be part of the findings of fact and then advance it back to this committee. He only sees litigation and problems opening up with this if we don't bring it back to the ZBA.

Ms. Hertzberger agrees with Mr. Scholl. When she spoke to the City of Kankakee she was told they did not receive a letter about this Zoning Case and were unaware of the situation. In the beginning she is not sure the County did its due diligence to get the opinion of the City of Kankakee. She would respectfully request that this case be sent back to the ZBA.

A motion to send this case back to the ZBA with the letter from the City of Kankakee being placed into evidence was made by Ms. Hertzberger and seconded by Mr. Scholl. Motion carried. Mr. Whitten opposed.

6. Solid Waste and Environmental

• IRID Program

Mr. Van Mill stated that Ms. Shehane has a program that she would like to make the committee aware of. It is a program that the County can work with Municipalities on and she is going to outline some opportunities the County has with pursuing this program.

Ms. Shehane handed out a brochure on the Illinois Removes Illegal Dumps (IRID). This program establishes a fund from fees that landfills pay to the State for clean-up of orphaned or abandoned sites. This program targets land owned by local governments. This program will try to get up to \$50,000.00 per site to clean-up the site. She is going to talk to Mark Frechette to see how the County can access some of this money. She has spoken with the EPA Representative and he is going to talk to the Municipalities at their next mayor's meeting about this program.

• IEPA Presentation

Ms. Shehane stated that today two of the representatives from the EPA that she works closely with are here to give a presentation on the Delegation Agreement. Ellen Robinson, who works out of the Springfield Office, manages the Delegation Agreements and the grants for the 20 Counties that have these agreements. Rich Finley, who works out of the Des Plaines Regional Office of which Kankakee County is a part of will talk about the local program here in Kankakee County.

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Mr. Finley spoke about the wonderful job the EPA feels Ms. Shehane is doing for them in terms of the Delegation Agreement.

Mr. Scholl stated that funding is vital to the County, the County needs more funding. Is the State willing and able to come through with the funds to maintain the program?

Ms. Robinson stated that she has nothing but good things to say about this program in Kankakee County. She handed out and briefly went over a power point presentation on the Delegation Agreement.

Various questions were asked concerning Ms. Robinson's presentation.

Mr. McLaren stated that there has been a lot of discussion here today and much more discussion can be had. He suggested that this Committee have a special meeting just to discuss the Delegation Agreement.

A motion to have a special committee meeting on February 6, 2007, at 9:00 a.m. to discuss the Delegation Agreement was made by Mr. McLaren and seconded by Mr. Whitten. Motion carried.

7. Subdivision

- **Fairway Oaks Subdivision- Final Plat**

Mr. Van Mill stated that Fairway Oaks Subdivision is in the Diverstach Campus in Manteno. This committee passed the preliminary plat a couple of months ago, and now the developers are requesting the approval of the Final Plat. Final Plat approval allows the developers to record the plat and allows them to sell lots for development purposes. The Highway Department stated that there are no objections with this subdivision. This subdivision will have municipal sewer and water.

Mr. Skimerhorn stated that the Planning Department received a Surety Bond from the developer in the amount of \$614,843.24, which matches the estimated cost of the remaining improvements. The developers also paid a school fee of \$88,114.74 to the Manteno School District. Staff would like to put a condition on this that building permits not be issued until the base course has been constructed on the roads.

A motion to approve the final plat of the Fairway Oaks Subdivision per Mr. Skimerhorn's recommendation of the base course of the road was made by Mr. James and seconded by Mr. McLaren. Motion carried.

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8. Other

- **Appointment of Larry O'Conner to the Minnie Creek Drainage District**

A motion to approve the appointment of Larry O'Conner to the Minnie Creek Drainage District was made by Mr. Bertrand and seconded by Mr. Hess. Motion carried.

- **Appointment of the 14 Member EDA Commission**

Mr. McLaren stated that as this committee is aware the County has partnered with Economic Development. A 14 member commission has been formed, which this committee gave the Chairman the right to appoint the seven members from the County Board. After discussing this with the State's Attorney's Office, it was suggested that the Chairman appoint the seven members of the EDA also. This is just a formality since this is going to be a County Committee along the lines of the Regional Planning Commission. He would like to see this committee give the Chairman the power to appoint those members.

A motion to give the Chairman of the County Board the authority to appoint the seven members of the EDA to a 14 Member EDA Commission was made by Mr. McLaren and seconded by Ms. McBride. Motion carried.

9. Old/New Business

- **Comprehensive Plan Training Workshop- January 25, 2007 10:00 a.m. to 1:00 p.m. (Lunch Provided) Quality Inn**
- **6000 N Interchange Public Meeting- January 30, 2007 4 p.m. to 7 p.m.**

10. Executive Session

- **5 ILCS 120/2(2)(11) – Legal Matters/Litigation**

There was no Executive Session at today's meeting.

11. Adjournment

A motion to adjourn the meeting at 10:55 a.m. was made by Mr. Whitten and seconded by Ms. McBride. Motion carried.

James Stauffenberg,
Vice-Chairman

Stephanie Jackson,
Executive Coordinator

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