

Planning, Zoning, and Agriculture  
Committee Meeting  
January 23, 2008

**Members Present**

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

**Members Absent**

Mr. Olthoff

**In Attendance**

Mr. McLaren, Ms. Bernard, Mike Van Mill, Delbert Skimerhorn, Don Pallissard, Eric Sadler, Michelle Sadler, Mike Martin, Rich Howell, Mike Lammey, Jim Greenstreet, Mark Wilson, Leigh Marcotte, Joellen Gyrokes, Ann Brezinski, and Andy Pristach

**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**

Helen Evers spoke concerning the Delegation Agreement.

Ann Brezinski spoke concerning ZBA Case #07-20.

**3. Approval of Minutes- November 28, 2007 & December 12, 2007**

A motion to approve the minutes of November 28, 2007 was made by Mr. Tripp and seconded by Mr. Whitten. Motion carried.

A motion to approve the minutes of December 12, 2007 was made by Mr. James and seconded by Mr. Marcotte. Motion carried.

**4. Building**

**• Floodplain Operations Reports and Request to Reduce/Waive Building Permit Fees for Flood Victims**

Mr. Van Mill stated as part of our responsibilities with proper floodplain management and the adoption of a floodplain ordinance, the County participates in the National Flood Insurance Program. It gives the residences of Kankakee County the ability to purchase flood insurance. In case of flooding situations, the Planning Department is responsible for doing assessments in the community and to provide flood victims with assistance in terms of how to mitigate future flooding. As everyone is aware, there has been a significant amount of flooding in the last couple of weeks. The Planning Department has been out in the field everyday. The Department has gone through and identified sites during the Hazard Mitigation Planning Process that are susceptible to additional flooding so the Planning Department has keyed in on those areas. He asked Mr. Pallissard to explain where the staff has gone and the assessment on the flood damage.

Mr. Pallissard stated January 11, 2008, Marc Wilson and Eric Sadler along with himself spent the day in the EOC. At that time along with some other entities located some effected structures and

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properties. When says effected it means at that time they were either surrounding by water, evacuated or the road was closed and the property could not be reached. Last Friday, Marc Wilson and himself spent the day at Shannon Drive. That seemed to be one the hardest hit areas. They went door to door and talked with the homeowners. They came to the conclusion that most of the damage was not substantial. There was about 6 to 8 inches of water in some homes. The damage was done to sub-floors, drywall, and floor coverings. They gave the homeowners some resources and instructed them to talk to their insurance adjustors. Yesterday they went to a couple of other areas and they still have not found any really substantially damaged buildings at this time. There are still a couple of areas East of Momenca that have been looked at. Generally things look to be in good shape. Most of the damage has been saturation of flooring and drywall. Yesterday, a satellite office was opened in Momenca. They are trying to get folks to come into the office, trying to make the permitting system fairly easy for them. We are looking for facts on the cost of their damage, the value of their structure and how those compare. If we get the point were the value of damage is greater than 50% of the value of the structure, we will have to dig in a little deeper and work with those folks.

Mr. Van Mill stated besides the responsibility for doing substantial damage determinations through the educational process we can provide homeowners with some advise on how to lessen the effects of future flooding. A lot of these homes were pre-form, which means they were constructed before any flood plane regulations were in place. If we look at post-form structures they are doing very well. The elevations we have required people to build at have been very effective in lessening any kind of damage. We are really dealing with the older structures, the structures that are built below the base flood elevation and assessing that. In doing that we can provide them with guidance on what kind of construction materials to use, and suggestions in terms of raising electrical outlets, air conditioners, water heaters, and furnaces above flood level. The Planning Department can provide that kind of assistance and guidance. One of things we have asked for on the agenda today is consideration for discounting the permit fee or waiving the permit fee. They have estimated about 150 homes to have been effected, hopefully this will encourage homeowners to come into the Planning Department and allow the staff to help them with their repairs, rebuilding, and maintenance.

Mr. Van Mill stated the Planning Department has gone out and offered its assistance to Iroquois and Livingston County.

Mr. Scholl stated he is very much in favor of this, he thinks it an excellent idea. He would like consideration of another aspect of this, anyone who rebuilds their home to where it was prior to the flood should not be subject to increased property taxes for simply correcting the problem.

Mr. Van Mill stated he and Mr. Pallissard talked about that this morning. One of the things that we are going to do on the building permit applications is indicate this was flood damage. We want to make the Assessors aware that the repairs are being done as a result of flood damage.

A motion to waive the permit fees for flood damaged properties was made by Mr. Scholl and seconded by Mr. Whitten. Motion carried by a roll call vote of 12 ayes and 0 nays.

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## **5. Subdivision**

### **• Highview Subdivision- Letter of Credit Reduction**

Mr. Skimerhorn stated Highview Subdivision is nearing completion and they are asking for their letter of credit to be reduced from \$147,442.00 to \$16,562.98. The remaining work to be done includes the installation of an 8 inch under drain, some minor earth excavation, right-of-way seeding, erosion control, and the top surface of the road.

A motion to reduce the letter of credit was made by Mr. James and seconded by Mr. Marcotte. Motion carried.

## **6. Zoning**

### **• ZBA Case #07-19**

Mr. Skimerhorn stated this zoning case is a text amendment to sections 121-3, 121-9, and 121-100, of the County Code which will permit the construction and location of small wind energy systems on parcel of 2 acres or more in the A-1 and A-2 Districts in the County.

Mr. Skimerhorn stated a small wind energy system is an individual wind towers that will supply energy to an individual home or farm, they are not the big 300 foot wind farms that you can see in LaSalle. A person would be permitted one per parcel. There are 17 items that have to be met in order for this to be permitted use. He went over the 17 items that need to be met. The Zoning Board of Appeals voted 6 ayes to 0 nays for approval.

A motion to approve was made by Mr. Tripp and seconded by Mr. Washington. Motion carried.

### **• ZBA Case #07-20**

Mr. Skimerhorn stated this zoning case is a request for five variances on a parcel located at the intersection of Church Street and Center Street in St. George. The applicant owns two pieces of property, each property contains a house and there is a garage that sits over the property line between the two properties. The applicant was trying to get refinancing on the property and cannot do so because of the property line, therefore, the property line needs to be moved. The applicant wishes to move the property line north. When this is done the property loses its legal nonconforming status and the northern property then needs to come into compliance, which is why the five variances are needed. The first variance is for lot size. When the division is complete the lot will only be 2,752 square feet instead of the 30,000 square feet required by the County Code for an R-1 District. The second variance is for lot width. When the division is complete the lot will only be 43.38 feet wide which is 76.62 feet less than the required 120 feet. The property is a corner lot so there are two front setback variances, one of 19.1 feet and the other of 26 feet on the north. The current house is only 4.1 feet off of the alley. The final variance is a side yard setback variance of 3 feet, the minimum requirement is 6 feet and the movement of the property line will put that at 3 feet of the home. The Zoning Board of Appeals voted 4 ayes to 2 nays to recommend approval, and the descending votes gave no comment or explanation for their vote.

## **Motion**

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A motion to approve was made by Mr. Whitten and seconded by Mr. McLaren.

**Discussion on the Motion**

Mr. Scholl asked if the lot size is less than  $\frac{3}{4}$ 's of an acre.

Mr. Skimerhorn stated much less.

Mr. Scholl asked where the nearest sewer system is located.

Mr. Skimerhorn stated both houses have a septic system. The nearest sewer system would be in the Village of Bradley or Bourbonnais, which is over 2 miles away.

Mr. Skimerhorn stated it is a matter of which property the garage actually belongs to.

Ms. Hertzberger asked how long those homes have been in place.

Mr. Skimerhorn stated the estimate is somewhere in the 70's for one of them and much older for the other. There is no record to show when they were actually built.

Mr. James stated he doesn't think by doing this it resolves the problem. He thinks we are creating another problem. Either one of these parcels cannot be in compliance for well and septic distances. Right now, if push comes to shove he would say merge the two under one tax parcel. If something happened to one of them there would be something left to work with to be in compliance.

Mr. Skimerhorn stated the houses are already there, we wouldn't require them to tear them down. Where they would run into an issue is if the septic or well failed, they may have problems getting them into compliance then.

Mr. Whitten asked if the Committee doesn't agree with that, what can the applicant do with the property.

Mr. Skimerhorn stated the applicant could tear the garage down and still sell both pieces of property. The issue is the garage is across the property line.

Ms. Bernard stated this is just an issue of moving a property line. The applicant is trying to refinance, to her it is a simple matter of common sense.

**Vote on Motion**

Motion carried by a roll call vote of 8 ayes and 4 nays.

• **ZBA Case #07-21**

Mr. Skimerhorn stated this case is a request by the Estate of JoAnn Wagner and Shaun Unger to reduce the lot width of 150 feet down to 15 feet on a parcel located on 6000 West Road in Limestone

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Township. The applicant has applied for a Farmstead Exemption to divide off the five acre parcel from the family farm. That is when the applicant realized that they did not have enough frontage. The 15 feet is the existing driveway going out to the road. There is another house on the parcel at the current time. The Zoning Board of Appeals voted 6 ayes to 0 nays to recommend approval.

### **Motion**

A motion to approve was made by Mr. Bertrand and seconded by Mr. McLaren.

### **Discussion on the Motion**

Mr. Scholl stated he is very much in favor of this concept, but the idea of sharing a driveway bothers him. It is a family situation at the current time, but it opens the door down the line that one of the properties could be sold. The Planning, Zoning, and Agriculture Committee has gone on record against a shared driveway. That is the greatest reservation he has on this. He requests that another driveway be put in at the present time.

Mr. Stauffenberg stated that in order to put in another driveway, the family would be taking more farmland out of production.

### **Vote on the Motion**

Motion carried by a voice vote. Mr. Scholl and Ms. Hertzberger are opposed.

## **7. Planning**

### **• Discussion of LESA Program Update- Rich Howell**

Mr. Howell stated as part of the annual work plan for the Regional Planning Commission, we are talking about updating the Land Evaluation Site Assessment Program (LESA). The LESA Program was designed by the United States Department of Agriculture and supported by the Illinois Department of Agriculture. It is a planning tool to be used to project prime farmland and discourage the premature conversion of prime farmland. Premature is the key there, it is not a program to stop development, it is just a program that will help discourage premature conversion of that land. It is an objective system, not a subjective system. It is used in rezoning cases and around the state and has been defensible by attorneys because of its objectivity. The system we are operating under was adopted by the Kankakee County Board in 1992. The purpose of the update is to include the new soil survey that was adopted about 18 months ago that the County helped pay for in that process. The United State's Department of Agriculture has renamed some soils and has changed the description. He would like to use those new soil types during the rezoning cases and without drafting a new updated LESA System that cannot be done. What he would suggest to the Committee and the County Board is that the County form an ad hoc committee, much like it did when it developed the Stormwater Ordinance. He would like to bring in stake holders and people who are interested in that sort of thing. He is looking at a fairly quick turn around because he does not want to reinvent the wheel. He would like to have it completed by the end of June. The ad hoc committee would hold public hearings to allow people to contribute input and their opinions. The ad hoc committee would then create a draft and present it to this Committee and the County Board. What is he looking for today is a recommendation to the County Board that Chairman Kruse form an ad hoc committee to update the LESA Program.

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A motion to recommend to the County Board that Chairman Kruse form an ad ho Committee to update the LESA Program was made by Mr. Scholl and seconded by Mr. Whitten. Motion carried.

## **8. Solid Waste**

### **• Delegation Agreement**

Mr. Kruse stated he does have the new application from the State and will be going through that, putting in the new numbers for applying for the Delegation Agreement. He will be working with Mr. McCarty to get the application completed. Once that is done, he will bring it back to this Committee and/or Finance in order to move it forward.

Ms. Bernard asked what happens on February 17, 2008, the suspension of the delegation agreement was for one year.

Mr. Kruse stated the County will be applying again for the new fiscal year for the State. Those are documents that we have, we are not getting booted out, the State is still interested in working with the County.

## **9. Other**

### **• Consideration of Relocating the Kankakee County Highway Department and Making an Educational Facility for River Issues**

A motion to send this agenda item to the Highway Committee was made by Mr. Whitten and seconded by Mr. Tripp. Motion carried.

Ms. Hertzberger made a brief presentation on moving the County Highway Department and creating an educational facility for river issues.

## **10. Old/ New Business**

Mr. Bertrand asked about the Revolving Loan Fund Grant for the ethanol plant.

Mr. Kruse stated there was an expiration date on the RLF Grant; whatever monies were set aside for that project is still in the RLF.

Mr. Kruse handed out a letter from Ambassador Steel. He congratulated the members of this Committee and the members of the Economic Alliance.

## **11. Adjournment**

A motion to adjourn the meeting at 10:06 a.m. was made by Mr. James and seconded by Mr. Washington. Motion carried.

Jim Stauffenberg, Vice-Chairman

Stephanie Jackson, Executive Coordinator

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