

Members Present

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

Members Absent

None

In Attendance

Mr. Kruse, Mr. McLaren, Mike Van Mill, Brian Billingsley, Mike Lammey, Andy Pristach, Donna Shehane, Delbert Skimmerhorn, Dave Tyson, Leigh Marcotte, Chad Miller, Patrick Joyce, Jerry Joyce, John Bevis, and Richard Mariner

1. Call to Order

The meeting was called to order by the Chairman, Mr. Olthoff, at 9:00 a.m.

2. Public Comment

Bill Annis spoke in opposition of Joyce Farms.

Phyllis Smith spoke in opposition of Joyce Farms.

Karen Guest spoke in opposition of Joyce Farms.

Vikki Carlson spoke in opposition of Joyce Farms; she also filed pictures with the recording secretary.

Patrick Joyce spoke concerning the Joyce Farms facility.

3. Approval of Minutes

A motion to approve the minutes from March 22, 2005 was made by Mr. Stauffenberg and seconded by Mr. Tripp. Motion carried.

4. Transportation

None

5. Subdivision

• **Sandbar Estates Re-Subdivision- Variances**

Mr. Billingsley stated that this is a request for variances for Sandbar Estates Re-Subdivision. It is the re-platting of a four lot subdivision that was approved by the County Board two years ago. The property owner is Darrel Stauffenberg and he would like to reconfigure the subdivision so that three of the lots would not have direct access to Sandbar Road.

There would be an internal private drive providing access to the three lots. The lot sizes are about three acres a piece. The subdivision is considered to be an urban subdivision because it is located within a mile and a half of Sun River Terrace.

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

The developer is requesting a total of six variances. The first variance is for a creation of a private drive. The second variance would not allow the developer to dedicate any park land. The third variance would not provide any on-site attention on the site. The fourth variance would not allow sidewalks. The fifth variance would allow wells and septic systems rather than sewer and water, which would be required in an Urban Subdivision. The sixth variance is for a rural road cross-section, which would be a road that has ditches rather than curb and gutter.

Dave Tyson, stated that there might be a possibility that there will be seven variances, which is actually in the application, changing the culvert size onto the road from an 18-inch, that the Road Commissioners requires, to a 15-inch. Mr. Tyson stated that he has a letter from the Road Commissioner approving the plans.

Mr. Tyson stated that the three lots are being sold to the Stauffenberg's three children who are going to be building on the three lots. Mr. Tyson stated that he made the suggestion to the Stauffenbergs to re-subdivide because he didn't like the idea of having three driveways on to Sandbar Road because of the curvature of the road on Sandbar Road.

Mr. Tyson stated that this has been presented to the County Highway Department and they have written off on the plan. Since the proposed subdivision is within a mile and a half of the Village of Sun River Terrace it is supposed to comply with their subdivision ordinances or else they will not sign off on them. Sun River Terrace does not have a subdivision ordinance that requires curb and gutter cross section.

Mr. Tyson stated that the Aroma Park Fire Department does not have a problem with the proposed plan.

Mr. Tyson stated that the County Health Department board approved the well and septic.

Mr. Stauffenberg stated that Darrel is his cousin and he will abstain from voting.

Mr. Stauffenberg stated that Darrel is a farmer who owns all the land around the subdivision. Darrel could have taken 20 acres out of production for each one of the kids and let them build their houses and there would be 60 acres taken out of production. This is a farmer with a farm family, all three children are involved in the farming operation, that is trying to make a place for his kids to take over some day.

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April 13, 2005

A motion to approve the variances was made by Mr. James and seconded by Mr. Tripp. Motion carried. Ms. Hertzberger is opposed and Mr. Stauffenberg abstains.

6. Zoning

- **Zoning Map Update**

Mr. Van Mill stated that annually he asks his staff to update the official zoning map with any changes that have been made during the previous year.

Presented to the committee today is a copy of the official zoning map with the updated zoning changes that have been made last year. This has become very helpful to the Planning Department when a zoning case goes to court there is no question about the official map.

A motion to approve the Updated Zoning Map was made by Mr. Stauffenberg and seconded by Mr. Whitten. Motion carried.

- **ZBA Case #99-18; Momence IL Congregation of Jehovah's Witnesses- Special Use Extension Request**

Mr. Billingsley stated that this is a request for the extension of the Special Use Permit for the Jehovah's Witnesses church located on the north side of Momence; it is a five acre parcel. A Special Use Permit is only good for one year, the developer has to begin work within one year or else the permit expires.

Mr. Billingsley stated that in the committee members' packets there is a letter from Kurt Thacker explaining the reasons why they haven't been able to be in construction over the past six years.

Mr. Martin asked if this was the same motion that the County passed on a while back. Mr. Van Mill stated yes, it is.

Mr. Thacker stated that in the letter he explained the delays of why he has been unable to build. He stated that there have been problems over the past several years between the City of Momence and Good Shepard Mannor which caused the delay, also the City of Momence did not have the EPA jurisdiction which caused the delay. Last spring the Jehovah's Witness Church was getting all the permits together and in the mid-summer the presiding overseer and chairman of the building committee, Mr. Thacker's dad, died unexpectedly, which caused another delay.

Mr. Martin stated that building needs to be started by October.

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

A motion to approve the extension of the Special Use Permit retroactive to October 2004 was made by Mr. Martin and seconded by Mr. Scholl.

Motion carried.

- **ZBA Case #00-01; Joyce Farms Report- Staff Recommendations**

Mr. Van Mill stated that this is part of the ongoing Special Use Permit and the conditions that are placed upon the Special Use in terms of zoning of the property. In light of the new circumstances in the Planning Department with identification of the department as the lead IEPA delegation, the Planning Department believes this is the point in time where it would be prudent to review the Special Use Permit and look at the conditions on it based upon the new circumstances in the office.

Mr. Billingsley stated that in June of 2000 the County Board adopted the Special Use Permit with 8 attached conditions.

SEE ATTACHED MEMO REGARDING SPECIAL USE PERMIT CONDITIONS.

Mr. Scholl asked if the reports to various findings come back to the committee. Mr. Van Mill stated that if they need to be, yes. Mr. Scholl stated that he felt it would be beneficial to the committee if the committee was kept abreast of the findings during the inspections.

Ms. Hertzberger asked what the complaint procedure is. Ms. Shehane stated that the Joyce Farms permit specifies that if there is an odor complaint, Mr. Joyce has to notify the EPA within 7 to 10 days and he has to remediate the source of the odor.

Ms. Hertzberger asked Ms. Shehane to explain the ACS system. Ms. Shehane stated that the ACS system is an active management of a compost windrows, the temperature and moisture has to be controlled, turning of the windrows to aerate them, basically active promotion of the composting process.

Mr. James asked how the time table for the arrival of trucks to Joyce Farms was derived. Ms. Shehane stated that in the permit the facility operating hours are from 6 a.m. to 7 p.m. weekdays. She stated that complaints that she has been receiving claim that trucks are lining up and are noisy at 4:30 in the morning.

Mr. Scholl stated that at one time there was discussion of simultaneous water testing, that they (IEPA) water test and the County will then also water test, is this a feasible process for the County to implement? Ms.

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

Shehane stated that it is technically feasible, there is a cost to it and the funding in the Planning Department would need to be looked at. The EPA also has a program where they will send out one of their inspectors and do a split sampling event for the County.

Mr. Hess stated that the reports are going to the IEPA, in regards to the second condition, are they going to the Health Department? Ms. Shehane stated that she thought they stopped going to the Health Department. Mr. Hess asked if that could be amended and say that the Health Department should receive a copy of the reports at the same time, there could be health issues.

Mr. Scholl asked if a motion would be necessary to have split water testing done, or is that a flexibility within the program. Mr. Van Mill asked if he could come back to Mr. Scholl with the cost of the testing, budgetary wise. Mr. Scholl stated that when we are talking about public health it would definitely be an interest in this committee.

Ms. Shehane stated that she has already talked to the EPA about the split testing and yes, they are willing to do the testing.

Mr. Whitten asked if Ms. Shehane has had a meeting with the neighbors by Joyce Farms and Mr. Joyce on the suggested conditions, are they happy with these conditions? Ms. Shehane stated that there hasn't been a meeting on the conditions.

Mr. Van Mill stated that these are the zoning conditions, there is some association with the IEPA Delegation Agreement but it is a little bit different. His staff believes there are more effective ways of doing this with IEPA Delegation Agreement than with the Special Use Permit itself. That is why they are fashioning a lot of the conditions more along the lines of the delegation agreement, one because it is now in their department and there is a better handle on it on a day to day basis, and two there is a formal procedure already in place to handle these situations.

Ms. Hertzberger asked if the committee can make one of the conditions be that Joyce Farms has a more permanent solution for the storm water drainage completed by a certain date.

Ms. Shehane stated that it will be required in the delegation agreement, if there is no follow through then the enforcement process will continue and eventually to court to force that compliance with the permit.

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

Mr. Stauffenberg stated that he felt this is all kind of new to the County and it was all stuff that was going into the landfill and the County now needs to try to make it work somehow. He felt that Ms. Shehane is doing everything that she can do and he would applaud her for that.

Mr. Washington stated that this is an ongoing process and as far as he can see Joyce Farms is attempting to comply with the wishes of the State and the County.

A motion to accept the conditions for the Special Use Permit was made by Mr. Washington and seconded by Mr. Marcotte. Motion carried.

A motion to have the Health Department receive a copy of the reports in Special Use Permit Condition number 2 was made by Mr. Hess and seconded by Mr. James. Motion carried.

7. Solid Waste & Environmental

- **County Government Garbage Pick-up Result of RFP**

Mr. Van Mill stated that the Planning Department sent out a Request for Proposal to pick-up garbage in all of the County buildings that it owns, operates and occupies. The basis for the RFP is first, there is not an established contract for garbage pick-up, second the County Board passed a resolution endorsing the County Recycling Program in-house and that the Planning Department was going to apply for grants through the Department of Commerce and Economic Opportunity in order to get the proper recycling bins for all our offices and for the employees. Part of that application required the Planning Department to show proof to the Department of Commerce that the County is making positive progress in order that once it does this that there is adequate handling of the recyclables and garbage.

Mr. Van Mill stated that the Planning Department received two RFP's, one from A&J and the second from Apollo. The RFP's were opened at the Finance Committee meeting on March 25, 2005.

Ms. Shehane stated that A&J came in significantly lower on every single situation and staff is recommending that the County choose Kankakee A&J for this contract. Ms. Shehane stated that overall it is approximately a saving of \$500.00 per month can be realized in this contract. The prices are the same through the year of 2009.

Mr. Shehane stated that she has talked to each department that is responsible for paying their own garbage costs and they all have concurred with the recommendation of A&J.

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April 13, 2005

A motion to send this to the Finance Committee with the PZA Committees approval was made by Mr. Tripp and seconded by Mr. Bertrand. Motion carried by a roll call vote of 12 ayes and 0 nays.

8. Planning

- **Trim Creek Greenway Plan Presentation**

Mr. Van Mill stated a couple of weeks ago he had a meeting with Richard Mariner and representatives of the Open Lands Project and the Campaign for Sensible Growth in terms of a project in which they are proposing to do along the Trim Creek Area that is in the eastern part of Kankakee County that leads into the Kankakee River. This project will be a watershed plan project that Mr. Mariner will explain what the elements are, but he is asking all the local units of government that would be impacted by this plan to enter into an agreement to participate.

Trim Creek is a multi jurisdictional watershed; it starts in Will County and the Beecher Area and comes down through Grant Park and ultimately outlets into the Kankakee River. There are areas in which the Soil and Water Conservation District in Kankakee County have done some improvements, at least by the Kankakee River area.

Mr. Van Mill thought that with the urbanization that is occurring with potential for the third airport looking at watersheds and in particularly watersheds that go across multi jurisdictions including two counties is important in order that the County coordinate growth and development along here because obviously water quality and flooding don't know governmental boundaries.

Mr. Van Mill thought that this was a very important project and would recommend that the County support this and participate because he thought that this could grow into other projects and other participation that local governments can enter into with the growth and development that we are seeing in Kankakee and in Will County.

Mr. Mariner stated that he is representing three private not-for-profit organizations that are sponsoring two pilot watershed planning projects in the Greater Northeastern Illinois Area. The three organizations are the Open Lands Project, the Metropolitan Planning Council and the Campaign for Sensible Growth. Mr. Mariner stated that the organizations have all been in existence a very long time and work extensively throughout the entire Greater Northeastern Illinois Area to promote the preservation of open space, the management of natural resources and high quality planning and growth.

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

Mr. Mariner gave a brief presentation regarding watersheds.

Mr. Mariner stated that last night the Village of Beecher officially signed on into the project, he is meeting with the Board of Grant Park on Monday night, there is a resolution which is winding its way through the process in Will County and he would really love to have Kankakee County involved in this as well.

A motion to give this to the Storm Water Management Committee and let them decide what to do about it was made by Mr. Whitten.

Mr. Van Mill stated that the Storm Water Management Committee is doing a very specific project; they are doing the ordinance itself. He doesn't know if the committee would want to task them with this or just make it part of the Planning Department's process.

Mr. Whitten withdrew his motion after Mr. Van Mill's comment.

Mr. Van Mill felt that the County should participate in this program through the Planning Department.

Mr. Kruse stated that the President of Beecher contacted him regarding this about a month ago and he was very interested in trying to get this project up and running. The President of Beecher was also very interested in having Kankakee County sign on to this project.

A motion to go ahead and be a part of Trim Creek Watershed project and send the resolution to the County Board was made by Mr. Kruse and seconded by Mr. Tripp. Motion carried.

- **Impact Fees Ordinance**

Mr. Van Mill stated that after the last PZA meeting in which the committee passed a motion to recommend a certain process for the imposition of land cash donation ordinance it was found that the ordinance that was given to the committee was an older copy, it wasn't updated.

Mr. Van Mill stated that the committee should now have a copy of the current ordinance in their packet.

Mr. Van Mill stated that hopefully for the April 26th meeting this ordinance can be addressed.

Mr. McLaren stated that in discussing this there are quite a few things that will need to be looked over and he believes last month this committee

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Planning, Zoning and Agriculture

Committee Minutes

April 13, 2005

appointed three people for the hearing committee. He would like to take those same three people to review the ordinance. He would be willing to sit in on the hearing committee, if it so be desired by the PZA committee, just to take some recommendations back to this PZA committee.

A motion to authorize the four people, Ms. Hertzberger, Mr. Martin, Mr. Whiten, and Mr. McLaren, to review the ordinance and report back to the PZA committee was made by Mr. Stauffenberg and seconded by Mr. Scholl. Motion carried.

Mr. James would like to see people who are against the ordinance on this subcommittee.

Mr. McLaren stated that this subcommittee or hearing committee is simply to review everything, take recommendations back to the PZA committee, and the PZA committee will have the ultimate say on whether the ordinance goes to the County Board.

9. Other

None

10. Executive Session

There was no executive session at today's meeting.

11. Old/New Business

Mr. Van Mill invited everyone to the public forum on the Update of the Comprehensive Plan tonight from 5-8 p.m. at the Quality Inn.

Ms. Hertzberger stated that in light of the current election and that there is new representation in Pembroke Township she would like to revise the Pembroke garbage situation by bringing the Adhoc Committee to meet again.

Mr. Van Mill stated that he is meeting with the mayor and the township supervisor tomorrow at 1:30 p.m. and will be discussing the possibility of updating the comprehensive plan.

12. Adjournment

A motion to adjourn was made by Mr. Scholl and seconded by Mr. Hess 10:45 a.m. Motion carried.

William Olthoff, Chairman

Stephanie Gresham
Executive Coordinator

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