

**AGENDA OF THE LEE COUNTY BOARD**

NOVEMBER 16, 2004

9:00 a.m.

**3<sup>RD</sup> FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE  
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA - VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA - VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD: 04-P-1394 - Wycliffe Bible - East Grove Twp.  
04-P-1397 - D&E Farms - Ashton Twp.  
04-P-1398 - Lakeview Farms - Willow Creek Twp.

TO PLANNING COMMISSION:

-0-

FROM ZONING BOARD:

-0-

FROM PLANNING COMMISSION:

-0-

REPORTS OF COMMITTEE:

911 BOARD

ADMINISTRATIVE SERVICES

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE

COMMITTEE CLAIMS

COUNTY PROPERTIES

R.C.&D. - BLACKHAWK HILLS

COUNTY SERVICES

FINANCE

CLAIMS

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS Bill Metzen - Lee County Weed Control Superintendent

Resolution - Re-organizational Meeting - December 6, 2004

Resolution - 2005 County Board Meeting Dates

Ordinance - No Smoking Policy (hold over for one month)

Agreement - Joint Agreement between Lee County & DOT (Rock Island Rd)

Resolution - Bridge replacement on Rock Island Road (County Special Bridge Funds)

Budget 2004/2005

Resolution - Appropriations

Professional Services Agreement with Sidwell

Devnet Contract - 3 years

Resolution - Expansion of RC & D area (add Winnebago County)

Probation - 2005 Annual Plan

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY  
**ZONING BOARD OF APPEALS**  
TELEPHONE 288-3643      LEE COUNTY COURT HOUSE  
DIXON, ILLINOIS 61021

ZONING REPORT FOR OCTOBER 2004

There were a total of 26 permits issued for the month of October with a total dollar volume of \$1,640,100. There were 5 permits issued for single-family homes in the amount of \$1,012,000.

There are 3 petitions for the County Board to take action on:

1. 04-P-1397, D & E Farms, LLC

Petitioner is requesting PPN #'s 03-04-23-200-002 & 004, Ashton Township and located on the south side of Gurler Road approximately a ½ mile east of Stone Road and consists of approximately 115.737 acres. Property is currently zoned AG-1 and the petitioner desires to rezone the property to Special Use for the extraction of clay, coal, dirt, gravel, peat, sand, topsoil and other natural resources; and removal of ledge rock with required approval for blasting, quarrying and crushing of stone, not to include asphalt manufacture.

The Zoning Board of Appeals voted unanimously to recommend approval the above petition.

2. 04-P-1398, Lakeview Farms of Lee, IL, Inc.


Petitioner is requesting approximately 7 acres of PPN #21-12-27-400-002, Willow Creek Township be rezoned from AG-2, Concentrated Livestock Production District to AG-3, Concentrated Livestock Production District. Property is located on the North side of Lake Road approximately a ½ mile East of Paw Paw Road.

The Zoning Board of Appeals voted 4-1 to recommend approval of the above petition.

Old Business – 04-P-1394, Wycliffe Bible Translators

The Zoning Board of Appeals discussed this petition and is in unanimous agreement that the original recommendation presented to the County Board on October 19<sup>th</sup> be upheld. This recommendation was to rezone this property to Special Use for a campground with restrictions.

Very truly yours,



Chris Henkel  
Zoning Administrator

LEE COUNTY ZONING BOARD OF APPEALS

BOARD MEMBERS

Ron Conderman, Chairman  
Craig Buhrow, Vice Chairman  
Mike Pratt, Member  
Gene Bothe, Member  
Tom Fassler, Member  
Howard Schoenholz, Alternate  
Gene Hardiek, Alternate

Chris Henkel, Zoning Administrator  
Katie Murray, Clerk

The Lee County Zoning Board of Appeals met Thursday, November 4, 2004 at 7:00 p.m. in the Lee County Courthouse, Dixon Township, Dixon, Illinois. The Chairman called the meeting to order and the Clerk called the roll with the following members present: Fassler, Bothe, Pratt, Buhrow and Conderman.

Chairman Conderman asked for a motion to approve last month's minutes. Gene Bothe made a motion to approve, seconded by Mike Pratt. All in favor.

The first petition on the agenda Chairman Conderman addressed was Petition No. 04-P-1397, D & E Farms, LLC. Petitioner is requesting PPN # 's 03-04-23-200-002 & 004, Ashton Township and located on the south side of Gurler Road approximately a ½ mile east of Stone Road and consists of approximately 115.737 acres. Property is currently zoned AG-1 and the petitioner desires to rezone the property to Special Use for the extraction of clay, coal, dirt, gravel, peat, sand, topsoil and other natural resources; and removal of ledge rock with required approval for blasting, quarrying and crushing of stone, not to include asphalt manufacture.

Chairman Conderman asked if paperwork and been turned in and Chris Henkel answered yes. Chairman Conderman asks that those representing this petition please step forward and be sworn in.

Attorney Henry Dixon Jr. was sworn in and indicated he is representing this petition. Attorney Dixon explained that approximately thirteen months ago this petitioner asked for special use zoning on parcel's 2, 3 and 4. The current petition is asking for special use zoning in parcel number 5. Mr. Dixon explained that this operation is taking place in stages. At this time D & E farms have made improvements to Gurler and Hartman roads, Attorney Dixon indicated. He also reported that quarry operations have been limited to parcel number 2. Attorney Dixon explained that the quarry operation has been consistent with the petition and addendum currently in place. Attorney Dixon explained the blasting operations that have been completed.

Attorney Dixon asked that Richard Utt explain the quarry operation. Richard Utt was sworn in. Mr. Utt explained that he is a consultant with D & E Farms. Mr. Utt explained the responsibilities under his job, which include helping to obtain permits and the layout

of projects. Mr. Utt discussed the progress made after the first petition which consisted of: the clean up of parcel 1, the construction of Hartman road, the asphalt approaches put in at different areas and a maintenance agreement that D & E would maintain Hartman road.

Mr. Utt stated that they plan to develop parcel 5 over the next ten years. Mr. Utt demonstrated on a map the buffer of farmland surrounding parcel five. Mr. Utt explained they need this zoning because of the over all use of parcel five over the next twenty-five years. Mr. Utt stated that D & E farms have proved they are responsible. They have kept in contact with Chris Henkel of their activities.

Mr. Utt showed pictures of the quarry and surrounding roads to the zoning board. Mr. Utt stated that they have made an agreement with Ashton Township about the road use.

Mr. Utt displayed the road approaches to the board and explained there are over nine approaches to the farm. Mr. Utt explained Layette Township widened the turnoff to over 66 foot. D & E farm put over 26,000 ton of stone into Hartman road, Mr. Utt explained.

Mr. Utt reported that parcel 6 will remain in farmland. Mr. Utt stated they have never had standing water during excavation.

Tom Fassler asked if there have been any problems with other trucks going through the road. Mr. Utt stated D & E farms have issued strict orders to abide by the road regulations.

Mr. Utt explained that they look at this as 30 year project. Mr. Utt discussed the reclamation area and the cost.

Gene Bothe asks where these 115 acres is located. Mr. Utt demonstrates on the map. Tom Fassler asked what the two notches on the top of the map represent. Mr. Utt answered homes.

Mike Pratt asked about the placement of burms. Mr. Utt shows the burms on the map and explained which parcels will remain in farmland. Mike Pratt asked what will be done with the topsoil. Mr. Utt stated some will be used for the burms and part may be sold commercially.

Mr. Utt explained the top rock is not good rock. After you go four or five feet down you get better rock.

Mike Pratt stated that the reclamation project is not mentioned in this petition. Mr. Utt stated that this special use zoning is a requirement they must have; they cannot go the route of reclamation until they have this zoning. Tom Fassler indicated that they are required by state to have a reclamation permit.

Mike Pratt mentioned that in the last petition D & E was going to meet with local land owner. Someone was to be selected as the spokesperson by the neighbors. Mr. Pratt asked

if this has been done. Mr. Utt answered not that he is aware of. Mr. Utt indicated they have never had a meeting with landowners although they have talked to several neighbors. Mr. Utt indicated they have blasted about eleven times.

A discussion was held whether or not all adjacent landowners were notified. Mike Pratt reported in the first petition they did not go to the west of the property. Attorney Dixon stated that the landowners to the west of the property were notified in the first petition.

Mr. Utt reported they would be starting parcel number 3. Craig Buhrow asked about water run off. Mr. Utt demonstrates on the map where the water runs off. Mr. Buhrow asked whose property the water would drain to. Mr. Utt indicated it would go into the retention pond. Mr. Utt indicated some water could go to Gurler road.

Chairman Conderman asked if there is anyone present wishing to speak for or against this petition. No one came forward.

Chairman Conderman indicated with Special Use they must follow a Special Use Advisory Report. Chairman Conderman read Question #1 Findings of fact regarding the effect of such proposed use upon the character of the neighborhood are as follows: Ron Conderman stated there would be no change.

Question #2 Findings of fact regarding the effect of such proposed use upon traffic conditions are as follows: Ron Conderman stated the roads have been improved to take care of the existing quarry.

Question #3 Findings of fact regarding the effect of such proposed use upon public utility facilities are as follows: Ron Conderman stated there are no public utilities.

Question #4 Findings of fact regarding the effect of such proposed use upon public health, public safety or general welfare are as follows: Ron Conderman stated there is no change; there are fences and gates onto the roads. Richard Utt stated there are burms. Craig Buhrow asked how many loads per day are hauled. Mr. Utt stated so far we have taken out 200,000 tons. We are capable of 2,500 tons a day, Mr. Utt reported. He stated the average home takes about 500-1000 tons.

Tom Fassler made a motion to approve Petition No. 04-P-1397, seconded by Mike Pratt. Those voting aye: Tom Fassler, Gene Bothe, Mike Pratt, Craig Buhrow, Ron Conderman. Those voting nay: none. Chairman Conderman stated this will go before the full county board on November 16<sup>th</sup> at 9:00 am with a recommendation.

The second petition on the agenda was Petition No. 04-P-1398, Lakeview Farms of Lee, IL, Inc. Petitioner is requesting approximately 7 acres of PPN #21-12-27-400-002, Willow Creek Township be rezoned from AG-2, Concentrated Livestock Production District to Ag-3, Concentrated Livestock Production District. Property is located on the North side of Lake Road approximately a ½ mile East of Paw Paw Road.

Chairman Conderman asked if all paperwork has been turned in. Chris Henkel reported he does not have the newspaper receipt. Mr. Purdy explained he has paid the newspaper with a check but did not receive a receipt. Mr. Henkel asked Mr. Purdy to bring this in as soon as possible. Mr. Purdy stated he will bring it in to the zoning office.

Chairman Conderman asked for anyone speaking on behalf of this petition to please step forward. Robert Purdy, M.D. came forward and was sworn in. Dr. Purdy explained he is petitioning to change zoning from AG-2 to AG-3. Dr. Purdy stated he has a copy of the number of pounds delivered from this operation over the years. Dr. Purdy gave this document to Chairman Conderman, see attachment number 1. Chairman Conderman read the document. Dr. Purdy indicated he has also brought the receipts of the cattle sold last year.

Ron Conderman asked where the breaking point for AG-3 is. Mr. Henkel explained if there is greater than 600,000 pounds. Mr. Henkel stated that Dr. Purdy has exceeded the 600,000 pounds. Mr. Henkel explained that this is currently zoned AG-2. Mr. Henkel read the zoning ordinance for Lee County relating to this petition.

Tom Fassler asked for a clarification on the difference between AG-2 and Ag-3. Mr. Henkel stated the difference is the production amount.

The board discusses the stipulations that must be met by surrounding landowners and this petitioner as read in the zoning ordinances by Chris Henkel. Mike Pratt asks to see the circle radius around the petitioner's property. Tom Fassler indicates this property is about 2 ½ miles from Paw Paw. Mr. Henkel demonstrates on the map the radius surrounding the farm and demonstrates the location of surrounding neighbors.

Craig Buhrow asks how far this operation is from 39. Mr. Henkel reported it is just short of a mile. Mr. Buhrow asked Dr. Purdy where his farmland runs. Dr. Purdy demonstrates on the map. Henkel points out subdivisions in the area. Mr. Buhrow asks how far this property is from the Dekalb county line. Mr. Henkel stated less than 2 ½ miles; restrictions are all within Lee County.

Craig Buhrow asked how many people come into the zoning office before building to see if there are any restrictions. Chris Henkel stated we always recommend people do so.

Tom Fassler asked Dr. Purdy if he has any plans for expansion. Dr. Purdy stated at this time no.

Mike Pratt stated that at one time they had discussed changing the perimeters because they are so big. Chris Henkel stated that yes; there were discussions for going with the state regulations. In the new county regulations all existing AG-2 and AG-3 will be grand-fathered in, Mr. Henkel explained. The AG-3 situation is fading away but in this petition we have the numbers that qualify.

Mike Pratt stated he does not know what to do think because of the two-mile radius and asked what the new ordinances would read. Mr. Henkel explained.

Mike Pratt stated two years from now we may not have option to give AG-3. Chris Henkel stated we are trying to meld state with county regulations. Mike Pratt stated we had thoughts that these restrictions were pretty limiting.

Dr. Purdy demonstrates on the map a piece of property he owns which would be desirable to potential buyers. Dr. Purdy stated that with this zoning he is also cutting himself out of selling his own property.

Mike Pratt asked if his motivation was to restrict sub-divisions. Dr. Purdy explained.

Chairman Conderman asks for anyone in the audience that would like to speak for or against this petition to please step forward. Joyce Reynolds was sworn in and stated she is a landowner who questions the restrictions of the subdivision. Ms. Reynolds indicated she thinks Dr. Purdy is under the required amount of cattle. Ms. Reynolds stated that she was not notified of this meeting and she is an adjacent landowner within two miles. The board stated that landowners that were adjacent to Dr. Purdy's property were notified. Ms. Reynolds stated she is adjacent to some of Dr. Purdy's property and demonstrates on the map where her property is located. Ms. Reynolds thanks the board for hearing her out.

Roseann Para was sworn in and stated she lives on the property located next to Mr. and Mrs. Reynolds. She stated she is close to Dr. Purdy's property. Ms. Para reported she feels Lakeview Farms has been good. Ms. Para stated as far as a subdivision coming in extending from AG-2 to AG-3 is not a problem. Ms. Para discussed the safety issues of subdivisions which included the volunteer fire departments being able to access them on snow covered roads. Ms. Para stated that according to the county comprehensive plan subdivisions should be next to existing towns. Ms. Para stated she would like to see this zoning go from AG-2 to AG-3.

Carl Davison was sworn in and indicated he is an adjacent landowner to the South and East of Lakeview farms. Mr. Davison stated that Lakeview farms are good neighbors and would highly recommend them for AG-3. Mr. Davison reported he owns a little over six acres.

Mike Pratt stated he does not know what to think. Craig Buhrow stated that this fits within the county plan. Ron Conderman discusses subdivisions and five acres tracts. Gene Bothe asked how many homes are allowed in a five acre tract. Tom Fassler stated one.

Tom Fassler stated that even if we denied this petition Dr. Purdy could still operate under AG2 or AG1.

Tom Fassler made a motion to approve Petition No. 04-P-1398, seconded by Craig Buhrow. Those voting aye: Tom Fassler, Gene Bothe, Mike Pratt, Craig Buhrow. Those

voting nay: Ron Conderman. Chairman Conderman stated this will go before the full county board on November 16<sup>th</sup> at 9:00 am with a recommendation to approve.

Chairman Conderman indicated there is a petition under Old Business to address. Chris Henkel stated that 04-P-1394, Wycliffe Bible Translators, was before the county board at the last board meeting. Mr. Henkel stated that the county board and himself were stunned when Mr. Dunckel withdrew this petition from the county board. The county board asked that this petition be brought back to the zoning office.

Chris Henkel read the definitions of camp/campground and a retreat. Mr. Henkel asks for the opinion of the board if we uphold for special use or review this and drop it back down to AG-1. Mr. Henkel asked if this is a violation of AG-1. Mr. Henkel reported that it is his opinion that this qualifies as a campground and has the support of the State's Attorneys office on this opinion.

Tom Fassler asked if anyone is present from Wycliffe. No one was present. Mr. Fassler stated that it is his understanding that Wycliffe pulled out this petition because of the restrictions on time frame. Mr. Fassler stated that he feels before the board goes any farther we should go to Wycliffe's property.

Mr. Henkel stated that Wycliffe was present at the county board meeting and heard Mr. Henkel's request that this petition be brought back to the zoning board.

Tom Fassler believes it is a campground and they are out of compliance with zoning. Tom Fassler stated that we need conversation with Wycliffe. Mike Pratt stated that he agrees and as of now they are out of compliance. Tom Fassler is asking for an onsite inspection.

Ron Conderman stated this petition is still on the table.

Tom Fassler stated we need conversation with Wycliffe. Mr. Fassler stated the reason Wycliffe pulled out was because he wanted no limit of time frame.

Assistant State's Attorney Watson stated once zoning board makes a recommendation the county board must act on it, they still have to address this petition. Attorney Watson gave options the zoning board could follow: they can send it back to the county board for a decision or they can re-open testimony.

Tom Fassler stated he does think this should be zoned as a campground. Mike Pratt stated we have to have an open meeting with a new petition.

The board discussed the different options of what can be done. Chairman Conderman announced that consensus stands the recommendations on this petition stand and will go back to the county board.

There being no further business in front of zoning board Mike Pratt made a motion to adjourn, seconded by Craig Buhrow. Meeting adjourned.

\_\_\_\_\_  
Chairperson

*Kati Murray/bw*  
\_\_\_\_\_  
Clerk

