

MINUTES(Revised)
LIVINGSTON COUNTY ZONING BOARD OF APPEALS
Livingston County Historic Courthouse
112 W. Madison St.
Pontiac, Illinois

Regular Meeting
7:00 p.m.

September 7, 2017

The meeting came to order and roll call was taken.

Members Present: Michael Cornale, James Blackard, Richard Kiefer, William Flott,
Gerald Earing and Joan Huisman.

Members Absent: Richard Runyon

Agenda:

Chair Joan Huisman mentioned the agenda. The zoning administrator mentioned that the Graymont Coop special use timing to further review will need to be discussed as other business. Then William Flott moved, seconded by Gerald Earing, that the agenda for this September 7, 2017 meeting be approved as presented. This motion was approved by unanimous voice vote.

Minutes:

Chair Joan Huisman mentioned the minutes from the last meeting, had just been handed out, and she deferred approval of the minutes until the next regular meeting.

Business:

The continuation of the review of the Graymont Coop liquefied fertilizer special use request SU-4-17 and V-2-17 was discussed, with the option to continue this review at the planned September 18, 2017 meeting. The zoning administrator noted that the previous review of this zoning case was recessed until the applicant received their permits from the state, they do not have those permits, but anticipate getting them in the near future. Graymont has a time crunch to get the tank constructed so the timing of the September 18th meeting is better for the applicant. Chair Huisman noted that they had several questions, but she would be okay with continuing the hearing on September 18th, with the hope that the state permits would answer a lot of their questions. Philip Rich representing Graymont Coop indicated that they expected their permits late this week or early next week. Matt Jacobs, manager of Graymont Coop, related that they need two state permits, one from the Illinois Dept. of Agriculture and one from the IEPA, with the county permit being a third permit, and something has to come first. Matt Jacobs said that the Illinois Dept. of AG has approved it and pushed it on to the IEPA. Mr. Jacobs related that they cannot move forward on the project unless they receive all three approvals.

Richard Kiefer moved, seconded by Gerald Earing, to continue the recessed hearing on the Graymont Coop zoning cases to their September 18, 2017 meeting, which will begin at 7:30 pm. This motion was approved by voice vote.

Case V-4-17 – Stahly

This zoning case pertains to the review of a variation in the zoning regulations requirements to allow for the division of a tract of land, with a need for a variance on one of the proposed parcels that would not have any frontage along a public road, so a variation in the lot dimension requirements for a lot to have 0 feet instead of 150 feet of lot width or frontage along a public road. The property in question is a 23.86 acre parcel of land in the Southwest Quarter of Section 11 of Reading Township. The zoning administrator presented his report, exhibits, and other information relative to this zoning case.

Robert Stahly, 1508 E. Bridge St., Streator, IL, the property owner relating to this zoning case, presented testimony relative to this zoning case. Mr. Stahly related that he has approximately 24 acres and he would like to sell his son a little bit less than 5 acres, with them proposing to have a communal drive way, at the time the property was previously divided this 30 foot drive was okay. Mr. Stahly said that the tract of land that he is selling his son is about the only area that he can build a house that is not in a flood plain, so there will be no other houses built out there. Mr. Stahly would like to sell him the property with his son having the drive way, and with the property owner using the lane to get to their property, on which he has a cabin built. Mr. Stahly mentioned that the property had been surveyed and the easements have been created, with him maintaining an easement right to the driveway. Mr. Stahly referred to their lawyer submitting and him reviewing the standards for variations. Mr. Stahly repeated that the lawyer had drawn up so both he and his son can use the drive way. So they want to be left alone and be able to use the driveway.

Chair Huisman asked Mr. Stahly to confirm that he uses the drive, of which Mr. Stahly confirmed while relating they just want to continue to use the same drive, but he will now be sharing it, and all of the legal work has been done on it.

No other interested parties presented testimony relative to this zoning case.

In closing statements Mr. Stahly expressed his appreciation.

James Blackard moved, seconded by Gerald Earing, that the zoning board of appeals approve this variation request in the zoning regulation requirements to allow for the division of a tract of land, to allow for a variance on one of the proposed parcels that would not have any frontage along a public road, to have 0 feet instead of 150 feet of lot width or frontage along a public road.

This motion was approved by a roll call vote.

Cornale	- Yes	Blackard	- Yes
Kiefer	- Yes	Runyon	- Absent (Did not Vote)
Flott	-Yes	Earing	- Yes
Huisman	- Yes		

Case SU-2 -17 – Valley View Industries, Inc.

This zoning case pertains to a review of a request for a special use pertaining to the proposed development of a mineral extraction site, in an AG, Agriculture, District. The subject property in this zoning case involves 266.2 acres drawn together from four parcels of land, located in east half of Section 25 of Eppards Point Township. The zoning administrator presented his report, exhibits, and other information relative to this zoning case. This additional information included conditions placed on a past approval of a Valley View Industries, Inc. mineral extraction site plus an additional condition. These conditions are 1- Comply with regulations relating to mineral extraction sites, as set forth in the Livingston County Zoning Regulations; 2 -Comply with the rules and regulations of the State of Illinois department responsible for regulating the Mines and Mineral Surfaced Mines Conservation and Reclamation Act, and all other state, federal and local regulations pertaining to mineral extraction sites; 3 - Comply with the plans and specifications submitted under Livingston County Zoning Case SU-2-17; 4 – That any resident within on half mile of the quarry property as described in the legal description for this zoning case can request to be notified as to when blasting is to take place on the subject property; 5 – That a sign be posted in the scale office of the quarry operations, reminding truck drivers to obey speed limits and to use caution while driving on county roads; 6 – That dust control measures are used inside the quarry property; 7 – That if a well monitoring program be established and maintained with concerned area property owners, and that any copies of any such written agreements be filed in the office of the Livingston County Regional Planning Commission; 8 – That the applicant takes proper actions prior to and during quarry operations as to not adversely affect the drainage of the property adjoining the subject property; 9- That the applicant consult with the Avoca Township, the Eppards Point Township and the Livingston County Highway Department officials to come to an agreement on work that may need to be done on public road areas that may be directly affected by the quarry operations. Any copies of any written agreements shall also be provided to the Livingston County Regional Planning Commission Office; 10 – That the proposed processing plant for this mineral extraction operation be located below grade, as soon as area below grade is available to locate the processing plant area; 11 – That offers made by Valley View Industries, Inc., or their successors, pertaining to property value guarantees be honored by all parties, and that copies of an such written agreements be filed in the office of the Livingston County Regional Planning Commission; 12 – That 1800 East Road be the dedicated haul route from 1200 North Road to Route 24 (800 North Road), this last proposed condition is a result from discussion with the township road commissioners and Valley View Industries.

A copy of a report from the Livingston County Soil and Water Conservation District was provided to each of the zoning board of appeals members. This report has four concerns listed about this application. A copy of this report can be found in the file for this special use application. The zoning board of appeals was also informed that the Livingston County Regional Planning Commission had reviewed this zoning case at their August 28, 2017 meeting. The planning commission recommends that this zoning case be approved as it was presented to the planning commission at their meeting.

Richard Hatzler, Pontiac, IL. presented testimony relative to this zoning. Mr. Hatzler is the president of Valley View Industries, and he introduced others present, Shari Hatzler from the company office, Marty Hatzler, the quarry manager at the McDowell quarry, his sister Helen an office employee, Tim Kenney their office manager, Rich Hatzler the quarry operator at the Rowe quarry, Aaron Hatzler his grandson and company employee, Paul Brown their engineer, Mr. Grosshans a neighbor to the subject property, Mr. Metz partial subject property owner, Ron Fehr of who owns property they are currently quarrying, and Dick Hatzler's son Doug. Also present was Lynn Schaffer and Kevin Schaffer who have interest in the special use under discussion.

Copies of information board documents had been provided to the zoning board of appeals members. Mr. Hatzler began about some land had come up for sale, and he and Mr. Metz discussed purchasing ground and trading ground with the property owners, eventually leading to Valley View the Metz's and Schaffer's creating the property in question. Mr. Hatzler used the existing site conditions information board to comment on the land being considered for this property use. Mr. Hatzler then used an operation plan information board to explain the proposed quarry operations starting in the Northeast Corner of the subject property. Mr. Hatzler then commented about Kevin Schaffer having two hog houses that can use up to 6000 gallons of water a day, so Mr. Hatzler proposes to run a water line from a pond on Lynn Schaffer's property across the road to a 6000 gallon underground tank next to the hog houses, so water will be assured if the well for the hog houses goes dry. Mr. Hatzler then commented about where they are quarrying, and how they had helped the township build the road used for hauling to and from the quarry area. Mr. Hatzler then commented about how the plan on building a concrete section in the township road to use as a crossing area that will be used to haul rock from the proposed quarry to the processing area in their existing quarry on the other side of the road. Mr. Hatzler commented about how the black dirt is put in the berms along the road. Mr. Hatzler then related that once they have a hole big enough for a crusher they will put a crusher in the new area, but still use the haul road and township road crossing area to move material over to the existing stock pile area. Mr. Hatzler then commented about their dynamiting, and how they now use liquid dynamite. The liquid dynamite is trucked in and put in a holding tank, then Valley View has a truck with a smaller tank used for their blasting operations. They use no electric caps, and it is not just one big blast, just one hole of several goes off one at a time creating several rapid small blasts. They are now blasting 300 feet from a house, using smaller holes. Marty Hatzler explained they are using 20 lbs. per hole; there vibrations are half of what is allowed. Mr. Hatzler then explained how they shot explosives 75 feet from a 36 inch gas line on the Schaffer property, which was legal. They kept the gas line company about informed about their records for their blasting near this gas line. No gas lines run through the subject property. Chair Huisman asked if they are okay with notifying are neighbors of blasting, of which Mr. Hatzler replied he is okay in notifying anyone who requests to be notified. Chair Huisman and Mr. Hatzler discussed the proposed reclamation plan on which Mr. Hatzler related that is just a conceptual plan at this time. The actual quarrying of the property will dictate more as to how the property is reclaimed. Mr. Hatzler prides himself on his quarry reclamation projects. Chair Huisman as if Mr. Hatzler had talked with anyone at Soil & Water. Mr. Hatzler related that their remarks are common from that office, but a 12 to 15 inch tile does cross the subject property and they will put an open ditch around the quarry to drain it, and when it is all done it will come into the quarry pond in one end and out of the other end. It is unknown if the soil and water was aware of this tile. Mr. Earing asked if other farmers could tie into the drainage ditch to be developed. Mr. Hatzler said if they hit tiles they would come into it. Ron Fehr said it would not affect the drainage of his area land. Chair Huisman asked if the permitting with the IEPA and IDNR had been started. Tim

Kenney said they would start right after zoning. The reclamation will be permitted by the state. In regard to the amount of soil on top of the rock Mr. Hatzler indicated that 12 to 20 feet of soil can be found on top of the rock, in that the stone is not shallow as it used to be. The stone depth will also be 12 to 20 feet deep. Mr. Hatzler related that with the soil depth they have about as much machinery for moving the soil as they have for rock processing, and that they own all of their equipment and that they work year round without laying anyone off. It confirmed that they have 30 to 40 employees. Mr. Hatzler said he has discussed this new quarry area proposal with area land owners. Mr. Blackard inquired about the Soil and Water condition of contaminating drinking water, and Tim Kenney and Paul Brown explained how they need to obtain a permit from the IEPA, and that the soil and water comment may be a canned statement. Permits from the IDNR were also mentioned. Mr. Flott asked about when the taxation changes from farmland to quarry land, is it done at once. Mr. Hatzler and Mr. Kenney said they have not noticed a change in the taxes. Sales taxes etc. were also discussed. Mr. Hatzler said that when you build a house on a quarry it is taxed quite good. Mr. Kenney then mentioned how there IDNR permit is filed with the county. (County Clerk), which can be reviewed. Mr. Hatzler said it is not like it was before. Mr. Hatzler said he would hear from the neighbors if he had any problems.

No other interested parties presented testimony relative to this zoning case.

Mr. Hatzler in closing statements he mentioned his reclamation of old quarries. He then discussed his discussions with the Humiston Board. He also mentioned that they had worked in helping on providing materials on road 1800.

Richard Kiefer moved, seconded by Bill Flott, that the Livingston County Zoning Board of Appeals approve Livingston County Zoning Case SU-2-17 pertaining to a special use regarding the development of a mineral extraction site, in an AG, Agriculture, District, with the subject property in this zoning case involves 266.2 acres drawn together from four parcels of land, located in east half of Section 25 of Eppards Point Township, with these amended conditions of 1- Comply with regulations relating to mineral extraction sites, as set forth in the Livingston County Zoning Regulations; 2 -Comply with the rules and regulations of the State of Illinois department responsible for regulating the Mines and Mineral Surfaced Mines Conservation and Reclamation Act, and all other state, federal and local regulations pertaining to mineral extraction sites; 3 - Comply with the plans and specifications submitted under Livingston County Zoning Case SU-2-17; 4 – That any resident within on half mile of the quarry property as described in the legal description for this zoning case can request to be notified as to when blasting is to take place on the subject property; 5 – That a sign be posted in the scale office of the quarry operations, reminding truck drivers to obey speed limits and to use caution while driving on county roads; 6 – That dust control measures are used inside the quarry property; 7 – That if a well monitoring program be established and maintained with concerned area property owners, and that any copies of any such written agreements be filed in the office of the Livingston County Regional Planning Commission; 8 – That the applicant takes proper actions prior to and during quarry operations as to not adversely affect the drainage of the property adjoining the subject property; 9- That the applicant consult with the Avoca Township, the Eppards Point Township and the Livingston County Highway Department officials to come to an agreement on work that may need to be done on public road areas that may be directly affected by the quarry operations. Any copies of any written agreements shall also be provided to the Livingston County Regional Planning Commission Office; 10 – That the proposed processing plant for this mineral extraction operation be located below grade, as soon as area below grade is available to locate the processing plant area; 11 – That offers made by Valley View

Industries, Inc., or their successors, pertaining to property value guarantees be honored by all parties, and that copies of an such written agreements be filed in the office of the Livingston County Regional Planning Commission; 12 – That 1800 East Road be the dedicated haul route from 1200 North Road to Route 24 (800 North Road),

This motion was approved by a roll call vote.

Cornale	- Yes	Blackard	- Yes
Kiefer	- Yes	Runyon	- Absent (Did not Vote)
Flott	-Yes	Earing	- Yes
Huisman	- Yes		

Other Business: See you Monday (at continued zoning text hearing)

Findings of Fact and Decision: To be reviewed at their next regular meeting.

Public Comments: None

Report of Officers: None

General Discussion and Informational Update: None

The zoning board of appeals members were informed that their next regularly scheduled meeting would be held on October 5, 2017.

Then Bill Flott moved, seconded by James Blackard, that this meeting be adjourned. This motion was approved unanimously.

This regular meeting portion of this hearing was adjourned at 8:00 p.m.

Material regarding these proceedings is on file in the Livingston County Regional Planning Commission Office, in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Charles T. Schopp, Secretary
Livingston County Regional
Planning Commission