

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

Continuation of a Recessed Portion of the August 3, 2017 Meeting  
7:30 p.m.

September 18, 2017

The meeting came to order and roll call was taken.

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

Members Absent: None.

Business:

Continuation of the Review of Cases SU-4-17 and V-2-17 -- Graymont Cooperative

This zoning case pertains to the review of a special use request to allow for a commercial liquefied Fertilizer storage & distribution site, including a proposed one million gallon UAN Solution Storage tank, with a setback distance of 120 feet instead of 300 feet from a residential use and 12 feet instead 100 feet from a side lot line. The subject property in this zoning case is a parcel of land located in Graymont, in Section 20 of Rooks Creek Township. The zoning administrator updated the zoning board of appeals on the status of this zoning case. A copy of the Illinois Department of Agriculture, Bureau of Environmental Programs, Agrichemical Facility permit, and a copy of the Illinois Environmental Protection Agency Endorsement of Agrichemical Facility Permit, were handed out to each zoning board of appeals member. The zoning board questioned as to if neighbors had been made aware of the well question in this matter. Mr. Schopp said that he hand delivered notices to the five houses/structures with wells within 200 feet of the proposed site. The 400 feet mark includes two more properties with wells, but those properties are owned by Graymont Coop. Mr. Schopp mentioned that IEPA regulations reflect that if any wells are contaminated it is the responsibility of Graymont Coop to provide water to the people whose wells are affected by any contamination. No wells closer than 200 feet can be redrilled. The discussion took place on the closest well, with Philip Rich representing Graymont Coop, indicating that well is 233 feet away from the planned construction site. Mr. Cornale questioned as to how the township building is not a potable well. Mr. Rich replied that water is not used for drinking water. Mr. Cornale asked if a bathroom is in the building, of which one is located, so that water is potable. Mr. Cornale referred to special condition 1 of the IEPA permit, and Mr. Runyon asked as to if anyone knows what section 14.2 of the Illinois Environmental Protection Act stated in respect to potable water supplies. Mr. Schopp looked at his files to see if he had that document. Mr. Cornale asked how far the township well is from the proposed tank location of which Mr. Rich said it was 155 feet away. The definition of potable water was discussed, Mr. Cornale said it can be a fixture like a sink, unless marked as noted in IEPA special condition 3. Mr. Rich said those fixtures at the township are already marked as not potable since they do not use this water to drink.

In the meantime Mr. Blackard pulled it IEPA rules section 14.2 up on their phone, and Mr. Cornale began to read the rule, of which the 200 foot setback was mentioned along with the rest of the main first part of this rules section. Special Condition number 3 was mentioned by Chair Huisman questioned if the specific site could be put in the permit. Mr. Rich then provided a copy of a letter from Rooks Creek Township of which addresses the township's water use in this building. Questions to the IEPA were addressed in this letter. Chair Huisman was comfortable about this letter. It was questioned as to if the county health department would permit any new wells within 200 feet. It was confirmed that the closest residential well is 233 feet. Mr. Cornale noted that section 14.2 puts the burden on Graymont Coop, in case any wells are contaminated. New wells being permitted over 200 feet was discussed further. Minutes from the last meeting were provided at the back of the packet, and reviewed as part of the question regarding well distances. Mr. Cornale asked about if the product came to Graymont Coop already diluted. Mr. Rich said that the product does come to them diluted with water. Mr. Cornale asked about the backflow plans being in place, of which Mr. Rich indicated they were.

No other interested parties presented testimony at this hearing.

No closing comments were made.

Mr. Schopp suggested that on the motion that the conditions on his report be part of the motion. Mr. Cornale wanted to mention and applicable departments. It does read for all agencies.

Richard Kiefer moved, seconded by James Blackard, that the zoning board of appeals approve this Livingston County Zoning Case SU-4-17 special use request to allow for a commercial liquefied Fertilizer storage & distribution site, including a proposed one million gallon UAN Solution Storage tank, with following conditions that all elements of this proposed special use, including the proposed liquefied fertilizer operations also comply with all federal regulations and state regulations, including the IEPA and Department of Agriculture regulations, that apply to this proposed use, and with the condition that this planned property development be completed by September 1, 2018, unless otherwise approved by the Livingston County Zoning Board of Appeals.

This motion was approved by a roll call vote.

Cornale	- Yes	Blackard	- Yes
Kiefer	- Yes	Runyon	- Yes
Flott	- Yes	Earing	- Yes
Huisman	- Yes		

Gerald Earing moved, seconded by Richard Kiefer, that the zoning board of appeals approve Livingston County Zoning Case V-2-17 to allow for a setback distance of 120 feet instead of 300 feet from a residential use and 12 feet instead 100 feet from a side lot line pertaining to the special use request to allow for a commercial liquefied Fertilizer storage & distribution site, including a proposed one million gallon UAN Solution Storage tank, Fertilizer storage & distribution site.

This motion was approved by a roll call vote.

Cornale	- Yes	Blackard	- Yes
Kiefer	- Yes	Runyon	- Yes
Flott	- Yes	Earing	- Yes
Huisman	- Yes		

Other Business: None

Findings of Fact and Decision: None

Public Comments: None

Report of Officers: None

General Discussion and Informational Update: None

Then Bill Flott then moved, seconded by Richard Kiefer, 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