

MINUTES OF THE OTTAWA PLAN COMMISSION

April 22, 2013

Chairman Brent Barron called the meeting to order at 7:05 p.m. in the Ottawa City Council Chambers.

ROLL CALL

Present: Barron, Buiting, Burns, Howarter, Less, Stone, Perry, Reagan, Volker

Absent: none

Others: City Planner Tami Huftel

MINUTES OF PREVIOUS MEETING

It was moved by Less and seconded by Howarter that the minutes of the March 25, 2013, meeting be approved as published. After the motion Burns question why couldn't the minutes say as written by? Barron said per Keith all can vote on the minutes even if you did not attend the meeting you are voting on. 8-aye, 0-nay, 1-abstain (Perry). Motion Carried.

It was moved by Volker and seconded by Less that the minutes of the April 1, 2013, minutes be approved as amended, see below **in bold**. Other comments: Barron – on the signature page some do not have addresses. 7-aye, 0-nay, 2-abstain (Perry, Howarter). Motion Carried.

Public hearing on a proposed amendment to Section 10 B of the City of Ottawa Zoning Ordinance (Rural District/Conditional uses). The proposed amendment would add as a conditional use the following: “Barge Fleeting Operations for transloading and hauling of grain, sand, including silica sand, gravel or other non-hazardous granular products, and using equipment, buildings and/or silos for storage and shipping of such for market, but not including manufacturing.” Chairman Brent Barron explained ADM has withdrawn their application. This hearing is not to discuss ADM zoning, conditional use request or Mississippi Sand. This hearing is to discuss the amendment to the zoning ordinance.

Audience comments:

Bernie Weiler, attorney for Michael Davies objected to this meeting being held as the original process is in the court system. A letter was sent to the adjacent land owners notifying them that meeting was cancelled then a day or two later a notice of a special meeting appeared in the newspaper. He said that was misleading. He read transcripts from the LaSalle County hearing process with Brett Madison saying ‘everything is industrial and a 24 hour operation’. He states rural is not appropriate, and regulations are lax.

Nicholas Roche, 4445 Clausen Ave, Western Springs IL-Jobs will be effected by lack of tourism. Starved Rock and silica sand don't mix.

Joseph Schranz, 5158 South Modir Chicago, IL-We need to understand the impacts of sand and it is bad for our children.

Peggy Enguist, 2655 E. 1559th Rd Ottawa, IL-amendment says non-hazardous material and silica sand is hazardous. In previous presentation Brett Madison said ‘very little dust’, what does that mean? This will ruin Starved Rock.

Marvin Graunke, 1431 E Rte 71 Ottawa, IL-he is an adjacent property owner and **it** previously submitted a letter during the ADM hearing process. He requests that be resubmitted in the hearing process. He has already been impacted by US Silica, Mississippi Sand and now ADM. He wants to know the hours ADM will run and he is concerned with grain and sand on the same parcel. Do not allow the change in the ordinance to include sand, just grain. Asked the commission to “walk in our shoes”.

Peg Kramer, 1441 E Rt71 Ottawa, IL-adjacent property owner if you look at US Silica you see a fine cloud of silica sand dust and she has sand all over her property. Another pit by Utica --

how many more do we need? She said we will be victims of the decisions of the plan commission.

Farley Andrews, 1115 SunRidge Drive Ottawa, IL- He thought this was a joint meeting of the plan commission-city council. Fracking sand is a big issue; sand has is a health issue; mining and transportation affect people; do not rush to judgment. He requests his previous statement be resubmitted in the next ADM hearing.

Merlan Calhoun, 2555 East 1251 Road, Ottawa, IL-Silica is hazardous, how does this change benefit City of Ottawa.

Barney Erickson, Ottawa, IL-adjacent property owner-trucks have tarps; sand pits are a good fishing hole; nothing is going to hurt Starved Rock.

Tracy Yang, Sierra Club 2180 W. Eastwood Ave Chicago, IL-Asked how the language of the proposed zoning amendment was drafted. Tami responded by the city legal counsel. Tracy responded silica is hazardous.

Victoria Fitzmaurice, 40 W, School St. Villa Park, IL-we have a beautiful waterway; nice shops; this will affect us; silica is hazardous; how will this benefit the public?

Tina Fauta, 50 Parcell St Streator, IL- when people are quiet what are they hiding? This has impacts on agriculture and rural homes.

Sean McKnight, DeKalb, violated due process on proper notice to the armed forces.

Zoe Rei, 424 Congress St. Ottawa, IL-Why have they taken the jobs? Concerned sand is a toxic substance, brings on health issues and will affect the water system. Protect Ottawa, waterways and the earth.

Rick Scott, 2762 E.1779th Rd, Ottawa, IL-former County Board member and former Ottawa Fire Chief. As fire chief anytime they would walk onto property with sand they were required to wear masks. Concerned the sand will not be contained.

Anna Mattes, 91 Adams St, Ottawa-Care about the food we eat, soil in which it grows, landscape around us all, city parks, creeks, rivers...don't know where to stop caring. Think this through. She request her last comments be submitted into record when ADM applies.

Kendra Power, Pingree Grove, IL- the last time a commission member said take the emotion out of it...emotion is what brought them here.

Michael Davies, Aurora, IL-adjacent property owner-ADM should be zoned industrial as rural zoning requires fewer standards. Currently ADM grain operation has a seasonal impact.

Leigh Edwards, Peoria, IL- recently in Peoria a grain truck tip over on the roadway, what if that was sand...what health concerns would that be?

Bernie Weiler, when LaSalle County approved ADM special use request it was in violation of their own ordinance. An agricultural parcel is required to a minimum of 35 acres. That decision is in litigation.

Commission member's comments:

Barron: Zoning Ordinance applies to the City, the plan commission cannot condition zoning amendment requests; ADM's process has started over 3 times.

Reagan: The zoning ordinance protects the city, when applicants request a conditional use permit, then the applicants go through an additional process, a conditional use is not automatic. We are considering whether to amend the zoning ordinance and have to decide if the proposed conditional use is logical and compatible in a rural district. ADM has existed since 1967.

Burns: may not like industrial zoning but in this case conditional use is better.

Butting: ADM use is industrial; this doesn't feel Rural.

Burns directed a comment to Rick Scott, County needs to plan where the mining should go. He agreed **and added the County should consider a moratorium on mining but he** is no longer on the County Board.

It was moved by Reagan and seconded by Less that the OPC recommend that the City Council adopt a proposed amendment to Section 10 B of the City of Ottawa Zoning Ordinance (Rural

District/Conditional uses). The proposed amendment would add, as a conditional use, the following: “Barge Fleeting Operations for transloading and hauling of grain, sand, including silica sand, gravel or other non-hazardous granular products, and using equipment, buildings and/or silos for storage and shipping of such for market, but not including manufacturing.” After additional discussion the motion was amended to revise the language to: “Barge Fleeting Operations for transloading and hauling of grain, sand (including silica sand), gravel or ~~other~~ non-hazardous granular products, and using equipment, buildings and/or silos for storage and shipping of such for market, but not including manufacturing.” 5-aye, 1-nay (Buiting). Motion Carried.

It was moved by Buiting and seconded by Volker the meeting be adjourned at 10:20pm. Motion carried.

Respectfully Submitted,

Debbie Burns
Plan Commission Secretary
as written by Tami Huftel, City Planner

Other items:

Members of the commission suggested the next ADM should have a court reporter.

Due to the Memorial Day holiday the next plan Commission meeting will be Monday, May 20th.

It was moved by Less and seconded by Perry the meeting be adjourned at 7:50pm. Motion carried.

Respectfully Submitted,

Debbie Burns
Plan Commission Secretary