

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
March 28, 2007

Call to Order: Mel Gratton called the meeting to order at 7:00 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ Tom Heidenreich
- ✓ William Tonne
- ✓ Nick Tranel
- Dave Jansen (Alternate)

Staff & County Board Members:

- Steve Keeffer, Highway Engineer
- Heather Miller, Environmental Health
- Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, Jo Daviess County Board Member

Approval of Minutes: A motion was made by Nick Tranel to accept the February 14, 15, 28, 2007 minutes Seconded by Susie Davis Voice Vote: All Ayes

Mel Gratton swore in all who might want to testify on any request this evening.

New Business

Chris Fields & Neal Jakel, owners, requesting a variance from the required twenty (20) foot Guest Accommodation setback to fifteen (15) feet. Current Zoning: RP Planned Residential District. Common Location: 29 Bayward Drive, Galena (TB 2 Lot 40)

Staff Report

- Comprehensive Plan: the Comprehensive Plan does not address Variances.
- Wastewater treatment: Septic system installed 12-13-05 for a five-bedroom house. The system is located north of the house. Expansion / replacement area is available on the lot.
- Access Considerations: The home has an existing entrance and the grade is less than 15%.
- Other Considerations: This structure is under construction. At the time the applicant acquired this home the construction had already begun and the previous owners did not intend to rent and subsequently did not set the house back enough to qualify for transient use. Since the home is still under construction it provides an opportunity to plan accordingly for the remainder

of the standards to be met for Guest Accommodations. There is Greenspace to the rear and homesites on either side.

Christine Fields, owner

- Bought the property from the builder and was told that it could have a 5 bedroom rental. We can not afford to have this home if we don't put this on the rental program. We are working with a local bank to get the home financed. She contacted the Zoning Office to see what would have to be done to get a rental license. Also contacted the Eagle Ridge rental program and got what they needed to put it into there program. The house is 15 feet from the side lot line and requesting a 5 foot variance for a 4 bedroom rental home. House is already in place by the previous builder.
- There is no difficulty on the property and the strict letter of the law for the single family home was carried out. This is a unique property condition because we did not have the chance to choose where the foundation is sitting. This is not exclusive to make money only to keep the property and visit family in the area. This has not been created by me. This will not change the character because this is a home that would be finished in this location. This house sits back into the property in the trees. Again this will not affect any of the standards. This is the minimum variance for the setback.

Public Testimony

None

Public Testimony Closed

Discussion:

- Mel states we have to decide on the variance if that should be granted or not.
- Bill asks about the setback on a 5 bedroom and a 4 bedroom request. States that the home is set back from the street and the neighbor is on the front of his lot, this would be in favor of the request. The house on the side of the variance is the home that sits on the front of his lot.
 - Linda states that a 4 bedroom home is 20 feet and originally this house was a 5 bedroom, but they have modified the home and is now a 4 bedroom
- Susie states this is a good place for a rental and is a slight variance. Is there any activity area to the rear?
 - Christine states there is no activity in the rear of the home.
- Nick states that the lot to the variance has a home on it already; the lot to the west is vacant.
- Tom states the variance standards have been met on the request

A motion was made by Tom Heidenreich to approve the requested variance as presented

Seconded by Susie Davis

Roll Call: Susie Davis – Aye
Bill Tonne – Aye

Tom Heidenreich – Aye
Nick Tranel – Aye
Mel Gratton – Aye

Louie’s Aggregate Company, petitioner/contract purchaser, requesting a Special Use Permit to allow for the reopening/expansion of an existing non-operational quarry. Current Zoning: Ag-1 General Agriculture District. Common Location: 3414 N Mammoser Road, Stockton

Staff Report

- Comprehensive Plan: The Comprehensive Plan does not address quarries.
- Access Considerations: The quarry has an existing entrance with adequate sight distance.
- Site Considerations: The only home within the 1000 foot setback would be owned by the owner applicants, Apple River State Bank Trust #44 (Mike Sproule, Dan Sproule); all other residences are beyond the 1000 foot setback of the requested expansion. The neighbor across the road does lie within the 1000 foot setback of the existing part of the quarry. Quarries are allowed by Special Use only in an Agricultural area. This request sits in an agricultural area that had been previously quarried.
- Other Considerations: This quarry had a Special Use issued to it in 1999. That Permit has since been voided

The following is a list of conditions that were applied to the 1999 Special Use Permit:

1. A five year term
2. Provide a site survey with a five-acre site limit
3. A copy of a lease for the premises provided to the Building & Zoning Office
4. Groundwater protection at the site by accepted good construction methods of berming and silt fencing
5. A fence surrounding the quarry
6. No fuel storage on the site
7. No asphalt batch plants allowed
8. Changes in parties to the lease will terminate the Special Use Permit
9. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use)
10. Upon reclamation a 2 to 1 slope would be required for the side walls, with cover and seed
11. Elevation of existing quarry floor height shall be maintained during new operation
12. Dust control measures to be taken on the affected roads in agreement with the Township Road Commissioner

The following are a list of possible standards to be considered:

1. size limit; legally surveyed site
2. Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
3. A 4 ½ foot fence, surrounding the quarry
4. No fuel storage on the site.
5. No asphalt batch plants or concrete allowed.
6. Change in ownership or any kind of new lease will terminate the Special Use Permit.
7. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
8. Upon reclamation a minimum of 2 to 1 slope would be required for the sidewalls, with cover and seed as with topsoil and vegetated growth.
9. Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
10. Bonding for the reclamation of the quarry with a minimum of \$25,000
11. No materials stored off site
12. Operation hours limited (to be established by the Zoning Board of Appeals if necessary)

Paul Brashaw, surveyor representing petitioner

- Looked at the standards of conditions that could potentially be added and we see them fit to be added. The six standards can be met with the conditions applied. The quarry had been in existence for about at least 30 years. They would like to provide another source of rock in the area. This area is mostly agriculture. Louie's did purchase the property. Willing to meet the 12 standards that were put forth in the staff report. Blasting concerns can be addressed by Don Wenzel. They monitor by using a seismograph at the closest residence when blasting.

Public Testimony

None

Public Testimony Closed

Discussion:

- Linda states that I did receive a signature of the owner to the north of the entrance that they have no objection to the reopening of the quarry
- Linda read a letter submitted by the Nora Township Road Commissioner, Robert Kepner in support of the request.
- Mel asks about the anticipated intensity of use.
 - Bob Hahn states that it is hard to determine, but only a big project will make this grow, such as the wind towers
 - Paul states that they may crush only one or two times a year, blasting

also that same number

- Bill asks about the 12 standards that were in the staff report if they are willing to agree to those and the new one specifically the bonding for reclamation.
 - Paul states that they would agree to those standards
- Mel asks about the original legal description and why that was not included in the legal description such as road entrance. I think that we should include the legal description that encompasses the whole quarry area and would clear up any issues.
 - The operations will be to the south of the quarry. Willing to include the part to the north to include the zoning.
 - Linda states that in the motion to make it all inclusive with the legal because the previous special use was voided.
 - Paul states that would be about 15 to 17 acres total.
 - Linda states note on the survey what existed and what the expansion acreage is.
 - Mel states that we do not want to see the line move any further west or south.
- Tom asks if the survey would include the drainage way or not.
 - Paul states that you would want to keep the drainage way out of the legal
- Susie talks about Chelsea Road to Route 78, concern with safety.
 - Paul states that a truck does sit higher than a car and have that advantage of visibility.
 - Linda states when they visited the site Steve did not indicate any concern. Did indicate that petitioner should work with Road Commissioner in reference to Mammoser Road and coming out of the quarry.
- Tom states that the State did improve the banks and cut them back to get better site distance to Route 78.
- Mel recommends talking with Road Commissioner in reference to keeping Mammoser Road in decent condition.
- Bob Hahn states that Tom Golden is helping acquire the necessary permits for the quarry
- Susie states that they should not go further south or west of what is proposed

A motion was made by Bill Tonne to recommend approval with the following conditions:

1. Legal survey of site approved by the County Board
2. Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
3. A 4 ½ foot fence, surrounding the quarry
4. No fuel storage on the site.
5. No asphalt batch plants or concrete allowed.
6. Change in ownership or any kind of new lease will terminate the Special Use Permit.
7. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for

- three years constitutes discontinuance of the use).
8. Upon reclamation a minimum of 2 to 1 slope would be required for the sidewalls, with cover and seed as with topsoil and vegetated growth.
 9. Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
 10. Bonding for the reclamation of the quarry with a minimum of \$25,000
 11. No materials stored off site
 12. Operation hours limited Monday thru Saturday, daylight hours

Seconded by Nick Tranel

Zoning Board finds that the standards have been met with all the conditions applied

Roll Call: Bill Tonne – Aye
Tom Heidenreich – Aye
Nick Tranel – Aye
Mel Gratton – Aye
Susie Davis – Aye

Hahn Quarry Products, owner, requesting a Special Use Permit to allow for the expansion of an existing operational quarry. Current Zoning: Ag-1 General Agriculture District. Common Location: 4297 West Guilford Road, Galena

Staff Report

- Comprehensive Plan: The Comprehensive Plan does not address quarries.
- Access Considerations: The quarry has an existing entrance with adequate sight distance.
- Site Considerations: The only home within the 1000 foot setback would be owned by James & Victoria Ehrler; all other residences are beyond the 1000 foot setback. Quarries are allowed by Special Use only in an Agricultural area. This request sits in an agricultural area that is currently being quarried. The Galena Territory, Witherspoon Rim, sits to the west of this request just outside of the 1000 foot setback.
- Other Considerations: This quarry has been in continuous use since approximately 1990, for the production of wall (landscape) rock. Since that use was in place prior to zoning the wall rock exclusively was grandfathered in as an existing special use under Article XIV, Section 14.4. The expansion of the quarrying to include the crushing of rock took place in 1996 by Special Use. The 1996 Special Use had a three year time limit on it, which required petitioner to come back to the ZBA for a public hearing in 1999. The 1999 request renewed the existing Special Use along with the 6,000 sq. ft. metal building that is being used for the processing of the wall rock. The petitioner would now like to expand beyond the original approved acreage and is asking for a special use to do so. The following is a list of conditions that were

applied to the 1999 Special Use Permit:

1. A three year term subject to anyone within 1000 feet of quarry being entitled to call for a rehearing on any anniversary of the permit date. The hearing request shall be made in writing on/or before one month prior to the anniversary date, otherwise to be renewed at the end of the three years. Two months prior to the anniversary date of the permit, the owner shall notify all property owners within 1000 feet of the quarry of the anniversary date and opportunity to request a hearing.
2. A survey showing the 5-acre site limit and also showing the buildings and roads as they sit on the 5 acres
3. Groundwater protection at the site by accepted good construction methods of berming and silt fencing
4. A fence surrounding the quarry
5. No fuel storage on the site
6. No asphalt batch plants allowed
7. Changes in parties to the lease or sale of the quarry will terminate the Special Use Permit
8. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
9. Maintenance of a 20 foot setback from face of quarry to fence
10. No blasting on weekends
11. Crushing only done during daylight hours
12. The quarry access will be seal coated past the creek by October 1, 1999
13. All State laws must be abided by

(Note: The language in number one above is somewhat ambiguous and can be interpreted in a couple of different ways: Scenario 1 would be that the Special Use would be automatically renewed at the end of three years had there been no request for rehearing. Scenario 2 would be that if no one called for a hearing within the three years, the petitioner would have to come back and renew at the end of the three years. Not being able to find any clarification on this issue I went with scenario 1 and allowed the petitioner to continue, especially since no concerns had been raised to this office.)

The following are a list of possible standards to be considered:

1. size limit; legally surveyed site
2. Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
3. A 4 ½ foot fence, surrounding the quarry
4. No fuel storage on the site.
5. No asphalt batch plants or concrete allowed.
6. Change in ownership or any kind of new lease will terminate the Special Use Permit.

7. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
8. Upon reclamation a minimum of 2 to 1 slope would be required for the sidewalls, with cover and seed as with topsoil and vegetated growth.
9. Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
10. Bonding for the reclamation of the quarry with a minimum of \$25,000
11. No materials stored off site
12. Operation hours limited (to be established by the Zoning Board of Appeals if necessary)

Paul Brshaw, surveyor representing owner

- Property purchased in 1991, at about 149 acres, grandfathered in for wall rock, 1996 they got a special use permit to crush rock and build a building. Tom Golden is reviewing the state permits for the quarry. Refers to the minutes of the Galena Territory Board regarding Dave Oldenburg meeting with Fehr-Graham and the environmental impact on Lake Galena, Mr. Hahn is taking appropriate measures to protect the groundwater and the greater concerns of the watershed and above the quarry and the non point pollution. They are taking adequate measures to protect Lake Galena, being downstream from this quarry. Thirty percent of the material is sold to the Galena Territory, Guilford Road Commissioner uses this quarry for materials also. This is a two site request with the 11.88 acres and the 1.03 acres for an additional building for processing the rocks. Employ about 10-12 people and if this is approved will employ more people. They paid about \$48,000 in sales tax in 2006. They have met the standards for special use with the conditions applied previously. They have a truck scale on site to make sure they are within weight limits. They have seal coated and blacktop the road to control dust; hours of operation are day light. Talked with closest neighbor Jim Ehrler and they have no problem. He monitors the blasting with the required seismograph located at the nearest home. He has followed the previous conditions and willing to follow the proposed standards.

Mel Gratton asks about the amount of activity that will take place at the quarry with the expansion.

- Paul states that you may have a few more trucks coming in and out, but it will be the same operation as before, because you have a stock pile at the beginning of the season and then by the end of the season that stock pile is gone. The wall products are used in retaining walls and they are getting more creative with that and how to remove them. There is a saw method of removing that is working quite well, for the purpose of providing smoother wall rock. The building will increase the productivity with the design options.

Bill Tonne asks about the 12 standards indicated in the staff report, but would you agree to increase the reclamation bonding to \$50,000 because of the size of the quarry. Bill asks about the

setback to Acorn and Woodside.

- Bob Hahn states that he would agree to that.
- Paul states that it would be over 1,000 feet to the nearest house, and without homes there they would know when building that a quarry is within that 1,000 feet. This quarry would not expand to the south any further; it would be to the north and northwest.

Public Testimony

Pete Stryker, 3 Arcadia Court, GTA Board of Directors

- Read a letter of opposition into testimony.
- Talked about the Comprehensive Plan, and the time frame of the Galena Territory and the commencement of the quarry operations
- Requested on behalf of the GTA Board of Directors to deny this request as this expansion is in direct conflict with the current guidance, goals and direction of the Comprehensive Plan as approved and published.

Kay Weibel, 9 Taylor Way, Galena

- ¾ mile from the request, we hear it continually; this is close in proximity to the homes in the Galena Territory.
- Talks about previous quarries that were approved and denied through this board and had a maximum of five acres in limit, talks about concerns on other quarry requests. Refers to the 1997 Wurster Farm request to create a quarry, one mile from the Village of Elizabeth, reasoning was stated why the request was denied.
- Requested the quarry be denied and expire there permit this year without renewal on the existing five acres.

Dave Kane, 1 Signal Point, Galena

- Looks down into this quarry, built house after quarry was in operation, requesting limiting hours of operation, not just daylight hours, talked about reclamation and why can't they put up trees now to block the noise and dust.

Donna Russell, 16 Woodside Drive, Galena

- Moved in 1998 into this home. Initially we didn't hear the crushing, but in 1999 the work began to increase, hearing the crushing of the rock, truck traffic, trucks are not tarped carrying the rock, can we restrict him.

Margaret Garcia, 6 Genessee Trail, Galena

- Built a home in 2002 on this property, full time residence, last two years the traffic has increased, truck traffic, and the trucks do not pay attention to what they are doing. The last major blast we had cracks appear in our walls, if this continues will they pay me for fixing the cracks in my walls.

Susanna Ludwig-Ruppert, 102 West Guilford Road, Galena

- We live further away from the request than the other people testifying, this is a route taken for the trucks. Refers to an instance that happened on December 26th. I have

called the Sheriffs Department about the trucks speeding and how they drive and have a concern for the tourist and visitors.

Don Mason, 3454 North Ford Road, Galena

- Read a letter of opposition into testimony
- Live at the corner of Guilford Road and Ford Road. Opposed to the request.
- Blasting – house shakes, never notified when the blasting will take place, Safety – fencing on the existing special use is not in place, Noise – increase in noise in the last year, Dust and run-off and other environmental concerns, also concerned with property values and impact on tourism
- Submitted aerial photos on CD

Paul Brashaw

- The fence on Guilford Road was taken down for a road project and will be put back this year. Found that they were not in the limits of the older legal description after GIS had come into existence.

Linda Delvaux, Zoning Officer, as stated in the Staff Report, the wall rock, landscaping rock was in place at the time Zoning Ordinance was adopted, this is an existing special use under the Zoning Ordinance. The items that were in place at the time the Zoning Ordinance was adopted can continue as an existing special use permit. Tonight we are looking at the crushing and expanding of that.

Bob Hahn

- We have included the operations under the special use permit with the legal description to keep it clean. The wall rock and landscaping rock could continue. We have tried to be good neighbors, even under the existing special use permit. We have about \$3 Million worth of equipment in the quarry right now. The crusher does not run all the time. We blast majors about twice a year, we also do minor blasts and have been doing it since the quarry opened. There is a need for the materials we provide. The Galena Territory had Fehr-Graham do storm water and environmental impact on Lake Galena and they found Mr. Hahn is taking appropriate measures to protect. We have phone numbers at the site that can be called if anyone has a concern.

Crystal Mason, 3454 North Ford Road, Galena

- Opposed to the request, works full time from her home, concerned with blasting, noise because it affects her workplace, traffic and safety – what impact it has on our county roads and the traffic that may increase by with the expansion. Took pictures of the road along Guilford from the Quarry entrance to Territory Drive and would like to enter them into the record.

Bill Tonne asks about the speed limits on the roads in that area
35 MPH in Guilford Township and 45 MPH in East Galena Township on
Guilford Road

Marilyn Holscher, 10 Witherspoon Rim, Galena

- Refers to the 99-36 file in the Zoning Office for the previous special use permit on this property. Talks about the times when noise has been encountered on her property and at what time of day. Concerned that the expansion of the project would be more work and would be crushing more, blasting is also another concern with the house and rattled windows. Refers to quarry creep and spill-over – where areas not covered by the special use permit are utilized. Placed the removed overburden only 750 feet from our residence and which took weeks to remove, from early morning until dusk they worked. This overburden berm has been stated to possibly keep noise levels down or stored for reclamation. Talks about the Zoning Ordinance, the special use permit, and permitted accessory uses in the Ag-1 General Agriculture District. Showed pictures from Acorn Court looking at this quarry.
- Would like to see very strict limitations on the permit. The hours of operation be limited to 7am to 5 pm with no operations allowed on weekends and holidays. Limits should be on the whole operation and not just the new part. Request that all the activities of the quarry including overburden storage should be restricted to the special use permit area, notification of blasting and seismic monitoring, restrictions on lighting on site, and limitation of quarry operations to five acres, with no further expansion allowed.
- Talks about if we have a completed application - reclamation plan, depth of overburden and if a state permit is required. Refers to the Natural Resource Inventory Report and the sign off by Lester Johnson, Soil and Water Conservation District.
- Questions if the wall rock could be done to the boundaries of their property, due to other court cases such as the Chestnut Mountain case. Also refers to the special use that can be expanded upon, a non-conforming which turns into a lawful special use shall not be substantially expanded unless a supplemental special use is acquired.

Len Banas, 7 Valley Road, Galena

- Cannot see the quarry, but can hear the truck backup alarms. Refers to this as industrial operations near a residential area. Talks about selling the lots on Acorn would bring in about \$60,000. Traffic enforcement needs to be addressed to Sheriffs Department. I am opposed to the request and hope you also revoke currently what is in operation.

Nancy Segal, 6 Witherspoon Rim, Galena

- Oppose granting the permit for four reasons – 1. Noise level and blasting intensity has increased in just the last two years. 2. Traffic danger with many blind zones along Guilford Road going over the speed limit. 3. Quarry does not meet the special use standards 1, 2, or 3. 4. We have little assurance that the guidelines set forth will be adhered to by Hahn Quarry Products. Submitted pictures of the quarry and the expansion over the years and states that the operations have been within the 1000 feet of our homes already. Questions the continuance of the 1999 permit.
- Owners of 2 Witherspoon Rim could not attend and want me to submit to you their signed affidavits for the denial of the special use permit.

Paul Brashaw

- Operations start at 6:30 am, crushing starts at 7 am at the site.

George Bond, 17 Wagoner Lane, Galena

- House faces the quarry across the creek, oppose the expansion. 1. Health concerns – I have asthma and this can contribute to my asthma. 2. Safety concerns – truck traffic 3. Property values and tourism is a concern – noise to the people and threat to environment will lower the property values to people in the area.

Don Wenzel, performs blasts at the quarry site

- We are regulated by the State of Illinois and the Department of Natural Resources. They inspect what has been done and the paperwork that we generate from the blasts. They are protecting the people and properties in Illinois.

Bill Tonne questions what dangers could there be from the blasting. How many years have you performed blasting? What is your opinion of what damage this could do to a home at 1,000 feet? Have you seen damage?

- We do the major blasting. They will be able to feel the blast, we only do ½ the allowed blasting, and we have to monitor at the closest house can only be ½ inch shift measured by seismograph. I have blasted for 30 years. What we are doing should not cause any damage. I do not believe the any damage I have seen has been from blasting.
- We did two major blasts last year and have done one this year so far.

Debbie Pause, 11 Taylor Way, Galena

- Within a mile of the quarry. I felt the blast that they had performed this year. I agree with all the other points that have been made in opposition and would like to be on record that I am also opposed to the request.

Ed Schamper, 4040 North Rawlins, Galena

- My property comes to Guilford Road. I am in favor of this quarry and we do need aggregate products for the farm, my roadway. My dad had a quarry on his property and was shut down by zoning and the others will eventually be shut down because of environmental reasons. We do need these products that come from a quarry.

Bob Hahn

- We start sawing at 6:30 am in the shop, but we don't start other operations until 7 am. Have not blasted on weekends since 1996. Now that we have GIS we can see where the quarry legal description should be. Road Commissioner took down the fence on Guilford Road for road maintenance and they will have Dan Hulscher install the new fence. This is private property and we own the entire 150 acres. This would be detrimental to shut down. One person had their house there prior to the quarry operations starting. The dirt needs to be used to build a berm and act as a buffer to use once we start reclamation.

Tom Heidenreich states that you said about 30% goes back into the Galena Territory,

where does the remaining 60 to 70% go.

- 90% of rock stays in the Galena area. Because of the Hospital project we have had more trucks and loads this year. 40% goes into the Galena Territory, 15% goes to Guilford Township, and others go to East Galena and Council Hill Townships. Crushing items do not leave the area. The wall rock would be the only thing that may leave the area. If we have a project across the county we buy from the closest seller because we can't afford to truck it to the location.

Susie Davis asks about the equipment storage. Concerned on the truck traffic and driving. How many come in and out of the quarry.

- The equipment never leaves the property and the backhoe has sat on top of the quarry.
- Safety is my concern also and we tell the drivers to slow down and that is the law enforcement that needs to control when people drive over the speed limit.
- We can have 0 to 30 trucks a day and even more during the hospital project come out of the quarry. The number of trucks depends upon the demand.

Bill asks about safety concerns, noise, and dust and may relate to hours of operation. Would you agree to no activity on Saturdays?

- We do not blast on weekends. We do not work on Holidays, Saturdays we do not crush, but may be an odd truck coming out of the quarry, saw would be running on Saturday mornings in the shed. I would hate to alienate my customers, by locking the quarry on Saturdays. Landscapers quit on noon on Fridays. I would agree to noon on Saturdays.

Bill Tonne questions the plat about the existing quarry. What operations started in 1992? Asks what would be considered to be grandfathered.

- The labeled existing quarry was what started in 1992.
- We were making rip rap, breaker rock, shot rock, and wall rock.

Linda states that the use that was in place would be grandfathered on this parcel. Quarry by its very nature uses the material, the hole gets bigger, but that doesn't necessarily mean the business is substantially expanding. The wall rock operation can continue without getting special use permits.

Paul Brashaw talks about the configuration of the five acres from 1996 and 1999.

Bill Tonne asks if any of the operations change in 1996 & 1999. A surveyor should be able to determine better than GIS where something is located. Did any of the crushing take place out of the five acres.

- Bob Hahn states that in 1996 they started crushing and moved in the equipment. No crushing will take place in that 11 acres, rock will come from that area only.
- Paul Brashaw states that the original surveyor thought they were working in this area. States that the surveyor at that time probably just took that legal description

of that area.

- Bob Hahn states that they want to build a new building in that 1 acre to put a new saw and move the other saw in the other building into the new and possibly for one additional saw if needed.

Tom Heidenreich asks about the noise levels and safety regulations for your workers.

- Bob Hahn states that Mine Safety & Health Administration (MSHA) inspects and monitors.

Susie Davis asks how many times MSHA inspects.

- Bob Hahn states they can come any time they want; they generally come about three to six times a year. To check the blasting records they come twice a year.

Tom Heidenreich asks if there are monitors for dust levels,

- Bob Hahn states that MSHA inspects and monitors, we have never been above those limits.

Tom Heidenreich talks about the reference to the Wurster quarry that was denied to open. Things that were not mentioned in earlier testimony was they had existing mine shafts and the concern of water pollution from those.

- Bob Hahn states I am not aware of any mine shafts on this property.

Mel asks about the hours of operation. The sign at the site shows hours of operation and they were very generous to neighbors. What time does the gate usually lock?

- Bob Hahn states that we usually have the gates locked at 5:30. I would stipulate by 6 pm the gates be locked. Gate opens at 6:30 am. Hours 6:30am to 6pm M-F and 7-12pm on Saturday.

Nick Tranel asks about the equipment storage. How often do you blast in the summer for landscaping rock?

- Bob Hahn states that the equipment is stored on the property. We do an occasional one during the summer; we mostly do the minor blasting in the winter.
- Bob Hahn states they are also sawing the bottom wall rock instead of blasting.

Mel states this is in close proximity to residential and is there anything else you can do to be a good neighbor. Talks about quarry creep and the overburden is removed that you save and use for reclamation and even help divert the water runoff to stay away from the quarry.

- Bob Hahn states that we are trying to store the dirt on the side to berm and help shield and will seed that berm, we could plant some small trees on that side to help shield.
- New regulation with the State to help water erosion and control even more issues.

Tom Heidenreich asks about the truck traffic and the speed of trucks.

- Bob Hahn states that we have three trucks ourselves. There are private contractors and townships coming out of this quarry. I am willing to put signs to ask them to slow down.

Bill Tonne asks about the distance to the south to Acorn and Woodside. Asks about distances on the map.

- Bob Hahn states that they will not expand to the south.

Linda states that on the map the white line shows 1,000 feet. Linda states that they need to be 1,000 feet from a residence.

Bill Tonne is concerned with the 1,000 feet from residence, we may limit affect by hours of operation. The Galena Territory is a resort and this may not be enough and would we put this within 1,000 feet of an RP District.

Linda states that we do have a sign off by James & Vicki Ehrler because they are within 1,000 feet of the additional one acre requested, but they do have four stipulations in the letter.

1. Review and renewal on special use be applied
2. Require advance notice of blasting for themselves and their neighbors
3. Request a contact name from the County Board if any problem or concerns arise.
4. Should any damage be done by the quarrying and building activities we require full reimbursement including any legal fees that may be incurred.

Linda states that each area has a county board representative, and they can change, so it would be difficult to name just one person, or they can call the zoning office.

Mel talks about the base line of damage already done and how to show if caused by quarrying.

- Bob Hahn states that I am willing to work with Jim Ehrler and the one acre pertaining to within 1,000 feet.

Linda states that prior notifications of when blasting is done is something that can be added to the special use conditions.

Mel asks how hard would it be to notify people when you are going to blast.

- Bob Hahn talks about the minor and major blasting.
- Don Wenzel states that if the people want to be notified on the major blasting then we do that, just give your number to Bob Hahn and we will call and let them know. There are places we call 10 to 15 people.

Susie asks what is the advantage of knowing that you are going to blast.

- Don Wenzel states that they would like to know when the shaking will come and not be startled by it.

Len Banas, 7 Valley Road, Galena

- It doesn't matter if they blast once or twice a year; it is the 365 days of continuous work that is going on and the noise. You look and see this vast pit, backhoes and trucks. Nobody is on Acorn Court because nobody wants to live there or be near it.

Comment from audience – did not give name - The overall noise all the time is a concern, and if he is going to be slicing and cutting all day long with the wall rock and expanding that is a concern

Kay Weibel, 9 Taylor Way, Galena

- The Galena Territory is not only a resort, we have 440 full time residence, children in schools, retired and senior citizens, and that number is drastically increasing every year. We have 2200 homes in the Galena Territory, we are essentially a residential community, deserves respect and caring for. This is a community next to an industrial operation and this is not a mix.

Rory Holscher, 10 Witherspoon Rim, Galena

- Would like clarification of statement that have been made during the hearing – grand fathering use and could they go to the edge of the property line, and the 1,000 foot setback could not be applied to that, second the status on the grand fathering, given the change of the zoning code in regard to the Chestnut Mountain case, and a reasonable time of a decision and whether grand fathering really does allow that type of expansion or whether or not the change in the ordinance subsequent to the Chestnut Mountain case changes this.

Nancy Segal, 6 Witherspoon Rim, Galena

- Refer back to the location to the existing quarry on the survey, but in 1998 there was no quarry in that area listed today as existing quarry. Talks about the previous quarries and the precedence set of five acre size limit next to residential. This is about 18 acres

Mel states that five acres is not a magic number, that is the number we felt reasonable for the request that was being heard, the amount of activity at that time on that quarry five acres was sufficient.

Linda covers the questions about grand fathering. Refers to the Chestnut case, and that was a non-conforming use, this quarry is not a non-conforming use. Non-conformities in Jo Daviess County according to the courts can expand to the outermost limits of their property and we have no regulations or rules to stop that. This is an existing special use exempt – Article 14, Section 14.4. In a quarrying operation you use the product, it is not like you are carrying on a business in a building and wanting to add more buildings or buy more property.

Marilyn Holscher talks about the chestnut case and thinks this is similar. So there are no

controls of the grandfathered use on the property if they expand.

Linda states that on this existing grandfathered permit there are no conditions applied by the Zoning Board of Appeals. The wall rock can continue to be quarried.

Kay Weibel, 9 Taylor Way, Galena

- Asks about the grandfathered use if that has been in front of a court of law.
 - Linda states that I am not qualified to answer if that has been in front of a court of law because I have not researched the court cases.

Mel states that the existing wall rock cutting or slab cutting part of this operation is still permitted and can continue to expand

- Linda states that is correct

Crystal Mason, 3454 North Ford Road, Galena

- Asks about the wall rock and the grandfathering, but you stated in our conversation that this was only true if there was no evidence of crushing that it was impossible to tell what would the difference be.
 - Linda states that the wall rock can continue. There is rock used just for crushing as well as salvage pieces that come off the wall rock. If the crushing is not approved, then he would only have wall rock left.

Bob Hahn

- Talks about quarries in other residential areas – Dubuque alone has four that I know of, Milwaukee has sawing shops right in the heart of the town or right in the suburbs, Chilton has a sawing shop also. One quarry that I know of right by Chicago where 294 crosses the whole quarry and this is not a small quarry. This is a necessity and it does happen in residential areas. We are trying to be good neighbors. We do not want to go to the boundaries of our property.

Pete Stryker, 3 Arcadia Court, GTA Board of Directors

- The Thornton quarry had no residential around it near the south suburbs of Chicago.
- We were established almost 20 years before the Hahn quarry was in operation.

Public Testimony Closed

Discussion:

- Mel states that we put this in the form of a positive motion and as many restrictions and standards as we think then see how it fits against the special use standards before we vote.
- Tom questions limiting the hours because the tighter you make those hours the more condensed time the trucks have to haul the materials.
- Bill states this is one of our resources; we are an exporter of the material, and an appropriate use in an agriculture district to help the agriculture. I believe agriculture is still 50% of our economy.

- Discussion was held about adding a time limitation on the Special Use Permit, but the size limit would be a better restriction.
- Tom states the size may be a better restriction. The build out of the Galena Territory is about 60% to 64%. There will be continual need in the Galena Territory for this material.
- Bill asks about the process of complaints.
 - Linda states that if complaints are filed then they have to be founded and measurable, before any action can be taken.
- Tom asks about the number of blasts depending on the type of rock and if it blasts easy or soft due to the hardness and softness of the rock.
 - Don Wenzel states it stays constant
- Tom states that we do need to consider that roadways are roadways, sidewalks are sidewalks, bike paths are bike paths, trails are trails, and there is a danger walking on roads, then residence should recognize the provided areas.
- Mel also states that traffic on that road is not only from the Hahn Quarry.
- Homes have been built within this proximity within the last two years and lots for sale at a very substantial price.
- Tom states that we did not have any facts that show the diminished values.
- Nick states that the products coming out of the quarry are enhancing the properties in the surrounding areas.
- The building in the area has not stopped in the area, and development in the area needs these resources.
- Mel states that if the traffic didn't originate here it would originate somewhere else
- Mel talks about lighting

A motion was made by Bill Tonne to recommend approval with the following conditions:

1. Legal surveyed site, with no more development to the south and west approved by County Board
2. Groundwater protection at the site by accepted good construction methods of berming and silt fencing. NPDES Permit required.
3. No fuel storage on the site.
4. No asphalt batch plants or concrete allowed.
5. Change in ownership or any kind of new lease will terminate the Special Use Permit.
6. Reclamation is required upon discontinuance of use or upon expiration of the permit. (Removal of less than 300 cubic yards of material per year for three years constitutes discontinuance of the use).
7. Upon reclamation a minimum of 2 to 1 slope would be required for the sidewalls, with cover and seed as with topsoil and vegetated growth.
8. Dust control measures if needed to be taken on the affected roads in agreement with the Township Road Commissioner or County Highway Engineer.
9. Bonding for the reclamation of the quarry with a minimum of \$50,000
10. No materials stored off site
11. Operation hours limited 7am – 6pm Monday thru Friday, 7am - 12pm

Saturday, No Sundays or Holidays (New Years Day, Memorial Day, 4th of July, Labor Day, Columbus Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day) When the holiday falls on a weekend there are no Saturday hours.

12. Legal agreement between James & Vicki Ehrler and Bob Hahn
13. When major blasting is to be done, notify anyone who wants to be notified
14. No blasting exceeds ½ of the State maximum
15. No more than three (3) major blasts per year.
16. Quarry to be bermed and fenced around the property, before December 31, 2007

Seconded by Nick Tranel

Zoning Board finds that the standards have been met with all the conditions applied

A motion to amend the original motion was made by Mel Gratton to add an additional item:

1. If lighting is utilized to direct that lighting downward

Seconded the amendment by Bill Tonne

Roll Call to Amendment: Tom Heidenreich – Aye
Nick Tranel – Aye
Mel Gratton – Aye
Susie Davis – Aye
Bill Tonne – Aye

Roll Call Original Motion: Nick Tranel – Aye
Mel Gratton – Aye
Susie Davis – Aye
Bill Tonne – Aye
Tom Heidenreich – Aye

Reports and Comments:

Planning Commission/Zoning Board of Appeals members received the draft of the ordinance to review. Mel asked where the use table was in the draft, because it is referenced.

Nick Tranel made a motion to adjourn at 11:15 PM. Tom Heidenreich seconded the motion.
Voice Vote: All Ayes