



City Council
COMMITTEE OF THE WHOLE
City of Belvidere, Illinois

Alderman Clayton Stevens,	1 st Ward	Public Works Vice Chairman
Alderman Tom Porter,	1 st Ward	Finance & Personnel Vice Chairman; City-County
Alderman Daniel Snow,	2 nd Ward	BPZ Chairman; City- County Co-Chairman
Alderman Michael Borowicz,	2 nd Ward	Public Safety Vice Chairman; City-County
Alderman Wendy Frank,	3 rd Ward	City County Coordinating - Vice Co Chairman
Alderman Thomas Ratcliffe	3 rd Ward	Finance and Personnel Chairman
Alderman Ronald Brooks,	4 th Ward	Public Works Chairman
Alderman George Crawford	4 th Ward	Public Safety Chairman
Alderman Mark Sanderson,	5 th Ward	BPZ Vice Chairman
Alderman Marsha Freeman	5 th Ward	City-County Coordinating Committee

AGENDA

June 26, 2017

6:00 p.m.

**City Council Chambers
401 Whitney Boulevard
Belvidere, Illinois**

Call to Order – Mayor Mike Chamberlain:

Roll Call: Present: Absent:

Public Comment:

Public Forum:

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.
2. Public Safety, New Business:
 - (A) Fire - I.S.O. Presentation.
 - (B) Fire- Unit #141 – 1986 Mack Rescue Truck.
 - (C) Fire - P.P.E. Purchase.
3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business: None.

5. Other:

(A) Jack Pease, Ipsen Road.

(B) Business Registration.

6. Adjournment:



**BELVIDERE
FIRE
DEPARTMENT**

123 S. State St.
Belvidere, IL 61008

Fire Chief and Administration Offices
(815)544-2242
Fax (815)544-2278

Memo...

From:	Chief Hyser	Today's Date:	June 21, 2017
To:	Shauna Arco	Effective Date:	June 26, 2017
Subject:	Agenda Items		

Item #1 – I.S.O. Presentation

Item #2 – Retirement of #141 (see two attachments)

Item #3 – P.P.E. purchase

The Belvidere Fire Department would like to replace the turnout gear (jacket & pants) for the following three Firefighters: J. Kriebs, R. Herman, and new FF T. Winnie. The total cost will be \$5,985. 00, per copy of quote attached. This expenditure has been budgeted and will come out of line item #01-5-220-8200.

Chief Al Hyser

From: Captain Mark Zumbragel
Belvidere Fire Department
Maintenance Coordinator

1 June 2017

To: Chief Al Hyser
Belvidere Fire Department
123 South State Street
Belvidere, IL 61008

In reference to: 1986 Mack Rescue Truck

It is in my professional opinion that the 1986 Mack Rescue Truck be retired out of the Belvidere Fire Department's lineup of apparatuses.

Currently, the Mack Rescue Truck is out of commission with estimated repairs to be at a cost of approximately four to six thousand dollars. If we were to repair the truck and put it back into service, it would be a redundancy among our apparatuses, as the Ford Pickup truck has replaced the purpose of the Mack.

Further repairs will continue to be an astronomical expense and time consuming, potentially leaving the rig indefinitely out of commission as parts for the truck are no longer stocked. It was not truly a Mack built truck, and they no longer service or stock for this truck.

Best regards,

Mark Zumbragel

06-08-2017

Dear Chief Hyser,

Per our conversation regarding unit #141, the Mack rescue, I am writing you a recommendation to remove this unit from your fleet for the following reasons;

1. Replacement parts (new, used, or rebuilt) are no longer available. If for any reason you can find the part, they are at a inflated, premium price. (\$2000.00 for a water pump, \$5000 for an air compressor, etc.)
2. This unit has air over hydraulic brakes. A vehicle of this age with hydraulic wheel brakes will soon be a common place in the shop, chasing down leaking or seized components.
3. As the unit currently sits, it is in a sellable condition. As the unit gets older and continues to need repair and parts are no longer available to fix it. It will be worth very little to a salvage yard or scrap.
4. This unit is a 1986 model making it 31 years old. There comes a point that the fleet needs to be updated with newer equipment, especially for a first responder vehicle.
5. Being in charge of maintainance for the public works fleet, this is not even a vehicle I would like to see recycled to the st. dept. for the very same reasons above. We already have one similar to the above mentioned unit, and are struggling with the same issues for parts. Most parts are proprietary to Renault and cant be replaced by brands like Bendix brakes parts or Spicer/Rockwell drivetrain componets that are common place on late model equipment.

If you have any concerns or questions, please do not hesitate to contact me.



Ryan Morey

Belvidere St. Dept. shop.

815-298-6414



Dinges Fire Company

243 East Main St.
Amboy, IL 613.10

www.DingesFire.com

Sales Quote

Date	Sales Quote #
6/5/2017	30510

Name / Address
Belvidere Fire Dept 123 South State Street Belvidere, IL 61008

FORMERLY KNOWN AS ILLINOIS FIRE STORE		P.O. No.	Terms	Rep	Tax Exempt Number
			Net 30	Tracy	E9998-8658-05
Qty	Item	Description		Sale Price	Total
3	Cairns- Reaxtion	Cairns Reaxtion Coat & Pant Structural Turnout Gear- Per Belvidere Spec: was changed last order Hanging name panel, no sewn on name last spec was upgraded Names: WINNIE hanging name panel Jacket: 46 X 32 Pants: 44 X 30 KRIEBS hanging name panel Jacket: 46 x 32 +1 ON SLEEVE Pants: 44 X 30 HERMAN hanging name panel Jacket: 42 x 32 Pants: 38 x 30		1,995.00	5,985.00
S/H Not Included in Price. Thank you for the opportunity to quote!				Total	\$5,985.00

Memo

To: Mayor and City Council
From: Mike Drella
CC:
Date: 06/21/2017
Re: Ordinance 358H Special Use for PUD Ipsen Road

A new annexation is being presented for consideration for the City Council. The particular property is located on the West Side of Ipsen Road, South of Conservation District property and North of Ipsen Industries.

Process: Illinois law provides that the City may annex adjacent (contiguous) property once certain parameters are met, (i.e. concurrence from 51% of the landowners etc.). Illinois law also allows entering into an annexation agreement (whether or not the property will be immediately annexed) which is valid for up to 20 years (we may attempt to increase that duration with home rule powers) and which may provide for virtually any reasonable accommodation between the parties, including defining zoning matters, other land use matters and donations of land and money to the City. Under local ordinance, newly annexed territory is automatically zoned Rural Holding.

The annexation process and zoning process is fairly complex. The Planning and Zoning Commission initially holds a public hearing to consider the zoning request that accompanies the annexation and makes a recommendation to the City Council. That recommendation is before you now, in conjunction with the Annexation matters. The matter is then brought to the City Council for consideration of 1) an annexation agreement (which requires a second public hearing and a supermajority vote of the City Council), 2) actual annexation of the subject parcel and 3) the zoning request.

This Case: Mr. Pease, the operator of an existing quarry across the street from the subject parcel, is losing his lease on that quarry and seeks to annex the subject parcel to the City to engage in dredge mining of sand and gravel. Such a use is a special use within the Rural Holding District. He also seeks to develop the property as an office complex upon cessation of mining activities.

As a part of the annexation discussions and consideration of the special use to allow the mining activities, Mr. Pease attempted to reach agreement with adjoining land owners to gain their acceptance of the proposed use. Mr. Pease did enter an agreement with Ipsen Industries relating to curtailing some of his activities as well as creating a right of first refusal for Ipsen to purchase the subject property in the future. That agreement is included in the zoning record. As of the date of this memo, while the Conservation District and Mr. Pease have resolved several issues, there is no firm agreement with the Conservation District.

The annexation agreement and the special use ordinance contain conditions that memorialize agreements between Mr. Pease, Ipsen Industries and the Conservation District. In fact, the annexation agreement and special use incorporate virtually every land use condition for the subject property outlined

in the agreement with Ipsen Industries as well as those requested by the Conservation District. Unfortunately, Ordinance 330H (the Special Use), as recommended by the Planning Commission, includes a condition, Condition 26 that incorporates "...any Memorandums of Understanding with adjacent property owners...".

It is my opinion that this phrase should be deleted. First, it only pertains to Ipsen Industries, a private property owner, at this time. The special use ordinance and the annexation agreement already contain virtually all of the conditions outlined in that agreement with the following exceptions: 1) An agreement between the parties that Ipsen have a right of first refusal to buy the subject property and 2) that Super Aggregates (Mr. Pease) will not operate another quarry within ½ mile of the subject property. Issues regarding repaving Ipsen Road are addressed in the Annexation Agreement but are not an exact match to the Ipsen Agreement (they reflect the recommendation of the Public Works Department).

Neither of the first two issues pertains to the City and I do not recommend that the City place itself in a position of making a contract for the private sale of land subject to a zoning restriction. That issue is specific to Ipsen Industries and Mr. Pease. Second, while Mr. Pease does not object, a City prohibition on Mr. Pease operating another quarry within ½ mile is not enforceable and arguably not legal. It is important to note that the prohibition is only relevant to the specific property owner, not other quarry operators. As such, there can be no rational reason for the legislative action (special use relating to land uses) for the regulation. Any other entity could operate a quarry, if otherwise permissible, within the specific area. Also, a special use is a legislative action specific to a particular parcel of land. It cannot be used to limit the uses of another parcel and should not be confused with a development agreement.

As such, I recommend, at second reading the following motion:

Motion to amend Ordinance 358H to strike the phrase "any Memorandums of Understanding with adjacent property owners: from condition 26.

MEMO

DATE: June 14, 2017
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Findings of Fact—Case: 2017-18; Jack Pease, Ipsen Road

REQUEST AND LOCATION:

Jack Pease, 5435 Bull Valley Road, McHenry, IL 60050, property owner, is requesting a special use to permit a planned development in the RH, Rural Holding District (pending annexation). The planned development will allow for the operation of an extraction use (sand and gravel mine), bufferyards with opacity less than the required 1.0 (0.0) and structures and activity areas less than 300 feet from lot lines (50 feet). Belvidere Zoning Ordinance Sections 150.105(A)(1)(B)(2) Extraction Use, 150.105(A)(1)(C)(2) Batch Plant, 150.204(G)(4)(A)(2) Extraction Use Bufferyards, 150.204(G)(4)(A)(3) Extraction Use Setbacks and 150.904 Special Use Review and Approval Procedures. The property is approximately 38 acres, irregularly shaped and located northwest of Ipsen Road and the I-90 Tollway. PIN: 05-31-400-012

FLEXIBLE DEVELOPMENT STANDARDS:

According to Section 150.907 (B) (1) A. of the City of Belvidere Zoning Ordinance, new and alternative standards may be approved for a development by the city. The applicant is requesting the following standards specific to this project.

Zoning Ordinance:

- **Article I, Section 150.105(A)(1) Rural Holding District (B)(2) Extraction Use**

The applicant would like to operate an electric dredge mining operation.

- **Article I, Section 150.204(G)(4) Extraction Use (2) bufferyards**

Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.

The applicant wishes to maintain visibility along the I-90 Tollway for marketing purposes. The Boone County Conservation District (neighboring property owner) requests that berms not be used along their property line.

- **Article I, Section 150.204(G)(4) Extraction Use (3) setbacks**

All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

Due to the size of the property and the lack of explosives being used, the applicant is requesting that the lake extend to within 50 feet of the property line. The stockpiling operation will be located in the northeast corner, outside of the 100-year floodplain.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use (Planned Development) Permit are as follows:

- A. **Findings: The establishment, maintenance, or operation of the Planned Development will not be completely unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Numerous conditions are being placed on the special use, within the annexation agreement and within Memorandums of Understanding between adjoining property owners to minimize any potential negative impacts. Although the property is within the environmental corridor and there are ecologically sensitive areas on the property, the electric dredging operation is less invasive than land uses permitted under their current zoning designation.

- B. **Findings: The requested Planned Development, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The land use is not in compliance with the City's Comprehensive Plan. The reclamation plan, however, protects multiple wetlands and ensures that the plantings (both land and aquatic) are harmonious to the area. Attempts are being made to minimize the potential negative impacts of the operation.

- C. **Findings: The Planned Development will not, in its proposed location and as depicted on the required site plan, completely result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.**

The character of the neighborhood is not expected to change due to the location of a much larger but similarly operated quarry located across Ipsen Road. Due to the ability to place conditions within an annexation agreement, the applicant will be required to maintain Ipsen Road; it is hoped this will keep it maintained at a higher level than it is currently.

Environmental impacts are being mitigated as much as possible through various regulating documents. Due to enjoying the current zoning designation of General Industrial under Boone County Zoning, future permitted land uses could be more detrimental to the surrounding area.

- D. **Findings: The establishment of the Planned Development will not impede the normal and orderly development and improvement of surrounding property, and maintains**

the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.

Extraction uses such as quarries are required for building construction, infrastructure improvement, property maintenance, etc. It is a needed land uses that can only locate where the aggregate is. Due to the existing mix of industrial and open space, it is a consistent land use and intensity with the area.

East of Ipsen Road there is a larger quarry, industrial users and an outdoor shooting range. South of the property there is an industrial user and the I-90 Tollway. The quarry, although bordered by conservation land to the north, is in conformity with the general area. The reclamation plan shows an office building being constructed once the stockpiles have been removed, this future redevelopment of the property will add to the diversity of area land uses without deterring future development.

- E. Findings:** The proposed Planned Development is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.

Once the property is annexed into the City of Belvidere, the ability to extend municipal services to the property is available.

- F. Findings:** The potential public benefits of the proposed Planned Development outweighs the potential adverse impacts of the proposed Planned Development after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Extraction uses are typically not welcomed by neighboring properties, however, they must locate where the materials exist and are needed for many reasons. Through multiple discussions and concessions, a list of operating conditions in various documents has been created to greatly reduce the amount of negative impacts on adjacent properties.

Motion to adopt the Findings of Fact as presented for case 2017-18 for Jack Pease, Ipsen Road carried with a (7-0) roll call vote.

Andy Racz, Chairman
Belvidere Planning and Zoning Commission

ORDINANCE #358H

**AN ORDINANCE GRANTING A SPECIAL USE FOR
A PLANNED DEVELOPMENT WITHIN THE
RH, RURAL HOLDING DISTRICT
(For Jack Pease, Ipsen Road)**

WHEREAS, the City of Belvidere has adopted Chapter 150, Zoning Ordinance in accordance with the provisions of Illinois Compiled Statutes to regulate the use of land and specify the minimum requirements for improvements on land in the City of Belvidere; and

WHEREAS, special uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, to the use and to the enjoyment of adjoining property, are reviewed on a case by case basis and are permitted only by permission of the Belvidere City Council; and,

WHEREAS, the applicant and owner, Jack Pease, 5435 Bull Valley Road McHenry, Illinois 60050 has petitioned the City for a special use for a planned development for the operation of an extraction use (sand and gravel mine); and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the City of Belvidere Planning and Zoning Commission held a public hearing on June 14, 2017 concerning the proposed special use; and,

WHEREAS, the City of Belvidere Planning and Zoning Commission having examined the application and having considered the evidence, both oral and documentary and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the City considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by this reference.

Section 2. That a special use for a planned development allowing extraction use, bufferyards with an opacity of 0.0 and structures and activity areas within 50 feet of lot lines in the RH, Rural Holding District for a sand and gravel mine on the property shown in Attachment A and legally described as:

Part of the South Half (1/2) of Section 31, Township 44 North, Range 3 East of the Third Principal Meridian, bounded and described as follows, to-wit: Beginning at the Northeast corner of the Southeast Quarter (1/4) of said Section 31; thence South 0 degrees 0 minutes 0 seconds West, 895.06 feet along the East line of said Southeast Quarter (1/4) to the Northeast corner of the premises conveyed to Abar Ipsen Industries, Inc., by warranty deed recorded as Document No. 88-280 in the Recorder's

Office of Boone County, Illinois; thence South 89 degrees 48 minutes 53 seconds West, 837.80 feet along the North line of said premises conveyed Abar Industries, Inc. to the Northwest corner of said premises; thence South 2 degrees 19 minutes 35 seconds East, 233.97 feet along the West line of said premises conveyed by Floyd A. Smith and Wife to the Illinois State Toll Highway Commission by instrument recorded in Book 115 on Pages 58, 59 and 60, in said Recorder's Office, and a point of intersection with a circular curve to the left having a radius of 5,879.58 feet; thence Northwesterly along said circular curve to the left, being the Northerly line of said premises conveyed to the Illinois State Toll Highway Commission, to the North line of the South Half (1/2) of said Section 31, and the intersection with its chord bearing North 60 degrees 14 minutes 0 seconds West 2238.64 feet; thence North 89 degrees 35 minutes 2 seconds East, 2771.63 feet along said North line, to the Place of Beginning; situated in the County of Boone and the State of Illinois. PIN: 05-31-400-012

is hereby approved, subject to the following conditions:

1. The Planned Development as well as the Annexation Agreement for the property shall be developed in conformance with the narrative, operation plan and reclamation plan submitted unless otherwise noted in the conditions or outside agreements.
2. The Planned Development is granting only the following flexible standards: Extraction Use (Section 150.105(A)(1), Extraction Use Bufferyards (Section 150.204(G)(4)(2) and Extraction Use Setbacks (Section 150.204(G)(4)(3)
3. All Mining activities shall cease no later than the date which is (15) years after the date of the execution of the Annexation Agreement.
4. The Extraction Use shall only be for the extraction of sand and gravel from the Property by means of underwater dredging on the Property and shall not mean any other form of mining or mineral extraction. Owner shall not employ any explosives for mining purposes on the Property
5. Owner(s) shall not engage in any concrete or asphalt recycling operations or any form of manufacturing or production operations, including but not limited to batch plant operations, on the Property.
6. Stockpiling of any aggregate shall not be visible from Ipsen Road or the southerly property line. No mining activities or stockpiling activities (of newly mined materials) shall occur until such time as all required berms are constructed and landscaping is complete.
7. Owner(s) shall not erect a berm along the property adjacent to the Boone County Conservation District. Instead, the Owner(s) shall plant and maintain such trees and other vegetation as reasonably required by the Boone County Conservation District (see seed mix for bufferyards and non-disturbed areas in addition to Burr Oak and local ecotype Hickory trees). A 30-foot average width border buffer area will be established, by Owner(s) along the common border with the Boone County Conservation District and seeded with a mix native prairie grass. Owner(s) shall remove trees identified by the Boone County Conservation District and replace those trees with trees approved by the Boone County Conservation District.
8. Owner shall construct a temporary berm, to the reasonable approval of the City and the property owner to the South of the Property, of 20 feet in height and next to an

- existing tree line. The berm shall be erected within one (1) year of the date of this Agreement and shall be seeded with grass seed and additional trees approved by the City (see seed mix for bermed areas in addition to Burr Oak and local ecotype Hickory trees). The berm shall be removed in the final Phase of the project as a part of the Reclamation Plan.
9. A Silt fence shall be installed for wetland #5 to protect against siltation from the West berm construction and the temporary crossing which will be allowed for Owner(s) performance of the operations and reclamation plans. After vegetation is successfully established on the West berm and the temporary crossing is restored, Owner(s) shall remove the silt fence.
 10. Owner(s) shall install five (5) shallow water monitoring wells at locations specified by the Boone County Conservation District and equip the Wells with lockable hinged caps to facilitate installation of data loggers by the Boone County Conservation District. Owner shall reimburse the Boone County Conservation District for the actual cost of the data loggers at an amount not to exceed \$2,000.00.
 11. Owner(s) shall purchase and install a staff gauge in the lake area pursuant to the Reclamation Plan.
 12. Owner(s) shall, at Owner(s) cost, cause a visible emissions particulate measurement to be taken at an existing dredge mining facility which measurements shall not be exceeded at the Property and to provide annual visible emissions particulate measurements to be taken at the Property, during the summer months. The results of said measurements shall not exceed any Illinois environmental Protection agency, federal or local standards and shall be provided to the City and the adjacent property owners promptly upon Owner(s) receiving the measurements. The City or an adjoining property owner may access the Property (with 24 hour notice) for purposes of performing their own additional measurements.
 13. The City shall be allowed reasonable access to the Property, during regular business hours, to inspect the Property for compliance with this Ordinance and the Annexation Agreement and relevant State, Federal and City laws, ordinances and regulations.
 14. The hours of operation for the special use shall be from 6:00 am to 6:00 pm, weekdays and 6:00 am to 2:00 pm Saturdays. Extended or altered hours of operations are permitted, if reasonably approved by the City, permitting the Owner(s) to conduct Extraction Operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects.
 15. The operator shall provide the City with an annual schedule showing all permits and bonds applicable to the facility.
 16. The operator shall require all hauling vehicles under its control to maintain appropriate covers over their loads to prevent any spillage of a load. The operator shall use its best efforts to cause hauling vehicles not under its control to cover loads with tarps.
 17. The operator shall comply with all City ordinances and state regulations governing storm water management, erosion, and sediment control.
 18. Operations shall be configured and flow in the manner and according to the phases depicted on the Operations Plan prepared by CES Engineering and dated July 14, 2016 and the Reclamation Plan dated June 6, 2017. Stockpiling and processing shall be limited to the areas depicted on the Operations Plan. The City agrees to allow Owner access to Ipsen Road as depicted on the Operations Plan.

19. Owner(s) shall pave and maintain as a solid paved surface all vehicle access and driveway areas including, but not limited, to the driveway from the entrance to any stockpiled materials.
20. If any negative environmental impacts occur on neighboring properties directly related to the mining operations, then the Owner(s) shall immediately cease mining operations until such time as the cause of the negative environmental impacts is cured. This provision shall not be deemed to limit any private cause of action any third party may have against Owner(s) related to any impact upon their property.
21. Upon cessation of mining activities, the Property shall be reclaimed and developed pursuant to the Reclamation Plan prepared by CES Engineering and dated June 6, 2017. A list of acceptable plant materials is listed as Attachments 10 and 11.
22. That part of the Property used for Extraction Operations shall be allowed to fill with water to form a lake. The shoreline shall be sloped (3:1) to provide a stable and gradual transition from the surface land elevation to the estimated mean water level. The Lake shall contain a subsurface safety shelf no less than 12 feet in width with a 5:1 slope and a depth of no more than 3 feet around the lake perimeter to provide for a gradual underwater fall off of the shoreline.
23. The lake shall be stocked with fish at the time, in numbers and species to be determined by the Boone County Conservation District.
24. All equipment and other improvements to the Property that are used for mining activities shall be immediately removed upon cessation of all mining activities on the Property, provided, however, that all stockpiled materials shall be removed or re-graded within one year after the cessation of all dredging activities. During this period the Owner(s) shall be entitled to maintain on the property and use any equipment necessary for the proper loading, delivery and weighing of material to wind-up mining activities and implement the reclamation plan. During this period, the operator may not store or stockpile any materials that were not actually mined from the Property.
25. For that portion of the Property lying outside of the seven (7) acre Corporate Center Complex, shown on the Reclamation Plan, Owner(s) shall complete all work required by the reclamation plan within 18 months of the cessation of mining activities (dredging).
26. Compliance with the approved Annexation Agreement with the City of Belvidere, any Memorandums of Understanding with adjacent property owners, and all applicable local, state and federal laws and regulations.
27. Future use and development of the property other than a permitted use under the Rural Holding District shall only occur pursuant to a Planned Development.
28. Road Improvements and Maintenance. The Owner(s) shall be responsible for the repair or replacement of the asphalt surface and shoulder stone of Ipsen Road from the Union Pacific Railroad to Newburg Road which is necessary to accommodate the use of the road by vehicles having a gross weight of 80,000 pounds. The Owner(s) with the City shall at least annually inspect the roadway and Owner(s) shall perform any maintenance or repairs that may be required. Further, Owner(s) shall make other repairs reasonably deemed necessary by the City or the division of local government with maintenance jurisdiction of Ipsen Road when deemed necessary by the City such other unit of government. Owner(s) shall pay the cost of an additional two (2) inches of bituminous material from the Property entrance South to the Union Pacific Railroad upon request of the City. In the event that, in addition to Owner(s), another quarry or mining operation operating with the City of Belvidere uses the same segment of Ipsen Road as the vehicles accessing the Property, the Owner(s)' share

of the cost of maintenance shall be decreased in proportion to the other's use of Ipsen Road. If the City and Owner(s) cannot agree on the reduced proportion, then the parties shall refer the matter to an independent traffic engineer for a final binding determination.

Section 3. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the City of Belvidere and shall not be used except as may otherwise be expressly authorized by the applicable law and the special use.

Section 4. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 7. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of Belvidere this ____ day of _____, 2017.

APPROVED by the Mayor of the City of Belvidere this ____ day of _____, 2017.

Michael W. Chamberlain, Mayor

ATTEST:

Shauna Arco, City Clerk

Ayes: ____ Nays: ____ Absent ____

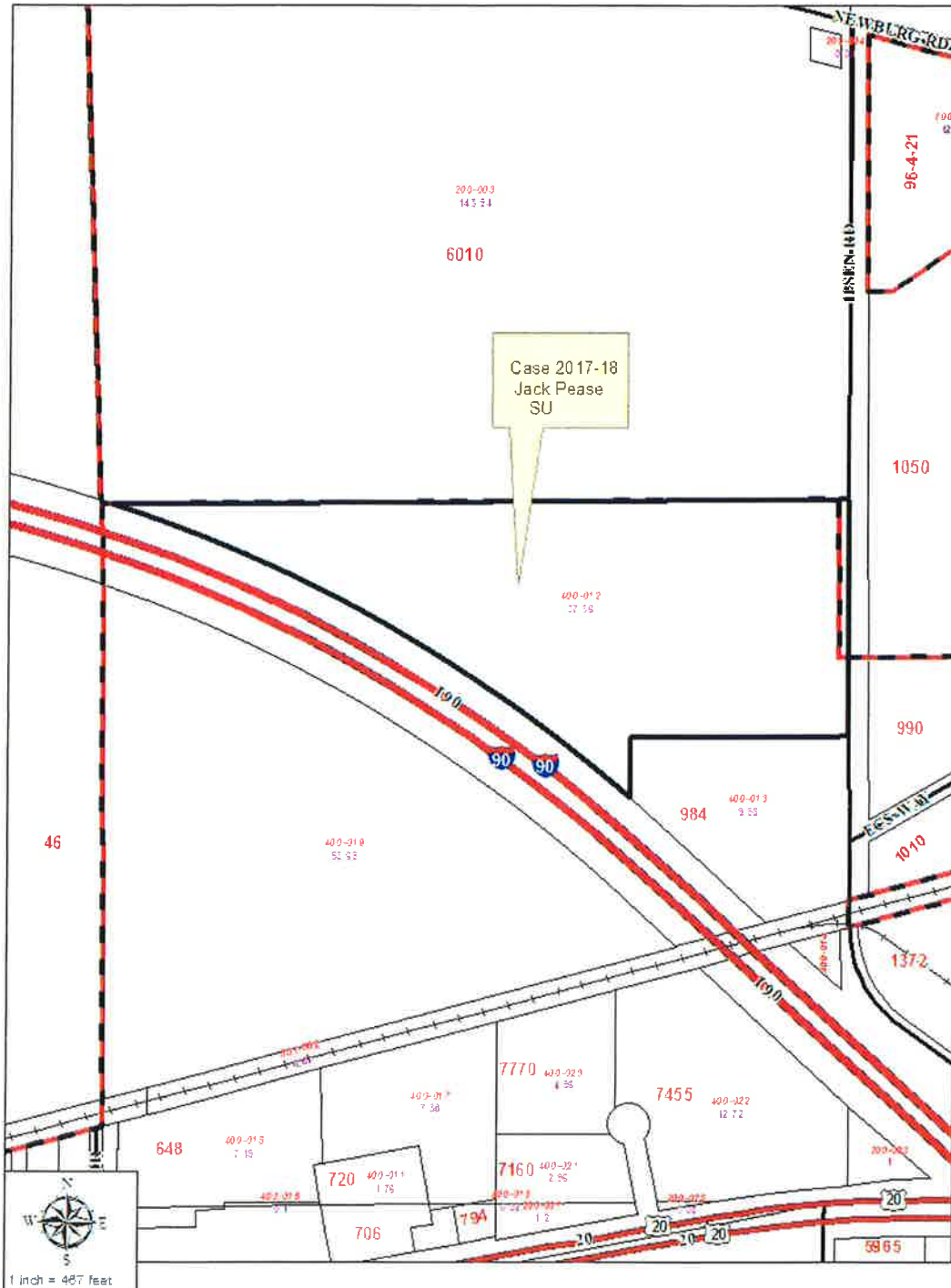
City Council Members Voting Aye: ____

City Council Members Voting Nay: ____

Date Published:

Sponsor: _____

ATTACHMENT A



ATTACHMENT B

Extraction/Mining and Planned Use Statements

1. Ownership of land.

The owner of record is Jack Pease. Jack Pease - Super Aggregates is the mine operator. The main office is located at 5435 Bull Valley Road Suite 330 McHenry, IL 60050. Phone: 815-385-8000 Fax: 815-385-87112.

2. Minerals to be mined.

The reserves mined from property are sand and gravel materials.

3. Character and composition of vegetation and wildlife on land to be affected.

The property is currently agricultural land with row crop farming. The surrounding properties consist of mining, industry and conservation areas.

4. The nature, depth and proposed disposition of the overburden.

The overburden is a sandy and silt loam consistently 1-2 feet in depth throughout the property. The overburden will be used in the construction of berms to aid in noise reduction and visibility screening. Once final grades are achieved, the overburden will be used to reclaim the site.

5. The estimated depth to which the mineral deposit will be mined.

Reserves are estimated to be 60-70 feet in depth. Please see operations plan for additional information and detail.

6. Estimated type and volume of excavation.

Mineable sand and gravel reserves in the 38 acre tract are estimated at 2.5 million tons.

7. The techniques and equipment proposed to be used, as applicable, for;

A. earth materials extraction;

Reserves will be extracted using a combination of an excavator, haul trucks, wheel loader and a dredge depending on extraction phase.

B. earth materials processing;

Reserves are processed by a combination of screening and crushing techniques. Equipment will consist of a feeder, land conveyors, screening plant, crushing plant, wash plant, stacking conveyors and a wheel loader.

C. ready-mix plant;

Not applicable.

D. concrete recycling plant; and

Broken concrete will be imported and stock piled until it can be crushed into recycled products. Material will be stock piled and shipped on market demand.

E. concrete building materials production plant.

Not applicable.

8. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.

EPA standards, enforcement and maintained equipment will assure noise pollution will be below allowable levels for the operator of each machine. These noise levels will guarantee no significant noise will be heard. In addition, berms will be constructed and seeded with a vegetative cover to add additional noise buffering. Continued row crop farming in areas not affected by mining will also aid in minimizing noise and aid in screening the operation. Dust and air contaminants will be minimized by paving on all on-site roads. Berms and buffer strips will be planted to suitable vegetation and maintained throughout project.

9. The method of recycling water used for washing and grading.

Water used for the processing operations will be drawn from a series of ponds. The ponds constructed on-site will include a fresh water pond, and two deposit ponds. Water used for the washing operation will be drawn from the fresh water pond and pumped into the plant to wash the sand and gravel materials. Water from the washing process is pumped to the first deposit pond allowing coarse clay and silt solids to settle from suspension. Water slowly flows into the second deposit pond allowing the remaining solids to settle. Once fine materials have deposited, the clean water flows back into the fresh water pond for reuse. This is a closed circuit with little or no loss of water from the system.

10. The proposed usage or drainage of excess water.

All haul roads, stock piles and operational areas will be graded in such a manner as to direct any run-off into the primary deposit pond. The deposit ponds will be diked to prevent any overland flow of surface water. All other land not affected by mining operations will be naturally drained and absorbed.

11. Location of existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining.

Please see site plan for additional information and detail.

12. Location and names of all streams, creeks and bodies of water within lands to be affected.

Please see site plan for additional information and detail.

13. Drainage on and away from the lands to be affected, including directional flow of water, natural and artificial drain ways and waterways, and streams or tributaries receiving the discharge.

Please see site plan for additional information and detail.

14. Proposed days and hours of operation of all excavation, processing and operations on the property.

Operations with the exception of maintenance – Monday through Saturday, 5:00 a.m. to 10:00 p.m. The picking up or shipping of materials and the depositing of recyclable materials may occur on a "demand basis" and is not restricted to the aforesaid days and hours. In the event there is a contractual obligation to supply materials for Illinois Tollway, IDOT and other state, federal and local government projects which would require operations on Sundays or after 10:00 p.m., owner may operate during said hours during the term of the project only.

15. The proposed property reclamation plan.

Owner will file a reclamation plan for the property in accordance with applicable laws and regulations of the City of Belvidere. The reclamation plan shall provide that upon termination of mining activities, that part of the property used for extraction operations shall be allowed to fill with water to form a lake. The shoreline shall be sloped to provide a stable and gradual transition from the surface elevation to the estimated mean water level. Other areas to be restored with topsoil and seeded with a vegetative cover. The planting of all vegetation and the construction of all berms and other landscaping features shall be commenced and completed per reclamation phasing plan.

16. Proposed zoning code deviations.

Owner will not use explosives or blasting techniques in the mining/extractive process. The process is passive and non-obtrusive. An electric dredge will quietly float in a body of water pumping a mixture of water, sand and gravel from the extractive area to the wash and processing plant via a floating pipe. Without the presence of blasting techniques, Owner is requesting setback reduction from 300' to 50' and a reduction in the bufferyard opacity of 1.00 along all borders of the property.

17. Projected dates of commencement and completion of all excavation, processing and operations on the property.

Projected commencement is scheduled for May 1, 2017. Completion of excavation, processing and operations is scheduled for 12/31/2032.

ATTACHMENT C



ATTACHMENT E

Seed mix for berms

Native Grassland Seed Mix	1 Acre	
<i>Genus/species</i>	<i>Common Name</i>	<i>Amount</i>
Forbs:		
<i>Agalinis tenuifolia</i>	Slender False Foxglove	1/4 oz
<i>Agastache scrophulariaefolia</i>	Purple Giant Hyssop	1/2 oz
<i>Allium cernuum</i>	Nodding Onion	4 oz
<i>Amorpha canescens</i>	Leadplant	4 oz
<i>Anemone cylindrica</i>	Thimbleweed	3 oz
<i>Antennaria plantaginifolia</i>	Pussy Toes	1/4 oz
<i>Apocynum sibiricum</i>	Dogbane	1/4 oz
<i>Aquilegia canadensis</i>	Columbine	1 oz
<i>Artemesia caudata</i>	Beach Wormwood	1/4 oz
<i>Asclepias syriaca</i>	Common Milkweed	3 oz
<i>Asclepias tuberosa</i>	Butterfly Weed	3 oz
<i>Asclepias verticillata</i>	Whorled Milkweed	2 oz
<i>Aster azureus</i>	Sky-blue Aster	1 oz
<i>Aster ericoides</i>	Heath Aster	1/2 oz
<i>Aster laevis</i>	Smooth Blue Aster	2 oz
<i>Aster novae angliae</i>	New England Aster	2 oz
<i>Astragalus canadensis</i>	Canadian Milk Vetch	2 oz
<i>Baptisia australis</i>	Blue Wild Indigo	3 oz
<i>Baptisia leucantha</i>	White Wild Indigo	3 oz
<i>Baptisia leucophaea</i>	Cream Wild Indigo	2 oz
<i>Blephilia ciliata</i>	Ohio Horse Mint	1 oz
<i>Cacalia atriplicifolia</i>	Pale Indian Plantain	2 oz
<i>Cassia hebecarpa</i>	Wild Senna	4 oz
<i>Ceanothus americanus</i>	New Jersey Tea	2 oz
<i>Coreopsis lanceolata</i>	Sand Coreopsis	8 oz
<i>Coreopsis palmata</i>	Prairie Coreopsis	3 oz
<i>Coreopsis tripteris</i>	Tall Coreopsis	2 oz
<i>Dalea candida</i>	White Prairie Clover	3 oz
<i>Dalea purpurea</i>	Purple Prairie Clover	6 oz
<i>Desmodium canadense</i>	Showy Tick Trefoil	4 oz
<i>Desmodium illinoense</i>	Illinois Tick Trefoil	5 oz
<i>Dodecatheon meadia</i>	Shooting Star	3 oz
<i>Echinacea pallida</i>	Pale Purple Coneflower	5 oz

<i>Eryngium yuccifolium</i>	Rattlesnake Master	6 oz
<i>Gentiana andrewsii</i>	Bottle Gentian	1/2 oz
<i>Gentiana flavida</i>	Cream Gentian	2 oz
<i>Gentiana quinquefolia occidentalis</i>	Stiff Gentian	1/2 oz
Genus/species	Common Name	Amount
<i>Gnaphalium obtusifolium</i>	Old-field Balsam	1/2 oz
<i>Helianthus mollis</i>	Downy Sunflower	1 oz
<i>Helianthus occidentalis</i>	Western Sunflower	1 oz
<i>Heliopsis helianthoides</i>	False Sunflower	2 oz
<i>Heuchera richardsonii</i>	Prairie Alum Root	1/2 oz
<i>Hieracium canadense fasciculatum</i>	Canada Hawkweed	1/2 oz
<i>Kuhnia eupatorioides corymbulosa</i>	False Boneset	1 oz
<i>Lespedeza capitata</i>	Round-headed Bush Clover	2 oz
<i>Lespedeza virginica</i>	Slender Bush Clover	2 oz
<i>Liatris aspera</i>	Rough Blazing Star	2 oz
<i>Liatris pycnostachya</i>	Prairie Blazing Star	3 oz
<i>Lobelia spicata</i>	Pale-spiked Lobelia	1/4 oz
<i>Lupinus perennis</i>	Wild Lupine	2 lbs
<i>Monarda fistulosa</i>	Wild Bergamot	1/2 oz
<i>Parthenium integrifolium</i>	Wild Quinine	4 oz
<i>Penstemon digitalis</i>	Foxglove Beard Tongue	1 oz
<i>Penstemon grandiflorus</i>	Large-flowered Beard Tongue	1 oz
<i>Penstemon hirsutus</i>	Hairy Beard Tongue	1 oz
<i>Penstemon pallidus</i>	Pale Beard Tongue	1 oz
<i>Polemonium reptans</i>	Jacob's Ladder	1 oz
<i>Potentilla arguta</i>	Prairie Cinquefoil	1/2 oz
<i>Pycnanthemum pilosum</i>	Hairy Mountain Mint	1/2 oz
<i>Pycnanthemum tenuifolium</i>	Slender Mountain Mint	1/2 oz
<i>Ratibida pinnata</i>	Yellow Coneflower	1 oz
<i>Rosa blanda</i>	Early Wild Rose	4 oz
<i>Rosa carolina</i>	Pasture Rose	1 oz
<i>Rudbeckia subtomentosa</i>	Sweet Black-eyed Susan	1 oz
<i>Rudbeckia triloba</i>	Brown-eyed Susan	1/2 oz
<i>Ruellia humilis</i>	Wild Petunia	3 oz
<i>Senecio plattensis</i>	Prairie Ragwort	1 oz
<i>Silene regia</i>	Royal Catchfly	2 oz
<i>Silene stellata</i>	Starry Champion	1 oz
<i>Silphium integrifolium</i>	Rosin Weed	2 oz
<i>Silphium laciniatum</i>	Compass Plant	4 oz
<i>Silphium terebinthinaceum</i>	Prairie Dock	2 oz

<i>Solidago graminifolia</i>	Grass-leaved Goldenrod	1/2 oz
<i>Solidago rigida</i>	Stiff Goldenrod	2 oz
<i>Solidago speciosa</i>	Showy Goldenrod	1 oz
<i>Teucrium canadense</i>	Germander	1 oz
<i>Thalictrum dasycarpum</i>	Purple Meadow Rue	3 oz
Genus/species	Common Name	Amount
<i>Tradescantia ohiensis</i>	Common Spiderwort	1 lb
<i>Triosteum perfoliatum</i>	Late Horse Gentian	2 oz
<i>Verbena stricta</i>	Hoary Vervain	3 oz
<i>Veronicastrum virginicum</i>	Culver's Root	1/4 oz
<i>Zizia aptera</i>	Heart-leaved Golden Alexanders	3 oz
<i>Zizia aurea</i>	Golden Alexanders	8 oz
Graminoids:		
<i>Andropogon scoparius</i>	Little Bluestem	5 lbs
<i>Bouteloua curtipendula</i>	Sideoats Grama	10 lbs
<i>Bromus kalmii</i>	Prairie Brome	10 lbs
<i>Carex bicknellii</i>	Copper-shouldered Oval Sedge	3 oz
<i>Carex brevior</i>	Plains Oval Sedge	4 oz
<i>Carex gravida</i>	Long-awned Bracted Sedge	2 oz
<i>Carex molesta</i>	Field Oval Sedge	3 oz
<i>Elymus canadensis</i>	Canada Wild Rye	8 oz
<i>Panicum oligosanthos scribnerianum</i>	Scribner's Panic Grass	6 oz
<i>Panicum virgatum</i>	Switch Grass	1 oz
<i>Sorghastrum nutans</i>	Indian Grass	1 oz
<i>Spartina pectinata</i>	Cord Grass	3 oz
<i>Sphenopholis obtusata</i>	Prairie Wedge Grass	1 lb
<i>Sporobolus heterolepis</i>	Prairie Dropseed	6 oz
<i>Stipa spartea</i>	Porcupine Grass	4 oz

ATTACHMENT F

Seed mix for bufferyards and non-disturbed areas

Shore Line: Sweet flag, cat tail, burr reed, round stemmed bulrushes, arrowhead and watershield.

Other non-shoreline:

<i>Genus/species</i>	<i>Common Name</i>	<i>Amt. Needed</i>
<i>Forbs:</i>		
Acorus calamus	Sweet Flag	2 oz
Allium cernuum	Nodding Wild Onion	2 oz
Anemone canadensis	Meadow Anemone	1 oz
Angelica atropurpurea	Angelica	4 oz
Asclepias incarnata	Swamp Milkweed	4 oz
Aster novae-angliae	New England Aster	2 oz
Aster puniceus	Swamp Aster	2oz
Aster umbellatus	Flat-topped Aster	2 oz
Astragalus canadensis	Canada Milk Vetch	3 oz
Baptisia leucantha	White Wild Indigo	3 oz
Bidens coronata	Tall Swamp Marigold	1 oz
Boltonia asteroides	False Aster	2 oz
Cacalia plantaginea	Prairie Indian Plantain	½ oz
Cacalia suaveolens	Sweet Indian Plantain	1 oz
Caltha palustris	Marsh Marigold	¼ oz
Cassia hebecarpa	Wild Senna	3 oz
Coreopsis tripteris	Tall Coreopsis	1 oz
Eryngium yuccifolium	Rattlesnake Master	2 oz
Eupatorium maculatum	Spotted Joe Pye Weed	½ oz
Eupatorium perfoliatum	Common Boneset	½ oz
Gentiana andrewsii	Bottle Gentian	¼ oz
Gentiana flavida	Cream Gentian	½ oz
Helenium autumnale	Sneezeweed	1 oz
Heliopsis helianthoides	False Sunflower	3 oz
Heuchera richardsonii	Prairie Alum Root	¼ oz
Hypericum pyramidatum	Great St. John's Wort	½ oz
Iris virginica shrevei	Blue Flag	2 oz
Liatris pycnostachya	Prairie Blazing Star	2 oz
Lobelia cardinalis	Cardinal Flower	¼ oz
Lobelia siphilitica	Great Blue Lobelia	¼ oz
Mentha arvensis villosa	Wild Mint	1/8 oz
Monarda fistulosa	Wild Bergamot	1 oz
Napaea dioica	Glade Mallow	3 oz
Pedicularis lanceolata	Marsh Betony	1 oz

Penthorum sedoides	Ditch Stonecrop	1/8 oz
Physostegia virginiana	Obedient Plant	2 oz
Pycnanthemum virginianum	Common Mountain Mint	¼ oz
Rudbeckia hirta	Black-eyed Susan	½ oz
Rudbeckia laciniata	Wild Golden Glow	1 oz
Rudbeckia subtomentosa	Sweet Black-eyed Susan	1 oz
Rudbeckia triloba	Brown-eyed Susan	1 oz
Scutellaria laterifolia	Mad-dog Skullcap	1/8 oz
Silphium integrifolium	Rosin Weed	3 oz
Silphium laciniatum	Compass Plant	3 oz
Silphium perfoliatum	Cup Plant	3 oz
Silphium terebinthinaceum	Prairie Dock	1 oz
Solidago riddellii	Riddell's Goldenrod	½ oz
Thalictrum dasycarpum	Purple Meadow Rue	2 oz
Tradescantia ohiensis	Spiderwort	2 oz
Verbena hastata	Blue Vervain	½ oz
Veronia altissima	Tall Ironweed	2 oz
Veronia fasciculata	Common Ironweed	2 oz
Veronicastrum virginicum	Culver's Root	1/8 oz
Zizia aurea	Golden Alexanders	2 oz
<i>Shrubs:</i>		
Physocarpus opulifolius	Ninebark	1 oz
<i>Grasses:</i>		5 lbs
Bromus ciliatus	Fringed Brome	1 lb
Carex bebbii	Bebb's Oval Sedge	1 oz
Carex crinita	Fringed Sedge	1 oz
Carex retrosa	Deflexed Bottle-brush Sedge	2 oz
Carex scoparia	Lance-fruited Oval Sedge	1 oz
Carex squarrosa	Narrow-leaved Cattail Sedge	2 oz
Carex vulpinoidea	Brown Fox Sedge	1 oz
Elymus Canadensis	Canada Wild Rye	1 lb
Elymus virginicus	Virginia Wild Rye	2 lb
Juncus torreyi	Torrey's Rush	1 ½ oz
Scirpus atrovirens	Dark Green Bulrush	2 oz
Spartina pectinata	Cord Grass	1 lb
		5lbs 11 ½ oz
67 species		10 lbs 11 ½ oz

MEMO

DATE: June 14, 2017
TO: Mayor and Members of the City Council
FROM: City of Belvidere Planning and Zoning Commission
SUBJECT: Recommendation—Case: 2017-18; Jack Pease, Ipsen Road

REQUEST AND LOCATION:

Jack Pease, 5435 Bull Valley Road, McHenry, IL 60050, property owner, is requesting a special use to permit a planned development in the RH, Rural Holding District (pending annexation). The planned development will allow for the operation of an extraction use (sand and gravel mine), bufferyards with opacity less than the required 1.0 (0.0) and structures and activity areas less than 300 feet from lot lines (50 feet). Belvidere Zoning Ordinance Sections 150.105(A)(1)(B)(2) Extraction Use, 150.105(A)(1)(C)(2) Batch Plant, 150.204(G)(4)(A)(2) Extraction Use Bufferyards, 150.204(G)(4)(A)(3) Extraction Use Setbacks and 150.904 Special Use Review and Approval Procedures. The property is approximately 38 acres, irregularly shaped and located northwest of Ipsen Road and the I-90 Tollway. PIN: 05-31-400-012

RECOMMENDATION:

The planning and zoning commission recommended the **approval** of case number **2017-18** for a planned development north of 984 Ipsen Road subject to the following conditions:

1. The Planned Development as well as the Annexation Agreement for the property shall be developed in conformance with the narrative, operation plan and reclamation plan submitted unless otherwise noted in the conditions or outside agreements.
2. The Planned Development is granting only the following flexible standards: Extraction Use (Section 150.105(A)(1), Extraction Use Bufferyards (Section 150.204(G)(4)(2) and Extraction Use Setbacks (Section 150.204(G)(4)(3)
3. All Mining activities shall cease no later than the date which is (15) years after the date of the execution of the Annexation Agreement.
4. The Extraction Use shall only be for the extraction of sand and gravel from the Property by means of underwater dredging on the Property and shall not mean any other form of mining or mineral extraction. Owner shall not employ any explosives for mining purposes on the Property
5. Owner(s) shall not engage in any concrete or asphalt recycling operations or any form of manufacturing or production operations, including but not limited to batch plant operations, on the Property.
6. Stockpiling of any aggregate shall not be visible from Ipsen Road or the southerly property line. No mining activities or stockpiling activities (of newly mined materials) shall occur until such time as all required berms are constructed and landscaping is complete.
7. Owner(s) shall not erect a berm along the property adjacent to the Boone County Conservation District. Instead, the Owner(s) shall plant and maintain such trees and other vegetation as reasonably required by the Boone County Conservation District (see seed mix for bufferyards and non-disturbed areas in addition to Burr Oak and local ecotype Hickory trees). A 30-foot average width border buffer area will be established, by Owner(s) along the common border with the Boone County Conservation District and seeded with a mix native prairie grass. Owner(s) shall remove trees identified by the Boone County Conservation District and replace those trees with trees approved by the Boone County Conservation District.

8. Owner shall construct a temporary berm, to the reasonable approval of the City and the property owner to the South of the Property, of 20 feet in height and next to an existing tree line. The berm shall be erected within one (1) year of the date of this Agreement and shall be seeded with grass seed and additional trees approved by the City (see seed mix for bermed areas in addition to Burr Oak and local ecotype Hickory trees). The berm shall be removed in the final Phase of the project as a part of the Reclamation Plan.
9. A Silt fence shall be installed for wetland #5 to protect against siltation from the West berm construction and the temporary crossing which will be allowed for Owner(s) performance of the operations and reclamation plans. After vegetation is successfully established on the West berm and the temporary crossing is restored, Owner(s) shall remove the silt fence.
10. Owner(s) shall install five (5) shallow water monitoring wells at locations specified by the Boone County Conservation District and equip the Wells with lockable hinged caps to facilitate installation of data loggers by the Boone County Conservation District. Owner shall reimburse the Boone County Conservation District for the actual cost of the data loggers at an amount not to exceed \$2,000.00.
11. Owner(s) shall purchase and install a staff gauge in the lake area pursuant to the Reclamation Plan.
12. Owner(s) shall, at Owner(s) cost, cause a visible emissions particulate measurement to be taken at an existing dredge mining facility which measurements shall not be exceeded at the Property and to provide annual visible emissions particulate measurements to be taken at the Property, during the summer months. The results of said measurements shall not exceed any Illinois environmental Protection agency, federal or local standards and shall be provided to the City and the adjacent property owners promptly upon Owner(s) receiving the measurements. The City or an adjoining property owner may access the Property (with 24 hour notice) for purposes of performing their own additional measurements.
13. The City shall be allowed reasonable access to the Property, during regular business hours, to inspect the Property for compliance with this Ordinance and the Annexation Agreement and relevant State, Federal and City laws, ordinances and regulations.
14. The hours of operation for the special use shall be from 6:00 am to 6:00 pm, weekdays and 6:00 am to 2:00 pm Saturdays. Extended or altered hours of operations are permitted, if reasonably approved by the City, permitting the Owner(s) to conduct Extraction Operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects.
15. The operator shall provide the City with an annual schedule showing all permits and bonds applicable to the facility.
16. The operator shall require all hauling vehicles under its control to maintain appropriate covers over their loads to prevent any spillage of a load. The operator shall use its best efforts to cause hauling vehicles not under its control to cover loads with tarps.
17. The operator shall comply with all City ordinances and state regulations governing storm water management, erosion, and sediment control.
18. Operations shall be configured and flow in the manner and according to the phases depicted on the Operations Plan prepared by CES Engineering and dated July 14, 2016 and the Reclamation Plan dated June 6, 2017. Stockpiling and processing shall be limited to the areas depicted on the Operations Plan. The City agrees to allow Owner access to Ipsen Road as depicted on the Operations Plan.
19. Owner(s) shall pave and maintain as a solid paved surface all vehicle access and driveway areas including, but not limited, to the driveway from the entrance to any stockpiled materials.
20. If any negative environmental impacts occur on neighboring properties directly related to the mining operations, then the Owner(s) shall immediately cease mining operations until such time as the cause of the negative environmental impacts is cured. This provision shall not be deemed to limit any private cause of action any third party may have against Owner(s) related to any impact upon their property.

21. Upon cessation of mining activities, the Property shall be reclaimed and developed pursuant to the Reclamation Plan prepared by CES Engineering and dated June 6, 2017. A list of acceptable plant materials is listed as Attachments 10 and 11.
22. That part of the Property used for Extraction Operations shall be allowed to fill with water to form a lake. The shoreline shall be sloped (3:1) to provide a stable and gradual transition from the surface land elevation to the estimated mean water level. The Lake shall contain a subsurface safety shelf no less than 12 feet in width with a 5:1 slope and a depth of no more than 3 feet around the lake perimeter to provide for a gradual underwater fall off of the shoreline.
23. The lake shall be stocked with fish at the time, in numbers and species to be determined by the Boone County Conservation District.
24. All equipment and other improvements to the Property that are used for mining activities shall be immediately removed upon cessation of all mining activities on the Property, provided, however, that all stockpiled materials shall be removed or re-graded within one year after the cessation of all dredging activities. During this period the Owner(s) shall be entitled to maintain on the property and use any equipment necessary for the proper loading, delivery and weighing of material to wind-up mining activities and implement the reclamation plan. During this period, the operator may not store or stockpile any materials that were not actually mined from the Property.
25. For that portion of the Property lying outside of the seven (7) acre Corporate Center Complex, shown on the Reclamation Plan, Owner(s) shall complete all work required by the reclamation plan within 18 months of the cessation of mining activities (dredging).
26. Compliance with the approved Annexation Agreement with the City of Belvidere, any Memorandums of Understanding with adjacent property owners, and all applicable local, state and federal laws and regulations.
27. Future use and development of the property other than a permitted use under the Rural Holding District shall only occur pursuant to a Planned Development.
28. Road Improvements and Maintenance. The Owner(s) shall be responsible for the repair or replacement of the asphalt surface and shoulder stone of Ipsen Road from the Union Pacific Railroad to Newburg Road which is necessary to accommodate the use of the road by vehicles having a gross weight of 80,000 pounds. The Owner(s) with the City shall at least annually inspect the roadway and Owner(s) shall perform any maintenance or repairs that may be required. Further, Owner(s) shall make other repairs reasonably deemed necessary by the City or the division of local government with maintenance jurisdiction of Ipsen Road when deemed necessary by the City such other unit of government. Owner(s) shall pay the cost of an additional two (2) inches of bituminous material from the Property entrance South to the Union Pacific Railroad upon request of the City. In the event that, in addition to Owner(s), another quarry or mining operation operating with the City of Belvidere uses the same segment of Ipsen Road as the vehicles accessing the Property, the Owner(s)' share of the cost of maintenance shall be decreased in proportion to the other's use of Ipsen Road. If the City and Owner(s) cannot agree on the reduced proportion, then the parties shall refer the matter to an independent traffic engineer for a final binding determination.

Motion to approve case 2017-18; Jack Pease, Ipsen Road subject to the conditions as presented by staff sdcarrried with a (7-0) roll call vote.

Andy Racz, Chairman
Belvidere Planning and Zoning Commission

CITY OF BELVIDERE

Community Development



BUILDING DEPARTMENT

PLANNING DEPARTMENT

401 WHITNEY BLVD. SUITE 300 BELVIDERE, IL 61008 * PH (815)547-7177 FAX (815)547-0789

June 8, 2017
Updated June 14, 2017

ADVISORY REPORT

CASE NO: 2017-18

APPLICANT: Jack Pease, Ipsen Road

REQUEST AND LOCATION:

Jack Pease, 5435 Bull Valley Road, McHenry, IL 60050, property owner, is requesting a special use to permit a planned development in the RH, Rural Holding District (pending annexation). The planned development will allow for the operation of an extraction use (sand and gravel mine), a batch plant (concrete recycling center which has been removed from the request), bufferyards with opacity less than the required 1.0 (0.0) and structures and activity areas less than 300 feet from lot lines (50 feet). Belvidere Zoning Ordinance Sections 150.105(A)(1)(B)(2) Extraction Use, 150.105(A)(1)(C)(2) Batch Plant, 150.204(G)(4)(A)(2) Extraction Use Bufferyards, 150.204(G)(4)(A)(3) Extraction Use Setbacks and 150.904 Special Use Review and Approval Procedures. The property is approximately 38 acres, irregularly shaped and located northwest of Ipsen Road and the I-90 Tollway. PIN: 05-31-400-012

EXISTING LAND USE ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: Vacant

Adjacent property:

North: Boone County Conservation District

South: Ipsen USA

East: Industrial (concrete plant, quarry, shooting range, etc.)

West: I-90 Tollway and Agricultural/ row crop production

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: RH, Rural Holding District (Pending Annexation); current I-2 General Industrial District (Boone County)

Adjacent property:

North: RH, Rural Holding District (Belvidere)

South: I-2 General Industrial District (Boone County) and A-1, Agricultural Preservation Area District (Boone County)

East: PI, Planned Industrial District (Belvidere) and I-2 General Industrial District (Boone County)

West: A-1 Agricultural Preservation Area District (Boone County)

COMPREHENSIVE PLAN ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: EC, Environmental Corridor

Adjacent property:

North and East: EC, Environmental Corridor

South and West: PI, Planned Industrial

BACKGROUND:

The subject property is approximately 38 acres and entirely within a floodplain. Approximately 24 acres are located within the 100-year flood plain and 14 acres are located within the 500-year floodplain. There are numerous wetlands located on the property as well. The property was in row crop production but is zoned General Industrial under Boone County jurisdiction. This designation allows for non-agricultural land uses to operate on the property.

The applicant is requesting to annex into the City of Belvidere to operate an electric dredging operation. Unlike most quarries operating in Boone County, there will be no blasting taking place or crushing of larger pieces of aggregate and the quarry will shut down when weather is too cold. Taking into consideration neighboring property uses, the applicant has removed his request to operate a concrete recycling facility. The planned development will be for the dredging operation only.

The dredging operation is anticipated to last no longer than 15 years with the reclamation plan completed within 18 months of ceasing operation. The mining operation will take place mostly underwater with the use of an electric dredge. Materials being mined are sand and gravel. The operation will take place in three phases: Phase 1 will be from 2017-2022, Phase 2 will be from 2022-2027 and Phase 3 will be from 2027-2032. Water used for processing operations will be drawn from a series of ponds to be constructed on the property. One pond will be fresh water with two additional deposit ponds. Water used for the washing operation will be drawn from the freshwater pond and pumped into the plant to wash the sand and gravel materials. That water is then pumped to the first deposit pond where coarse clay and silt solids settle from suspension. Water slowly flows into the second deposit pond, allowing the remaining solids to settle out. Once all fine materials have deposited, the clean water flows back into the fresh water pond for reuse. The entire process will be a closed circuit on-site. All haul roads, stock piles and operational areas will be graded to direct any run-off into the primary deposit pond. The deposit pond will be diked to prevent any overland flow of surface water. Haul roads and driveways will be paved in order to reduce the amount of dust on site.

The hours of operation will be limited from 6:00am to 6:00pm Monday through Friday and 6:00am to 2:00pm on Saturdays with no operations on Sundays or national holidays, except for temporary hours as approved by the City of Belvidere. These hours may be due to work on the Tollway local, state or federal projects. There will be two employees on site, a dredge operator and loader operator. All scale/weighing/ticketing will be controlled remotely from offices off-site. The proposed operations plan has 4 total parking spaces along the access road, satisfying the parking requirements for this use.

According to the submitted reclamation plan, the lake created by the dredging operation will be 20 acres at a depth of 60-70 feet. There will be a large berm located on the northwest corner of the property and the stockpiling and washing operation will be located in the northeast corner of the property (500-year floodplain). One wetland will be preserved, three will be partially incorporated into the lake and one will eventually become part of the lake. Once the quarry operation has ceased, the stockpile area is intended to be rezoned to Corporate Center and an upscale office building will be constructed. Numerous restrictions and conditions of development such as ceasing operations if negative impacts occur on neighboring properties directly related to the mining operations have been incorporated in the conditions of approval, the City's annexation

agreement (pending approval) and Memorandums of Understanding with adjacent property owners.

The Zoning Ordinance's Extraction Use regulations require compliance with all County, State and Federal Regulations. A bufferyard with a minimum opacity of 1.00 is required along all borders of the property. All buildings, structures and activity areas shall be located a minimum of 300 feet from all lot lines. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans and a written statement indicating the time table for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the City Attorney, and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. Due to the size of the property, the applicant is requesting to reduce the 300-foot requirement to 50 feet. The property is 1,130 feet at its widest; a 300-foot setback would encompass more than half the property. Since no blasting will be occurring on the property, the safety and noise concerns are greatly reduced. Due to the amount of conservation land surrounding the property and the I-90 Tollway, it is being requested that the required bufferyard be reduced to 0.0 in some areas. Any plantings and screening being utilized along the Boone County Conservation District and Ipsen USA properties shall be approved by the respective landowners.

TREND OF DEVELOPMENT:

The property is on the far western edge of the city. Due to a boundary agreement with the Village of Cherry Valley, properties west of the site shall be developed under their jurisdiction. Industrial uses and quarrying operations have developed in the area due to the close proximity to the I-90 Tollway and US Highway 20 and abundance of aggregate. The Boone County Conservation District and the Winnebago County Forest Preserve have also made significant investments to their properties due to the sensitive environmental factors found in the area.

COMPREHENSIVE PLAN:

The parcel is located almost entirely in the Environmental Corridor classification because it is within the 100 and 500 year flood plain. Environmental corridors are, in effect, a composite of the most important individual elements of the natural resource base occurring in a linear pattern on the landscape and have immeasurable environmental, ecological, and recreational value. Protection of environmental corridors from additional intrusion by incompatible land uses, and thereby from degradation and destruction, should be an essential planning objective for the preservation of open natural spaces.

FLEXIBLE DEVELOPMENT STANDARDS:

According to Section 150.907 (B) (1) A. of the City of Belvidere Zoning Ordinance, new and alternative standards may be approved for a development by the city. The applicant is requesting the following standards specific to this project.

Zoning Ordinance:

- **Article I, Section 150.105(A)(1) Rural Holding District (B)(2) Extraction Use**

The applicant would like to operate an electric dredge mining operation.

- **Article I, Section 150.204(G)(4) Extraction Use (2) bufferyards**

Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.

The applicant wishes to maintain visibility along the I-90 Tollway for marketing purposes. The Boone County Conservation District (neighboring property owner) requests that berms not be used along their property line.

- **Article I, Section 150.204(G)(4) Extraction Use (3) setbacks**

All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

Due to the size of the property and the lack of explosives being used, the applicant is requesting that the lake extend to within 50 feet of the property line. The stockpiling operation will be located in the northeast corner, outside of the 100-year floodplain.

FINDINGS OF FACT:

Per Section 150.904 (G) of the City of Belvidere Zoning Ordinance, the criteria for granting a Special Use (Planned Development) Permit are as follows:

- A. Findings: The establishment, maintenance, or operation of the Planned Development will not be completely unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Numerous conditions are being placed on the special use, within the annexation agreement and within Memorandums of Understanding between adjoining property owners to minimize any potential negative impacts. Although the property is within the environmental corridor and there are ecologically sensitive areas on the property, the electric dredging operation is less invasive than land uses permitted under their current zoning designation.

- B. Findings: The requested Planned Development, both its general use independent of its location and in its specific location, will be in harmony with the purposes, goals, objectives, policies, and standards of the City of Belvidere Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to Notice of Public Hearing by the City.**

The land use is not in compliance with the City's Comprehensive Plan. The reclamation plan, however, protects multiple wetlands and ensures that the plantings (both land and aquatic) are harmonious to the area. Attempts are being made to minimize the potential negative impacts of the operation.

- C. Findings: The Planned Development will not, in its proposed location and as depicted on the required site plan, completely result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the**

provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to Notice of Public Hearing by the City or governmental agency having jurisdiction to guide development.

The character of the neighborhood is not expected to change due to the location of a much larger but similarly operated quarry located across Ipsen Road. Due to the ability to place conditions within an annexation agreement, the applicant will be required to maintain Ipsen Road; it is hoped this will keep it maintained at a higher level than it is currently.

Environmental impacts are being mitigated as much as possible through various regulating documents. Due to enjoying the current zoning designation of General Industrial under Boone County Zoning, future permitted land uses could be more detrimental to the surrounding area.

- D. Findings: The establishment of the Planned Development will not impede the normal and orderly development and improvement of surrounding property, and maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.**

Extraction uses such as quarries are required for building construction, infrastructure improvement, property maintenance, etc. It is a needed land uses that can only locate where the aggregate is. Due to the existing mix of industrial and open space, it is a consistent land use and intensity with the area.

East of Ipsen Road there is a larger quarry, industrial users and an outdoor shooting range. South of the property there is an industrial user and the I-90 Tollway. The quarry, although bordered by conservation land to the north, is in conformity with the general area. The reclamation plan shows an office building being constructed once the stockpiles have been removed, this future redevelopment of the property will add to the diversity of area land uses without deterring future development.

- E. Findings: The proposed Planned Development is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvement facilities, utilities or services provided by public agencies servicing the subject property.**

Once the property is annexed into the City of Belvidere, the ability to extend municipal services to the property is available.

- F. Findings: The potential public benefits of the proposed Planned Development outweighs the potential adverse impacts of the proposed Planned Development after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.**

Extraction uses are typically not welcomed by neighboring properties, however, they must locate where the materials exist and are needed for many reasons. Through multiple discussions and concessions, a list of operating conditions in various documents has been created to greatly reduce the amount of negative impacts on adjacent properties.

SUMMARY OF FINDINGS:

Numerous conditions are being placed on the special use, within the annexation agreement and within Memorandums of Understanding between adjoining property owners to minimize any potential negative impacts. Although the property is within the environmental corridor and there are ecologically sensitive areas on the property, the electric dredging operation is less invasive than land uses permitted under their current zoning designation.

The land use is not in compliance with the City's Comprehensive Plan. The reclamation plan, however, protects multiple wetlands and ensures that the plantings (both land and aquatic) are harmonious to the area. Environmental impacts are being mitigated as much as possible through various regulating documents. Due to enjoying the zoning designation of General Industrial in the county, future permitted land uses could be more detrimental to the surrounding area.

The character of the neighborhood is not expected to change due to the location of a much larger but similarly operated quarry located across Ipsen Road. Due to the existing mix of industrial and open space, it is a consistent land use and intensity with the area. Due to the ability to place conditions within an annexation agreement, the applicant will be required to maintain Ipsen Road, this will hopefully keep it maintained at a higher level than it is currently.

Extraction uses are typically not welcomed by neighboring properties, however, they must locate where the materials exist and are needed for many reasons. Through multiple discussions and concessions, a list of operating conditions in various documents has been created to greatly reduce the amount of negative impacts on adjacent properties.

RECOMMENDATION:

Planning staff recommends the **approval** of case number **2017-18** subject to the following conditions:

1. The Planned Development as well as the Annexation Agreement for the property shall be developed in conformance with the narrative, operation plan and reclamation plan submitted unless otherwise noted in the conditions or outside agreements.
2. The Planned Development is granting only the following flexible standards: Extraction Use (Section 150.105(A)(1), Extraction Use Bufferyards (Section 150.204(G)(4)(2) and Extraction Use Setbacks (Section 150.204(G)(4)(3)
3. All Mining activities shall cease no later than the date which is (15) years after the date of the execution of the Annexation Agreement.
4. The Extraction Use shall only be for the extraction of sand and gravel from the Property by means of underwater dredging on the Property and shall not mean any other form of mining or mineral extraction. Owner shall not employ any explosives for mining purposes on the Property
5. Owner(s) shall not engage in any concrete or asphalt recycling operations or any form of manufacturing or production operations, including but not limited to batch plant operations, on the Property.
6. Stockpiling of any aggregate shall not be visible from Ipsen Road or the southerly property line. No mining activities or stockpiling activities (of newly mined materials) shall occur until such time as all required berms are constructed and landscaping is complete.
7. Owner(s) shall not erect a berm along the property adjacent to the Boone County Conservation District. Instead, the Owner(s) shall plant and maintain such trees and other vegetation as reasonably required by the Boone County Conservation District (see seed mix for bufferyards and non-disturbed areas in addition to Burr Oak and local ecotype Hickory trees). A 30-foot average width border buffer area will be established, by Owner(s) along the

common border with the Boone County Conservation District and seeded with a mix native prairie grass. Owner(s) shall remove trees identified by the Boone County Conservation District and replace those trees with trees approved by the Boone County Conservation District.

8. Owner shall construct a temporary berm, to the reasonable approval of the City and the property owner to the South of the Property, of 20 feet in height and next to an existing tree line. The berm shall be erected within one (1) year of the date of this Agreement and shall be seeded with grass seed and additional trees approved by the City (see seed mix for bermed areas in addition to Burr Oak and local ecotype Hickory trees). The berm shall be removed in the final Phase of the project as a part of the Reclamation Plan.
9. A Silt fence shall be installed for wetland #5 to protect against siltation from the West berm construction and the temporary crossing which will be allowed for Owner(s) performance of the operations and reclamation plans. After vegetation is successfully established on the West berm and the temporary crossing is restored, Owner(s) shall remove the silt fence.
10. Owner(s) shall install five (5) shallow water monitoring wells at locations specified by the Boone County Conservation District and equip the Wells with lockable hinged caps to facilitate installation of data loggers by the Boone County Conservation District. Owner shall reimburse the Boone County Conservation District for the actual cost of the data loggers at an amount not to exceed \$2,000.00.
11. Owner(s) shall purchase and install a staff gauge in the lake area pursuant to the Reclamation Plan.
12. Owner(s) shall, at Owner(s) cost, cause a visible emissions particulate measurement to be taken at an existing dredge mining facility which measurements shall not be exceeded at the Property and to provide annual visible emissions particulate measurements to be taken at the Property, during the summer months. The results of said measurements shall not exceed any Illinois environmental Protection agency, federal or local standards and shall be provided to the City and the adjacent property owners promptly upon Owner(s) receiving the measurements. The City or an adjoining property owner may access the Property (with 24 hour notice) for purposes of performing their own additional measurements.
13. The City shall be allowed reasonable access to the Property, during regular business hours, to inspect the Property for compliance with this Ordinance and the Annexation Agreement and relevant State, Federal and City laws, ordinances and regulations.
14. The hours of operation for the special use shall be from 6:00 am to 6:00 pm, weekdays and 6:00 am to 2:00 pm Saturdays. Extended or altered hours of operations are permitted, if reasonably approved by the City, permitting the Owner(s) to conduct Extraction Operations as needed on a temporary basis when reasonably necessary to meet the requirements of specific projects.
15. The operator shall provide the City with an annual schedule showing all permits and bonds applicable to the facility.
16. The operator shall require all hauling vehicles under its control to maintain appropriate covers over their loads to prevent any spillage of a load. The operator shall use its best efforts to cause hauling vehicles not under its control to cover loads with tarps.
17. The operator shall comply with all City ordinances and state regulations governing storm water management, erosion, and sediment control.
18. Operations shall be configured and flow in the manner and according to the phases depicted on the Operations Plan prepared by CES Engineering and dated July 14, 2016 and the Reclamation Plan dated June 6, 2017. Stockpiling and processing shall be limited to the areas depicted on the Operations Plan. The City agrees to allow Owner access to Ipsen Road as depicted on the Operations Plan.
19. Owner(s) shall pave and maintain as a solid paved surface all vehicle access and driveway areas including, but not limited to, the driveway from the entrance to any stockpiled materials.

20. If any negative environmental impacts occur on neighboring properties directly related to the mining operations, then the Owner(s) shall immediately cease mining operations until such time as the cause of the negative environmental impacts is cured. This provision shall not be deemed to limit any private cause of action any third party may have against Owner(s) related to any impact upon their property.
21. Upon cessation of mining activities, the Property shall be reclaimed and developed pursuant to the Reclamation Plan prepared by CES Engineering and dated June 6, 2017. A list of acceptable plant materials is listed as Attachments 10 and 11.
22. That part of the Property used for Extraction Operations shall be allowed to fill with water to form a lake. The shoreline shall be sloped (3:1) to provide a stable and gradual transition from the surface land elevation to the estimated mean water level. The Lake shall contain a subsurface safety shelf no less than 12 feet in width with a 5:1 slope and a depth of no more than 3 feet around the lake perimeter to provide for a gradual underwater fall off of the shoreline.
23. The lake shall be stocked with fish at the time, in numbers and species to be determined by the Boone County Conservation District.
24. All equipment and other improvements to the Property that are used for mining activities shall be immediately removed upon cessation of all mining activities on the Property, provided, however, that all stockpiled materials shall be removed or re-graded within one year after the cessation of all dredging activities. During this period the Owner(s) shall be entitled to maintain on the property and use any equipment necessary for the proper loading, delivery and weighing of material to wind-up mining activities and implement the reclamation plan. During this period, the operator may not store or stockpile any materials that were not actually mined from the Property.
25. For that portion of the Property lying outside of the seven (7) acre Corporate Center Complex, shown on the Reclamation Plan, Owner(s) shall complete all work required by the reclamation plan within 18 months of the cessation of mining activities (dredging).
26. Compliance with the approved Annexation Agreement with the City of Belvidere, any Memorandums of Understanding with adjacent property owners, and all applicable local, state and federal laws and regulations.
27. Future use and development of the property other than a permitted use under the Rural Holding District shall only occur pursuant to a Planned Development.
28. Road Improvements and Maintenance. The Owner(s) shall be responsible for the repair or replacement of the asphalt surface and shoulder stone of Ipsen Road from the Union Pacific Railroad to Newburg Road which is necessary to accommodate the use of the road by vehicles having a gross weight of 80,000 pounds. The Owner(s) with the City shall at least annually inspect the roadway and Owner(s) shall perform any maintenance or repairs that may be required. Further, Owner(s) shall make other repairs reasonably deemed necessary by the City or the division of local government with maintenance jurisdiction of Ipsen Road when deemed necessary by the City such other unit of government. Owner(s) shall pay the cost of an additional two (2) inches of bituminous material from the Property entrance South to the Union Pacific Railroad upon request of the City. In the event that, in addition to Owner(s), another quarry or mining operation operating with the City of Belvidere uses the same segment of Ipsen Road as the vehicles accessing the Property, the Owner(s)' share of the cost of maintenance shall be decreased in proportion to the other's use of Ipsen Road. If the City and Owner(s) cannot agree on the reduced proportion, then the parties shall refer the matter to an independent traffic engineer for a final binding determination.

Submitted by:



Gina DelRose,
Community Development Planner

PLANNING AND ZONING COMMISSION/CITY COUNCIL ACTION

The Planning and Zoning Commission shall make and forward findings of fact as to the compliance of the proposed planned development with the standards and make a recommendation to the City Council. The City Council shall review the findings and recommendation and may accept or reject the findings and recommendation of the Planning and Zoning Commission in whole or in part; or the City Council may refer the matter back to the Planning and Zoning Commission for further consideration. Any approval shall be considered the approval of a unique request and not be construed as precedent for any other proposed planned development.

ATTACHMENTS:

1. Location Map by Planning Staff.
2. Aerial Photo by Planning Staff.
3. Narrative as Submitted by the Applicant.
4. Operations Plan dated July 14, 2016.
5. Reclamation Plan dated June 6, 2017.
6. E-mail from the Belvidere Fire Department, Craig Wilcox, March 30, 2017.
7. Letter submitted by the Boone County Health Department, Pat Dashney, March 31, 2017.
8. Memo submitted by the Belvidere Public Works Department, Brent Anderson, April 3, 2017.
9. Letter submitted by the Boone County Soil and Water Conservation District, April 7, 2017.
10. A list of acceptable plants for bermed areas
11. A list of acceptable plants for bufferyards and non-disturbed areas.

NEWBURG RD

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12

96-4-21

200-003
143.94

6010

Case 2017-18
Jack Pease
SU

1050

400-012
37.06

990

984

400-013
9.98

ECS-WAY

1010

1372

46

400-019
53.88

7770 400-020
4.96

7455

400-022
12.72

648

400-015
7.19

720 400-014
1.76

7160 400-021
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706

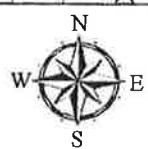
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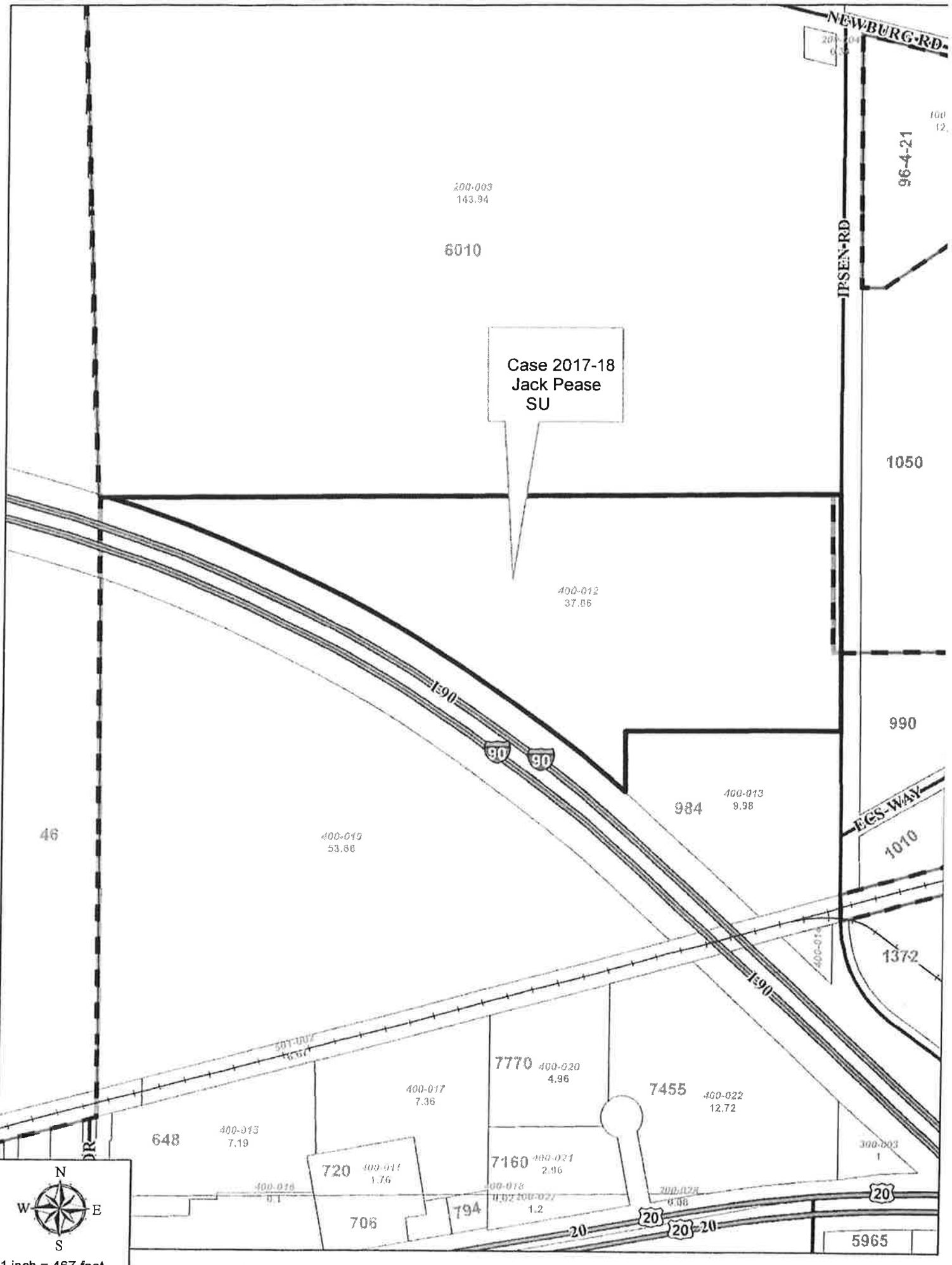
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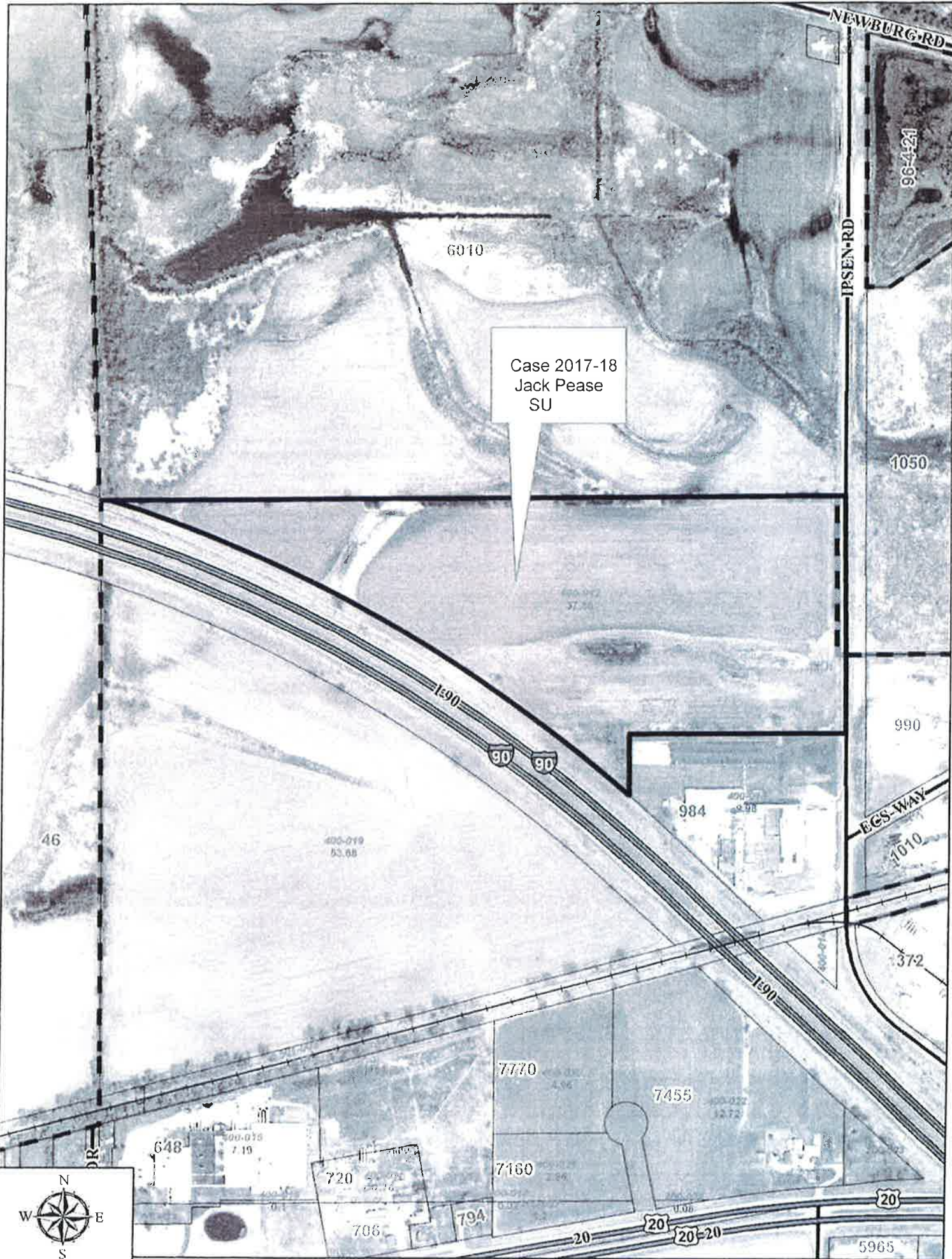
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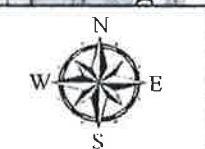


1 inch = 467 feet





Case 2017-18
Jack Pease
SU



1 inch = 467 feet

Extraction/Mining and Planned Use Statements

1. Ownership of land.

The owner of record is Jack Pease. Jack Pease - Super Aggregates is the mine operator. The main office is located at 5435 Bull Valley Road Suite 330 McHenry, IL 60050. Phone: 815-385-8000 Fax: 815-385-87112.

2. Minerals to be mined.

The reserves mined from property are sand and gravel materials.

3. Character and composition of vegetation and wildlife on land to be affected.

The property is currently agricultural land with row crop farming. The surrounding properties consist of mining, industry and conservation areas.

4. The nature, depth and proposed disposition of the overburden.

The overburden is a sandy and silt loam consistently 1-2 feet in depth throughout the property. The overburden will be used in the construction of berms to aid in noise reduction and visibility screening. Once final grades are achieved, the overburden will be used to reclaim the site.

5. The estimated depth to which the mineral deposit will be mined.

Reserves are estimated to be 60-70 feet in depth. Please see operations plan for additional information and detail.

6. Estimated type and volume of excavation.

Mineable sand and gravel reserves in the 38 acre tract are estimated at 2.5 million tons.

7. The techniques and equipment proposed to be used, as applicable, for;

A. earth materials extraction;

Reserves will be extracted using a combination of an excavator, haul trucks, wheel loader and a dredge depending on extraction phase.

B. earth materials processing;

Reserves are processed by a combination of screening and crushing techniques. Equipment will consist of a feeder, land conveyors, screening plant, crushing plant, wash plant, stacking conveyors and a wheel loader.

C. ready-mix plant;

Not applicable.

D. concrete recycling plant; and

Broken concrete will be imported and stock piled until it can be crushed into recycled products. Material will be stock piled and shipped on market demand.

E. concrete building materials production plant.

Not applicable.

8. Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.

IEPA standards, enforcement and maintained equipment will assure noise pollution will be below allowable levels for the operator of each machine. These noise levels will guarantee no significant noise will be heard. In addition, berms will be constructed and seeded with a vegetative cover to add additional noise buffering. Continued row crop farming in areas not affected by mining will also aid in minimizing noise and aid in screening the operation. Dust and air contaminants will be minimized by paving on all on-site roads. Berms and buffer strips will be planted to suitable vegetation and maintained throughout project.

9. The method of recycling water used for washing and grading.

Water used for the processing operations will be drawn from a series of ponds. The ponds constructed on-site will include a fresh water pond, and two deposit ponds. Water used for the washing operation will be drawn from the fresh water pond and pumped into the plant to wash the sand and gravel materials. Water from the washing process is pumped to the first deposit pond allowing coarse clay and silt solids to settle from suspension. Water slowly flows into the second deposit pond allowing the remaining solids to settle. Once fine materials have deposited, the clean water flows back into the fresh water pond for reuse. This is a closed circuit with little or no loss of water from the system.

10. The proposed usage or drainage of excess water.

All haul roads, stock piles and operational areas will be graded in such a manner as to direct any run-off into the primary deposit pond. The deposit ponds will be diked to prevent any overland flow of surface water. All other land not affected by mining operations will be naturally drained and absorbed.

11. Location of existing roads, and anticipated access and haulage roads planned to be used or constructed in conducting surface mining.

Please see site plan for additional information and detail.

12. Location and names of all streams, creeks and bodies of water within lands to be affected.

Please see site plan for additional information and detail.

13. Drainage on and away from the lands to be affected, including directional flow of water, natural and artificial drain ways and waterways, and streams or tributaries receiving the discharge.

Please see site plan for additional information and detail.

14. Proposed days and hours of operation of all excavation, processing and operations on the property.

Operations with the exception of maintenance – Monday through Saturday, 5:00 a.m. to 10:00 p.m. The picking up or shipping of materials and the depositing of recyclable materials may occur on a “demand basis” and is not restricted to the aforesaid days and hours. In the event there is a contractual obligation to supply materials for Illinois Tollway, IDOT and other state, federal and local government projects which would require operations on Sundays or after 10:00 p.m., owner may operate during said hours during the term of the project only.

15. The proposed property reclamation plan.

Owner will file a reclamation plan for the property in accordance with applicable laws and regulations of the City of Belvidere. The reclamation plan shall provide that upon termination of mining activities, that part of the property used for extraction operations shall be allowed to fill with water to form a lake. The shoreline shall be sloped to provide a stable and gradual transition from the surface elevation to the estimated mean water level. Other areas to be restored with topsoil and seeded with a vegetative cover. The planting of all vegetation and the construction of all berms and other landscaping features shall be commenced and completed per reclamation phasing plan.

16. Proposed zoning code deviations.

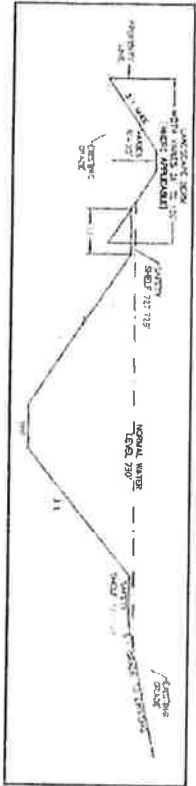
Owner will not use explosives or blasting techniques in the mining/extractive process. The process is passive and non-obtrusive. An electric dredge will quietly float in a body of water pumping a mixture of water, sand and gravel from the extractive area to the wash and processing plant via a floating pipe. Without the presence of blasting techniques, Owner is requesting setback reduction from 300’ to 50’ and a reduction in the bufferyard opacity of 1.00 along all borders of the property.

17. Projected dates of commencement and completion of all excavation, processing and operations on the property.

Projected commencement is scheduled for May 1, 2017. Completion of excavation, processing and operations is scheduled for 12/31/2032.

KEY

- EXISTING UNDEGROUND TELEPHONE LINE
 - EXISTING FENCE LINE
 - EXISTING 10' HIGH FENCE AND PIERCE
 - EXISTING 10' FENCE LINE
 - EXISTING OVERHUNG SECTION LINE
 - EXISTING EXHAUST CONDUIT
 - BUILDING SURFACE
 - CONCRETE SURFACE
 - EXISTING UTILITY POLE
 - EXISTING UNDEGROUND TELEPHONE LINE
- SI - DIGGING
- CMF - CONCRETE MORTAR FINE
- RCF - REINFORCED CONCRETE FINE
- CA - CONCRETE



Project Name:	
Client:	
Date:	
Scale:	
Sheet No.:	
Total Sheets:	
Prepared by:	
Checked by:	
Approved by:	

John "Bud" Day
President, Inc.

Gina DelRose

From: Craig Wilcox <cwilcox@belviderefire.com>
Sent: Thursday, March 30, 2017 4:37 PM
To: Gina DelRose
Subject: Re: request fo rcomments

Gina
Here you go.

Case #2017-16

1. Provide Fire Sprinkler Plans for review
2. Provide Fire Alarm Plans for review
3. Provide annual fire sprinkler report
4. Provide annual Fire alarm report
5. Submit build-out plans for review

Case #2017-18

1. Visible address at entrance
2. Lock Box required

Case #2017-19

1. Visible address at street and on building.
2. Annual Fire inspection due
3. Provide current use group. Last use group was a S1 Motor Vehicle Garage Repair.
4. Provide a Lock Box (forms available from Fire Dept)

Case #2017-20

1. Hydrants are to be provided per code (Fire Flow)
2. Meet all local and State requirements for Daycare.
3. Visible address at street and on building.

Craig Wilcox

Inspection Bureau Coordinator
Belvidere Fire Department
123 South State Street
Belvidere IL 61008
815.601.7857 Cell

On Wed, Mar 22, 2017 at 11:37 AM, Gina DelRose <GDelRose@ci.belvidere.il.us> wrote:

Here you go



Boone County Health Department

Public Health
Prevent. Promote. Protect.

1204 Logan Avenue, Belvidere, Illinois 61008
Main Office 815.544.2951 Clinic 815.544.9780 Fax 815.544.2050
www.boonehealth.org

The mission of the Boone County Health Department is to protect and promote health in Boone County.

March 31, 2017

FAX: 815-547-0789

Gina DelRose
Community Development Planer
401 Whitney Blvd Suite 300
Belvidere, IL 61008

Re: Case; 2017-18: Pease, Ipsen Road

Dear Gina,

We are in receipt of the special use request for extraction use and a batch plant to operate a sand and gravel mine with a concrete recycling plant for the above referenced case.

The Boone County Health Department will need to review the plans for the waste disposal. If their plan calls for a well and septic to be placed on the property, they will need to follow the necessary steps of soil bores, application and permits. They can come into our office to start the paperwork after they obtain the special use permit.

Thank you,


Pat Dashney
Director of Departmental Operations
skm

Memo

To: Gina DelRose, Community Development Planner
From: Brent Anderson, Director of Public Works
Date: April 3, 2017
Re: Case #2017-18; Pease, Ipsen Road

Having reviewed the Special Use Request, I would offer the following comment:

1. Comments from the Public Works Department have been included in the annexation agreement discussions regarding this proposed project.



Boone County
Soil & Water
Conservation District

211 N. Appleton Road
Belvidere, IL 61008
815-544-2677 ext. 3

April 7, 2017

Ms. Gina DelRose
Community Development Planner
401 Whitney Blvd., Suite 300
Belvidere, Illinois 61008

Re: Pease Annexation-Case 2017-17

Ms. DelRose:

Thank you for the opportunity to provide comments for the case mentioned above. The Boone County Soil & Water Conservation District has some comments and/or concerns listed below for this proposed annexation.

1. With mining operations there is the likelihood for groundwater and surface water resources to be altered. This site has high potential for aquifer contamination, according to the Illinois Geologic Survey. Dolomite (Platteville Group) and extensive gravel aquifers are expected within 50 feet of the ground surface (Plate #2). Likewise this site is found over the Troy Bedrock Valley, which plays an essential role when considering groundwater and recharge to aquifers. The glacial drift is permeable with the expected deposits to be well sorted and bedded mixture of sand and gravel between 150-200 feet thick over the bedrock valley (Mackinaw Member, Henry Formation). Groundwater recharge is likely to occur and the movement within this aquifer and other aquifers at this location could be fast and interconnected with potential for water to move great distances. Local water supplies could be affected by the development of a quarry on this site.
2. Future land uses at this site should be carefully planned and take into account the geologic sensitivity to groundwater contamination in this area. Water quality issue could arise due to removal of surface materials that may filter out potential contaminants and expose local aquifers to the surface.
3. This site is within the 100 and 500 floodplain of the Kishwaukee River and flooding could cause water problems for quarry operation and water quality issues within the Kishwaukee River.



Boone County
Soil & Water
Conservation District

211 N. Appleton Road
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4. Within the Comprehensive Plan this site is identified as environmental corridor.
5. Wetlands are mapped onsite with the importance of groundwater recharge to the Troy Bedrock Valley and local aquifers. Mining could detrimentally affect water levels and presence of wetlands. The Boone County Soil & Water recommends a wetland delineation be performed.
6. Natural Resource Information Report #984 was completed November 6, 2001. This report details further natural resource concerns for this specific site.

Thank you again for the opportunity to provide comments, in regards to the proposed annexation.

Sincerely:

A handwritten signature in cursive script that reads "Jennifer Becker".

Jennifer Becker, Resource Analyst

Boone County Soil & Water Conservation District

Seed mix for berms

Native Grassland Seed Mix	1 Acre	
Genus/species	Common Name	Amount
Forbs:		
<i>Agalinis tenuifolia</i>	Slender False Foxglove	1/4 oz
<i>Agastache scrophulariaefolia</i>	Purple Giant Hyssop	1/2 oz
<i>Allium cernuum</i>	Nodding Onion	4 oz
<i>Amorpha canescens</i>	Leadplant	4 oz
<i>Anemone cylindrica</i>	Thimbleweed	3 oz
<i>Antennaria plantaginifolia</i>	Pussy Toes	1/4 oz
<i>Apocynum sibiricum</i>	Dogbane	1/4 oz
<i>Aquilegia canadensis</i>	Columbine	1 oz
<i>Artemisia caudata</i>	Beach Wormwood	1/4 oz
<i>Asclepias syriaca</i>	Common Milkweed	3 oz
<i>Asclepias tuberosa</i>	Butterfly Weed	3 oz
<i>Asclepias verticillata</i>	Whorled Milkweed	2 oz
<i>Aster azureus</i>	Sky-blue Aster	1 oz
<i>Aster ericoides</i>	Heath Aster	1/2 oz
<i>Aster laevis</i>	Smooth Blue Aster	2 oz
<i>Aster novae angliae</i>	New England Aster	2 oz
<i>Astragalus canadensis</i>	Canadian Milk Vetch	2 oz
<i>Baptisia australis</i>	Blue Wild Indigo	3 oz
<i>Baptisia leucantha</i>	White Wild Indigo	3 oz
<i>Baptisia leucophaea</i>	Cream Wild Indigo	2 oz
<i>Blephilia ciliata</i>	Ohio Horse Mint	1 oz
<i>Cacalia atriplicifolia</i>	Pale Indian Plantain	2 oz
<i>Cassia hebecarpa</i>	Wild Senna	4 oz
<i>Ceanothus americanus</i>	New Jersey Tea	2 oz
<i>Coreopsis lanceolata</i>	Sand Coreopsis	8 oz
<i>Coreopsis palmata</i>	Prairie Coreopsis	3 oz
<i>Coreopsis tripteris</i>	Tall Coreopsis	2 oz
<i>Dalea candida</i>	White Prairie Clover	3 oz
<i>Dalea purpurea</i>	Purple Prairie Clover	6 oz
<i>Desmodium canadense</i>	Showy Tick Trefoil	4 oz
<i>Desmodium illinoense</i>	Illinois Tick Trefoil	5 oz
<i>Dodecatheon meadia</i>	Shooting Star	3 oz
<i>Echinacea pallida</i>	Pale Purple Coneflower	5 oz
<i>Eryngium yuccifolium</i>	Rattlesnake Master	6 oz
<i>Gentiana andrewsii</i>	Bottle Gentian	1/2 oz

<i>Gentiana flavida</i>	Cream Gentian	2 oz
<i>Gentiana quinquefolia occidentalis</i>	Stiff Gentian	1/2 oz
Genus/species	Common Name	Amount
<i>Gnaphalium obtusifolium</i>	Old-field Balsam	1/2 oz
<i>Helianthus mollis</i>	Downy Sunflower	1 oz
<i>Helianthus occidentalis</i>	Western Sunflower	1 oz
<i>Heliopsis helianthoides</i>	False Sunflower	2 oz
<i>Heuchera richardsonii</i>	Prairie Alum Root	1/2 oz
<i>Hieracium canadense fasciculatum</i>	Canada Hawkweed	1/2 oz
<i>Kuhnia eupatorioides corymbulosa</i>	False Boneset	1 oz
<i>Lespedeza capitata</i>	Round-headed Bush Clover	2 oz
<i>Lespedeza virginica</i>	Slender Bush Clover	2 oz
<i>Liatris aspera</i>	Rough Blazing Star	2 oz
<i>Liatris pycnostachya</i>	Prairie Blazing Star	3 oz
<i>Lobelia spicata</i>	Pale-spiked Lobelia	1/4 oz
<i>Lupinus perennis</i>	Wild Lupine	2 lbs
<i>Monarda fistulosa</i>	Wild Bergamot	1/2 oz
<i>Parthenium integrifolium</i>	Wild Quinine	4 oz
<i>Penstemon digitalis</i>	Foxglove Beard Tongue	1 oz
<i>Penstemon grandiflorus</i>	Large-flowered Beard Tongue	1 oz
<i>Penstemon hirsutus</i>	Hairy Beard Tongue	1 oz
<i>Penstemon pallidus</i>	Pale Beard Tongue	1 oz
<i>Polemonium reptans</i>	Jacob's Ladder	1 oz
<i>Potentilla arguta</i>	Prairie Cinquefoil	1/2 oz
<i>Pycnanthemum pilosum</i>	Hairy Mountain Mint	1/2 oz
<i>Pycnanthemum tenuifolium</i>	Slender Mountain Mint	1/2 oz
<i>Ratibida pinnata</i>	Yellow Coneflower	1 oz
<i>Rosa blanda</i>	Early Wild Rose	4 oz
<i>Rosa carolina</i>	Pasture Rose	1 oz
<i>Rudbeckia subtomentosa</i>	Sweet Black-eyed Susan	1 oz
<i>Rudbeckia triloba</i>	Brown-eyed Susan	1/2 oz
<i>Ruellia humilis</i>	Wild Petunia	3 oz
<i>Senecio plattensis</i>	Prairie Ragwort	1 oz
<i>Silene regia</i>	Royal Catchfly	2 oz
<i>Silene stellata</i>	Starry Champion	1 oz
<i>Silphium integrifolium</i>	Rosin Weed	2 oz
<i>Silphium laciniatum</i>	Compass Plant	4 oz
<i>Silphium terebinthinaceum</i>	Prairie Dock	2 oz
<i>Solidago graminifolia</i>	Grass-leaved Goldenrod	1/2 oz
<i>Solidago rigida</i>	Stiff Goldenrod	2 oz
<i>Solidago speciosa</i>	Showy Goldenrod	1 oz

<i>Teucrium canadense</i>	Germander	1 oz
<i>Thalictrum dasycarpum</i>	Purple Meadow Rue	3 oz
Genus/species	Common Name	Amount
<i>Tradescantia ohiensis</i>	Common Spiderwort	1 lb
<i>Triosteum perfoliatum</i>	Late Horse Gentian	2 oz
<i>Verbena stricta</i>	Hoary Vervain	3 oz
<i>Veronicastrum virginicum</i>	Culver's Root	1/4 oz
<i>Zizia aptera</i>	Heart-leaved Golden Alexanders	3 oz
<i>Zizia aurea</i>	Golden Alexanders	8 oz
Graminoids:		
<i>Andropogon scoparius</i>	Little Bluestem	5 lbs
<i>Bouteloua curtipendula</i>	Sideoats Grama	10 lbs
<i>Bromus kalmii</i>	Prairie Brome	10 lbs
<i>Carex bicknellii</i>	Copper-shouldered Oval Sedge	3 oz
<i>Carex brevior</i>	Plains Oval Sedge	4 oz
<i>Carex gravida</i>	Long-awned Bracted Sedge	2 oz
<i>Carex molesta</i>	Field Oval Sedge	3 oz
<i>Elymus canadensis</i>	Canada Wild Rye	8 oz
<i>Panicum oligosanthos scribnerianum</i>	Scribner's Panic Grass	6 oz
<i>Panicum virgatum</i>	Switch Grass	1 oz
<i>Sorghastrum nutans</i>	Indian Grass	1 oz
<i>Spartina pectinata</i>	Cord Grass	3 oz
<i>Sphenopholis obtusata</i>	Prairie Wedge Grass	1 lb
<i>Sporobolus heterolepis</i>	Prairie Dropseed	6 oz
<i>Stipa spartea</i>	Porcupine Grass	4 oz

Seed mix for bufferyards and non-disturbed areas

Shore Line: Sweet flag, cat tail, burr reed, round stemmed bulrushes, arrowhead and watershield.

Other non-shoreline:

Genus/species *Common Name* *Amt. Needed*

<i>Forbs:</i>		
<i>Acorus calamus</i>	Sweet Flag	2 oz
<i>Allium cernuum</i>	Nodding Wild Onion	2 oz
<i>Anemone canadensis</i>	Meadow Anemone	1 oz
<i>Angelica atropurpurea</i>	Angelica	4 oz
<i>Asclepias incarnata</i>	Swamp Milkweed	4 oz
<i>Aster novae-angliae</i>	New England Aster	2 oz
<i>Aster puniceus</i>	Swamp Aster	2oz
<i>Aster umbellatus</i>	Flat-topped Aster	2 oz
<i>Astragalus canadensis</i>	Canada Milk Vetch	3 oz
<i>Baptisia leucantha</i>	White Wild Indigo	3 oz
<i>Bidens coronata</i>	Tall Swamp Marigold	1 oz
<i>Boltonia asteroides</i>	False Aster	2 oz
<i>Cacalia plantaginea</i>	Prairie Indian Plantain	½ oz
<i>Cacalia suaveolens</i>	Sweet Indian Plantain	1 oz
<i>Caltha palustris</i>	Marsh Marigold	¼ oz
<i>Cassia hebecarpa</i>	Wild Senna	3 oz
<i>Coreopsis tripteris</i>	Tall Coreopsis	1 oz
<i>Eryngium yuccifolium</i>	Rattlesnake Master	2 oz
<i>Eupatorium maculatum</i>	Spotted Joe Pye Weed	½ oz
<i>Eupatorium perfoliatum</i>	Common Boneset	½ oz
<i>Gentiana andrewsii</i>	Bottle Gentian	¼ oz
<i>Gentiana flavida</i>	Cream Gentian	½ oz
<i>Helenium autumnale</i>	Sneezeweed	1 oz
<i>Heliopsis helianthoides</i>	False Sunflower	3 oz
<i>Heuchera richardsonii</i>	Prairie Alum Root	¼ oz
<i>Hypericum pyramidatum</i>	Great St. John's Wort	½ oz
<i>Iris virginica shrevei</i>	Blue Flag	2 oz
<i>Liatris pycnostachya</i>	Prairie Blazing Star	2 oz
<i>Lobelia cardinalis</i>	Cardinal Flower	¼ oz
<i>Lobelia siphilitica</i>	Great Blue Lobelia	¼ oz
<i>Mentha arvensis villosa</i>	Wild Mint	1/8 oz
<i>Monarda fistulosa</i>	Wild Bergamot	1 oz
<i>Napaea dioica</i>	Glade Mallow	3 oz
<i>Pedicularis lanceolata</i>	Marsh Betony	1 oz
<i>Penthorum sedoides</i>	Ditch Stonecrop	1/8 oz
<i>Physostegia virginiana</i>	Obedient Plant	2 oz
<i>Pycnanthemum virginianum</i>	Common Mountain Mint	¼ oz
<i>Rudbeckia hirta</i>	Black-eyed Susan	½ oz

Rudbeckia laciniata	Wild Golden Glow	1 oz
Rudbeckia subtomentosa	Sweet Black-eyed Susan	1 oz
Rudbeckia triloba	Brown-eyed Susan	1 oz
Scutellaria laterifolia	Mad-dog Skullcap	1/8 oz
Silphium integrifolium	Rosin Weed	3 oz
Silphium laciniatum	Compass Plant	3 oz
Silphium perfoliatum	Cup Plant	3 oz
Silphium terebinthinaceum	Prairie Dock	1 oz
Solidago riddellii	Riddell's Goldenrod	½ oz
Thalictrum dasycarpum	Purple Meadow Rue	2 oz
Tradescantia ohiensis	Spiderwort	2 oz
Verbena hastata	Blue Vervain	½ oz
Veronia altissima	Tall Ironweed	2 oz
Veronia fasciculata	Common Ironweed	2 oz
Veronicastrum virginicum	Culver's Root	1/8 oz
Zizia aurea	Golden Alexanders	2 oz
<i>Shrubs:</i>		
Physocarpus opulifolius	Ninebark	1 oz
<i>Grasses:</i>		
Bromus ciliatus	Fringed Brome	1 lb
Carex bebbii	Bebb's Oval Sedge	1 oz
Carex crinita	Fringed Sedge	1 oz
Carex retrosa	Deflexed Bottle-brush Sedge	2 oz
Carex scoparia	Lance-fruited Oval Sedge	1 oz
Carex squarrosa	Narrow-leaved Cattail Sedge	2 oz
Carex vulpinoidea	Brown Fox Sedge	1 oz
Elymus Canadensis	Canada Wild Rye	1 lb
Elymus virginicus	Virginia Wild Rye	2 lb
Juncus torreyi	Torrey's Rush	1 ½ oz
Scirpus atrovirens	Dark Green Bulrush	2 oz
Spartina pectinata	Cord Grass	1 lb
		5lbs 11 ½ oz
	67 species	10 lbs 11 ½ oz

Article III. General Business Registration License

Sec. 26-76. Purpose.

Each Business establishment located within the City is an integral part of, and affects, the physical and economic development of the City. This Article is intended to keep a current listing of all businesses doing business in the City, aid the Police Department, Fire Department and other departments in their responsibilities and to ensure proper zoning compliance.

Sec. 26-77. Definitions.

Business. The term Business, for purposes of this Article, means any occupation or endeavor resulting in or intending to sell any commodity, whether at wholesale or retail or the provision of any service from a fixed location ~~or from a wagon, van, pack, cart or other vehicle, or the application of skilled labor to the property of any other person by the person conducting such trade or business, or the provision of any service, whether professional or technical, or any other occupation involving the maintenance of any office, store or other facilities~~ within the City, or territory subject to the City's ordinances, except businesses, trades or occupations which have been preempted from municipal regulation. The term Business specifically ~~includes~~ excludes any not for profit organization, or other organization that does not receive compensation for its services or goods.

Person. The term Person, for purposes of this Article, shall include any person, partnership, corporation, association, firm or other association.

Sec. 26-78. Business Registration License Required (BRL).

It shall be unlawful for any Person to operate, conduct or engage in any Business within the City of Belvidere, or any territory subject to its ordinances, without first having obtained a Business Registration License from the City of Belvidere. The Business Registration License shall be specific to a single location within the City. If a Person operates more than one location for the same Business or multiple Businesses, each location must obtain a separate Business Registration License. If one Person operates more than one Business from a single location only one Business Registration License is required. However, if multiple Persons operate legally unrelated Businesses from the same location, each Business must obtain an individual Business Registration License.

Sec. 26-79. Business Registration License Issuance.

The Business Registration License shall be issued by the City Clerk, upon application, on forms provided by the City Clerk. At a minimum, the application shall identify the name of the business, require the property owners' and business' owners' name, address, email address including a home address or outside corporate address, phone number, ~~corporate documents for any corporation (articles of incorporation), EIN number if issued, partnership documents, if applicable.~~ If the business is operated by a manager (not the owner), then the same contact information is required for the manager. ~~Each~~

partner of a partnership, member of a LLC, member of an unincorporated association or any shareholder of a corporation holding 40% or more of an interest in the corporation shall be identified with address. The applicant shall also describe the nature of the proposed Business and the type of goods to be offered for sale or services offered. In certain cases, the City may also require a sketch layout of the proposed Business which identifies all areas of the Business including storage areas and the type of materials to be stored.

No fee shall be charged for issuance of a Business Registration License nor is any background check required. However, any other license and/or fee required by another section (eg. Second Hand stores etc.) must obtain that license permit and pay the applicable fee.

Upon filing of a complete application, the Business Registration License shall be issued unless the Business is prohibited by law or prohibited at the location applied for. Notwithstanding the foregoing, the City shall not be estopped from enforcing any ordinance or law (including its Zoning Ordinance) even if a Business Registration License is issued for an illegal use, non-complying use or location.

The Business Registration License is not transferable and in the event of the sale or transfer of the Business, the sale or transfer of a majority of the stock of any Person owning the Business, or upon the sale or transfer of the majority of the assets of the Business (including good will), a new Business Registration License must be obtained within ~~ten (10)~~ sixty (60) days of the sale or transfer by the Person then owning or operating the Business.

The BRL shall be prominently displayed at the location for which it is issued. The issuance of a BRL shall not relieve the Person or Business, to whom it is issued, from complying with any other relevant ordinance or statute, including but not limited to the City of Belvidere Zoning Ordinance. Issuance of the BRL does not guarantee compliance with such other laws and ordinances and it is the responsibility of the Person or Business to whom the BRL is issued to ensure compliance with such laws and ordinances.

Sec. 26-80. Term of License.

Each Business Registration License shall expire on April 30th of each year. Each Business must apply for a new license or a renewal of an existing license prior to April 15th of each year. ~~The City Clerk need not send renewal notices or reminders.~~ It is the responsibility of each Business to comply with the terms of this Article. If an existing Business moves to a new location, it must apply for a new Business Registration License for the new location.

Sec. 26-81. Suspension or Revocation of a Business Registration License.

- (a) ~~The Mayor (or his designee) of the City, after a hearing,~~ A Business Registration License may be suspended or revoked, ~~any Business Registration License after a hearing as set forth in this Article,~~ for any of the following reasons:
- 1) The making of any false or misleading statement on the application for the Business Registration License.

- 2) Use of the Business or the premises on which the Business is located for any purpose in violation of the Criminal Code of the State of Illinois (720 ILCS 5/1-1 et seq.) with the knowledge or consent of the Business, any principal of the Business, any employee of the Business or the owner of the property at which the Business is located. For purposes of this section, a Person shall be deemed to have knowingly allowed a criminal use of the Business or location if a similarly situated reasonable person would have suspected the existence of criminal activity.
- ~~(b) Upon credible evidence of a violation identified in Sec. 26-81(e) the Mayor (or his designee) may temporarily close (for a period of not more than thirty (30) days), without a hearing or notice, any Business pending a hearing on whether a Business Registration License should be revoked or suspended. If after a hearing, the Mayor (or his designee) finds sufficient evidence of a violation as identified in Sec. 26-81, the Business Registration License may be suspended or revoked.~~
- (c) Suspension of a Business Registration License shall begin immediately upon the ruling of the Mayor (or his designee) of suspension and shall be for a term of not more than thirty (30) days after the reason for the suspension is cured.
- (d) A Person or Business whose Business Registration License has been revoked may not apply for a new Business Registration License for a period of six (6) months which term shall not begin until after the reason for the revocation is cured.
- (e) A Person or Business whose Business Registration License is revoked based upon a violation of Sec. 26-81(2) shall be ineligible for any future Business Registration License where the violation constituted a violation of: child pornography (720 ILCS 5/11-20.1), the Illinois Controlled Substances Act (720 ILCS 570/100 et seq.), the Methamphetamine Control and Community Protection Act (720 ILCS 646/1 et seq.), the Sale of Immoral Publications to Children Act (720 ILCS 670/0.01 et seq.), or Prostitution Offenses, Subdivision 15 of Article 11 of the Criminal Code of 2012 (720 ILCS 5/11-14 et seq.) shall be ineligible for any future Business Registration License.
- (f) No Business Registration License shall be issued for any Business at a location, for a period of six (6) months where two or more Business Registration License's for the same location have been revoked in the previous two (2) years.
- (g) The penalties contained herein are in addition to and not exclusive of any other remedy the City or the State of Illinois may have for an underlying violation of local ordinance, County ordinance or State law.

Sec. 26-82. Hearing.

- (a) Any Person whose Business Registration License is subject to revocation or suspension is entitled to a hearing before a Commission comprised of the Mayor and the two most senior aldermen (determined by total years of service as an alderman) (the Commission). In the event one of the Members of the Commission cannot or chooses not to serve as a member of the Commission, the position will be filled by the next most senior alderman until a full Commission is available. ~~the Mayor (or his designee).~~ The Mayor, or the most senior Alderman in his

absence, shall serve as Chairman. Upon a complaint of a violation identified in Section 26-81, the City shall provide Notice of Hearing, to any Person owning the Business identified on the application for a Business Registration License or any renewal application, of a hearing to consider the suspension or revocation of the Business Registration License. The Notice of Hearing shall be served by first class mail addressed to the Person(s) identified as the Owner(s) or managers on the application. Service on any Person identified as an Owner or Manager on the Business Registration License Application shall be sufficient notice on the entire Business and all Owners. Proof of mailing, in the United States mail, postage pre-paid, is sufficient evidence of service and service shall be deemed effective the date of mailing.

- (b) The Hearing shall be initiated not less than five (5) days, nor more than thirty (30) days, from the time a Notice of Hearing is served. The Hearing shall not be conducted under the formal rules of evidence and the Mayor (or his designee) Commission may consider any evidence which a reasonable person would find relevant, including but not limited to, hearsay evidence. The Chairman shall rule upon any objections to evidence. The Business, any Person owning the Business or their representative may cross examine any witness presented by the complainant or the City and may introduce any relevant information within the sound discretion of the Mayor (or his designee) Chairman. Any party to the Hearing may request a reasonable continuance to obtain additional evidence or obtain counsel. However, any temporary suspension then in effect shall continue regardless of the time frame set forth in section 26-81(b).
- (c) The burden of proof necessary to find against a Person or Business shall be a preponderance of the evidence and the burden shall lie on the complainant or City. In the event the Person or Business is found guilty or pleads guilty in Circuit Court of a violation contained in Sec. 26-81, it shall be presumed that the City or complainant has met their burden of proof for the infraction for purposes of this Article.
- (d) The Mayor (or his designee) Commission shall enter a written order, upon the conclusion of the Hearing, either revoking or suspending or finding insufficient reason to revoke or suspend the Business Registration License. In making the decision, the Mayor (or his designee) Commission may consider whether the reasons articulated and presented for revocation or suspension have been cured and a finding that there is no reason to further suspend or revoke a Business Registration License is not necessarily a finding that a violation identified in Section 26-81 did not occur. The Mayor (or his designee) Commission shall serve a copy of the decision either personally or by first class mail addressed to any Person identified on the Application or renewal application.
- (e) In the event of any revocation or suspension (including one that is ultimately overturned by a court of competent jurisdiction) neither the City, nor its officers, elected officials, appointed officials, employees or independent contractors shall be liable for any damages incurred by any Person or the Business unless a Court finds that the revocation or suspension was issued in wanton or willful disregard of this Article.
- (f) Any Business or Person may appeal a decision of the Commission Mayor (or his designee) pursuant to the Administrative Review Law.

- (g) The Mayor may appoint any employee, officer or official of the City, or an Administrative Hearing Officer to conduct the Hearing and render applicable decisions.

Sec. 26-83. Penalties.

- (a) Any Person who operates any Business within the City of Belvidere, or any territory subject to its ordinances, without a valid Business Registration License shall be fined not less than \$100.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues shall be deemed a separate offense. Prior to assessment of any fine, the City shall provide a Business or Person a warning that failure to obtain or renew a Business Registration License may result in fines under this Article. If the Business or Person renews or obtains the Business Registration License within fifteen (15) sixty (60) days of the giving of the warning, no fines shall be assessed.
- (b) Any Person who operates any Business during a period of suspension of the Business Registration License, or after revocation of the Business Registration License shall be fined not less than \$500.00 plus court costs per offense with each day, or part thereof, that a violation exists or continues to exist shall be deemed a separate offense.
- (c) The Court may, in addition to any other remedy, including the fines above, may order injunctive relief prohibiting operation of any Business in violation of this Article and may enforce such injunctive relief through contempt proceedings.
- (d) The City may, if an Administrative Hearing Officer is approved by the City Council, refer prosecutions of operation of a Business without a Business Registration License, or with a suspended or revoked Business Registration License, to administrative adjudication in lieu of a proceeding before the Circuit Court.

City of Belvidere • Illinois

City Hall: 401 Whitney Blvd.
Belvidere, Illinois 61008-3710
(815) 544-2612 • Fax (815) 544-3060
Email: cityclerk@ci.belvidere.il.us

GENERAL BUSINESS REGISTRATION LICENSE APPLICATION

DATE OF REGISTRATION: _____

BUSINESS NAME: _____

NATURE OF BUSINESS AND TYPES
OF SERVICES PROVIDED OR GOODS
SOLD: _____

TELEPHONE: _____

BUSINESS OWNERS' FULL NAME: _____ Birthday: _____
(including middle initial) _____ Birthday: _____

CORPORATE OR HOME ADDRESS: _____

MANAGER: (if any) _____
(Name/Address/Phone Number) _____

PROPERTY OWNER: _____
(Name/Address/Phone Number) _____

By signing this form the following person(s) certify that he/she has verified with the City Community Development Department that the property is zoned properly for this business and that a building permit (if required) has been obtained.

(Signature of Applicant)