

XII. EARTH EXTRACTION AND/OR MINING OPERATIONS AND THE RECLAMATION OF AFFECTED LAND

A. General Provisions

1. **Purpose/Intent:** It is the purpose of this Article to establish regulations and standards for earth extraction and/or mining operations and also to provide for the reclamation of affected land by those operations in order to restore affected lands consistent with the protection of the public health and the environment. Earth extraction, mining and site reclamation will be permitted only on a conditional use basis and only on property located a minimum of twenty five hundred (2,500) feet from the shoreline of Wonder Lake. Such limitation is intended to ensure that such extraction/mining activities will not adversely affect:
 - (a) the water quality of Wonder Lake,
 - (b) the recreational and open space amenities provided by Wonder Lake as a result of adverse environmental impacts and noise,
 - (c) any adjacent residential land uses by allowing noise, dust, air contaminants and vibration associated with mining and earth extraction to be transferred to such land uses,
 - (d) the public roadway network surrounding the Lake in order to ensure that such activities may be conducted in a safe and efficient manner and minimizing the amount of public expense required to improve and maintain such roadway network; and
 - (e) the costs of obtaining potable water for adjacent property owners by lowering the water table or affecting subsurface water quality.
2. **Applicable Districts and Operations:** In any permitted zone, all operators extracting and/or mining material resources, except as specified below, shall apply for a conditional use jointly with the owner or any person who is entitled to legal possession of the property and shall comply with the operation and reclamation regulations in this Section.
3. **Exemption and Exemption Procedure.** An owner will be exempt from the requirements of obtaining a conditional use permit pursuant to this Section provided each of the following conditions are satisfied:
 - (a) Earth extraction operations are conducted upon a recorded parcel of land not exceeding two (2) acres.
 - (b) Less than ten (10) feet of overburden is removed, for the single purpose of improving the agriculture purpose of that parcel or another parcel in his/her ownership or that of his/her spouse or children. Earth extractions and/or mining operation(s) do not constitute an agricultural purpose.

The owner shall file with and to the satisfaction of the Village Engineer an affidavit that the foregoing conditions are applicable. Such earth extraction or mining operation(s) may be conducted without a hearing before the Planning and Zoning Commission and without approval of the Village of Wonder Lake Board of Trustees.

The Village of Wonder Lake Engineer shall make available to the owner/operator the necessary form of application and affidavit and issue a Certificate of Exemption, if warranted. This certificate shall not eliminate the need for any other required permits.

4. **Compliance with State and Federal Regulations:** It shall be unlawful for any owner/operator to engage in earth extraction or mining operation(s) in an area where the overburden shall exceed ten (10) feet in depth or where the operation will affect more than ten (10) acres during the permit year without first obtaining from the Illinois Department of Mines and Minerals a permit to do so, pursuant to the Surface-Mined Land Conservation and Reclamation Act 225 ILCS 715/1 et. seq., as amended.

All owner/operators shall comply with the regulations of the USEPA and all State of Illinois and federal regulatory agencies for occupational health and safety and obtain any necessary state and federal permits prior to the commencement of operations. Before the onset of any operations, the Village Engineer must be provided with copies of all necessary permits.

5. **Application for Conditional Use for Earth Extraction and/or Mining Operation(s):** All owner/operators, except as specified in the Section, Exemption and Mining Exemption Procedure, shall apply for a conditional use. In addition to the basic information required in Article XVIII, Section G. of the Wonder Lake Zoning Ordinance, the operator/owner shall present the following statements, maps and plans.

6. **Statements:**

- (a) Ownership of land.
- (b) Minerals to be extracted or mined.
- (c) Character and composition of vegetation and wildlife on land to be affected.
- (d) Current assessed valuation of lands to be affected.
- (e) Assessed valuation shown by two quadrennial assessments next preceding the currently effective assessment.
- (f) The nature, depth and proposed disposition of the overburden.
- (g) The estimated depth to which the mineral or aggregate resource will be extracted or mined.
- (h) The technique to be used in the extracting and/or mining operation.
- (i) Estimated type and volume of excavation.
- (j) The equipment proposed to be used.
- (k) Practices and methods proposed to be used to minimize noise, dust, air contaminants and vibration and to prevent pollution of surface or underground water.
- (l) If applicable, the recycling of water used for washing and grading.
- (m) If applicable, the proposed usage of drainage of excess water.
- (n) The simultaneous reclamation plan including methods of accomplishment, phasing and timing.
- (o) Current and past uses of the land.

- (p) Location of existing roads, and anticipation access and haulage roads planned to be used or constructed in conducting earth extraction and/or mining operation(s).
- (q) Location and names of all streams, creeks and bodies of water within lands to be affected.
- (r) Drainage on and away from the affected land, including directional flow of water, natural and artificial drainways and waterways, and streams or tributaries receiving the discharge.
- (s) An aerial photo to acceptable scale
- (t) A landscape plan for operations
- (u) A certified plat of survey demonstrating that the property on which the extraction/mining is proposed is located a minimum of 2,500 feet from the nearest shoreline of Wonder Lake as such shoreline existed on the effective date of this amendment.

7. Maps and Plan:

- (a) Maps and plans required to be submitted shall be described in the McHenry County Earth Material Extraction Reclamation Plan Standards hereinafter referred to in this section as “Standards” and adopted by reference. (A copy of said “Standards” shall be on file in the office of the Village of Wonder Lake).
- (b) The owner/operator shall furnish the Village of Wonder Lake with a copy of the aforesaid statements, maps, plans, and other related exhibits for review of the reclamation plan not less than thirty (30) days before the Zoning Board of Appeals hearing.
- (c) The Village of Wonder Lake staff shall prepare a written report and oral statement on the reclamation plan and enter it into evidence at the Zoning Board of Appeals hearing.
- (d) All earth extraction and/or mining conditional use permits shall expire ten (10) years from the date they were approved by the Village of Wonder Lake Board of Trustees unless a longer time is approved by the Village of Wonder Lake Board of Trustees. At the public hearing before the Zoning Board of Appeals, a time limit will be established in which the operator will complete earth extraction and/or mining operation(s) on the parcel. If operation(s) are not completed during the imposed time, the operator will be required to request a renewal of the conditional use through the ZBA or cease operation. The maximum allowable time limit for each such renewal will be ten (10) years. The Village of Wonder Lake Engineer will be responsible for monitoring the operation throughout the life of the conditional use, but any failure to monitor by the Village shall not be deemed a waiver of the Village’s rights to enforce the provisions of this ordinance against any permit holder. The applicant shall pay the Village’s costs for legal, engineering and other consultant fees related to the application, issuance of the permit and monitoring.

- 8. Renewal of a Conditional Use:** A renewal of a conditional use under this Section shall be for a period of time not more than ten (10) years for each such renewal.

- (a) A request to renew a conditional use that involves acreage or equipment in addition to that allowed in the original conditional use shall be treated in the same manner as the initial application.
- (b) A request to renew a conditional use when no additional acreage or equipment will be brought into use shall be handles in the following manner:

If an owner/operator is not able to finish earth extraction and/or mining operation(s) on the acreage described in the conditional use permit in the time specified, he/she shall apply to the Zoning Board of Appeals. A public hearing will be held. The Maps, required by this ordinance for the initial hearing, shall be revised, updated and resubmitted along with a statement of the current status of the reclamation. A new map describing conditions present on the site shall be furnished as described in McHenry County "Existing Conditions" of the "Standards."

The applicant shall furnish the Village of Wonder Lake staff with a copy of the aforesaid maps, plans, and other related exhibits for review of the revised or extended reclamation plan no less than thirty (30) days before the Zoning Board of Appeals hearing.

Any application for a renewal of a conditional use under Section 8 shall be filed with the Zoning Board of Appeals prior to one hundred twenty (120) days before the expiration date of the original conditional use or any renewal thereof. Failure to file a request for renewal within the required time designated in Section 8 shall result in a required cessation of operations and, if applicable, the sale of product upon the expiration of the conditional use.

- 9. **Bonds:** All owner/operators shall be required to obtain the proper permits and submit a bond or other acceptable form of surety. If a bond is required by the State of Illinois, the owner/operator shall only be required to provide the Village of Wonder Lake with a photocopy. A bond will be required by the Village of Wonder Lake of not less then two thousand five hundred (2,500) dollars for each acre affected. The actual dollar amount will be established during the hearing process with the Zoning Board of Appeals, based upon one hundred fifty (150) percent of the engineer's estimate of the cost of reclamation per acre average at the time earth extraction and/or mining operation(s) are to be performed. This estimate shall take into consideration inflation of costs in future years. The actual operation shall be monitored by the Village of Wonder Lake Engineer; said Engineer shall prepare a written report on the progress before partial or full release of the surety.

The surety shall be held by the Village of Wonder Lake. Such bond shall remain in effect until the affected lands have been reclaimed in accordance with the reclamation plan and the work is approved by the Village of Wonder Lake and the Village of Wonder Lake Engineer at the annual review of the operation. Earth extraction and/or mining operation(s) shall not be allowed unless a bond has been posted by the Village of Wonder Lake's Village Attorney. The surety shall be for assurance of completion

of reclamation and the initial surety amount shall be set on the anticipated three (3) years working basis with reasonable allowance for inflation of costs. Before the end of each one (1) year period, the Village of Wonder Lake Engineer's evaluation and the approval of the past year's work shall be required for release of a reduction of a bond amount and at that time, re-bonding shall be established for the next one (1) year period or fraction thereof.

10. **Reclamation Regulations:** The reclamation map and statement of sequential operation and reclamation shall be followed to produce a finished condition that complies with the reclamation plan map and the provisions of this section so as to provide for the return to a useful purpose of the affected land.
11. **Changing the Reclamation Plan:** In the event that a change in the reclamation plan is necessary due to the unanticipated characteristics of the area concerned, the Village of Wonder Lake staff shall be provided with appropriate documentation, study the proposed change and give the report to the Village of Wonder Lake Engineer and the Village of Wonder Lake for their review. Changed may be made in the reclamation plan upon the request of the owner/operator, the Village of Wonder Lake Engineer and upon approval by the Village of Wonder Lake, The change(s) shall preserve as substantially as possible the original reclamation plan, but shall also provide for the previously unknown variables.
12. **Finished Conditions:** The finished conditions of all land affected by earth extraction and/or mining operation(s) shall:
 - (a) Be graded to a rolling traversable by machines necessary for maintenance in accordance with planned use, with slopes having no more than a fifteen (15) percent grade. In the case of those lands to be reclaimed in accordance with the filed plan for forest plantations, recreation or wildlife, the reclaimed site slopes shall not exceed a thirty (30) percent grade; but such slopes need not to reduced to less than the original grade of the overburden of the area prior to earth extraction and/or mining operations(s);
 - (b) Be designed to control conditions that could cause erosion on site or on surrounding properties;
 - (c) Be designed to eliminate large undrained depressions other than artificial lakes, or depressions designed specifically for erosion control;
 - (d) Be designed so that any surface drainage from the property shall leave the property at the original, natural drainage points. If this is not possible, the drainage plans must be reviewed by the Village of Wonder Lake as part of the overall submission. Drainage volume shall not be increased over what it would have been if the site was left in its former use. The finished condition must meet McHenry County standards for stormwater retention-detention contained within the McHenry County Subdivision Ordinance, if applicable;
 - (e) Be successfully planted (after replacement of the topsoil) with trees, shrubs, legumes, grasses or ground cover in accordance with the reclamation plan in order to avoid erosion; numbers and sizes of plantings should be included in the overall submission;

- (f) Whenever earth extraction and/or mining on any property shall have been completed, then all processing plants, buildings (other than those shown on the reclamation plan), structures (except fences) and equipment shall be entirely removed from the property within one (1) year from the expiration date of the conditional use; and if applicable, prior to the termination of the conditional use, the owner shall cause to be filed with the McHenry County Recorder of Deeds, a permanent easement approved by the village of Wonder Lake Engineer, after review by the Village of Wonder Lake's Village Attorney, which shall provide access to the real estate for the purpose of monitoring and sampling of the ten existing wells referred to in 10.13(2).

13. Operations and Reclamation Requirements: The operation and reclamation of extractive product areas shall be in accordance with the following conditions:

- (a) Existing trees, shrubs and other type of woody vegetation along the road frontages shall be protected and maintained. Weeds and other unsightly noxious vegetation shall be cut or trimmed as may be necessary to present a reasonably neat appearance, to prevent grass fires or the hazard of grass fires.
- (b) No earth extraction and/or mining operation(s) shall be conducted in such a manner that the groundwater table of surrounding properties is adversely impacted. In the case of mining operations, water pumped from the site for the purpose of washing shall be retained in a pond until silt and clay settles and then the water shall be recycled on a regular basis in accordance with acceptable monitoring practices. Groundwater monitoring parameters are established and periodically updated by the McHenry County Board of Health in the Ordinance for Groundwater Monitoring and Protection at Earth Material Extraction Sites which is adopted by reference. Results of the monitoring shall be made available to the Village of Wonder Lake Engineer as required.
- (c) If the subject areas front on a township or village road which is used for access to the site, the owner/operator shall, coincidental with commencement of operations, being that township or village road up to the paving standards defined for industrial roads in the Schedule of Minimum Design Requirements for Subdivision Roads in McHenry County, from the entrance of the subject area to the nearest federal, State of Illinois or county road used by the operator. The owner/operator shall repair any section of road damage as a result of hauling operations but shall not be responsible for the normal wear and tear of the road. This provision shall not be construed to require the operator to purchase additional right-of-way.
- (d) All operations shall be conducted in a safe manner, especially with respects to hazards to persons, damage to adjacent lands or improvements and wells, and damage to any street by slides, sinking or collapse of supporting soil adjacent to an excavation.
- (e) The following apply to earth extractions and/or mining conditions only not to reclamation conditions:
- (1) Earth extractions and/or mining operation(s) that remove and do not replace the lateral support shall not approach property lines, established right-of-way lines of any public roads, streets or highways closer than a distance equal to

- thirty (30) feet unless a lesser distance is mutually agreed to by the operator and adjacent property owner and submitted in writing.
- (2) The bottom of the slope of the excavated face shall not be closer to the point determined per Section 5a, than a distance equal to one and one-half (1.5) times the depth of the excavation.
 - (3) If consolidated materials occur in the excavated face, the slope of the face may be steeper than 1.5 to 1 slope per Section 5b for the depth(s) of those materials; however, all other excavated slopes of unconsolidated materials shall be no steeper.
 - (4) In the case that the right-of-way has not been recently surveyed by a registered land surveyor and clearly marked, the right-of-way line shall be assumed to be, for the purpose of this section, a minimum of forty (40) feet from the center line of the existing road.
- (f) All active operations shall be contained by an earthen berm of not less than six (6) feet in height and/or a farm fence of not less than fifty –four (54) inches in height, of such a design so as to allow the free flow of wild animals, but to discourage trespassing by humans and farm animals as approved in a landscape plan as approved by the Village of Wonder Lake Engineer. Berms that will remain in place for one (1) year or longer shall be planted with grass, shrubs and trees and maintained as a visual and acoustical screen. They shall be designed so that they do not erode into the road or highway right-of-way or onto the adjoining property.
 - (g) The processing and stockpiling of aggregate resources shall not be conducted within three hundred (300) feet of any property line that adjoins property zoned estate or residential.
 - (h) All activities other than maintenance functions may be conducted no earlier than 5 a.m. and no later than 9 p.m. all year-round with no trucking or crushing operations on Sunday without special approval of the Village Board of Trustees. The rest of the year the hours of operation may be restricted to 6 a.m. to 6 p.m. In emergency situations, operations shall be permitted at times otherwise prohibited. (An emergency situation, for the purpose of this section, is any operation necessary to provide repairs to roadways or provide other materials and assistance which if delayed until normally permitted hours, would cause injury or loss of life or property.) Any operation or activity under this section shall immediately be reported to the Village of Wonder Lake Police Department and shall be reported to the Village of Wonder Lake Engineer the next business day.
 - (i) Operations shall be conducted so that noise levels and air and water standards comply with federal and State of Illinois requirements.
 - (j) Access ways and on-site roads shall be maintained in a dust-free condition.
 - (k) The premises shall be neat and orderly, free from junk, trash or unnecessary debris. Buildings shall be maintained in a sound condition, in good repair and appearance. Salvageable equipment stored in a non-operating condition shall be suitably screened or garaged.
 - (l) Enough topsoil must be stockpiled to meet the finished conditions of Section 13 Operation and Reclamation Requirements.
 - (m) No operations may occur on the property pursuant to this ordinance without the issuance of an Annual Operations Permit issued by the Village of Wonder Lake

Engineer. The operations permit may be for less than the total area proposed. Note: The construction of access or haul roads, building and landscaping of required berms, and other site improvements required for site preparation shall not require the issuance of an Annual Operations Permit.

- (n) At all times, the owner or operator shall take adequate measures to insure that contamination surface water run-off shall not enter ponds or other areas of open standing water.
 - (o) The owner or operator shall take adequate measures within the site to insure that trucks, exiting the site on roadways, shall not discharge earth materials or debris on the roadway.
 - (p) The Village of Wonder Lake Engineer or a duly authorized representative, shall have the free right of access to the subject property for the purpose of inspections, making water level measurements, obtaining water or material samples and for gathering other information necessary for the proper discharge of his/her responsibilities.
 - (q) The owner or operator shall be assessed an annual fee to pay for compliance monitoring based on costs.
 - (r) Additional conditions as appropriate for the specific site.
 - (s) No such extraction/mining shall take place on any property located less than two thousand five hundred 2,500 feet from the nearest shoreline of Wonder Lake as such shoreline existed on the effective date of this amendment.
14. **Enforcement:** The Village of Wonder Lake Engineer shall annually review each earth extraction and/or mining conditional use. In addition to the reclamation plan/map, the owner/operator shall provide the Village of Wonder Lake with an annual aerial photo of the total operation, enlarged to a scale of one (1) inch equals one hundred (100) feet or other scale that would adequately display the property affected on a thirty (30) inch square format. All aerial photos shall meet Village of Wonder Lake standards. The first photo shall be taken during the first year in operation and subsequent photos shall be taken in the same month of the following years. Each year's photos shall be presented at the same scale for the purpose of comparison. Photos or contracts for photos shall be submitted prior to the issuance of the Annual Operating permit.

If it is determined that the operator is not in substantial compliance with this ordinance, the bonding requirements, the simultaneous reclamation and operation statement or the reclamation plan/map, the Village of Wonder Lake shall issue a stop work order on all operations other than reclamation work needed to bring the operation into compliance.

Every three (3) years, at the time of the annual review, bonding release of bond and re-bonding shall be checked as specified in Section 9 Bonds. In addition, the operator shall provide the Village of Wonder Lake Engineer with a topographic survey with two (2) foot contours, at the same scale as the aerial photo to show the status of existing conditions on the subject site. The Village of Wonder Lake Engineer shall prepare a report and submit it to the Village of Wonder Lake for their review.

Before release of a bond, an on-site inspection of the acreage reclaimed shall be made by the Village of Wonder Lake Engineer in conjunction with other appropriate departments to check for compliance with the reclamation plan and any additional conditions of the conditional use. A random count procedure shall be used to check seeding, planting, and depth of topsoil.