

EXHIBIT "A"

Lafarge Aggregates Illinois, LLC.

Petition for Special Use Permit in the F District
for a Sand and Gravel Mining Expansion,
Submitted Pursuant to Sect. 8.1-2 (p)
of the Kane County Zoning Ordinance



Kane County Zoning Board of Appeals

July 9, 2019

Introduction

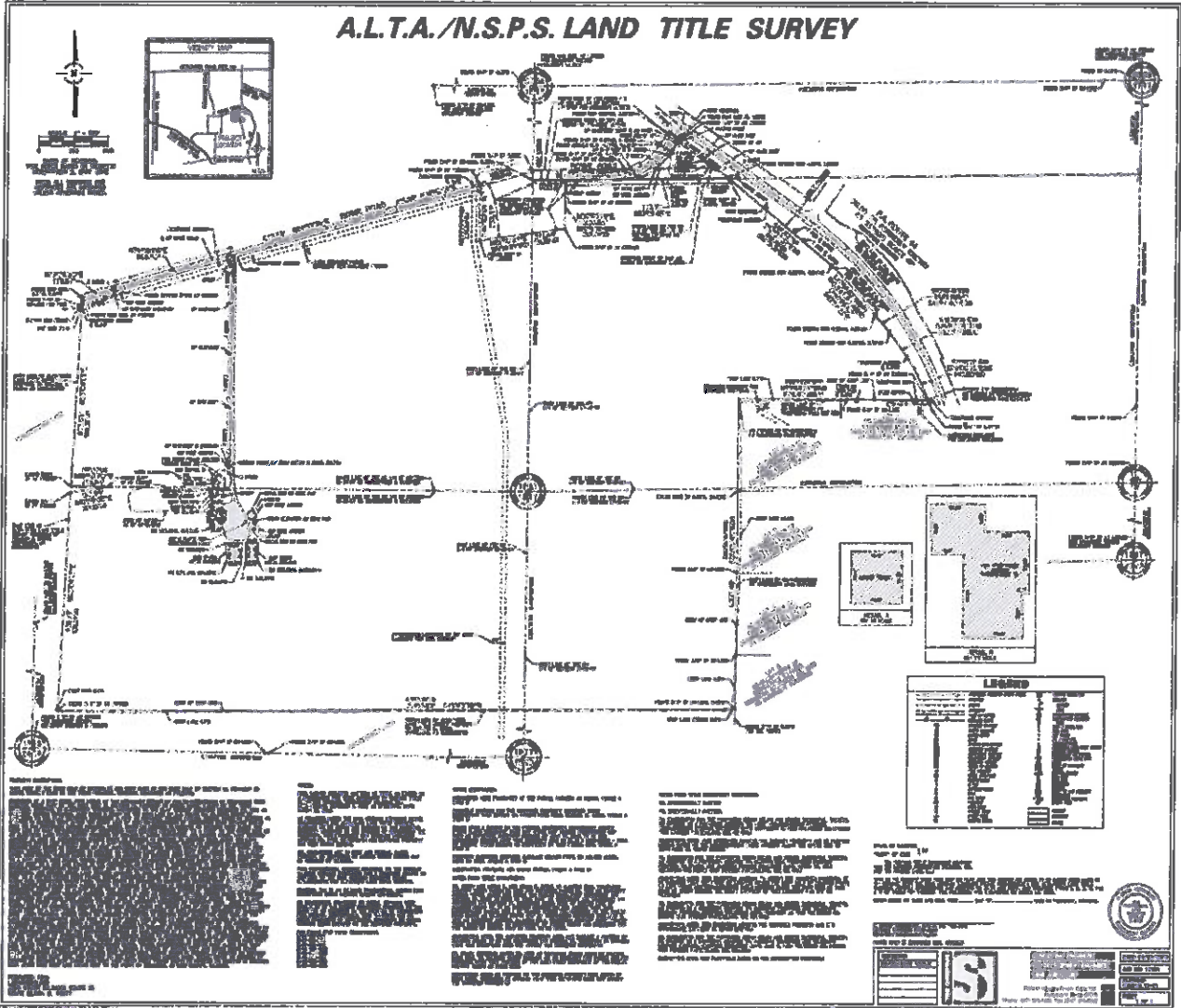
1. Subject property is 148.5 acres and zoned F District Farming and located southwest of the intersection of IL ST RT 47 and Rowe Road in Blackberry Township, Sects 17 and 18.
2. Present use of subject property is farming, including row crop production and accompanying farmstead buildings.
3. Adjacent, south and west, are parcels zoned F District Farming with special use permits allowing for sand and gravel mining and a concrete mixing plant.
 - a. Sand and gravel extraction has occurred on said property for a period of approximately fifty (50) years.
 - b. Petitioner has since 2005-2006 owned and successfully operated the aforementioned existing sand and gravel enterprise (Lafarge Aggregates).
4. Petitioner is requesting a Special Use Permit to allow for sand and gravel extraction on the subject property and thereby allowing it to expanding its existing business enterprise Blackberry Township, unincorporated Kane County.

Prior Special Use Zoning Permits Issued by County of Kane for Existing Lafarge Mining Operations

County has approved a total of four Special Use Zoning Permits for all parcels that make up current Lafarge Elburn Aggregates Facility at IL St Rt. 47, Elburn, Illinois. All permits relate to the approval of mining and incidental activities and buildings associated with mining activities in the F District-Farming.

- 1. Sp. Use Permit #1923 (Approved 5/12/70).** Elburn Rowe Leased Pit. Permits sand and gravel mining on subject property.
- 2. Sp. Use Permit #2008 (Approved 10/12/71).** Elburn Prairie Leased Pit. Permits sand and gravel mining (two phases). Includes processing plant. Stipulates requirements for licensing and reclamation plan.
- 3. Sp. Use Permit #3109 (Approved 4/10/90).** Expansion of Elburn Rowe Leased Pit and portions of Elburn Pit. Permits expansion of existing sand, gravel and stone operations, as well as the erection of new office building and weighing scale (having direct access to IL ST RT 47).
- 4. Sp. Use Permit #3929 (Approved 6/10/03).** Further Expansion of Elburn Rowe Leased Pit and Concrete Ready Mix. Permits said mining operation expansion, to include Feltes Mineral Properties I and II north to Rowe Road, as well as permitting concrete Ready Mix Plant. Stipulations: a. Mining license renewed so to include expansion area; and b. County's requirement for a north bound, left turn lane on RT 47 at Petitioner's access driveway (completed by 2004). Site plan depicts enlarged lakes and additional land reclamation activities.

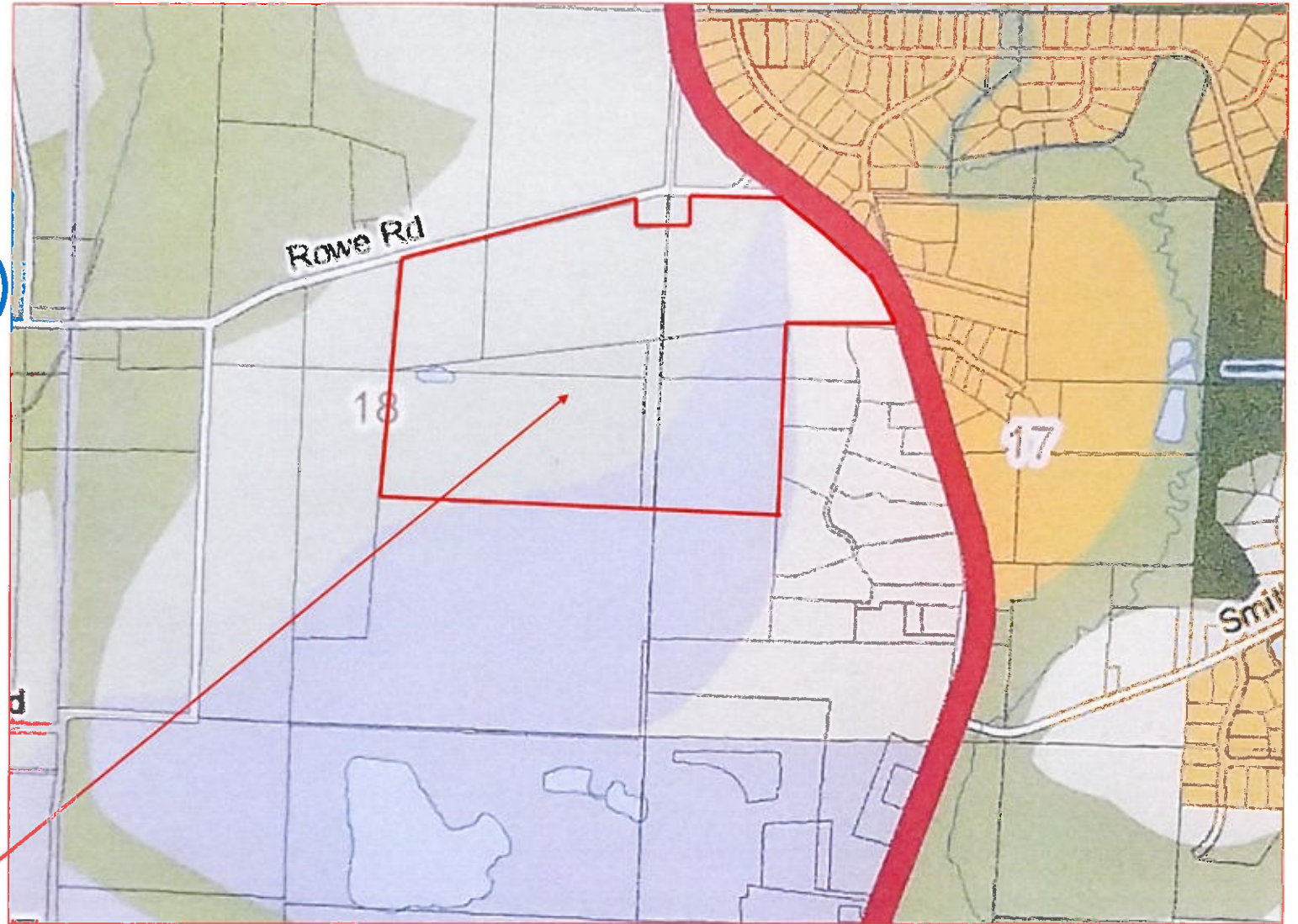
Subject Property Plat of Survey



Former Sand and Gravel Pits – Reclaimed as Open Space



Kane County
2040 Land Use
Plan Map
Sections 17 (pt)
& 18 (pt),
Blackberry
Township



Subject Property

2040 Land Use Plans

Pertinent Goals and Policies Concerning Proposed Uses.

Mining of Sand and Gravel

2040 Plan designates certain areas for Resource Management. Subject property includes areas so designated and "[contains] mineral resources, primarily in the form of sand and gravel, subject to extraction as a valuable economic and natural resource".

Open Space/Land Reclamation:

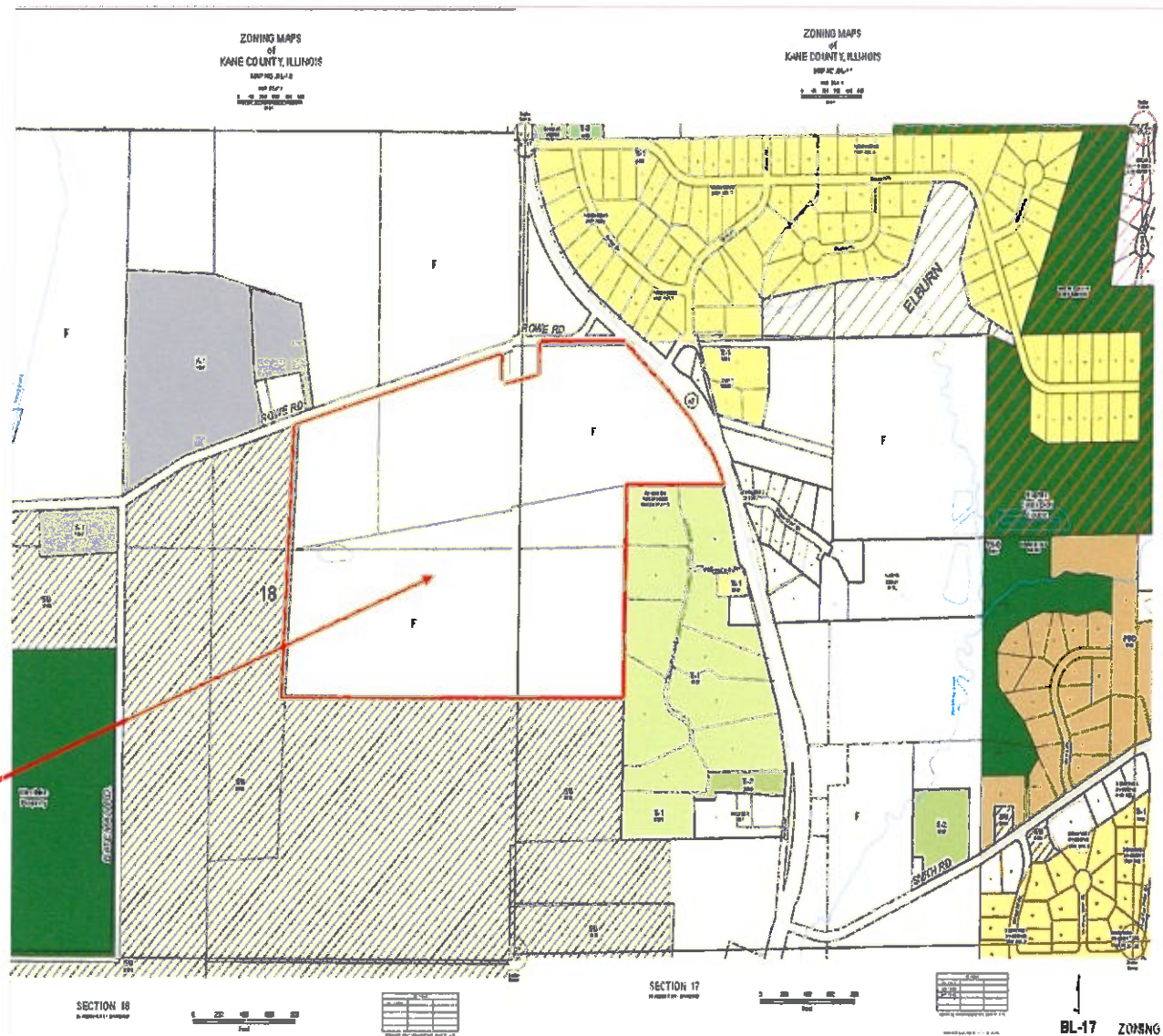
2040 Plan calls out the value of open space: "Open space is the armature of the 2040 plan, as it was for the 2020 and 2030 Plan, providing the framework that compliments all other uses".

By adding to the "County's Green Infrastructure", the reclaimed mined land will serve to create and preserve valuable ecosystems, biodiversity, wildlife habitat, aquifer recharge, and help the County manage stormwater runoff for water quantity and quality purposes, particularly in and around the Critical Growth Area.

Kane County Zoning Ordinance Official Zoning Map

Sect 18 (pt) and
Sect 17 (pt)

Subject Property



Kane County, Illinois
Building and Zoning Division
Mark D. Vankerhoff, AIA
Zoning Enforcing Officer

Kane County
Government Center
719 S. Batavia Ave.
Bldg. A, 4th Floor
Geneva, IL 60134
Phone: 630.232.3492

ZONING LEGEND	
F	[White Box]
F-1	[Light Blue Box]
P-2	[Light Green Box]
E-1	[Light Yellow Box]
E-2	[Light Green Box]
E-2A	[Light Green Box]
E-3	[Light Green Box]
R-1	[Light Yellow Box]
R-2	[Light Yellow Box]
R-3	[Light Yellow Box]
R-4	[Light Yellow Box]
R-5	[Light Yellow Box]
R-6	[Light Yellow Box]
R-7	[Light Yellow Box]
R-8	[Light Yellow Box]
R-9	[Light Yellow Box]
RB	[Light Yellow Box]
B-1	[Light Blue Box]
B-2	[Light Blue Box]
B-3	[Light Blue Box]
B-4	[Light Blue Box]
B-5	[Light Blue Box]
B-6	[Light Blue Box]
U-1	[Light Blue Box]
U-2	[Light Blue Box]
PUD	[Light Blue Box]
A-1	[Light Blue Box]
A-2	[Light Blue Box]
SU	[Light Blue Box]
Incorporated	[Light Blue Box]
Forest Preserve	[Green Box]

Kane County Zoning Ordinance

Pertinent Sections

Mining of Sand and Gravel

Open Space/Land Reclamation

Section 8.1.2(p.) Permitted by Special Use in
F District-Farming

Article XV Regulated by License

"It is declared to be the policy of the County to provide for the reclamation of lands disturbed by mining in order to encourage productive use thereof, including...the enhancement of wildlife and aquatic resources...for the conservation, development, management and appropriate use of all the natural resources of such areas for compatible multiple purposes; to aid in maintaining or improving the tax base; and protection the health, safety and general welfare of the people, as well as the natural beauty and aesthetic values, in affected areas of the County". Sect 15-1

City of Chicago Heights v. Living Word Outreach Gospel Church and Ministries, Inc., Supreme Court of Illinois

IL Sup Ct found in favor of Appellant, Living Word (Decided March 22, 2001)

Four Pertinent Points concerning Special Uses:

1. In general, a 'special use' is a type of property use that is expressly permitted within a zoning district by the zoning ordinance so long as the use meets certain criteria or conditions. 'The purpose of special uses is to provide for those uses that are either necessary or generally appropriate for a community but may require special regulation because of unique or unusual impacts associated with them'.
2. A special use allows [a property owner] to put his property to a use the [zoning] enactment expressly permits and the inclusion of a special use within a zoning ordinance 'is tantamount to a legislative finding' that that this use is in harmony with the general zoning plan and will not adversely affect the neighborhood.

City of Chicago Heights v. Living Word Outreach Gospel Church and Ministries, Inc., Supreme Court of Illinois

Four Pertinent Points concerning Special Uses (cont.):

3. A special exception use is a permitted use when allowed under a special permit. Thus, there has been a local legislative determination that the use, as such, is neither inconsistent with the public's health, safety, morals or general welfare, nor out of harmony with the zoning authority's general zoning plan.

4. The court concluded that the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied, is whether there are facts and circumstances that show that the particular use at the particular location would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zoning district.

Suggested Findings of Fact For Zoning Board of Appeals' Consideration

1. How does your proposed use relate to existing uses of property within the general area of the property in question?

Existing uses in general area are farming and other agribusiness, mining and low density residential. Proposed use is compatible with farming, agribusiness and mining. Any incompatibility issues associated with the proposed mining use and neighboring residential properties will be ameliorated through:

- a. constructing perimeter berms screening mining operations from neighboring properties;
- b. noise and dust mitigation;
- c. adherence to best practices in the areas of stormwater management and drainage; and
- d. appropriate ingress and egress traffic control.

2. What is the zoning classifications of properties in the general area of the property in question?

F – Farming;

F – Farming with Special Use Permits to allow mining operations and concrete mixing plants; and

E -1, E-2 and R-1 Residential.

Suggested Findings of Fact (cont.)

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

The property in question is currently zoned F Farming, is being farmed successfully and is therefore suitable under the existing zoning classification. Further, the geotechnical study indicates that there are subsurface sand and gravel deposits on the subject property. Mineral extraction of these deposits is lawful by special use permit and therefore, pursuant to the Living Word is also suitable for the property's existing Farming zoning classification.

4. What is the trend of development, if any, in the general area of the property in question?

The trend of development for general area is characterized by farming use, isolated mining operations and open space/natural areas, and low density residential development, particularly east and northeast of the subject property. The property in question is situated along the Route 47 Corridor and at the edge of the County's Critical Growth Area.

5. How does the projected use of the property relate to the Kane County 2040 Land Use Plan?

The Kane County 2040 Land Use Plan map designates the property to either remain agricultural or planned for resource management use. Both the proposed near term mineral extraction and longer term, land reclamation activity and resulting open space ("the armature of the 2040 Plan", p. 131), closely align with many of the stated policies and objectives predicated the County's 2040 Land Resource Management Plan.

Suggested Findings of Fact (cont.)

6. Explain how the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort and general welfare.

Again, per the aforementioned Living Word case, there is a presumption that the proposed special use, will not be detrimental to or endanger the public health, safety, morals, comfort and general welfare. Additionally, Petitioner is not seeking any variances to required dimensional, use or performance standards and will fully comply with same. Finally, Petitioner's has shown at its existing facilities immediately south of the subject property, that it establishes, maintains and operates its mining activities and facilities so not to be detrimental to or endanger the public health, safety, morals, comfort and general welfare.

7. Explain how the special use will not be injurious to use, enjoyment and value of other property in the immediate vicinity.

Pursuant to its site development plans, County, State and/or Federal requirements, Lafarge will construct perimeter berms, stormwater management facilities, maintain roadway improvements to facilitate safe and efficient traffic within and in and out of the subject property, and take any other action necessary to maintain the continued use, enjoyment and market values of surrounding properties. The company has done so with respect to its mining assets immediately south of the subject property. The fact that there have been sales of existing, and development of new neighboring residential properties since Lafarge acquired and took over the mining operation at this property provides evidence of the company's commitment to establish, maintain and operate its facilities in a safe and non-injurious manner.

Suggested Findings of Fact (cont.)

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

The special use permit will allow Lafarge to extract valuable sand and gravel deposits from the subject property, while at the same time, because the company is seeking no variances to code requirements and will fully comply with all state, federal and county regulations, including those set forth in its required County Mining Operations License, will not impede on the normal, orderly development and improvement of the surrounding properties. Through appropriate mitigation improvements (e.g., the aforementioned berm protecting surrounding properties from the sight of and noise and dust from the mining operations, stormwater best management practices, traffic control), Lafarge will take any and all actions to ensure no such impediment results from its proposed mining operations.

9. Will adequate utilities, access roads, drainage, and other necessary facilities be provided?

The subject property will be served by the existing well, septic system, and electric utilities. Current planning indicates that existing stormwater management facilities (underground pipe, open drainage swales, detention, discharge into a tributary of the Blackberry Creek and pursuant to IEPA approved NPDES permits) may suffice to provide drainage from the property consistent with all applicable local, state and federal law. However, if it is determined that additional drainage facilities are required so to mitigate any negative impacts on adjacent or surrounding properties, Petitioner will provide such facilities as part of the special use request and permit. The ultimate, long term land use will then be converted from first agriculture, then mining and finally open space, with large bodies of open water, largely retaining rainwater runoff and having an overall positive effect on area water resources.

Suggested Findings of Fact (cont.)

10. Will adequate measures be taken to provide for ingress and egress so designed to minimize the traffic and congestion?

There is currently only one point of ingress and egress for the existing mining facility. This will remain the sole ingress/egress point for the proposed use on the subject property. This access is in the form of a private driveway onto IL RT 47, south of the subject property, which was improved as part of the former ownership's 2003 development permits (installation of a new northbound, designated left turn lane on RT 47. The proposed mining operations will not in any measurable way increase traffic flows in and out of the site, as these operations will represent successor activities, rather than additional ones. The production and pace of mining, and associated truck traffic, will not increase but only change its point of origin, as the mining operations progress in generally an easterly direction across the subject property. The traffic handling capacity of the improved intersection with IL RT 47 is sufficient for the proposed special use activities.

11. Will the special use conform to regulations of district which it is located?

As Lafarge is requesting no variances to existing zoning regulations as part of its special use request, and the presumption of conformity is held pursuant to Living Word, the requested special use will conform to the regulations of the district it is located.

QUESTIONS



Aerial
Photograph
Depicting Current
Conditions for
Subject and
Surrounding
Properties

Subject Property



Site Surroundings – Current Conditions



Temporary Construction Access on Rowe Rd
Closed



Temporary Construction Access on Bateman Rd
Closed



Berm Along Bateman Road

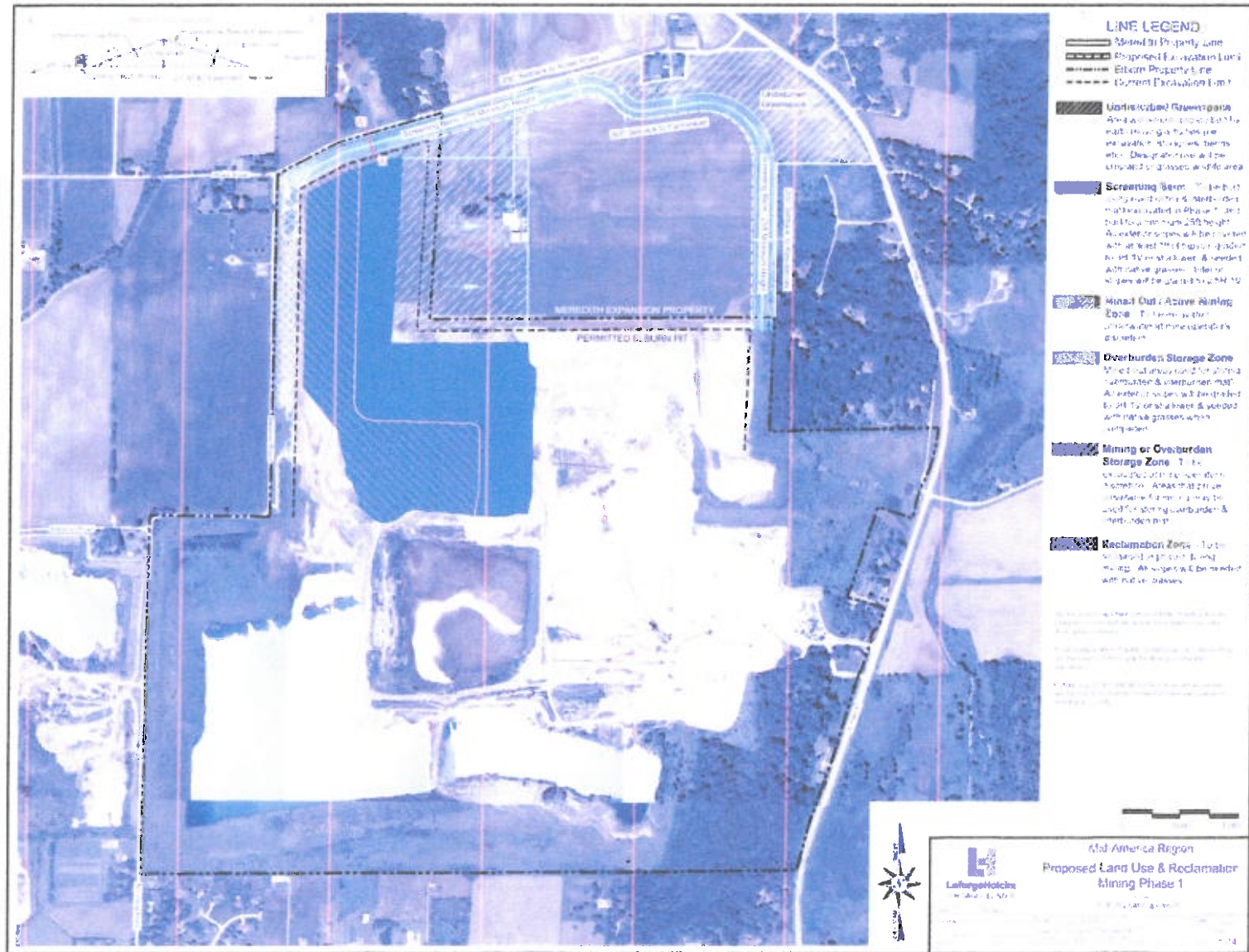


Berm Along Lorang Road

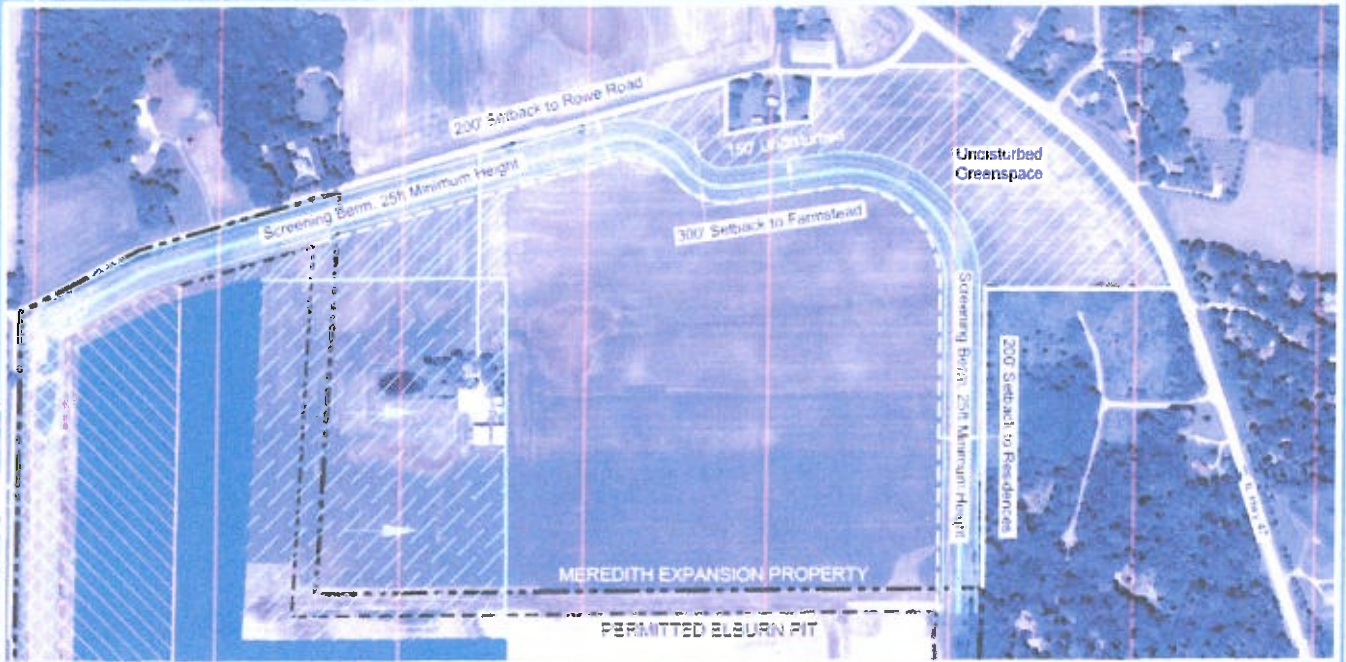
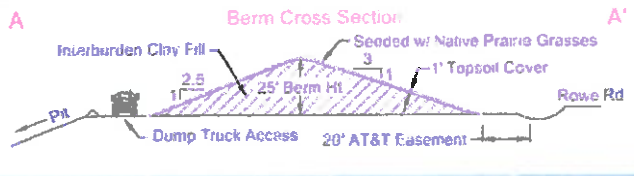


Lafarge N. Property Line Along Rowe Rd

Proposed Land Use and Reclamation Mining Site Plan – Phase 1



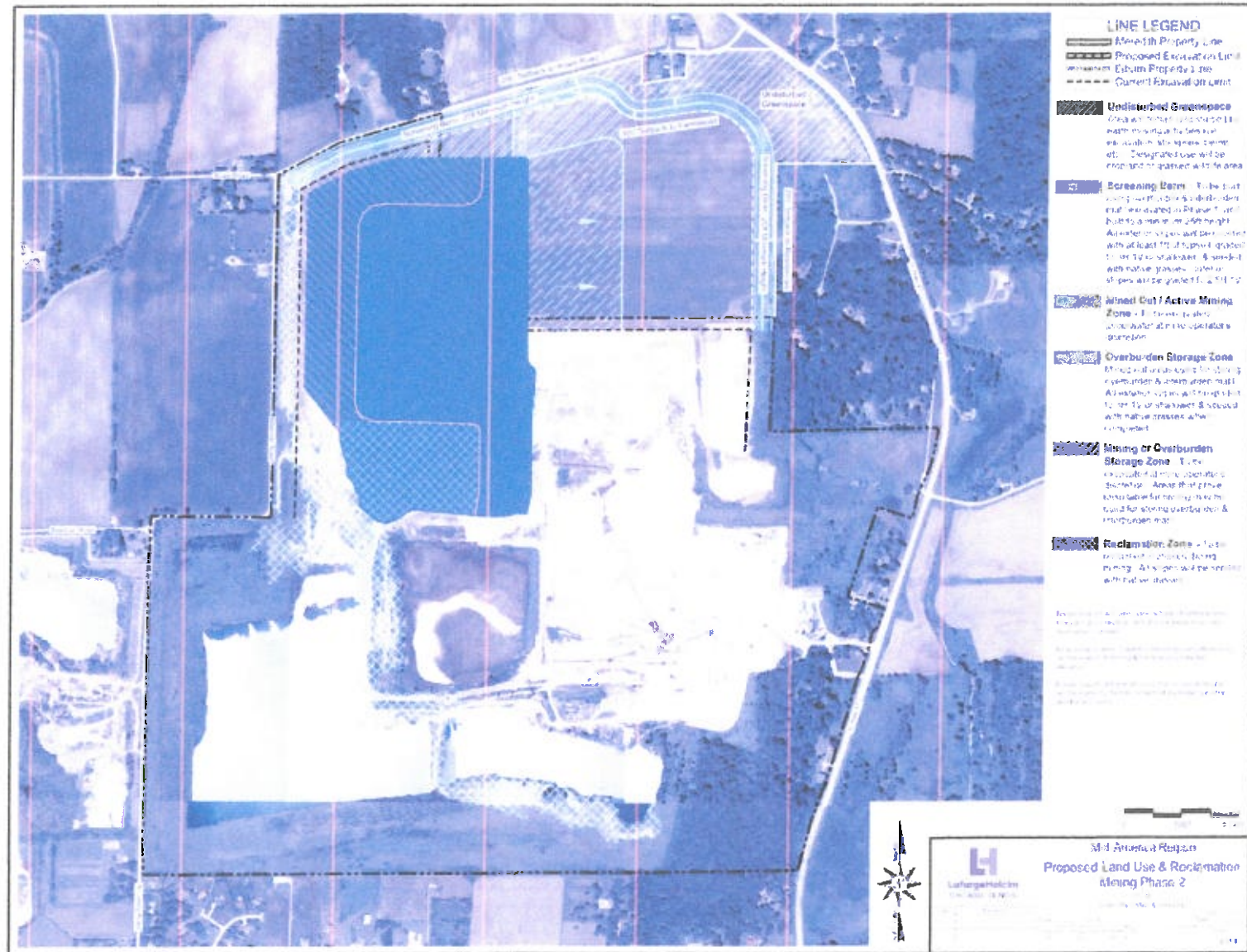
Enlargement of North Site Area (Phase I)



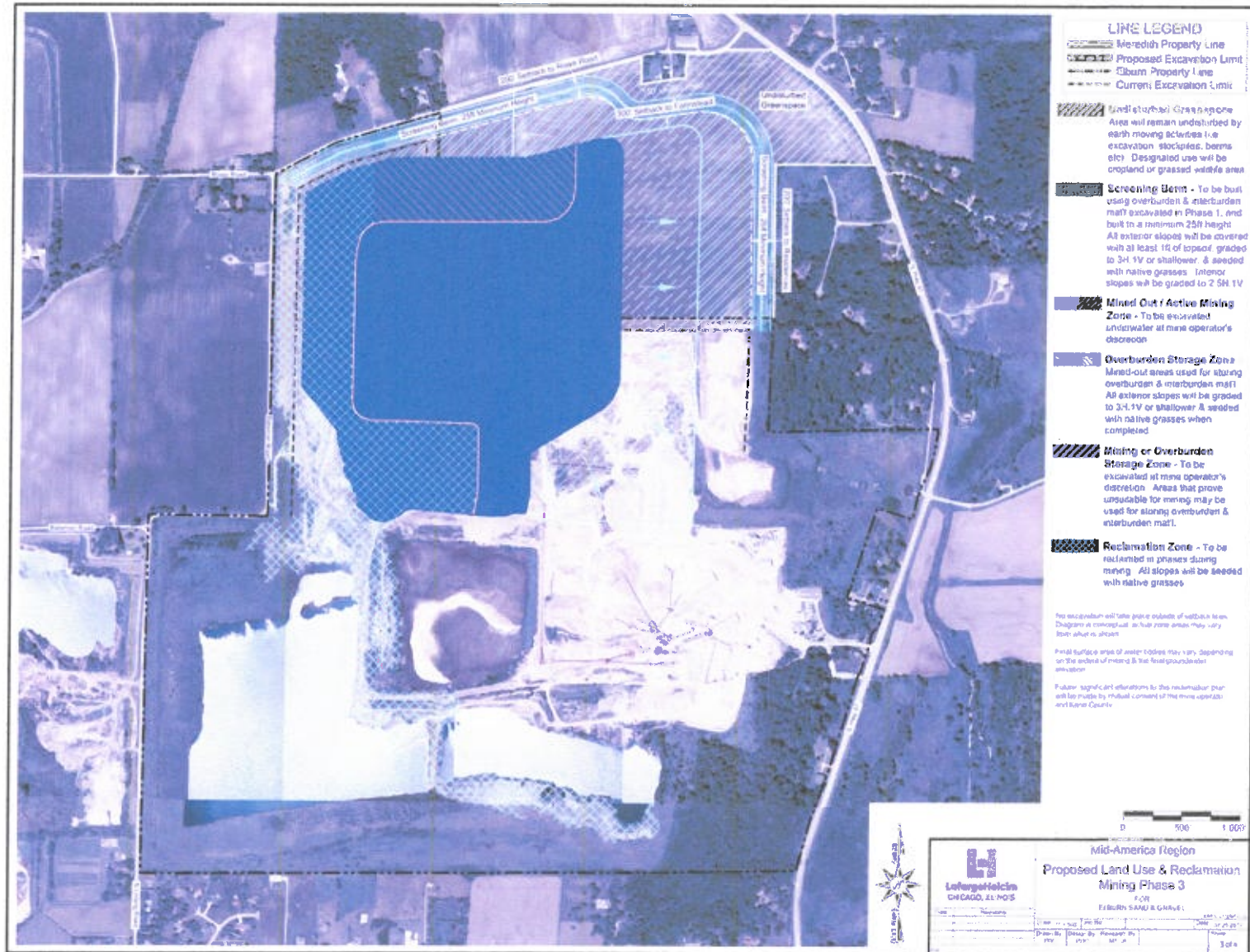
- 1. Interburden Storage Area: This area is to be used for the storage of interburden material. It shall be located within the 20' AT&T easement and shall be separated from the adjacent property by a 2' high concrete wall.
- 2. Screening Berm: The screening berm shall be constructed to a minimum height of 25 feet and shall be seeded with native prairie grasses. It shall be topped with a 1' layer of topsoil.
- 3. Dump Truck Access: A 10-foot wide access shall be provided for the dump truck to enter and exit the site.
- 4. 20' AT&T Easement: The 20-foot AT&T easement shall be maintained and shall not be used for any other purpose.

Professional Engineer Seal and Title Block

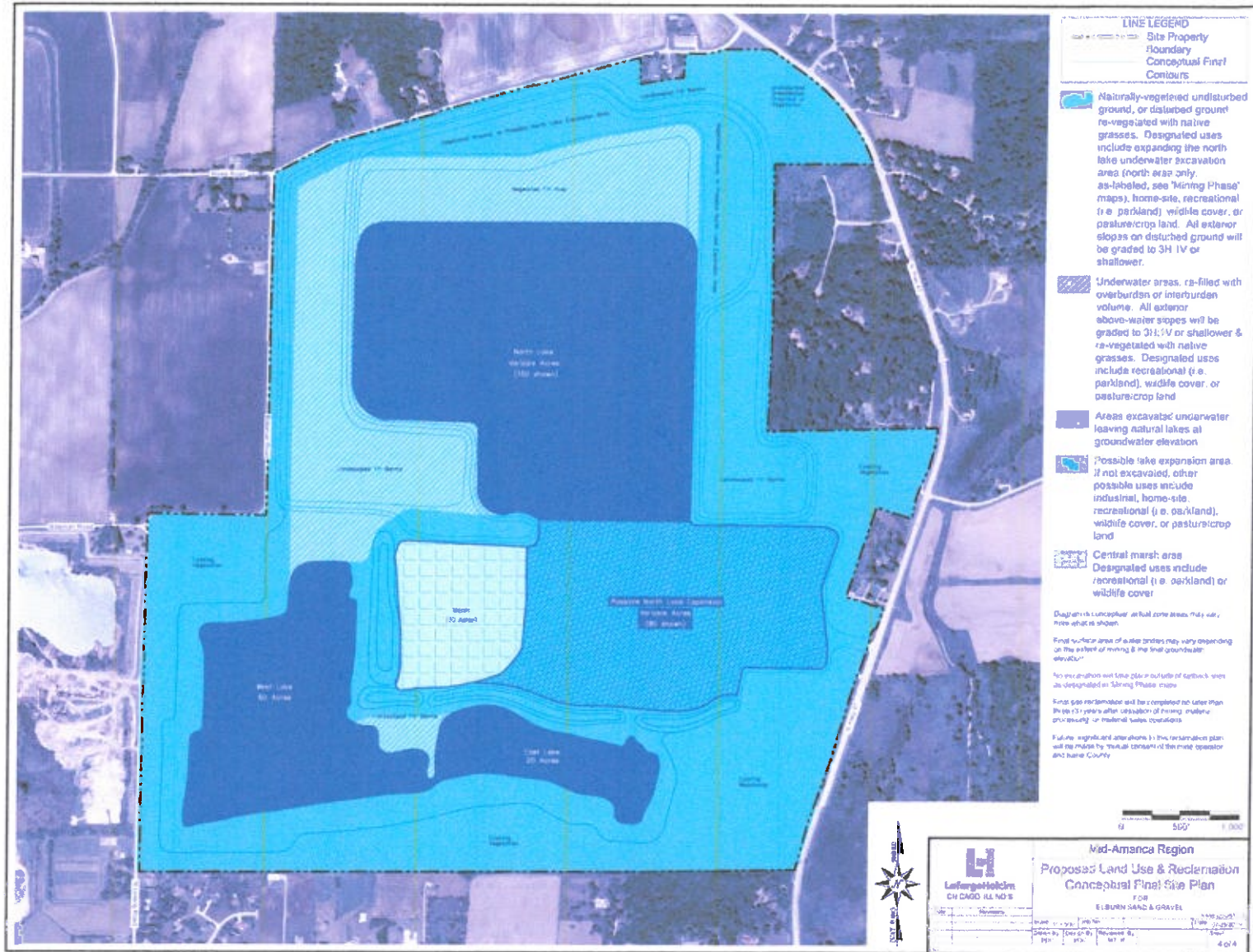
Proposed Land Use and Reclamation Mining Site Plan – Phase 2



Proposed Land Use and Reclamation Mining Site Plan – Phase 3



Proposed Land Use & Reclamation Conceptual Final Site Plan



Photosimulation Views

LOCATION OF PHOTOSIMULATION VIEWS



LAFARGEHOLCIM - ELBURN QUARRY PHOTOSIMULATION

AUGUST 5, 2019



Kimley»Horn

VIEW 1 – Approximate Distance to Berm: 380'



Existing Conditions



Proposed Conditions

VIEW 2 – Approximate Distance to Berm: 440'



Existing Conditions



Proposed Conditions

**VIEW 3 – Approximate Distance to Berm: 540'
(Image Taken at 50' Above Ground Level)**

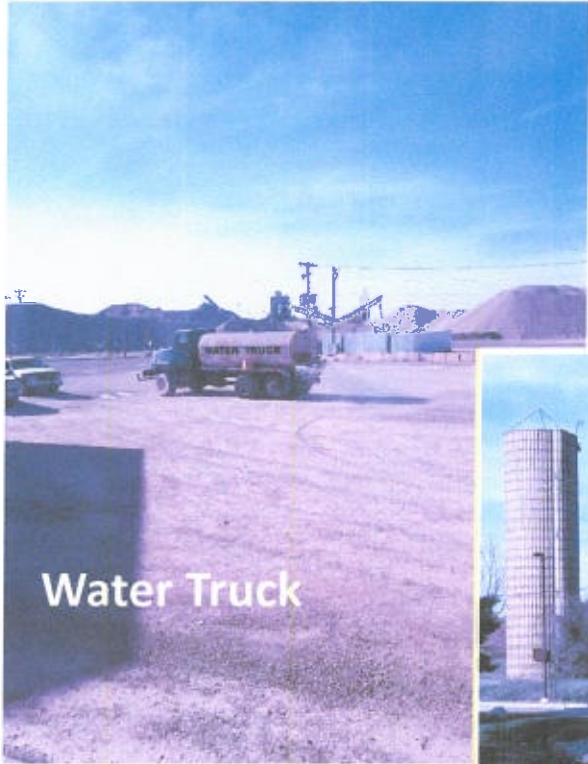


Existing Conditions



Proposed Conditions

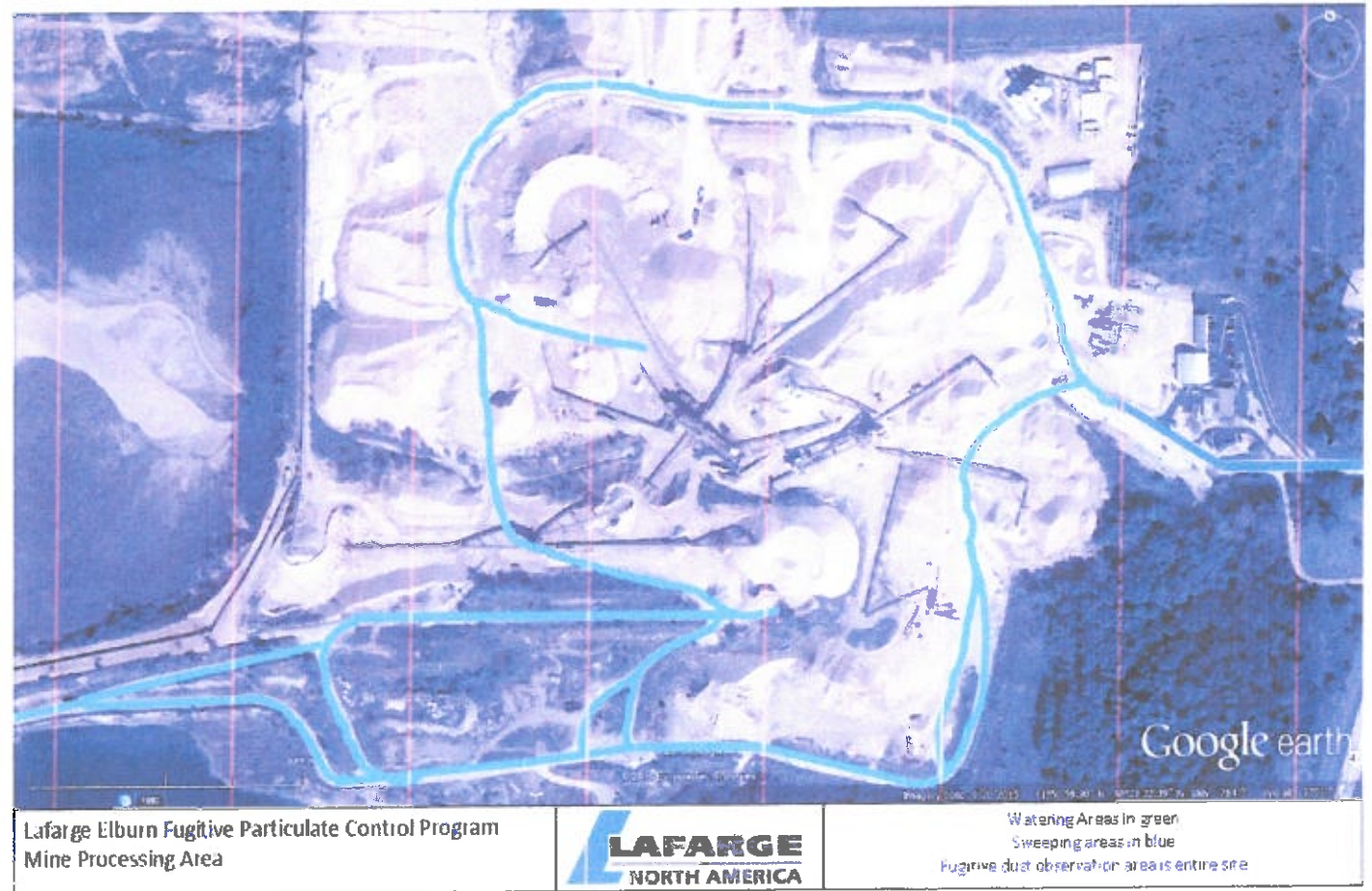
Techniques to Mitigate the Spread of Dust and Spoil



Dust Boss



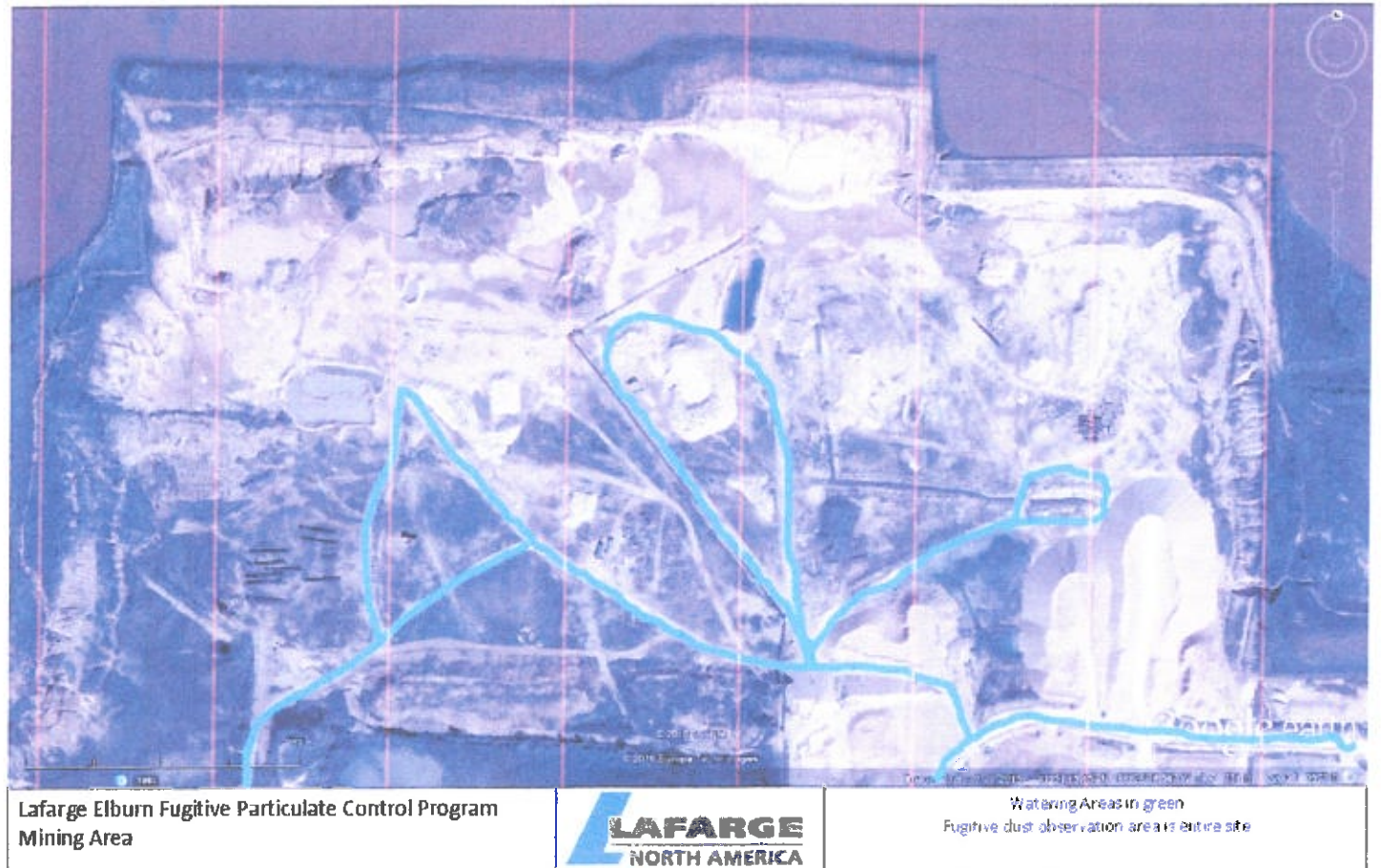
Fugitive Particulate Control Program, Mining Processing Area



Watering Areas
In Green

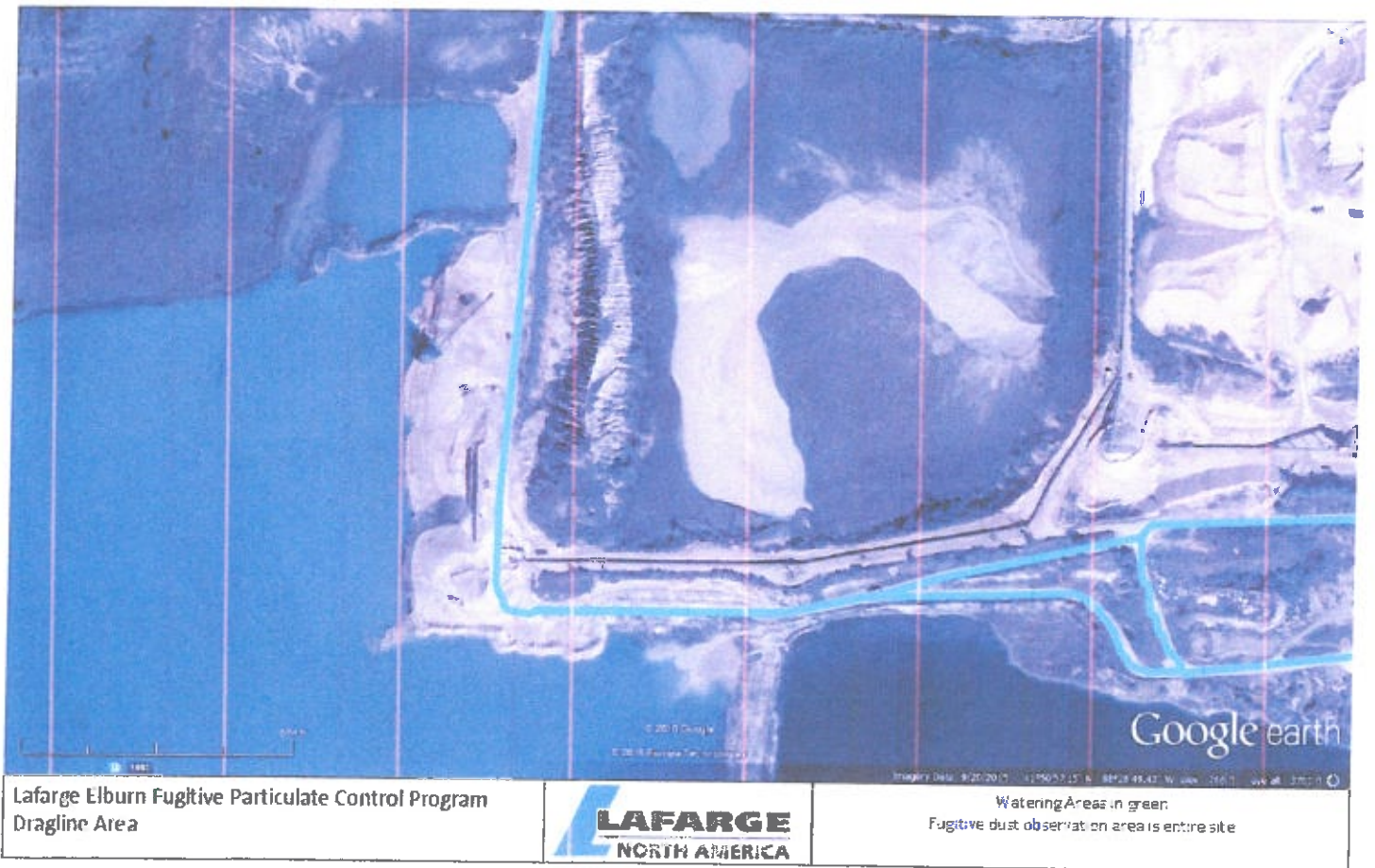
Sweeping Areas
In Blue

Fugitive Particulate Control Program, Mining Processing Area



Watering Areas
In Green

Fugitive Particulate Control Program, Mining Processing Area



Watering Areas
In Green

Lafarge Elburn Fugitive Particulate Control Program
Dragline Area



Watering Areas in green:
Fugitive dust observation area is entire site

Fugitive Particulate Control Program, Mining Processing Area



Watering Areas
In Green

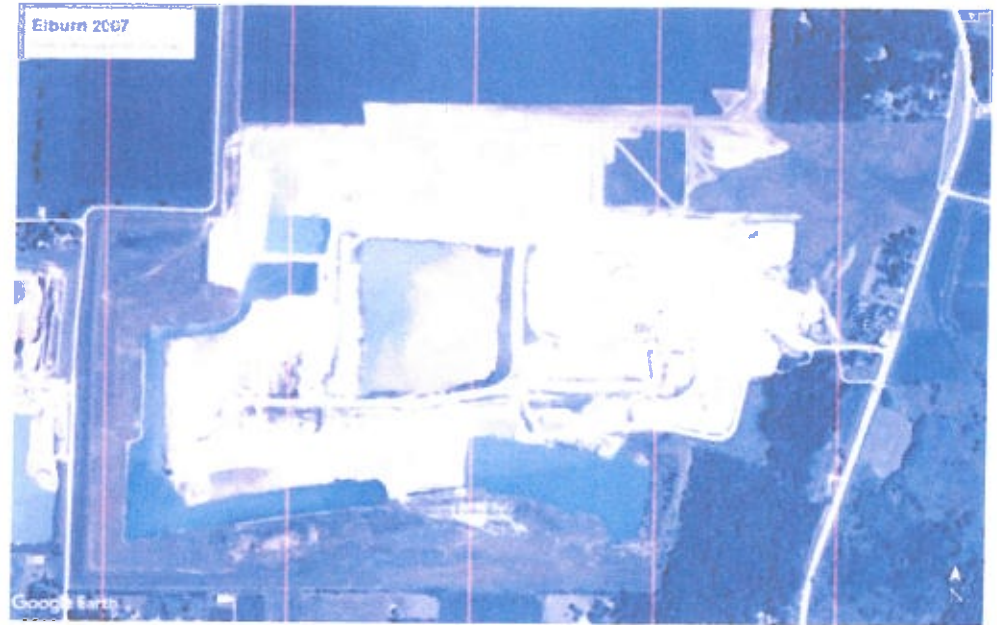
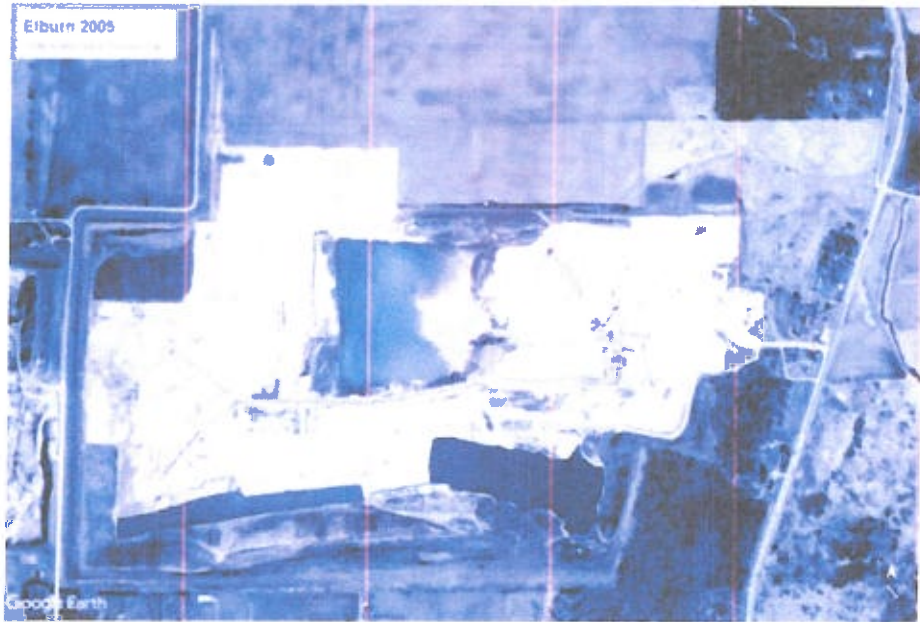
Sweeping Areas
In Blue

Lafarge Elburn Fugitive Particulate Control Program
Office, Shop and Scale Map

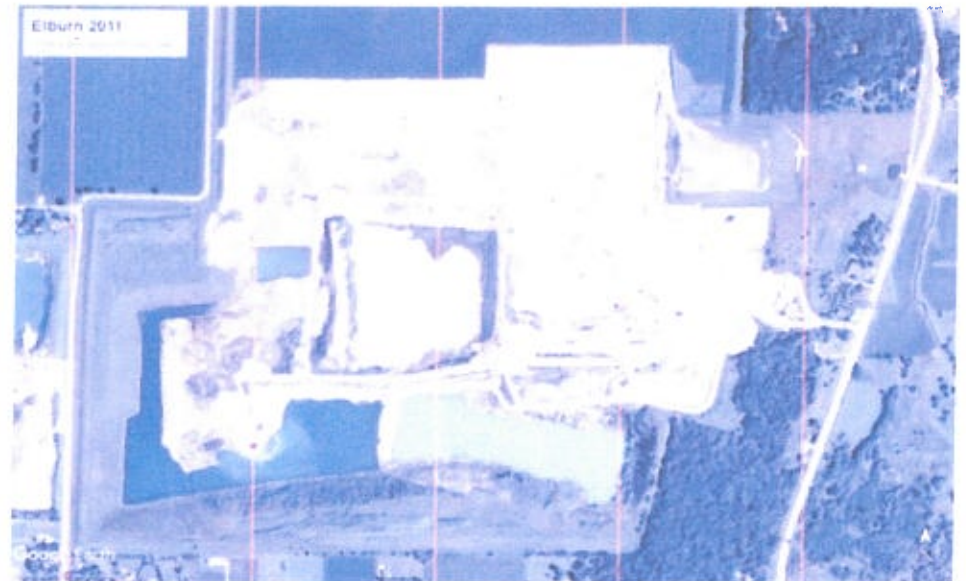
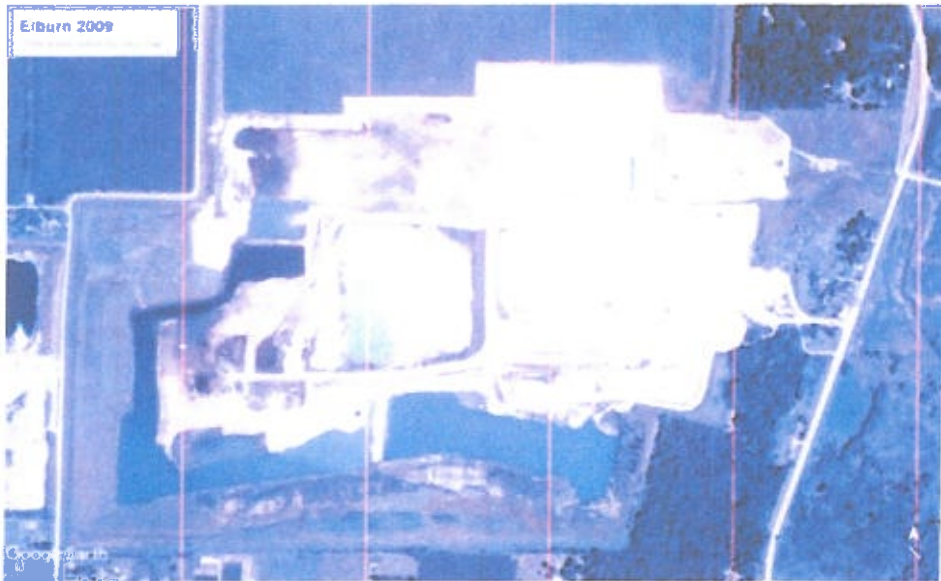


Watering Areas in green
Sweeping areas in blue
Fugitive dust observation area is entire site

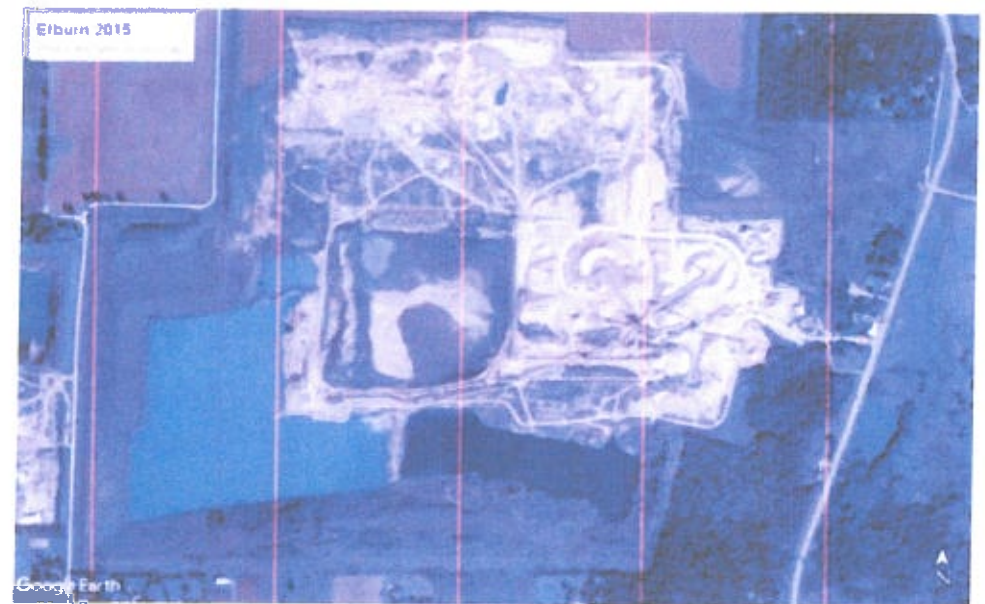
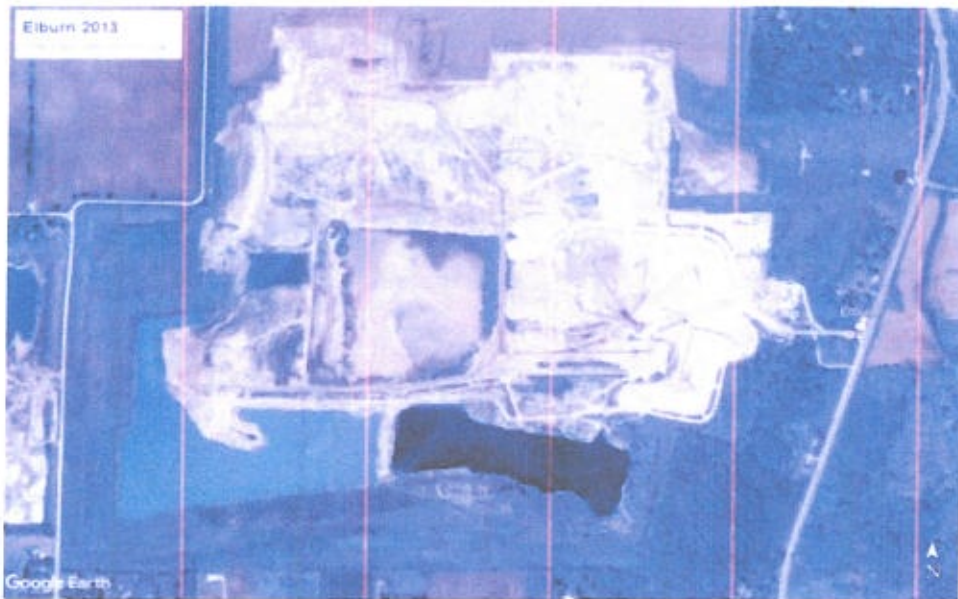
Elburn Mine Progression and Reclamation 2005 - 2007



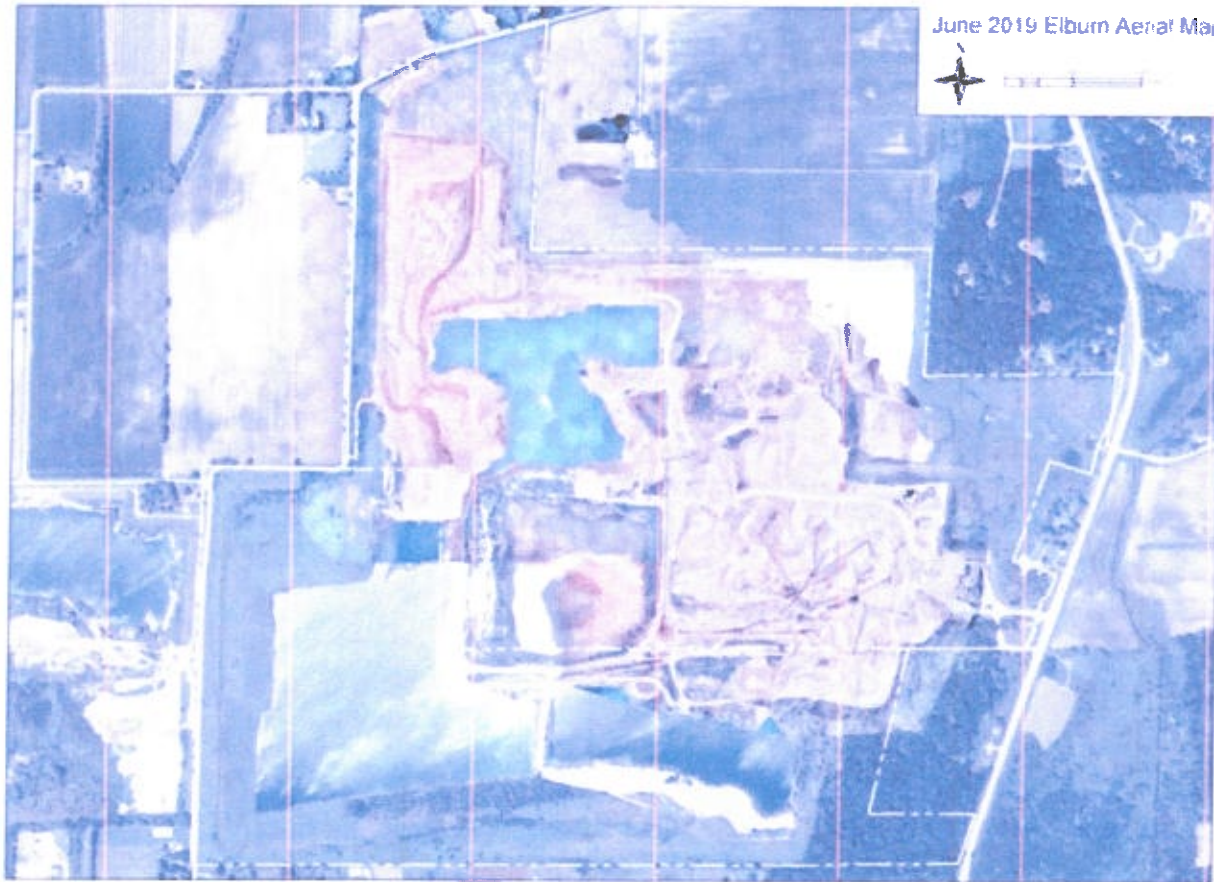
Elburn Mine Progression and Reclamation 2009 - 2011



Elburn Mine Progression and Reclamation 2013 - 2015



Elburn Mine Progression and Reclamation 2019 Aerial Map



Former Sand and Gravel Pits – Reclaimed as Open Space

