

McLean County Department of Building and Zoning

STAFF REPORT FOR SPECIAL USE
Reclamation Bond

CASE NUMBER 97-11-S

This is a request by the Department of Building and Zoning to increase the reclamation bond amount of \$50,000 since it is not adequate to reclaim the facility for the extraction of sand, gravel and top soil as approved for Carri Scharf Trucking, Inc., in special use case 97-11-S by the McLean County Board on May 20, 1997. This is on parcel 34-01-400-003 and part of 34-01-400-002 located in the Southeast $\frac{1}{4}$ of Section 1, Township 21 North, Range 1 East of the 3rd Principal Meridian and located in Funks Grove Township immediately west of 1200 East Road and approximately $\frac{1}{2}$ mile south of U.S. Route 136.

The Department of Building and Zoning has attempted to have the reclamation completed at this gravel pit without success. More recently we have attempted to discuss an increase in the reclamation bond with Carri Scharf Trucking, Inc., also without success (see the attached letter). We are now following the process to increase the reclamation bond with the participation of the Zoning Board of Appeals in a manner as stipulated in special use case 97-11-S as follows:

“The second bond shall be in the amount of \$50,000 which will guarantee that the applicant proceed in on-going reclamation of the excavation area through-out the life of the facility according to the plans presented, that an inspection of the reclamation area be performed at least once each year, that the bond amount be reviewed by the Department of Building and Zoning at least once every three years, that if the Department determines that the bond amount should be changed, that such change be negotiated between the Department and the applicant; that if the amount of change in the bond is agreed to between the staff of the Department of Building and Zoning that a report of such changes is made to the Zoning Board of Appeals and the appropriate oversight committee of the Mclean County Board; that if the change in that amount of the bond cannot be agreed to between the applicant and the Department, that the matter be referred to the Zoning Board of Appeals for further consideration and then finally to the County Board upon recommendation of appropriate action by the Board of Appeals;”

Since we do not yet have an estimate of the cost of reclamation, we cannot recommend a specific amount needed to reclaim the property. Additional time is needed to determine the reclamation cost. We therefore ask that we continue this case until the October 4, 2016 meeting of the Zoning Board of Appeals.

Respectfully submitted,



Philip Dick, AICP, Director

Attachment: Letter to Carri Scharf Trucking, Inc., dated July 1, 2016



Department of Building & Zoning

(309) 888-5160 Fax (309)888-5768 www.mcleancountyil.gov
115 East Washington Street, Room M102, P.O. Box 2400,
Bloomington, Illinois 61702-2400

July 1, 2016

Carri Scharf Trucking, Inc.
Joe Scharf
7 Carri Drive
Bloomington, IL 61705

Re: Reclamation Bond for Gravel Pit approved in Case 97-11-S on Parcel # 34-01-400-003 in the Agriculture District

Dear Mr. Scharf:

As you are aware, when seeking a permit to operate the gravel pit sometimes identified as the H-1/Price Gravel Pit and approved in case 97-11-S on parcel # 34-01-400-003, you stipulated that you would:

“post two bonds to the County of McLean.

- A. One bond shall be in the amount of \$15,000 which will be to guarantee that the permanent sight berm be constructed according to plans and specifications presented, that it be maintained with grass and other appropriate landscaping materials with dead materials being replaced at the next closest growing season throughout the life of the facility;
- B. The second bond shall be in the amount of \$50,000 which will guarantee that the applicant proceed in on-going reclamation of the excavation area through-out the life of the facility according to the plans presented, that an inspection of the reclamation area be performed at least once each year, that the bond amount be reviewed by the Department of Building and Zoning at least once every three years, that if the Department determines that the bond amount should be changed, that such change be negotiated between the Department and the applicant; that if the amount of change in the bond is agreed to between the staff of the Department of Building and Zoning that a report of such changes is made to the Zoning Board of Appeals and the appropriate oversight committee of the Mclean County Board; that if the change in that amount of the bond cannot be agreed to between the applicant and the Department, that the matter be referred to the Zoning Board of Appeals for further consideration and then finally to the County Board upon recommendation of appropriate action by the Board of Appeals;”

In discussions with Mark Tremper and your attorney, Brian Hug, the County has made it clear that reclamation of this pit is not proceeding in a satisfactory and timely manner. As such, please consider this my notice to you that the Department has determined that the bond

amount should be changed to an amount which would allow the Department to hire another firm to satisfactorily complete the reclamation of this pit.

The stipulations you agreed to sets forth a process which begins with an attempt to negotiate an appropriate bond for that purpose. As such, I would like to meet sometime in the next 10 days for those negotiations. If we cannot come to a negotiated amount in that 10 day period, I will move to the second stage of the process set forth above which would be to refer this matter to the Zoning Board of Appeals for further consideration of increasing the bond. I will be sending my notice to be published for our August 2, 2016 Zoning Board of Appeals hearing to the Pantagraph on Tuesday, July 12, 2016.

Please contact me at your earliest convenience to discuss this matter.

Sincerely,

A handwritten signature in black ink that reads "Philip Dick". The signature is written in a cursive style with a large, prominent "P" and "D".

Philip Dick, AICP, Director