

KENDALL COUNTY
PLANNING, BUILDING & ZONING COMMITTEE MEETING
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179
AGENDA

Monday, September 10, 2018 – 6:30 p.m.

CALL TO ORDER:

ROLL CALL: Lynn Cullick, Bob Davidson (Chair), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chair)

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Approval of Minutes from August 13, 2018 Meeting (Pages 4-15)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 16-17)
PBZ Department Expenditure Update (Page 18)

PUBLIC COMMENT:

PETITIONS:

1. **18 – 04 – Kendall County Regional Planning Commission (Pages 19-54)**
Request: Proposed Amendments to Future Land Use Map for Properties Located Near Route 47 in Lisbon Township

Purpose: Proposed Changes to the Lisbon Township Future Land Use Map Include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan

Proposed Change to Kendall County Future Land Use Map:

1. Incorporate the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map

Proposed Text Changes:

1. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon

2. **Amended Petition 18-07 – Kendall County Planning, Building and Zoning Committee – Committee Could Vote to Amend or Withdraw the Petition or Refer the Matter to the State’s Attorney’s Office (Pages 55-70)**
Request: Text Amendments to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits
Purpose: Amendments Clarify Renewal Procedures for Special Use Permits and Amends the Procedure for Amending and Revoking Special Use Permits; Proposal Applies to Special Use Permits Issued after the Adoption of the Proposed Amendment.
3. **18 – 13 – Kendall County Planning, Building and Zoning Committee – Committee Could Vote to Amend or Withdraw the Petition or Refer the Matter to the State’s Attorney’s Office (Pages 71-126)**
Request: Text Amendments to Sections 3.02, 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County’s Solar Panel Zoning Regulations
Purpose: Text Amendment Defines Types of Solar Panel Usage and Solar Panel Equipment, Amends the Zoning Regulations for Accessory Use of Solar Panels, and Adds Requirements for Solar Gardens and Solar Farms
4. **18 – 26 – Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 (Owners) and Gay Hoddy (Tenant) (Pages 127-147)**
Requests: Special Use Permit to Operate a Banquet Center at the Subject Property
Variance to Section 7.01.D .10.a of the Kendall County Zoning Ordinance to Allow a Banquet Center on a Non-Arterial or Non-Major Collector Roadway
Variance to Section 11.02.F.2 of the Kendall County Zoning Ordinance to Allow Off-Street Parking and Driving Aisles to Not Be Improved with a Permanent, Concrete, Unit Paver, Asphalt Surface or Some Other Environmentally Friendly or Green Design Practice
Variance to Section 11.02.F.12.B of the Kendall County Zoning Ordinance to Waive the Requirement for “Fully Shielded” or “Cut Off” Light Fixtures for the Parking Facility
PIN: 04-34-100-001
Location: 14905 Hughes Road, Fox Township
Purpose: Petitioners Desire to Operate a Banquet Facility with Variances at the Subject Property
5. **18-27 – Laura Hubbard (Pages 148-149)**
Request: Conditional Use Permit to Hold a Seasonal Event on September 29 and September 30, 2018
Location: 7626 Ashley Road, Yorkville, Kendall Township
PIN: 05-11-300-002
Purpose: Request for a Conditional Use Permit to Allow Petitioner to Hold a Seasonal Event on September 29 and September 30, 2018 at the Subject Property
6. **18-28 – Kendall County Planning, Building and Zoning Committee (Pages 150-159)**
Request: Update to the Kendall County Inoperable Vehicle Ordinance
Purpose: Proposal Would Repeal Ordinance 88-15 and Allow the Code Inspector and Sheriff’s Department to Issue Citations for Inoperable Vehicles

NEW BUSINESS:

1. Approval of Agricultural Impact Mitigation Agreement Between Kendall County and 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. for a Solar Panel Project at 16400 Newark Road-Committee Could Refer the Agreement to the State’s Attorney’s Office (Page 155-167)

2. Approval of Agricultural Impact Mitigation Agreement Between Kendall County and the Nancy L. Harazin Trust Number 101 for a Solar Panel Project at 16400 Newark Road-Committee Could Refer the Agreement to the State's Attorney's Office (Page 155, 168-179)
3. Request for Guidance Regarding a Special Use Permit for the Yarn Foundation at 71 Boulder Hill Pass (Ordinance 2012-10) (Pages 180-184)
4. Request for Guidance Regarding Redacting Personal and Private Information from Zoning Related Applications Placed on the County's Website-Committee Could Approve a Policy on the Matter
5. Request for Guidance Regarding the Collection and Release of Personal and Private Information at Zoning Related Public Meetings- Committee Could Approve a Policy on the Matter (Pages 185-187)

OLD BUSINESS:

1. Approval to Forward Amended Petition 18-03 Pertaining to Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments to the Kendall County Zoning Board of Appeals for Public Hearing- Committee Could Also Vote to Amend or Withdraw the Petition (Page 188-222)
2. Update on Removal of Culvert Crossing of Aux Sable Creek near 13360 McKanna Road; Property is Owned by Mark Antos (Pages 223-227)
3. Update on 21 Dawn Avenue (Pages 228-246)

REVIEW VIOLATION REPORT (Pages 247-248):

1. Update on Violation of Inoperable Vehicles at 93 Longbeach Road, Montgomery (Page 249)
2. Update on Violation of Zoning Ordinance at 790 Eldamain Road (Pages 250-271)

REVIEW NON-VIOLATION COMPLAINT REPORT (Page 272):

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

REVIEW PERMIT REPORT (Pages 273-291):

REVIEW REVENUE REPORT (Page 292):

CORRESPONDENCE:

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

ADJOURNMENT:

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE

Kendall County Office Building

Rooms 209 & 210

111 W. Fox Street, Yorkville, Illinois

6:30 p.m.

Meeting Minutes of August 13, 2018 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Davidson at 6:32 p.m.

ROLL CALL

Committee Members Present: Lynn Cullick (arrived at 7:06 p.m.), Bob Davidson (Chairman), Judy Gilmour, Scott Gryder (arrived at 7:01pm), and Matt Kellogg (Vice Chairman)

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner), Jasmine Brown Watkins (Office Assistant), Linda Fosen, Steven Holcomb, Linette Holcomb, Richard Wagner, Eileen Wagner, Ray Blaszcsek, Jen Blaszcsek, Steve Larson, Kris Larson, Kurk Friestad, Scott Friestad, Scott Wallin, Dave McConnell, Bob Friestad, Greg Gaura, Greg Gaura's Wife, Tom Muth, Kristen Friestad, and Tom Horak

APPROVAL OF AGENDA

Motion by Chairman Gilmour, seconded by Member Matt Kellogg, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Judy Gilmour, seconded by Member Matt Kellogg, to approve the minutes of the July 9, 2018 meeting. With a voice vote of three (3) ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Motion by Member Kellogg, seconded by Member Gilmour, to forward the claims to the Finance Committee. With a voice vote of three (3) ayes, the motion carried.

PUBLIC COMMENT

Kurk Friestad, Chicago Road, stated that he wanted to keep the County agricultural in the southern portion of the County and is opposed to the proposed changes. He believed the changes open the door for removing agriculture. Chairman Davidson responded that, if owners never sale their land, the proposal will not affect them. However, owners have a right to sell their land. Chairman Davidson also stated a comprehensive plan was necessary to prevent problems in the future like homes on or near a four (4) lane highway. He did not believe factories or businesses will come to the area until sewer and water is brought to the area. The comprehensive plan will be looked at every five (5) years and can be changed. Kurk Friestad responded that changing the ground from agriculture will not be beneficial now or in the long term. Member Kellogg stated the comprehensive plan gives guidance for an investor coming into the area. Also, land owners have rights and the County cannot prevent them from doing certain activities with their land. He stated that doing nothing was not a good idea. Mr. Friestad did not believe water and sewer will be coming to area in the near future.

Steven Halcomb, Sherrill Road, questioned the public policy for the Committee. He stated his household and his in-law's household did not receive any correspondence in the mail regarding the proposal. He asked what incentives exist for the county to have mining in Lisbon Township. He also asked if any study occurred examining which properties produce the greatest agricultural yields per acre and which properties have the most rock for mining.

Chairman Davidson agreed that many property owners were not notified. Mr. Asselmeier stated that, in his opinion, State law does not require notification because the zoning of the property will not change if this proposal is approved. Mr. Asselmeier also stated that nobody in Section 32 of Lisbon Township was notified by mail. Mr. Asselmeier stated that a property owner can still go to the Village of Lisbon, annex their property, and rezone their property under the Village of Lisbon's regulations, if this proposal is rejected.

Linda Fosen, Townhall Road, did not agree with the proposed changes of a half (1/2) mile corridor on Route 47 and the removal of the rural settlement classification on the map. She asked for clarification of rural settlement. Mr. Asselmeier stated there was a small area on the map that was classified as a rural settlement with agriculture surrounding it, but under the new proposal it will be classified as mixed use business.

Scott Friestad, Quarry Road, stated there is currently over one thousand two hundred (1200) acres in the mining district not including the future mining areas. He stated that the new proposal included more acres and was excessive. He encouraged the Planning, Building and Zoning Committee to vote against the proposal.

Scott Wallin, Ashley Road, was concerned about keeping the land agriculture and also changing the landscape to commercial. He stated that, if one (1) person sells their property, more people will also sell their property. He also requested the Committee to vote against the proposal.

Dave McConnell, Whitewillow Road, stated that he lives near one (1) of the quarries. He stated he understands preserving natural resource. However, this proposal is not helping preserve natural resources. He did not believe the big companies care about the neighboring property owners. Also, just because property owners are selling, it does not mean the County should invite more mining.

Bob Friestad, Whitewillow Road requested everyone in the audience opposed to the proposal to stand. He stated the number of people standing should mean something to the Committee.

Member Gryder arrived at this time (7:01 p.m.)

Linette Halcomb, Sherrill Road, stated that she comes from a family of farmers. She stated that changing the property from agriculture to mining hurts the food production that is necessary for living. Mrs. Halcomb questioned if the residents of Lisbon were aware of the proposed changes. She stated that excessive mining was not safe for the town or the residents. Furthermore, she stated the proposal was not just a comprehensive plan, but deals with changing the future. She requested board to vote no.

Member Cullick arrived at this time (7:06 p.m.)

PETITIONS

Petition 18-04- Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request. The proposed changes include the following:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining.
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial.
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial.
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial.
5. Removing Rural Settlement Classification from Map.
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business.
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan.
8. Incorporate the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Member Gilmour asked about the Village of Lisbon's sewer system. Mr. Asselmeier responded that the Village of Lisbon did not have the financial resources to assist with paying for laterals to houses; the sewer plant was not operational. Also, the Village of Lisbon relies on the tipping fees from the quarries to fund municipal operations. Chairman Davidson explained at least one (1) of the quarries was not currently active.

Member Kellogg asked if the Prairie Parkway had been abolished by the State. Chairman Davidson and Member Gryder confirmed the center line had been removed.

Member Gilmour questioned if other meetings have been held in Plattville. Mr. Asselmeier responded the meetings were held at the Kendall County Office Building for Comprehensive Land Plan and Ordinance Committee, Kendall County Regional Planning Commission, and Kendall County Zoning Board of Appeals. Also, the Village of Lisbon's Mayor and Clerk attended the Plattville meeting. Mr. Asselmeier was unaware if any of the municipalities conducted their own meeting.

Member Gilmour asked if the public was present for the Kendall County Regional Planning Commission hearing. Mr. Asselmeier responded that one (1) member of the public was present and spoke.

Member Gilmour asked how the mailing list was created. Mr. Asselmeier stated the mailing list was generated by the GIS system using the information about the properties near the corridor. Member Gilmour stated that she understood the law and, if the zoning was not changed, the

mail notification was not required. However, she was concerned that some people were not notified.

Member Gryder asked how many people objected to the proposal. Mr. Asselmeier stated all of the land owners that attended meetings objected to the proposal. Mr. Asselmeier explained that the original proposal dealt with the half (1/2) mile corridor along Route 47.

Chairman Davidson stated the State's Attorney needed to clarify the notification requirement and if the proposal can continue.

Mr. Asselmeier stated the next Planning, Building and Zoning Committee meeting is September 10th at 6:30 p.m. Subsequent meetings are on October 9th and November 13th. The public will be sent notification of when the proposal will be on the agenda for a future meeting.

Motion by Member Cullick, seconded by Member Gryder, to forward the notification question the State's Attorney's Office for review and to lay over the Petition until the meeting following receipt of the State's Attorney's opinion.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. The notification question will be forwarded to the State's Attorney's Office and the Petition will be laid over until the meeting after the State's Attorney's Office provides an opinion. The public will be notified of the next meeting date on this proposal.

Petition 18-20-Fox Metro Water Reclamation District

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is considering improvements at their plant on Route 31. Rather than amending their special use permit, Fox Metro is requesting that the southern portion of the property, presently zoned R-1 with a special use permit for a sewage treatment facility, be rezoned to M-1. A wastewater treatment facility is a permitted use in the M-1 District and the rezoning would place the entire Fox Metro property in the same zoning classification. The proposed rezoning is also occurring to get the entire Fox Metro property to match the future land use shown on the County's Future Land Use Map.

If the map amendment is approved, any improvement to the Fox Metro facility would still require site plan approval per Section 13 of the Kendall County Zoning Ordinance.

The Petitioner previously received special use permits to operate a sewage treatment facility onsite through the 1974 comprehensive County rezoning and Ordinances 2011-13 and 2011-35.

The existing use of the property as a wastewater treatment facility has occurred since the 1920s. The Petitioner has no desire to change the land use of the property. Even if the Petitioner did desire to change the land use of the property, a large amount of remediation and site work would be required to transform the property into a residential or other light manufacturing use.

In addition to Kendall County's ordinances, the operations at the subject property are heavily regulated by both federal and state laws.

Because the Future Land Use Map in the Land Resource Management Plan calls for the subject property to be Mixed Use Business and the M-1 zoning classification corresponds to the Mixed Use Business designation, Staff recommends approval of the proposed map amendment. If the map amendment is approved, the special use permits and R-1 related variances granted by Ordinances 2011-13 and 2011-35 would be repealed. Any additional R-1 related variances would also be repealed upon rezoning.

Oswego Township expressed no opposition to the proposal.

The Oswego Fire Protection District expressed no opposition to the proposal.

The Village of Montgomery expressed no opposition to the request.

ZPAC unanimously recommended approval of the request.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 27, 2018. The Kendall County Regional Planning Commission recommended denial with a vote of three (3) in favor and five (5) in opposition. Mr. Nelson voted no because he wanted the Zoning Office to have greater authority to approve minor amendments to special use permits when small changes to site plans are proposed on a larger site. Mr. Nelson also noted that a portion of the property was used as a wastewater treatment plant before zoning was created. Several Commissioners voted no because they believed that the public should comment on expansions in the future. Ms. Zubko would have no problem approving a change to the site plan for the building expansion if it were part of a special use permit amendment. The rezoning gives great latitude over the use of the land with less oversight.

The Kendall County Zoning Board of Appeals held a public hearing on this matter on July 30, 2018. No one from the public testified in favor or in opposition to the proposal. The Zoning Board of Appeals unanimously recommended approval of the request map amendment. The record of the hearing can be found on the County's website.

Member Kellogg questioned what the difference between the proposed law and the current law. Mr. Asselmeier stated that, if the proposal was approved, any changes made to the facility would require the Fox Metro to come back to the County and change their site plan. Fox Metro would not be required to go through the special use permit amendment process every time they changed their site plan.

Chairman Davidson questioned if Fox Metro bought property west of Route 31. Mr. Asselmeier stated Fox Metro only owns the property east of Route 31.

Member Gryder questioned if the change would be consistent with Caterpillar and the zoning in the area. Mr. Asselmeier responded that the proposal only applied to the Fox Metro's property and it would be hard for the property to be converted to another use.

Member Kellogg questions the representatives from Fox Metro if major changes were needed at the facility. The representative responded that some changes were required and the company

is currently setting up a plan to deal with those changes. Also, Fox Metro would still have to go through the site plan approval process.

Member Gryder asked what are some of the things the County would not have the ability to control if the change was approved. Mr. Asselmeier explained that Fox Metro would need site plan approval from the County to make changes to the site unless they constructed one (1) house on the property.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of the requested map amendment.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. Because Oswego Township and the Village of Montgomery have already submitted documentation expressing no opposition the proposal, the request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

Petition 18-23-Richard and Valvina Kaminski

Mr. Asselmeier summarized the request.

When Kendall County did the County-wide rezoning in 1974, the Kendall County Board designated the property at 985 Harvey Road and the adjacent property west of 985 Harvey Road as A-1 with a special use permit. The specific special use was not defined, but was probably landscaping related.

The owners of the properties, Richard and Valvina Kaminski, desire to cleanup the zoning of the properties and requested that all special use permits be revoked.

If the proposed revocation is approved, both properties would be zoned A-1 Agricultural.

Motion by Member Kellogg, seconded by Member Gryder, to recommend approval of the requested revocation.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. The request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

Kristen Friestad, Quarry Road, stated that changing the map would hurt her future. She stated, if someone has enough money, they can request for a map amendment and the County's hands would be tied if the Future Land Use Map said that an area should have a non-agricultural use. Chairman Davidson stated that Ms. Friestad has property rights along with anyone who buys

property. Mr. Asselmeier responded that someone could take the County to court and the judge would decide the zoning if the County rejected a map amendment request.

NEW BUSINESS

Discussion of Burning at 8055 Whitfield Road

Greg Gaura stated that the owner of 8055 Whitfield Road has a fire pit close to the complaint's home since 2016. He stated that he contacted the Code Inspector and a notice was sent to the owner, however, someone continues to bring in landscaping and burn it in the back of the property.

Member Gryder stated many residents are having similar issues. However, the Board's hands are tied. Member Gryder questioned if the County could implement a tighter property code to deal these issues. Mr. Asselmeier stated the owner would need to be caught bringing in yard waste and burning the yard waste.

Member Kellogg stated Mr. Gaura they should call the EPA or Sheriff's Office. Mr. Asselmeier stated it was difficult to prove where the waste originates. Mrs. Gaura stated the owner brought in big trucks of waste and the smell comes through her vents. The burning is causing her health problems.

Mr. Asselmeier stated, if Mr. Gaura signed an affidavit, the State's Attorney would determine if enough evidence existed to take the case to court would decide

Member Gilmour questioned how long the issue had been occurring. Mr. Gaura responded two (2) years. Inspector Brian Holdiman went to the complaint's home regarding issue.

Member Kellogg stated the owner from 8055 Whitfield Road was suppose to have a permit for burning and they should contact the Sheriff's Office and EPA.

Member Gryder questioned how the County would get the information on the complaints. Mr. Asselmeier responded that the Department, but they could obtain them from the Sheriff's Office and ask the Health Department.

Member Gilmour stated that, when the Inspector went to the property, he was told the owner was making a recreational fire.

Member Kellogg stated the EPA has more power than the County to enforce this regulation. He also suggested the Gaura's contact the Sheriff's Office.

Approval of an Intergovernmental Agreement between the Village of Millbrook and the County of Kendall to Administer the County's Ordinances for Zoning, Building Code, Subdivision Control, Comprehensive Plan and Stormwater Management within the Jurisdiction of the Village of Millbrook for a Term of One (1) Year in the Amount of \$1.00 Plus Associated Costs Paid by the Village of Millbrook to the County of Kendall

Mr. Asselmeier summarized the proposal and stated the proposal was the same as last year. Discussion occurred regarding the difference in the insurance requirements between the agreement with Plattville and Millbrook.

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the proposal pending comments from the Village of Millbrook.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. The Village of Millbrook will be sent the proposal. If they do not propose changes, the proposal will go to the County Board.

Approval of a Request from the City of Sandwich for a Letter of Suppose of the City of Sandwich's Application for an Illinois Environmental Protection Agency 319 Watershed Plan Grant for the Little Rock Creek Watershed-Committee Could Also Recommend that Kendall County Contribute Financially to the Required Grant Match

Tom Horak, City Engineer of City of Sandwich, requested a partnership with Kendall County for the City of Sandwich's Watershed Plan Grant application. He did not request a financial contribution at this time.

Member Kellogg questioned the percentage of the watershed in Kendall County. Mr. Horak could not provide a percentage.

Member Gryder asked Member Gilmour if the Forest Preserve was involved with this project. Member Gilmour responded that she did not believe the Forest Preserve was involved.

Chairman Davidson questioned what restrictions will be applied to the creek. Mr. Horak responded that the idea was to come up with a plan to improve the water quality and get the homeowners involved in the plan. The plan would also involve sampling that would help determine the pollutants in the creek. The goal is not to force anyone to do anything but get people to work together for the greater good of preserving clean water.

Motion by Member Kellogg, seconded by Member Gilmour, to recommend approval of the request.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried. The request will go to the County Board on Tuesday, August 21, 2018, at 9:00 a.m.

OLD BUSINESS

Approval of an Agreement with Teska Associates, Inc. for Work Related to the Zoning Ordinance Consolidation Project (Project Would Unify the Zoning Ordinance into One Searchable Document, Correct Typographical Errors, and Correct Citation Errors) at a Cost Not

to Exceed \$8,000; Related Invoices to be Paid from Planning, Building and Zoning Consultant's Line Item(101-2-002-6363)-Committee Could Forward Proposal to the State's Attorney's Office for Review

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the State's Attorney's Office for review.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

Update on Removal of Culvert Crossing an Aux Sable Creek near 13360 McKanna Road: Property is Owned by Mark Antos

Mr. Asselmeier provided updated pictures of the bridge. He stated that Mr. Antos intended to have the low water crossing removed by the end of August. Chairman Davidson questioned if gravel on south side of bridge would also be removed. Member Kellogg stated the Committee should request the gravel to be removed. Mr. Asselmeier will contact Mr. Antos.

Update on 21 Dawn Avenue

Mr. Asselmeier provided information from Code Inspector Brian Holdiman that the lot has been restored. The complaint was submitted by Zack Christian regarding broken tile. Mr. Asselmeier stated the Department cannot prove tile was damaged. Member Gryder stated he was familiar with the property and tile did run through the property. Chairman Davidson stated the Department needed to reach out to the property owner and obtain a letter from the owner that no tile was damaged. Discussion occurred regarding a refund of the building permit fee. Mr. Asselmeier will check if the fee was refunded.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Approval to Forward Violation of Section 10.01.A.2 of the Kendall County Zoning Ordinance (Lack of Required Fencing Around M-1 Zoned Property) at 790 Eldamain Road to the State's Attorney's Office

Chairman Davidson stated that the owners had one (1) year to address the problem, but have not taken any action. Mr. Asselmeier stated the Planning, Building and Zoning recommends sending the violation to the State's Attorney's Office because of lack of communication from the owner.

Motion by Member Kellogg, seconded by Member Cullick, to send the violation to State's Attorney's Office.

Yeas (5): Cullick, Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (0): None

The motion carried.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The letter from the Historic Preservation Commission to the U.S. Army Corps of Engineers was presented. The Historic Preservation Commission is in the early stages of planning a meeting with other historic preservation groups; the meeting is tentatively scheduled for February.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

Member Kellogg asked about the new subdivision on Route 52. Mr. Asselmeier responded that the developer was currently seeking rezoning. ZPAC reviewed the proposal at their meeting earlier in August and the proposal will be on the next agenda for the Kendall County Regional Planning Commission. Joliet and Shoreword have sent letters expressing no objection to the proposal. The proposed subdivision is approximately one hundred three (103) acres with thirty-nine (39) proposed residential lots.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report. Revenue is up compared to the same period in the previous fiscal year.

CORRESPONDENCE

None

PUBLIC COMMENT

Chairman Davidson stated that Hide-A-Way Lakes is under contract to be sold and the new owners are seeking a meeting with Staff. He stated there should be a hold on the special use renewal and amendment proposal. Member Gilmour questioned if the special use followed the owner or the property. Chairman Davidson stated the special use permit goes with the property. Mr. Asselmeier stated the proposed text amendment is currently at the townships for review. Also, the proposed text amendment was recommended for denial by the Zoning Board of Appeals and Kendal County Regional Planning Commission. Mr. Davidson stated that owners are afraid of the simple majority rule contained in the proposal. Also, even if the zoning is changed, the people already with special use permits will be grandfathered.

Steven Halcomb commended Member Cullick and Member Gilmour for their leadership.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

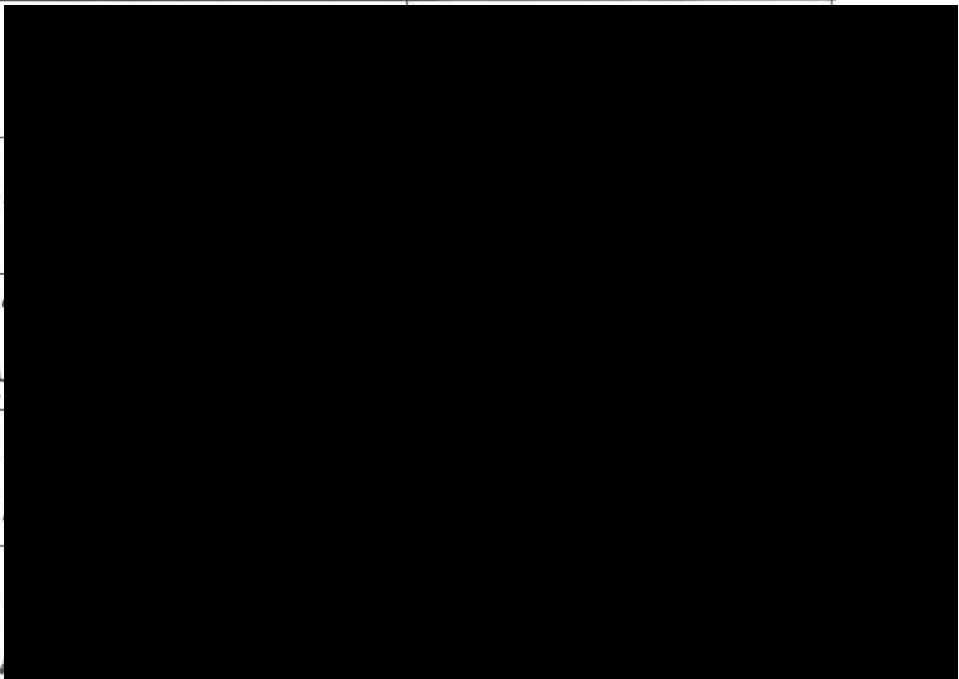
ADJOURNMENT

Motion by Member Gilmour, seconded by Member Cullick, to adjourn. With a voice vote of five (5) ayes the motion passed unanimously. Chairman Davidson adjourned the meeting at 8:38 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, Senior Planner

Enc.

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
AUGUST 13, 2018**

NAME	ADDRESS	EMAIL ADDRESS
Linda Fosen		
STEVEN & LINETTE HALCOMB		
RICHARD & EILEEN WAGNER		
RAY & JEN BLASZCZAK		
STEVE & KRIS LARSON		

frmPrtClaim	Kendall County	Claims Listing			08/07/18	8:38:12 AM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 011338	AMERICAN PLANNING ASSOC	160919-1871	APA MEMBERSHIP	08/07/18	01020026203	DUES	498.00
							498.00*
2 220620	VERIZON	0911310670	CODE OFFICIAL - CELL	08/07/18	01020026207	CELLULAR PHONE	55.39
							55.39*
3 190816	SHAW MEDIA	071810101009	LEGAL NOTICE - ZBA M	08/07/18	01020026209	LEGAL PUBLICATIONS	201.50
							201.50*
4 012290	AUTOMOTIVE SPECIALTIES INC	23039	2008 - FORD F150 MAI	08/07/18	01020026217	VEHICLE MAINT/REPAIRS	131.44
5 110531	KENDALL CO HIGHWAY DEPT	JULY 2018	JULY FUEL - PBZ TRUC	08/07/18	01020026217	VEHICLE MAINT/REPAIRS	119.62
							251.06*
6 261005	RANDY ERICKSON	JULY	JULY 2018 - 6 PLUMB	08/07/18	01020026361	PLUMBING INSPECTIONS	840.00
							840.00*
7 110545	KENDALL COUNTY RECORDER	938	1 MAY RECORDING	08/07/18	01020026370	RECORDING EXPENSE	51.00
8 110545	KENDALL COUNTY RECORDER	937	3 APRIL RECORDINGS	08/07/18	01020026370	RECORDING EXPENSE	155.00
9 110545	KENDALL COUNTY RECORDER	939	2 JUNE RECORDINGS	08/07/18	01020026370	RECORDING EXPENSE	98.00
							304.00*
Total BUILDING AND ZONING							2,149.95*
GRAND TOTAL							2,149.95**

frmPrctClaim	Kendall County	Supplemental Claims Listing				08/22/18	8:32:15 AM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1 191522	SOURCE ONE OFFICE PRODUCTS	533679	OFFICE SUPPLIES	08/22/18	01020026200	OFFICE SUPPLIES	27.94	
2 191522	SOURCE ONE OFFICE PRODUCTS	533546	OFFICE SUPPLIES	08/22/18	01020026200	OFFICE SUPPLIES	61.93	
							89.87*	
3 160189	PARADISE CAR WASH	223728	PB2 TRUCK WASHES	08/22/18	01020026217	VEHICLE MAINT/REPAIRS	11.00	
							11.00*	
Total BUILDING AND ZONING							100.87*	
ENGINEERING/CONSULTING ESCROW ACCT								
4 230933	WBK ENGINEERING, LLC	19137	FOX METRO EXPANSION	08/22/18	59020000046	FOX METRO WATER REC DIST	570.96	
							570.96*	
5 230933	WBK ENGINEERING, LLC	19318	NICOR -MINOOKA	08/22/18	59020000059	NICOR-AUX SABLE CREEK-CO	201.10	
							201.10*	
6 230933	WBK ENGINEERING, LLC	19319	VENA BRIDGE	08/22/18	59020000062	VENA BRIDGE OVER AUX SABL	1,039.50	
							1,039.50*	
Total ENGINEERING/CONSULTING ESCROW							1,811.56*	
GRAND TOTAL							1,912.43**	

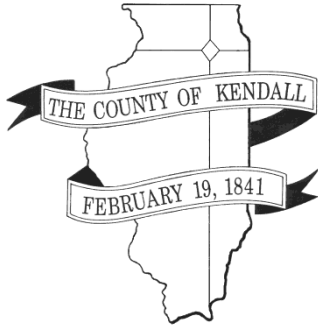
KENDALL COUNTY TREASURER
FUND BALANCES
Balances as of: 08/31/18

11:37:56 AM
09/04/18
Page 001

	Budget	MTD	YTD	%Budget

BUILDING & ZONING				

01020026101 SALARY/ADMINISTRATOR	.00	.00	.00	.00
01020026102 SALARIES - PLANNING & ZONING MANAGE	66,950.00	5,150.00	48,925.00	73.08
01020026103 SALARIES - COMPLIANCE OFFICERS	55,234.00	4,376.24	41,574.28	75.27
01020026104 SALARY - CLERICAL	36,322.00	2,651.50	22,475.00	61.88
01020026106 SALARIES - OVERTIME	.00	.00	.00	.00
01020026115 ZBA PER DIEM	2,450.00	300.00	1,200.00	48.98
01020026151 REPORTER - NON SALARY	.00	.00	.00	.00
01020026200 OFFICE SUPPLIES	1,550.00	89.87	1,310.18	84.53
01020026201 POSTAGE	650.00	120.61	705.68	108.57
01020026202 BOOKS/SUBSCRIPTIONS	200.00	.00	379.95	189.98
01020026203 DUES	750.00	498.00	748.00	99.73
01020026204 CONFERENCES	2,000.00	.00	563.58	28.18
01020026205 MILEAGE	200.00	.00	.00	.00
01020026206 TRAINING	200.00	.00	109.32	54.66
01020026207 CELLULAR PHONE	890.00	55.39	664.22	74.63
01020026209 LEGAL PUBLICATIONS	750.00	201.50	1,241.20	165.49
01020026216 EQUIPMENT	500.00	.00	208.27	41.65
01020026217 VEHICLE MAINT/REPAIRS	3,500.00	262.06	1,259.57	35.99
01020026238 MICROFILMING/REPRODUCTION	150.00	.00	.00	.00
01020026361 PLUMBING INSPECTIONS	12,000.00	840.00	12,040.00	100.33
01020026363 CONSULTANTS	24,000.00	.00	2,988.50	12.45
01020026364 NOXIOUS WEED MOWING	.00	.00	.00	.00
01020026365 CONTRACTED INSPECTION SERVICES	500.00	.00	.00	.00
01020026367 NPDES PERMIT FEE	1,000.00	.00	1,000.00	100.00
01020026368 NPDES PERMIT ASSISTANCE	.00	.00	.00	.00
01020026370 RECORDING EXPENSE	700.00	304.00	756.00	108.00
01020026380 REGIONAL PLAN COMMISSION	750.00	.00	659.52	87.94
01020026381 ZONING BOARD OF APPEALS	750.00	.00	277.22	36.96
01020026382 HEARING OFFICER	2,100.00	.00	.00	.00
01020026383 HISTORICAL PRESERVATION COMM	750.00	.00	367.73	49.03
01020026384 AD HOC ZONING	750.00	.00	.00	.00
01020026385 REFUNDS	.00	.00	.00	.00
	215,596.00*	14,849.17*	139,453.22*	64.68*
Ending Balance 08/31/18			-139,453.22	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 28, 2018

Re: Proposed Future Land Use Map Change Along Route 47 in Lisbon Township

At their meeting on August 22, 2018, the Comprehensive Land Plan and Ordinance Committee unanimously recommended that an informational meeting on this proposal be held on November 28, 2018, at 5:00 p.m. and that the invitation be sent by regular mail to all property owners within one (1) mile of the properties impacted by the proposed changes.

At their meeting on August 22, 2018, the Comprehensive Land Plan and Ordinance Committee was presented the following information:

In 2017, the Kendall County Regional Planning Commission and Comprehensive Land Plan and Ordinance Committee started the process of considering amendments to the Future Land Use Map in Lisbon Township along Route 47. The reason for considering changes at this time was because of the widening of Route 47 to four (4) lanes in Lisbon Township.

The proposed changes were based on the following:

1. The mining area was designated because that was the location of the rock.
2. A commercial area should be designated on the east side of Route 47 north of the Grundy County line because everything else in the area was proposed to be industrial/office use.
3. The intersection of Routes 47 and 52 were designed as commercial to provide the Village of Lisbon an opportunity to place sales tax generating business. The southeast corner of this intersection was designated mixed use business because of the grain operation at this location.
4. The intersection of Route 47 and Plattville Road was designed as commercial to provide the Village of Plattville an opportunity to place sale tax generating businesses.
5. The rest of the corridor was classified as mixed use business.
6. Outer roads were proposed on both sides of Route 47 to prevent the highway from becoming congested with multiple turnouts.
7. Because of the need for buffering the mining area, the need for outer roads, and the anticipated businesses that would locate along the corridor, the corridor was set at one half (1/2) mile wide on both sides of Route 47.

On February 28, 2018, the Kendall County Regional Planning Commission and Comprehensive Land Plan and Ordinance Committee held a joint meeting in Plattville. Sixteen (16) members of the public attended the meeting. The overwhelming majority of the public in attendance favored maintaining the entire corridor as agricultural. A small minority favored small businesses like Casey's at Routes 47 and 52. Nobody in the audience favored commercial and industrial uses along the corridor when specifically asked. The Village of Lisbon also explained their sanitary sewer situation.

Following the meeting in Plattville, the Comprehensive Land Plan and Ordinance Committee decided to incorporate the Village of Lisbon's Future Land Use Map in the proposed map. Shortly thereafter, the State announced that it was not renewing the centerline protection of the Prairie Parkway. The consensus of the Comprehensive Land Plan and Ordinance Committee was to retain the Prairie

Parkway alignment on the map for the short term as an historical reference point for planning purposes.

The Kendall County Regional Planning Commission held a public hearing on this proposal on June 27, 2018. With minimal discussion and nobody from the public expressing opposition, the Kendall County Regional Planning Commission recommended approval of the proposal.

The Kendall County Zoning Board of Appeals held a meeting on this proposal on July 30, 2018. Seven (7) members of the public expressed opposition to this proposal and nobody from the public spoke in favor of the proposal. Many of those that spoke desired to preserve farmland and prevent the expansion of mining in the area. Some of the members of the public were concerned that, if the proposal was approved, the door would be opened to non-agricultural uses along the corridor. One (1) member of the public wanted the Prairie Parkway alignment removed because showing the alignment did not serve a planning purpose in their opinion. The Kendall County Zoning Board unanimously recommended denial. Ms. Clementi agreed with Mr. Thompson and Mr. LeCuyer and believed more input from the community should be taken into account. She wished for agriculture to be preserved in the area. Mr. Cherry understood the residents' opinions on the matter, but he was still on the fence and just thought he should vote no. Mr. Thompson stated he had some problems with the proposal since he comes from an agriculture background. Also, he stated the importance of a plan. He recommended that anyone wanting to preserve their land should work with the Conservation Foundation. Mr. LeCuyer stated there should be more discussion with the residents in the area. He argued there was use and value to the land and the only way to preserve the land is placing it in a conservation trust. Chairman Mohr stated the plan was meant to be a fluid document. He reiterated that zoning is not going to be changed but does believe that certain parts of the proposal needed to be reexamined. He believed that the Prairie Parkway should be kept for on the map for historical purposes. He also argued the one half (1/2) mile corridor was excessive.

At the Zoning Board of Appeals meeting, five (5) attendees indicated they did not receive notification of the meeting by letter. Staff mailed the letters July 5th; the letters were not sent certified because Staff believes that State law does not require certified mailings for changes to the Land Resource Management Plan. Unlike a rezoning, a change to the Future Land Use Plan is not binding and has no direct legal action on what a property owner can and cannot do with their land.

The Kendall County Planning, Building and Zoning Committee discussed this issue at their meeting on August 13, 2018. The following comments on this issue were provided at that meeting:

Kurk Friestad, Chicago Road, stated that he wanted to keep the County agricultural in the southern portion of the County and is opposed to the proposed changes. He believed the changes open the door for removing agriculture. Chairman Davidson responded that, if owners never sell their land, the proposal will not affect them. However, owners have a right to sell their land. Chairman Davidson also stated a comprehensive plan was necessary to prevent problems in the future like homes on or near a four (4) lane highway. He did not believe factories or businesses will come to the area until sewer and water is brought to the area. The comprehensive plan will be looked at every five (5) years and can be changed. Kurt Friestad responded that changing the ground from agriculture will not be beneficial now or in the long term. Member Kellogg stated the comprehensive plan gives guidance for an investor coming into the area. Also, land owners have rights and the County cannot prevent them from doing certain activities with their land. He stated that doing nothing was not a good idea. Mr. Friestad did not believe water and sewer will be coming to area in the near future.

Steven Halcomb, Sherrill Road, questioned the public policy for the Committee. He stated his household and his in-law's household did not receive any correspondence in the mail regarding the proposal. He asked what incentives exist for the county to have mining in Lisbon Township. He also asked if any study occurred examining which properties produce the greatest agricultural yields per acre and which properties have the most rock for mining.

Chairman Davidson agreed that many property owners were not notified. Mr. Asselmeier stated that, in his opinion, State law does not require notification because the zoning of the

property will not change if this proposal is approved. Mr. Asselmeier also stated that nobody in Section 32 of Lisbon Township was notified by mail. Mr. Asselmeier stated that a property owner can still go to the Village of Lisbon, annex their property, and rezone their property under the Village of Lisbon's regulations, if this proposal is rejected.

Linda Fosen, Townhall Road, did not agree with the proposed changes of a half (1/2) mile corridor on Route 47 and the removal of the rural settlement classification on the map. She asked for clarification of rural settlement. Mr. Asselmeier stated there was a small area on the map that was classified as a rural settlement with agriculture surrounding it, but under the new proposal it will be classified as mixed use business.

Scott Friestad, Quarry Road, stated there is currently over one thousand two hundred (1200) acres in the mining district not including the future mining areas. He stated that the new proposal included more acres and was excessive. He encouraged the Planning, Building and Zoning Committee to vote against the proposal.

Scott Wallin, Ashley Road, was concerned about keeping the land agriculture and also changing the landscape to commercial. He stated that, if one (1) person sells their property, more people will also sell their property. He also requested the Committee to vote against the proposal.

Dave McConnell, Whitewillow Road, stated that he lives near one (1) of the quarries. He stated he understands preserving natural resource. However, this proposal is not helping preserve natural resources. He did not believe the big companies care about the neighboring property owners. Also, just because property owners are selling, it does not mean the County should invite more mining.

Bob Friestad, Whitewillow Road, requested everyone in the audience opposed to the proposal to stand. He stated the number of people standing should mean something to the Committee.

Linette Halcomb, Sherrill Road, stated that she comes from a family of farmers. She stated that changing the property from agriculture to mining hurts the food production that is necessary for living. Mrs. Halcomb questioned if the residents of Lisbon were aware of the proposed changes. She stated that excessive mining was not safe for the town or the residents. Furthermore, she stated the proposal was not just a comprehensive plan, but deals with changing the future. She requested board to vote no.

Member Gilmour asked about the Village of Lisbon's sewer system. Mr. Asselmeier responded that the Village of Lisbon did not have the financial resources to assist with paying for laterals to houses; the sewer plant was not operational. Also, the Village of Lisbon relies on the tipping fees from the quarries to fund municipal operations. Chairman Davidson explained at least one (1) of the quarries was not currently active.

Member Kellogg asked if the Prairie Parkway had been abolished by the State. Chairman Davidson and Member Gryder confirmed the center line had been removed.

Member Gilmour questioned if other meetings have been held in Plattville. Mr. Asselmeier responded the meetings were held at the Kendall County Office Building for Comprehensive Land Plan and Ordinance Committee, Kendall County Regional Planning Commission, and Kendall County Zoning Board of Appeals. Also, the Village of Lisbon's Mayor and Clerk attended the Plattville meeting. Mr. Asselmeier was unaware if any of the municipalities conducted their own meeting.

Member Gilmour asked if the public was present for the Kendall County Regional Planning Commission hearing. Mr. Asselmeier responded that one (1) member of the public was present and spoke.

Member Gilmour asked how the mailing list was created. Mr. Asselmeier stated the mailing list was generated by the GIS system using the information about the properties near the corridor. Member Gilmour stated that she understood the law and, if the zoning was not changed, the mail notification was not required. However, she was concerned that some people were not notified.

Member Gryder asked how many people objected to the proposal. Mr. Asselmeier stated all of the land owners that attended meetings objected to the proposal. Mr. Asselmeier explained that the original proposal dealt with the half (1/2) mile corridor along Route 47.

Chairman Davidson stated the State's Attorney needed to clarify the notification requirement and if the proposal can continue.

Mr. Asselmeier stated the next Planning, Building and Zoning Committee meeting is September 10th at 6:30 p.m. Subsequent meetings are on October 9th and November 13th. The public will be sent notification of when the proposal will be on the agenda for a future meeting.

The notification question will be forwarded to the State's Attorney's Office and the Petition will be laid over until the meeting after the State's Attorney's Office provides an opinion. The public will be notified of the next meeting date on this proposal.

The July 5th letter that was sent to property owners along the corridor and a proposed resolution are attached to this memo.

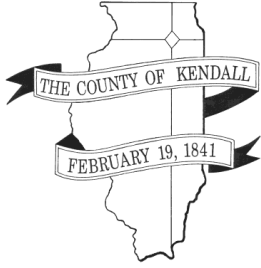
Copies of the proposed Future Land Use Map in Lisbon Township and the existing Future Land Use Map from the Village of Lisbon will be presented at the September 10th meeting and are included in the packet.

Staff requests guidance from the Planning, Building and Zoning Committee regarding how to proceed with this proposal.

If you have any questions, please let me know.

MHA

ENC: July 5, 2018 Letter to Property Owners
Draft Resolution



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

July 5, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

At their meeting on June 27th, the Kendall County Regional Planning Commission recommended approval of the proposed changes to the Kendall County Land Resource Management Plan's Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. The proposed changes were outlined in a letter sent to you date May 30, 2018, and can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_18-04.pdf.

The Kendall County Zoning Board of Appeals will be meeting on this proposal on Monday, **July 30th at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.** Pending the outcome of the Kendall County Zoning Board of Appeals meeting, this proposal will be discussed at the Monday, **August 13th** meeting of the Kendall County Planning, Building and Zoning Committee, which starts at **6:30 p.m.** in the same location as the Kendall County Zoning Board of Appeals meeting. At the August 13th meeting, the Kendall County Planning, Building and Zoning Committee could issue a recommendation to the County Board.

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

***Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois***

Unapproved Hearing Minutes of June 27, 2018

Chairman Ashton called the public hearing to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.), Budd Wormley, and Angela Zubko

Members Absent: Roger Bledsoe

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Todd Milliron

PUBLIC HEARING

Petition 18-04 Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request. The proposed changes include:

1. Changing the Agricultural Area West of Route 47 from Slightly South of Townhall Road to the Kendall/Grundy County Line to Mining (Mr. Asselmeier acknowledged the typographical error in the letter, but noted that the “south” was included in the notice in the newspaper).
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon’s Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

Ms. Wilson arrived at this time (7:01 p.m.).

Mr. Nelson requested that the final map be officially added to the record. No objections were expressed regarding this request.

Ms. Wilson asked if the properties north of Helmar Road would remain agricultural other than the commercial shown on the map. Mr. Asselmeier stated that properties north of Helmar Road were in Kendall Township and not part of the scope of this proposal.

Todd Milliron, Yorkville, asked how large in acreage was in the mining area. Mr. Nelson responded a strip of mixed use business existed between Route 47 and the mining. The specific distance was small because the Commission considered Route 47 to be a logical stop because of the berming requirements for mining currently contained in the Zoning Ordinance.

Mr. Nelson made a motion to approve the proposed amendments to the Land Resource Management Plan as presented with the amendment that only Lisbon Township information be shown on the map, seconded by Mr. Wormley. Ms. Zubko noted that the zoning of properties would not change if this proposal were adopted. Mr. Nelson noted that a property owner wishing to change their zoning would need to go through the rezoning process.

Yes – Ashton, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

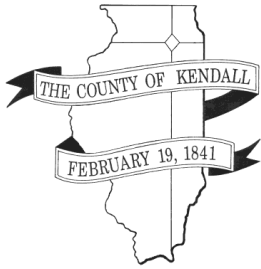
Absent – Bledsoe (1)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 30th.

Mr. Nelson made a motion, seconded by Ms. Wilson, to adjourn the public hearing. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at the public hearing at 7:10 p.m.

Enclosures from Public Hearing:

1. May 30, 2018 Letter to Property Owners Including the Three (3) Maps Presented at the Public Hearing.
2. Certificate of Publication for Petition 18-04 (Not Included with Report but on file in Planning, Building and Zoning Office).
3. June 27th Letter from Ruth Bell to the Kendall County Regional Planning Commission.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

May 30, 2018

RE: Proposed Changes to the Kendall County Future Land Use Map for Properties Adjacent to Route 47 in Lisbon Township

Dear Property Owner:

The Kendall County Regional Planning Commission and Kendall County Comprehensive Land Plan and Ordinance Committee are considering changing the Future Land Use Map for properties located adjacent to Route 47 in Lisbon Township. In general, the proposed changes are as follows:

1. Changing the Agricultural Area West of Route 47 from Slightly North of Townhall Road to the Kendall/Grundy County Line to Mining
2. Changing the Agricultural Area East of Route 47 from the Kendall/Grundy County Line North for a Distance of 0.50 Miles to Commercial
3. Changing the Agricultural Area at the Northwest, Southwest, and Northeast Quadrants of the Intersection of Routes 47 and 52 to Commercial
4. Changing the Agricultural Area at the Intersection of Route 47 and Plattville Road to Commercial
5. Removing Rural Settlement Classification from Map
6. Remaining Properties Along Route 47 from the Kendall/Grundy County Line to the Lisbon/Kendall Township Line Not Impacted by 1-5 Above Shall Be Changed from Agricultural to Mixed Use Business
7. Incorporating the Village of Lisbon's Mixed Use Business and Residential Areas in Sections 16, 17, 18, 19, 20, 29, 30, 31, and 32 of Lisbon Township into the County Land Resource Management Plan
8. Incorporating the Proposed Changes to the Lisbon Township Future Land Use Map into the Kendall County Future Land Use Map
9. Remove All Language Contained in the Narrative Portion of the Kendall County Land Resource Management Plan that Conflicts with the Changes to the Lisbon Township Future Land Use Map

The existing Future Land Use Map and the Proposed Future Land Use Map are enclosed for your reference. The proposed Future Land Use Map is slightly different from the proposal presented at the February meeting in Plattville. The map key is:

Mining=M-3 (Mining and Mining Related Uses)

Mixed Use Business=B-6, M-1, M-2 and M-3 (Large Office and Manufacturing Uses)

Commercial= B-1, B-2 and B-3 (Small Office and Retail Uses)

The Kendall County Regional Planning Commission will hold a public hearing on the proposed changes on Wednesday, **June 27th at 7:00 p.m. at 111 W. Fox Street, in Rooms 209 and 210, in Yorkville.**

If the Proposed Future Land Use Map is approved, the zoning of your property will **NOT** change unless the property owner requests a change. The current uses of your property will **NOT** change unless the property owner initiates the change.

If you have any questions regarding this letter or meeting, please contact Matt Asselmeier, Kendall County Senior Planner at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

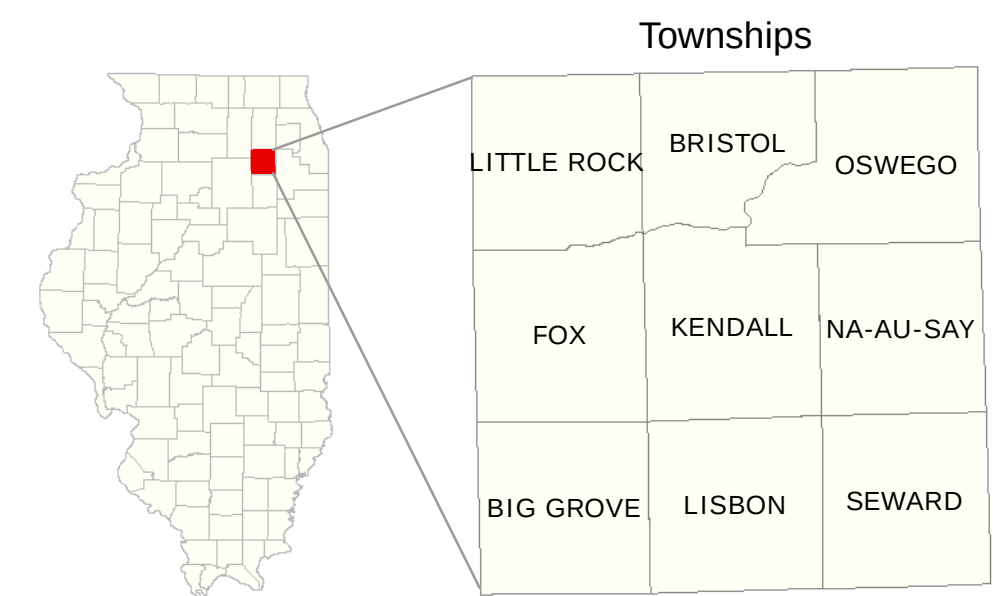
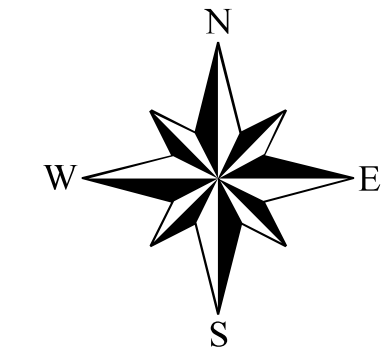
THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner

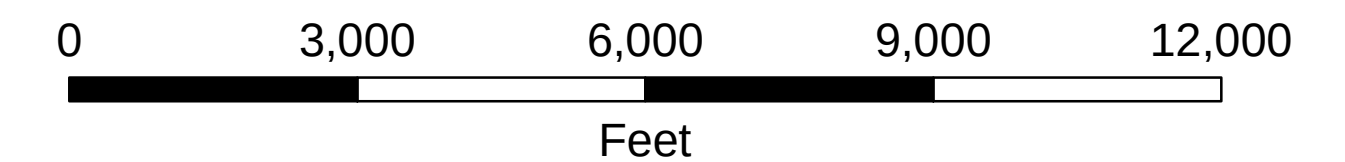
Encs: Current Future Land Use Map
 Proposed Future Land Use Map

Future Land Use Lisbon Township KENDALL COUNTY - 2017 -

<http://www.co.kendall.il.us>



Scale: 1 in = 2,000 feet

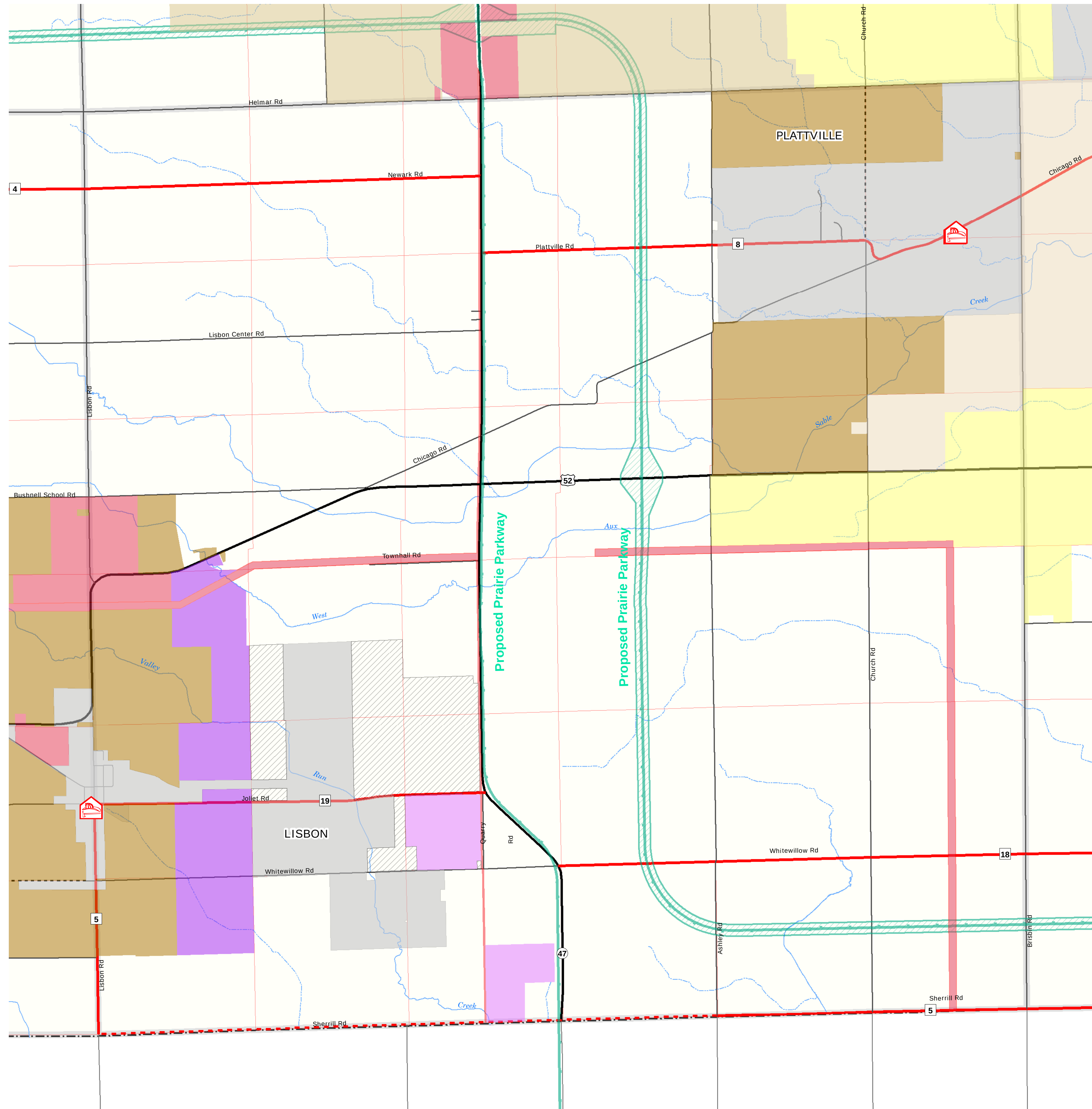


Legend

Future Land Use

Land Use Type

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Resedential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation Corridors
- Mining
- Potential Mining District
- Public/Institutional
- Agriculture
- Open Space
- Forest Preserve/State Parks
- Unknown
- FEIS_centerline
- Protected Corridor - 2007



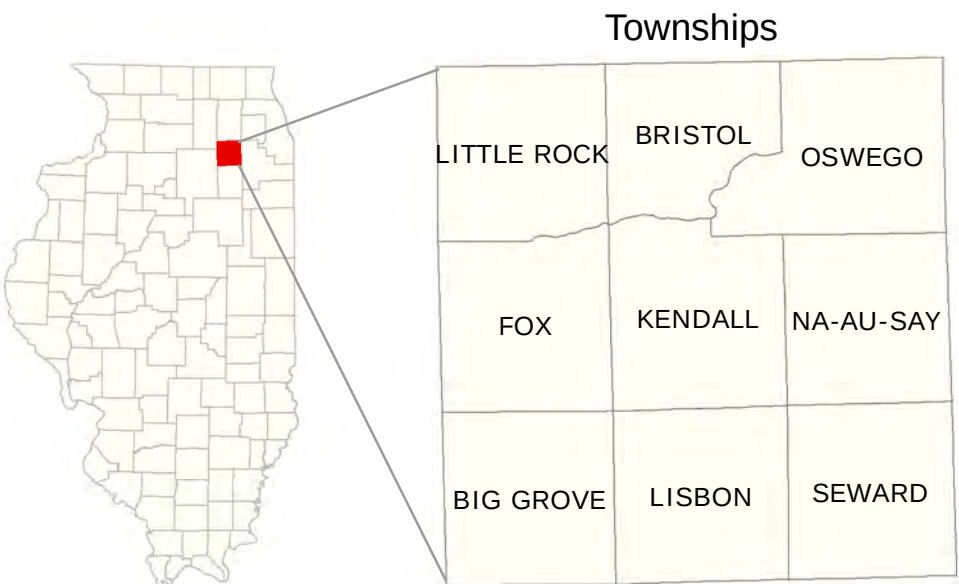
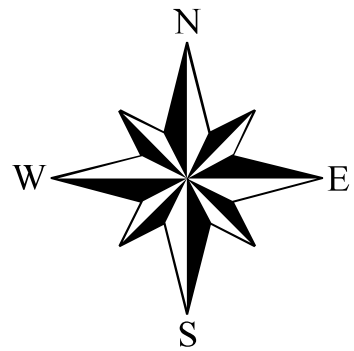
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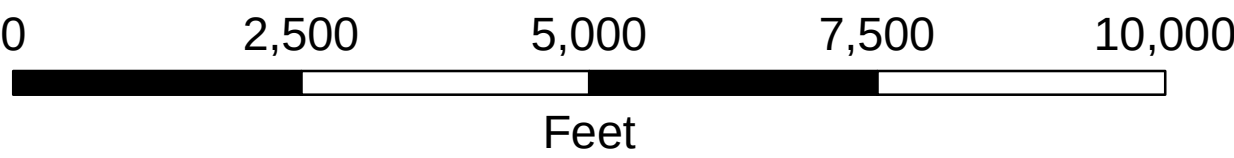
DRAFT Lisbon Future LRMP
Helmar Rd to Sherrill Rd
KENDALL COUNTY

- 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet

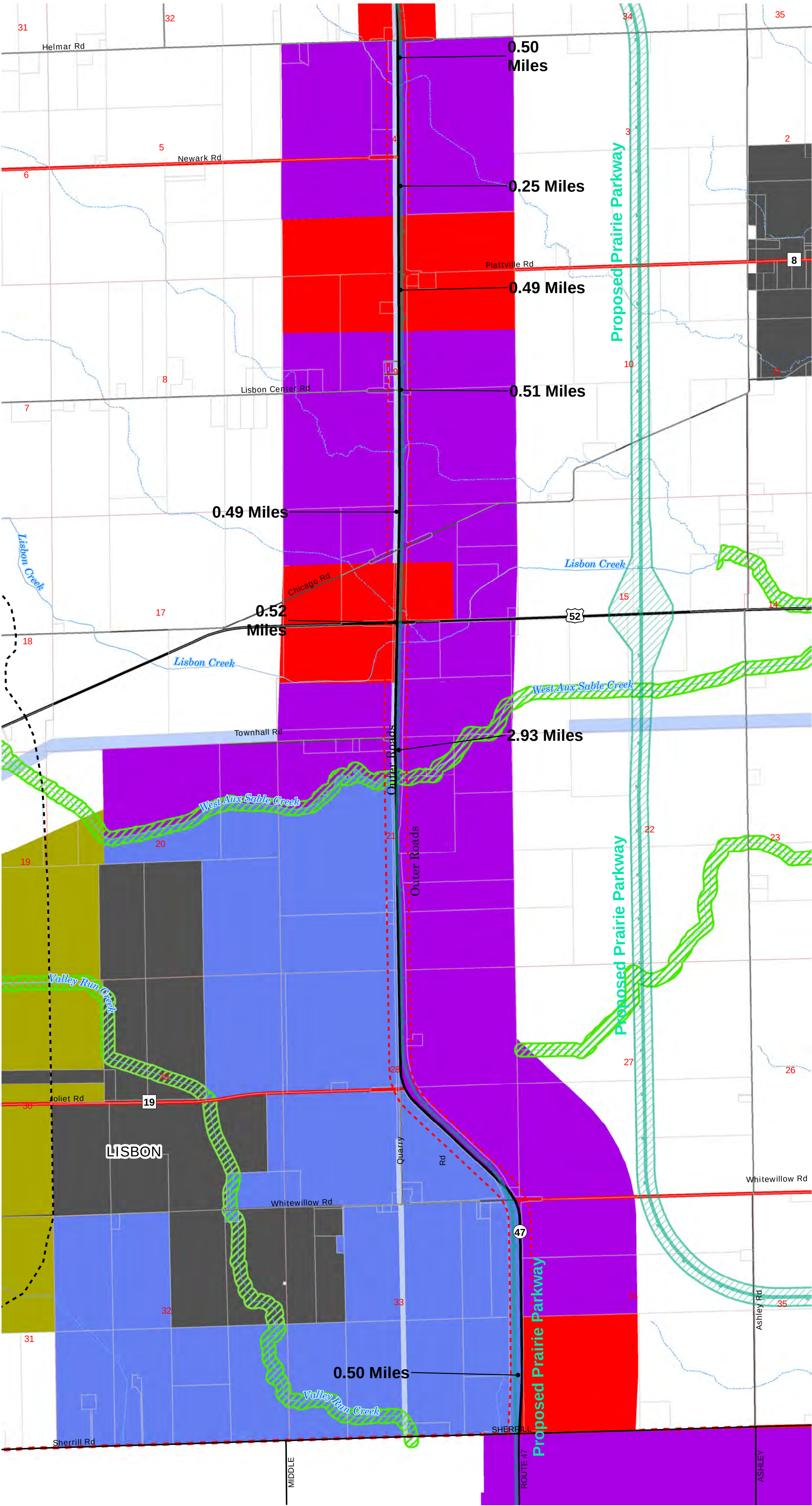


Legend

- Outer Roads
- Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resourse Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



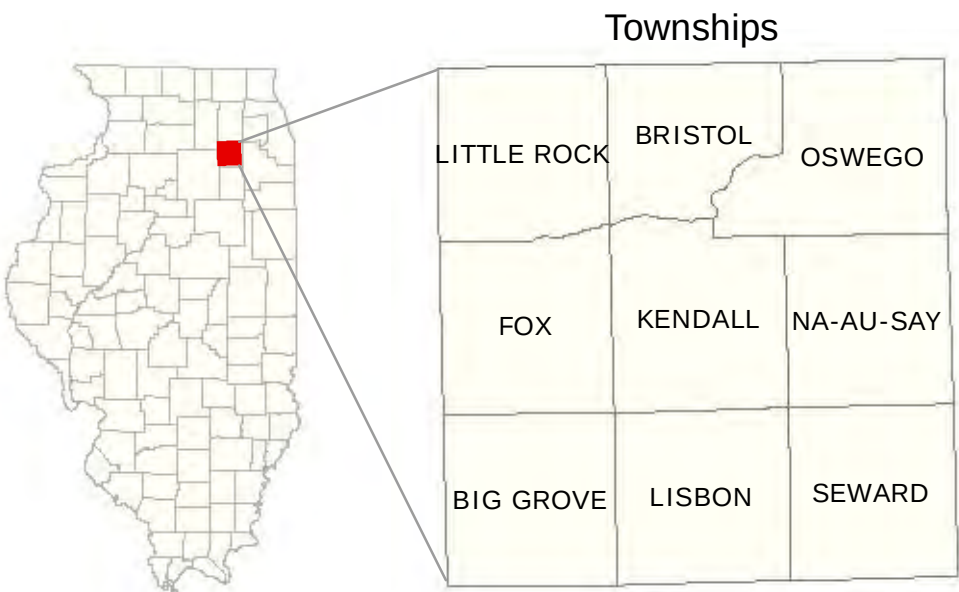
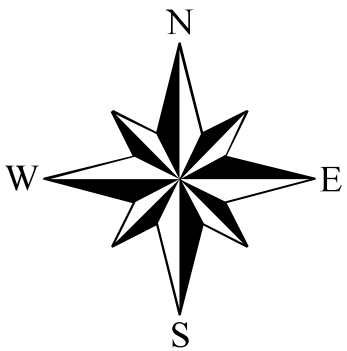
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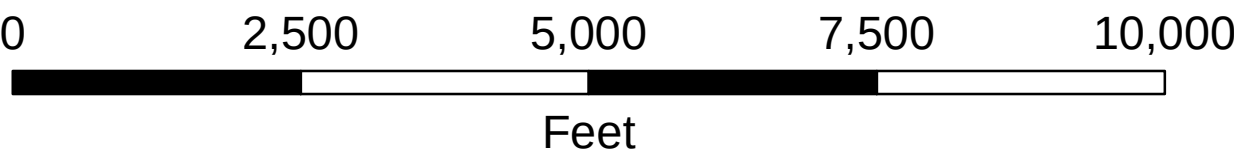
DRAFT Lisbon Future LRMP
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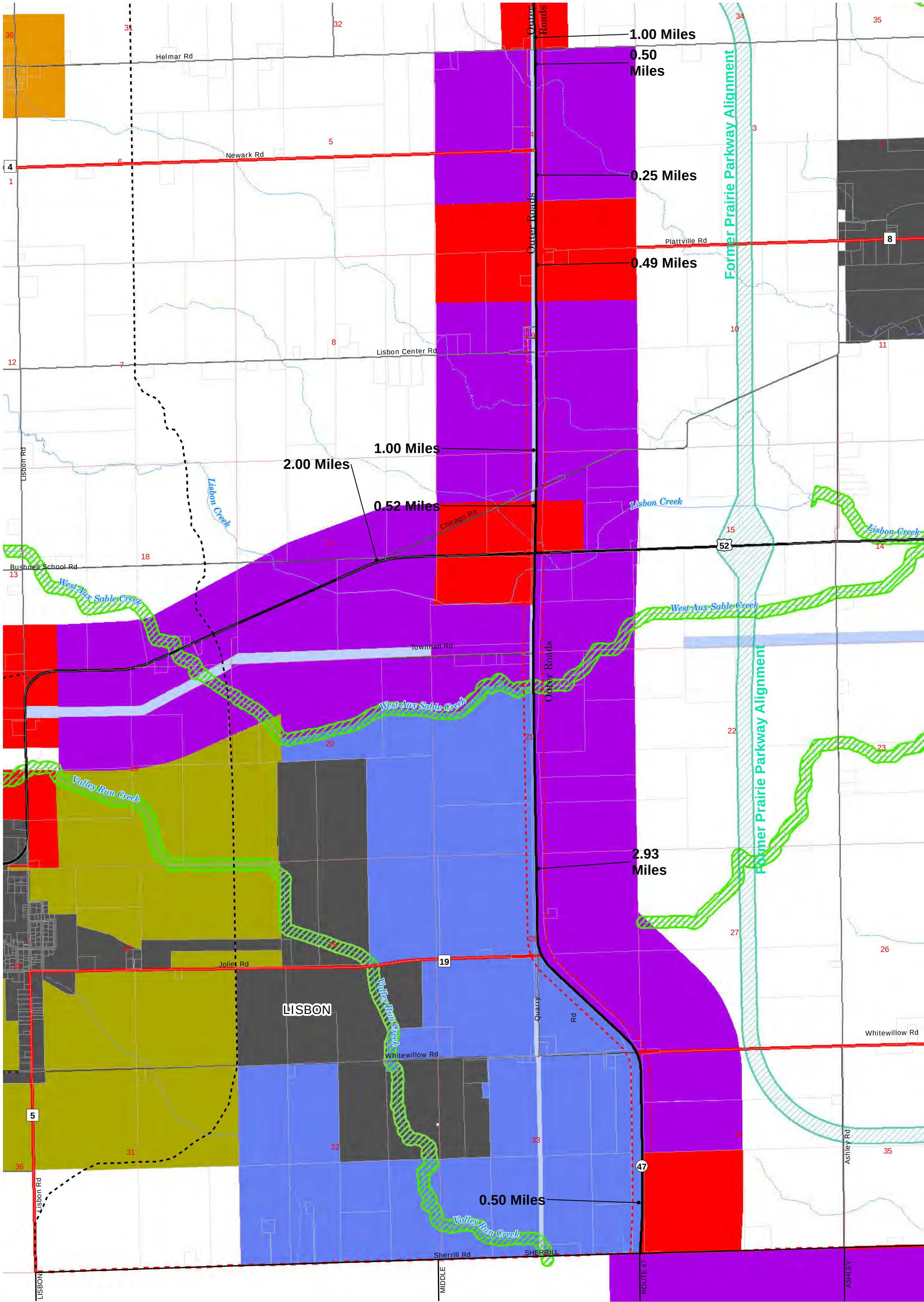


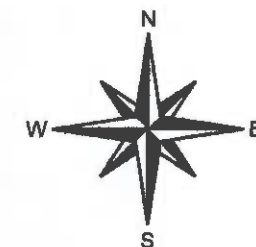
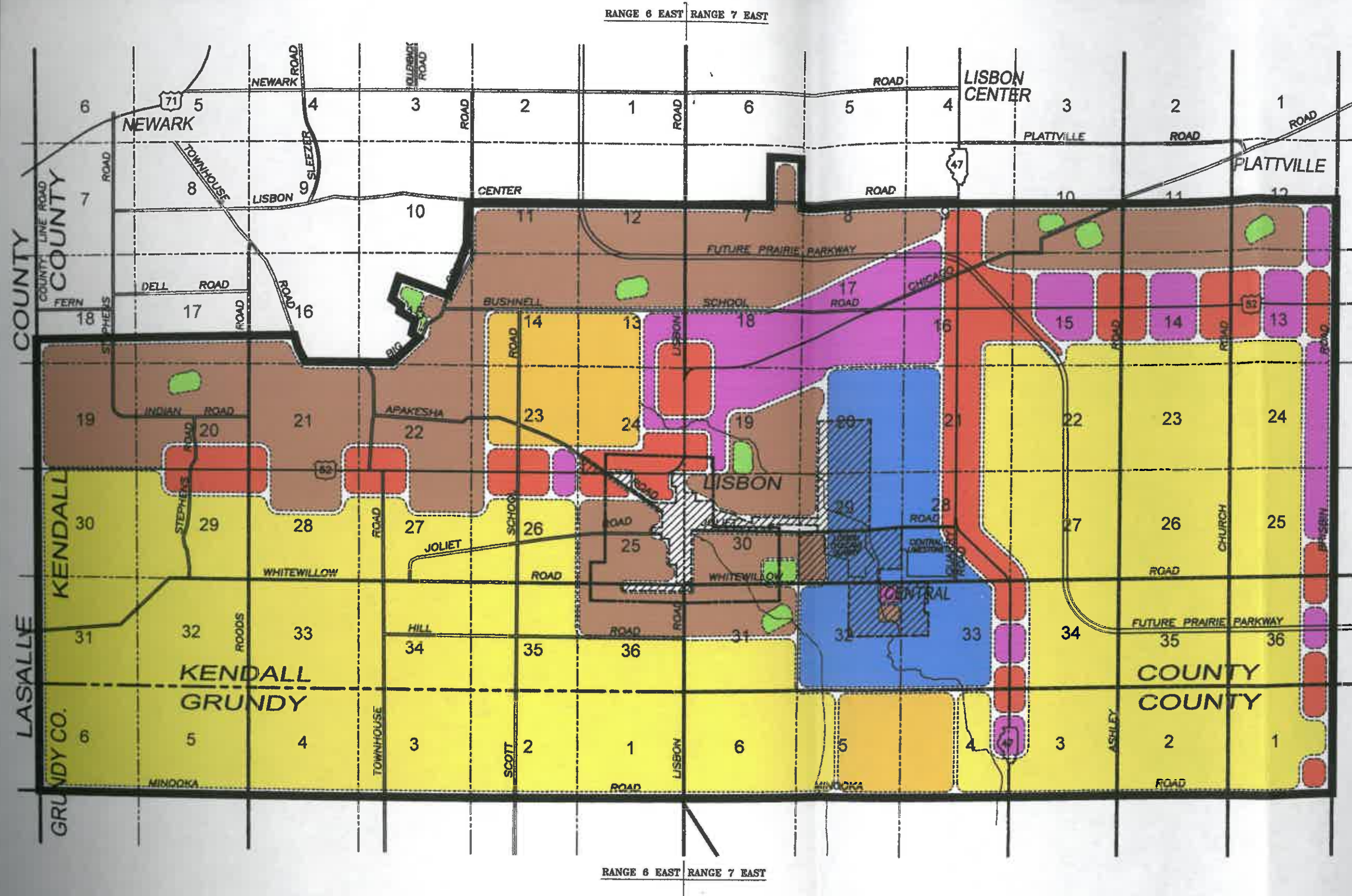
Legend

- Outer Roads
Proposed Roadways
- Future LRMP**
- Abbreviation**
- Natural Resource Areas
 - Grundy Mixed Use Business
 - Court Ordered Mining
 - Open Space
 - Urbanized Areas
 - Mixed Use Business
 - Transportation Corridors
 - Public Institutional
 - Mining
 - Rural Settlements
 - Commercial
 - Continued Growth Suburban Residential



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LEGEND

- LISBON COMPREHENSIVE BOUNDARY
- EXISTING LISBON VILLAGE LIMITS
- ORIGINAL LISBON VILLAGE LIMITS
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- OPEN SPACE
- 1 ACRE CITY LOTS
- INDUSTRIAL
- AGRICULTURAL

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

DRAWN BY: MAR	SCALE: 1" = 1700'	REVISIONS
CHECKED BY: GRC	DATE: 8/14/07	DATE BY
		10/25/08 MAR
		11/13/08 GRC
		11/20/08 GRC

CHAMLIN
ASSOCIATES

PERU MORRIS
ILLINOIS

COMPREHENSIVE PLANNING MAP **VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS**

PLANNING AREAS

SCALE: 1" = 1700'

SHEET

FILE NO.:

OF

Findings of Fact for Proposed LRMP Map Changes Along Route 47 (Approximately 5.5 Miles)
in Lisbon Township

1. The Illinois Department of Transportation approved Alternative B5 in 2007 which called for the widening of Route 47 from Caton Farm Road to the Grundy County Line through Lisbon Township as part of the Prairie Parkway Project.
2. The purpose of the Prairie Parkway was to:
 - a. “Improve regional mobility by providing more north-south, higher speed multi-lane roads or additional lanes to serve traffic growth and reduce regional travel times for long distance travel.
 - b. Address local system deficiencies by developing a transportation system that serves forecast growth in local traffic and reduces travel times.
 - c. Improve access from the study area to regional jobs by serving the forecast growth in work trips and by reducing travel times from the study area current and future jobs.
 - d. Improve safety by reducing existing and projected growth in motor vehicle crashes”
Source: Prairie Parkway Design Report (2011) Page 1.
3. The Illinois Department of Transportation did not conduct any economic analysis of the impact of the proposed Prairie Parkway on lands located near Route 47 south of Caton Farm Road. Source: Illinois Department of Transportation
4. The Illinois Department of Transportation withdrew centerline protection of the Prairie Parkway in February 2018.
5. There are commercial and industrial lands in Grundy County and Minooka closer to Interstate 80 interchange
 - a. Kraft facility has 1 million square feet available.
 - b. 150 acres is available across from the Morris Airport
 - c. Morris plans warehouses out to Brisbin Road.
 - d. Morris plans retail on Route 47 north of town.
 - e. Morris plans industrial uses by the airport.Source: Grundy County EDC
6. The City of Morris has extended water lines to Minooka Road and sanitary sewer lines to Nelson Road; no plans to extend infrastructure into Lisbon Township. The City of Morris obtains water for the area north of Interstate 80 from wells south of Interstate 80 Source: Guy Christensen, City of Morris

7. The Chicago Metropolitan Agency for Planning, in the Kendall County Industrial Market Analysis of April 2016, concluded that industrial uses would favor locations near Minooka and inside Grundy County because of their proximity to Interstate 80 (Page 34)
8. Any buildings constructed presently along the corridor will utilize wells and septic systems. Larger buildings (over 5,000 square feet) will need adequate water for fire suppression and/or will need to be constructed with appropriate firewalls.
9. No fiber optics lines currently exist in the area.
10. Traffic counts along Route 47 in Lisbon Township have generally declined since 2003 with the exception for the north end of the Township:
 - a. 5400 (2003) to 4950 (2017) south end of County
 - b. 6300 (2003) to 4950 (2017) south end Route 47 and 52 interchange
 - c. 6600 (2003) to 6250 (2017) north of Chicago Road
 - d. 6400 (2003) to 6700 (2017) at Newark RoadSource: Illinois Department of Transportation
11. Traffic Counts on Route 52 have remained steady since 2003:
 - a. 1800 (2003) to 1600 (2017) south of Bushnell School Road
 - b. 2900 (2003) to 3350 (2017) east of 47Source: Illinois Department of Transportation
12. Current traffic accidents are most likely to occur near road intersections; many of these accidents are “failure to yield” type accidents. The types of accidents could change and could include more overcorrection type accidents after the widening project is completed. Source: Kendall County Sherriff’s Department
13. The existing Kendall County Land Resource Management Plan calls for agricultural uses along most of the corridor. Source: Kendall County Land Resource Management Plan (2011)
14. The Village of Lisbon’s existing Comprehensive Plan calls for commercial, mixed uses and mining along and near the corridor. Source: Village of Lisbon Comprehensive Plan (2009)
15. The intersection of Routes 47 and 52 is the most likely area on the northeast side of an enlarged Village of Lisbon where sales tax producing businesses could locate. The northeast corner of the intersection is already zoned B-3 Highway Business.

16. Existing mining operations are located in Sections 21, 28 and 33. The mining operations could expand into Sections 32, 29 and 20.
17. West Aux Sable Creek is located in the area.
18. The intersection of Plattville Road and Route 47 is the most likely area on the west side of an enlarged Village of Plattville where sales tax producing businesses could locate.
19. Grainco FS and CHS Elburn currently operate grain storage facilities between Helmar and Newark Roads on the west side of Route 47. These uses are special uses in the A-1 Zoning District and are Permitted Uses in the M-2 Zoning District.
20. Commonwealth Edison has a ROW along Route 47 running north to south and near Townhall Road running east to west.
21. The Kendall County Land Resource Management Plan includes classifications for Commercial Uses (office and retail establishments at nodes), Transportation Corridor Uses (uses in B-3, B-5 and B-6 Zoning Districts), Mixed Use Business (uses in B-6 and the 3 Manufacturing Districts) and Mining.
22. Most of the land along the corridor is currently used for agricultural purposes.
23. The Kendall County Economic Development Committee would like outer roads to ensure to prevent interruption of traffic flows in the area. The Committee was also concerned about adequate water and the aesthetics of the corridor. The Committee also wanted a portion of the corridor reserved for industrial uses.
24. Few houses are located along the corridor. Locations with less traffic tend to be better suited for residential uses and these locations exist elsewhere in the County. No loss of affordable housing units is anticipated. The County will remain in compliance with the Illinois Affordable Housing Planning and Appeal Act (310 ILCS 67).

9.04 B-3 HIGHWAY BUSINESS DISTRICT

- A. Purpose: The B-3, Highway Business District is intended for major retail, service and repair establishments serving a large trade area, usually the entire County or beyond and oriented to the traveling public. The trade area population served by these establishments requires easy access, although patronage is more dispersed and visits to these establishments less frequent than in the B-1 District and B-2 District. It is the intent of the B-3 District regulations that establishments desiring location along major traffic routes are grouped with appropriate and adequate access ways provided.
- B. Permitted Uses. The following uses are permitted:
1. All Permitted Uses identified in the B-2 General Business District
 2. Agricultural implement sales and service on an open lot or within a building.
 3. Animal hospital
 4. Banquet Halls are permitted subject to the following conditions:
 - a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
 - b. The subject parcel must be a minimum of 5 acres.
 - c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
 - d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
 - e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
 - f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
 - g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

5. Beverages, non-alcoholic, bottling and distributing.
6. Boat, Trailer and Recreational Vehicle sales or rental and service
7. Carpet and Rug Stores
8. Clean up and restoration services with the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
 - c. All operations are to take place inside an enclosed structure.
 - d. A waste management plan must be submitted for approval and included as an exhibit to the approving ordinance
 - e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings.
 - f. No materials that are brought in can be burned on this site.
 - g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
 - h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
9. Construction equipment sales and service.
10. Crematories/ Funeral Homes
11. Currency exchange.

12. Drive through or drive up windows for any permitted use excluding the sale of alcoholic beverages.
13. Dry-cleaning and pressing establishments, when employing facilities for the cleaning and pressing of not more than fifteen hundred pounds of dry goods per day, and when using carbon tetrachloride or other similar non-inflammable solvents approved by the State Fire Marshal.
14. Health clubs (public or private) and related accessory uses.
15. Hotel and/or Motels
16. Indoor entertainment and recreation
17. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
18. Laundries, automatic self-service types or hand employing not more than two persons in addition to one owner or manager, provided that laundry machines shall not exceed ten pounds capacity each.
19. Miniature Golf Courses
20. Motor Vehicle Service Stations for Retail Sale of Gasoline and Oil for Motor Vehicles
21. Motor Vehicle Sales/Motorcycle Sales
22. Motor Vehicle/Motorcycle service stations, including repair and rebuilding, or painting of motor vehicles
23. Motor Vehicle washing—Facilities including the use of mechanical conveyers, blowers and steam cleaning.
24. Nurseries and greenhouses
25. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity.
26. Restaurants, including the drive-in type where food is served to customers remaining in motor vehicles.
27. Taverns

C. Special Uses. The following uses may be allowed by special use permit in accordance with the provisions of Section 13.00.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice with the following conditions:
 - a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
 - b. Must be at least 150' from existing dwellings and property lines of schools, daycares, and places of worship.
 - c. Hours of operation from 7am to 10pm
 - d. No alcohol allowed.
 - e. Must meet all requirements of the Kendall County Health Department.
 - f. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.
10. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
11. Kennels with the condition that the kennels must be located inside and must be located a minimum of 250' from the lot line of lots zoned residential or shown as Residential on the Land Resource Management Plan (LRMP) map and 150' from lots zoned other than residential or shown on the LRMP map as non-residential. The animals must be indoors by sunset.
12. Landscaping business, provided that:
 - a. All vehicles equipment and materials associated with a landscaping business shall be stored entirely within an enclosed structure, unless otherwise permitted under the terms of this Special Use Permit.

- b. The business shall be located on, and have direct access to, a State, County or Collector Highway as identified in the County's LRMP, having an all-weather surface, designed to accommodate loads of at least 73,280 lbs, unless otherwise approved in writing by the agency having jurisdiction over said Highway. Such approvals shall establish limitations as to the number of employees and types of vehicles coming to and from the site that are engaged in the operation of the use (including delivery vehicles). These restrictions shall be included as controlling conditions of the Special Use.
 - c. No landscape waste generated off the property can be burned on this site.
- 13. Meetings Halls
- 14. Micro-Brewery and/or Winery
- 15. Micro Distillery subject to the following conditions:
 - a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
 - b. Locally grown inputs shall be used to the greatest extent possible
 - c. The number of hours permitted to operate shall be on the approving ordinance.
 - d. Parking shall be in accordance with Section 11 of the Zoning Ordinance including lighting.
 - e. All applicable Federal (including the Alcohol and Tobacco Tax and Trade Bureau), State (including the Illinois Liquor Control Commission), and County rules and regulations shall apply.
 - f. Shall contact & meet all requirements of the Kendall County Health Department.
 - g. A waste management plan should be submitted to the Kendall County Health Department
- 16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
- 17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
- 18. Pawn Shop
- 19. Performing arts center subject to the following conditions:

- a. The site shall have frontage on and access to a collector or arterial road, provided that the highway authority with jurisdiction over the subject road may approve alternative access.
 - b. The site shall be shown as a commercial area on the Land Resource Management Plan.
 - c. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations)
 - d. The amount of students and type of events are listed in the approving ordinance.
 - e. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
 - f. Must meet applicable Fire Protection District codes.
- 20. Places of Worship subject to the following conditions:
 - a. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
 - b. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.
 - c. Off-street parking, lighting and loading shall be provided as required or permitted in Section 11.00
- 21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Said sales areas shall be set back at least ninety (90) feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars. Seasonal outdoor displays on above listed items are also permitted.
- 22. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses

23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop

D. Conditional Uses. All conditional uses outlined in the B-2 General Business District (Section 9.03D) may be permitted only if specifically authorized by the Zoning Administrator.

9.06 B-5 BUSINESS PLANNED DEVELOPMENT

- A. Purpose. The B-5 Business Planned Development (BPD) District is intended to provide for greater freedom, imagination, and flexibility in the development of land while assuring appropriate development standards. To this extent it allows diversification and variation in the relationship of uses, structures, and open spaces in developments planned as comprehensive, cohesive projects which are unified by a shared concept. It is further intended to encourage the beneficial integration of different compatible land uses at a proper scale and to encourage better design, provision of amenities, and the efficient use of public services through the use of planned unit development procedures. The intensity and profile of the development within this District are intended to be compatible with all adjacent uses.
- B. Permitted Uses. Permitted uses shall be consistent with the purpose of this District, including a wide variety of retail, office, general commercial and light industry. A permitted use list shall be developed and approved with each zoning request in the BPD District.

B-6
Permitted Uses

1. Accessory uses.
2. Banks and financial institutions
3. Business or trade school.
4. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds, but not including business colleges or trade schools when operated for profit.
5. Consumer credit, payday loan offices, financing or financial offices.
6. Fire Stations
7. Governmental buildings and facilities
8. Hospital.
9. Laboratories (medical, dental, research, experimental and testing), provided no production or manufacturing of products takes place.
10. Offices, business and professional, including medical clinics.
11. Parking Garages for storage of private passenger automobiles and commercial vehicles under one and one-half ton capacity
12. Planned Developments- Business
13. Police Stations.
14. Research laboratories, including the testing of products, but not including the manufacturing of products, except as incidental to the research and testing of products
15. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)
16. Temporary buildings or structures for construction offices or storage, on the same zoning lot, for a period not to exceed such construction
17. Wholesale sales, displays and offices, but not including storage or warehousing

B-6
Special Uses

1. Book and stationary stores when Services are intended to serve the immediate convenience needs of persons employed in the area
2. Child Day Care Facility
3. Convenience store
4. Dwelling Unit for Watchmen and Families including a Caretaker
5. Health clubs (public or private) and related accessory uses.
6. Hotel and/or motel
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Light manufacturing and assembly
10. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
11. Places of Worship
12. Private clubs such as soccer, etc.
13. Public or Private Utilities and Service uses:
 - a. Telecommunications hub

- b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
- 14. Restaurants and/or taverns
 - 15. Services or commercial uses intended primarily to serve the immediate convenience needs of persons employed in the area, including office supply stores, restaurants (but not drive-in facilities), dry cleaning (but not on-site plant) and similar uses
 - 16. Self Service Storage Facilities (enclosed)
 - 17. Telecommunications stations
 - 18. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-6 District

M-1 Permitted Uses

- 1. Ambulance Service (Private)
- 2. Animal feed; preparation, grinding, mixing and storage.
- 3. Auction Facility
- 4. Banquet Halls
- 5. Beverages, non-alcoholic, bottling and distributing.
- 6. Business or trade school
- 7. Clean up and restoration services
- 8. Colleges or universities, including dormitories, fraternities, sororities and other accessory buildings and structures when located on the college or university grounds.
- 9. Construction equipment sales and service.
- 10. Contractors' offices and shops.
- 11. Glass cutting and glazing establishments
- 12. Light manufacturing and assembly.
- 13. Micro Distillery
- 14. Miscellaneous uses - as follows:
 - Accessory uses.
 - Signs.
 - Temporary buildings for construction purposes for a period not to exceed the duration of such construction.
- 15. Motor vehicle Sales/ Motorcycle Sales including truck sales.
- 16. Nano Breweries.
- 17. Offices, business and professional, including medical clinics.
- 18. Parking Garages for storage of private passenger automobiles and commercial vehicles.
- 19. Public and community service uses - as follows:
 - Bus terminals, bus garages, bus lots, street railway terminals, or street car houses.
 - Electric sub-stations.
 - Fire stations.
 - Governmental buildings and facilities
 - Municipal or privately owned recreation buildings
 - Police stations.
 - Sewage treatment plants.

Telephone exchanges.
Water filtration plants.
Water pumping stations.
Water reservoirs.

20. Production, publishing, processing, cleaning, testing, or repair, limited to the following uses and products:

Apparel and other products manufactured from textiles.
Art needle work and hand weaving.
Motor vehicle painting, upholstering, repairing, reconditioning, and body and fender repairing when done within the confines of a structure.
Awnings, venetian blinds.
Bakeries.
Beverages - non-alcoholic.
Blacksmith shop.
Books - hand binding and tooling.
Bottling works.
Brushes and brooms.
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature.
Cameras and other photographic equipment and supplies.
Canning and preserving.
Canvas and canvas products.
Carpet and rug cleaning.
Carting, express hauling or storage yards.
Cement block manufacture.
Ceramic products - such as pottery and small glazed tile.
Cleaning and dyeing establishments when employing facilities for handling more than fifteen hundred pounds of dry goods per day.
Clothing.
Cosmetics and toiletries.
Creameries and dairies.
Dentures.
Drugs.
Electrical appliances, such as lighting fixtures, irons, fans, toasters and electric toys.
Electrical equipment assembly, such as home radio and television receivers and home movie equipment, but not including electrical machinery.
Electrical supplies, manufacturing and assembly of - such as wire and cable assembly, switches, lamps, insulation and dry cell batteries.
Food products, processing and combining of (except meat and fish) - baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing.
Fur goods, not including tanning and dyeing.
Glass products, from previous manufactured glass.
Hair, felt and feather products (except washing, curing and dyeing).
Hat bodies of fur and wool felt.
Hosiery.

House trailer, manufacture.

Ice, dry and natural.

Ink mixing and packaging and inked ribbons.

Jewelry.

Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.

Laundries.

Leather products, including shoes and machine belting, but not including tanning and dyeing.

Luggage.

Machine shops for tool, die and pattern making.

Meat products.

Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.

Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

Musical instruments.

Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.

Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.

Perfumes and cosmetics.

Pharmaceutical products.

Plastic products, but not including the processing of the raw materials.

Poultry and rabbits - slaughtering.

Precision instruments - such as optical, medical and drafting.

Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.

Printing and newspaper publishing, including engraving and photoengraving.

Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.

Copying/Reproduction Stores & banner or sign supplies

Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.

Silverware, plate and sterling.

Soap and detergents, packaging only.

Soldering and welding.

Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.

Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.

Storage of household goods.

Storage and sale of trailers, farm implements and other similar equipment on an open lot.

Storage of flammable liquids, fats or oil in tanks each of fifty thousand gallons or less capacity, but only after the locations and protective measures have been approved by local fire chief in the district in which the subject property is located.

Textiles - spinning, weaving, manufacturing, dyeing, printing, knit goods, yard goods, thread, and cordage, but not including textile bleaching.

Tool and die shops.

Tools and hardware - such as bolts, nuts, and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks nonferrous metal castings, and plumbing appliances.

Toys.

Truck, truck tractor, truck trailer, car trailer, or bus storage yard, when all equipment is in operable condition, but not including a truck or motor freight terminal, which shall be treated under sub-section 10.01-C.

Umbrellas.

Upholstering (bulk), including mattress manufacturing, rebuildings, and renovating.

Vehicles, children's - such as bicycles, scooter, wagons and baby carriages.

Watches.

Wood products, such as furniture, boxes, crates, baskets and pencils and cooperage works.

Any other manufacturing establishment that can be operated in compliance with the performance standards set forth in Section 4.12 without creating objectionable noise, odor, dust, smoke, gas, fumes, or vapor; and that is a use compatible with the use and occupancy of adjoining properties.

21. Retail and services as follows:

Motor vehicle service station for the retail sale of gasoline and oil for motor vehicles, for minor services which may be conducted out of doors.

Motor vehicle/Motorcycle Service Stations (includes repair, rebuild, and painting)

Banks and financial institutions

Carpet and Rug Stores

Catering Establishments as long as it conforms to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.

Contractor or construction such as: building, cement, electrical, refrigeration, masonry, building, plumbing, roofing, air-conditioning, heating and ventilating, fuel oil, with a storage of fuel oils, gas and other flammable products limited to 120,000 gallons per tank, with total storage on zoning lot not to exceed 500,000 gallons.

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

Dwelling units for watchmen and their families including caretakers when located on the premises where they are employed in such capacity.

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

1. Any use which may be allowed as a special use in the B-3 or B-4 Business Districts, but not including house trailers (mobile homes) camps.

1. Child Day Care Facility
2. Clubs and Lodges (non-profit), fraternal or religious institutions.
3. Communication Uses
4. Community Center/ After school programs/ Educational Center
5. Consumer credit, payday loan offices, financing or financial offices.
6. Dwelling units for Watchmen and Families including a Caretaker.
7. Fertilizer sales, including limited storage.
8. Hospitals
9. Indoor Target Practice
10. Kendall County Sheriff's Office shooting range
11. Kennels
12. Landscaping business,
13. Meetings Halls
14. Micro-Brewery and/or Winery
15. Micro Distillery
16. Outdoor storage provided such storage is screened from adjacent and surrounding properties.
17. Outdoor amusement establishments, carnivals, kiddie parks, and other similar amusement centers, and including places of assembly devoted thereto, such as stadiums and arenas.
18. Pawn Shop
19. Performing arts center
20. Places of Worship subject to the following conditions:
21. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
22. Public or Private Utilities and Service uses:
 - a. Telecommunications hub
 - b. Filtration plant, pumping station, and water reservoir.
 - c. Sewage treatment plant.
 - d. Electric substations and booster stations.
 - e. Other Similar uses
23. Retail or wholesale sales yards for agricultural products including, but not necessarily limited to, fruits, vegetables, flowers, plants, etc., that are not grown on the premises.
24. Self-Service Storage Facilities
25. Telecommunications Stations
26. Theaters: Outdoor theaters (drive-in), indoor theaters and convention centers.
27. Truck Driving School
28. Truck Stop
 1. Amphitheater, drive-in theater, auditorium, stadium and sports arena,
 2. Athletic Fields with Lights,
 3. Amusement park, including go-cart tracks, water parks and other rides, .
 4. Bait Shop

5. Convenience Store
6. Hotel and/or Motel
7. Indoor entertainment and recreation
8. Indoor Target Practice
9. Kendall County Sheriff's Office shooting range
10. Kennels
11. Places of Worship
12. Planned Developments- Business
13. Production and sale of sweet cider, hard cider, wine, jams, wine jams, jellies, pies, pickles, honey, sauces and similar items utilizing crops grown on the same property or in combination with crops grown off-site where such production takes place on the premises. In addition the tasting of and wholesale or retail sale of items produced on site as well as the sales of ancillary items and products related to crops and products produced on site shall be permitted provided all required licenses and permits have been secured.
14. Racetrack
16. Riding Stables including, but not limited to: polo clubs, rodeo clubs and similar uses
17. Seminaries, convents, monasteries, and similar religious institutions including dormitories and other accessory uses required for operation.
18. Telecommunications Stations
19. Other business uses not specifically listed as permitted uses, when found to be similar and compatible with existing or permitted businesses in the B-4 District
2. Adult Regulated uses
3. Airports and heliports including aircraft hangers, tie downs and aircraft service and repair subject to the following restrictions:
4. Airport, private airstrip, heliports and aircraft landing fields
5. Art Galleries and studios
6. Grain Storage.
7. Indoor Target Practice
8. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
9. Kennels
10. Medical Cannabis Cultivation Centers- Temporary
11. Medical Cannabis Cultivation Centers- Temporary
12. Motor freight terminals.
13. Motor vehicle/ Truckwash Facilities including the use of mechanical conveyers, blowers and steam cleaning.
14. Packaged Liquor Store or any sale of alcoholic beverages when associated with a brewery or winery.
15. Paintball Facilities
16. Parks and recreational areas
17. Planned developments, industrial
18. Private Clubs or lodges
19. Private clubs such as soccer, etc.
20. Racetrack provided that the following minimum standards are met:
21. Schools (including music, dance, business, driving, commercial, or trade but excluding truck driving)

22. Stadiums, auditoriums and arenas.
23. Theaters, outdoor drive-in.
24. Transfer Stations as long as it conforms to the Solid Waste Plan and all EPA requirements.
25. Truck Wash Facility or Motor Vehicle Wash Facility
26. Any use permitted in the M-2 Heavy Manufacturing District, provided the performance standard set forth in Section 4.12. can be met in their entirety.
27. Wind Farms, Commercial,

M-2

Permitted Uses

1. Any use permitted in the M-1 Districts except banks and financial institutions.
2. Production, processing, cleaning, servicing, testing, and repair, including the following products:
 - Charcoal, lampblack and fuel briquettes.
 - Chemicals - including acetylene, aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, cleaning and polishing preparation, creosote, exterminating agents, hydrogen and oxygen, industrial alcohol, nitrating of cotton or other materials, nitrates, (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yard, hydrochloric, picric and sulfuric acids and derivatives.
 - Coal, coke and tar products, including gas manufacturing.
 - Electric central station, power and steam-generating plants.
 - Fertilizers.
 - Film, photographic.
 - Flour, feed and grain - milling and processing.
 - Incineration or reduction of garbage, offal and dead animals.
 - Linoleum and oil cloth.
 - Magnesium foundries.
 - Matches.
 - Metal and metal ores (except precious and rare metals) - reduction, refining, smelting and alloying.
 - Paint, lacquer, shellac, varnishes, linseed oil and turpentine.
 - Petroleum products, refining - such as gasoline, kerosene, naphtha, lubricating oil and liquefied petroleum gases.
 - Rubber (natural or synthetic).
 - Soaps, including fat and oil rendering.
 - Starch.
 - Wood, coal, and bones, distillations.
 - Wood pulp and fiber, reduction and processing, including paper mill operations.
 - Any other production, processing, cleaning, servicing, testing, and repair which conforms with the performance standards established hereinafter for the M-2 District.
3. Storage, including the following uses and materials or products: Goods used in or produced by manufacturing activities permitted in this district.
 - Grain.
 - Manure, peat and topsoil.
 - Petroleum and petroleum products.

M-2
Special Uses

1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle wrecking yards provided they are contained within completely enclosed buildings or screened by a solid wall or uniformly painted solid fence at least twelve feet high.
6. Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.
7. Miscellaneous uses as follows:
 - a. Railroad freight terminals, motor freight terminals, railroad switching and classification yards, repair shops and roundhouses.
8. Slaughter House

M-3
Permitted Uses

1. Surface and/or open pit mining, extraction and or processing of aggregate materials, e.g. sand, gravel, limestone, subject to the issuance of a permit as provided including an office in relation to business.
2. Explosive, including storage, when not prohibited by other ordinance.

M-3
Special Uses

1. Asphalt and/or concrete batch mixing plants with or without associated recycling facilities.
2. Commercial off-premise advertising structures
3. Kendall County Sheriff's Office shooting range with conditions to be set and approved by the County Board.
4. Outdoor Target Practice or Shooting (not including private shooting in your own yard)

TO: Kendall County Planning Commission

RE: Proposed changes to Lisbon Township LRMP

Once again, I unable to attend your meeting tonight, June 27, and am forwarding this written comment for your consideration.

Thank you for removing the Prairie Parkway from the Planning map. I was most concerned about its continued inclusion on the map.

I remain concerned about the following:

Changing the Agricultural area west of Route 47 slightly north of Townhouse Rd south to the Kendall/Grundy County line to Mining: I feel allowing all the various Mining and B-6 classifications - six pages of uses, single spaced - for such a long stretch along Rt 47 allows far too many uses that are counterproductive to agriculture and residents. I recommend classifying the area west of Rt 47 north and south of Joliet Road to M-3, and moving north along Rt 47 to just north of Townhouse Rd., classify in order of declining intensity properties as M-2, M-1, and B-6

Extending the undefined M classification west on Rt 52 to Lisbon from the Rtes. 47/52 intersection: I realize this is done to accommodate Village of Lisbon growth and tax collection capabilities and is what is done statewide to accommodate incorporated villages and town. However, it is not good planning. The interests of the Village and its present and future residents are better served by the Village extending its own planning and zoning plan into its Extra Territorial Zoning district and, as parts of the ETZ are annexed to the Village, continuing to plan and zone its ETZ as the Village boundaries extend.

If the Commission prefers to keep M classification along Rt 52 from 47/52 intersection to Village of Lisbon, I ask that the M designation be made more specific -- showing B-6, M-1 and M-2 categories for various parts of that stretch of Rt 52. Doing so would lessen negative impact the very wide range of uses allowed in M designation would have on existing agriculture and residents.

Ruth Bell, [REDACTED]

Bell Ltd. Partners. 10381 Lisbon Center Rd, Newark, IL 60541

RESOLUTION NUMBER 2018-_____

**A RESOLUTION ADOPTING AN AMENDMENT TO THE KENDALL COUNTY LAND
RESOURCE MANAGEMENT PLAN TO UPDATE THE FUTURE LAND USE PLAN IN
LISBON TOWNSHIP IN THE VICINITY OF ROUTE 47**

WHEREAS, 50 ILCS 805 allows Counties to create and adopt Land Resource Management Plans; and

WHEREAS, 55 ILCS 5/5-14001 through 5-14008 specifies how a County may adopt and amend Official Plans; and

WHEREAS, Kendall County adopted a Land Resource Management Plan in March 1994; and

WHEREAS, the Kendall County Board has amended the Land Resource Management Plan on several occasions since its adoption in March 1994; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted a Policy, Framework, Planning Goals & Objectives, Management Goals & Objectives, and Land Resource and Management Area Policies for the County; and

WHEREAS, the Kendall County Land Resource Management Plan has adopted official Future Land Use Maps for each township and for the County as a whole; and

WHEREAS, Illinois State Route 47 was widened to four lanes in Lisbon Township; and

WHEREAS, the Village of Lisbon adopted a Comprehensive Plan in January 2009 which included proposed land uses along a portion of Illinois State Route 47 in Lisbon Township; and

WHEREAS, the Kendall County Regional Planning Commission, hereinafter be referred to as "Petitioner," believes that future land uses along Illinois State Route 47 will change due to the widening of the highway in Lisbon Township and that the Kendall County Land Resource Management Plan should be amended to incorporate portions of the Village of Lisbon's Comprehensive Plan; and

WHEREAS, on February 28, 2018, Petitioner held a public meeting in the Village of Plattville at 6410 Chicago Road, Yorkville, Illinois to obtain input from the residents of Lisbon Township and two members of the public expressed opposition to the proposal; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Regional Planning Commission conducted a public hearing on June 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested amendment and one member of the public asked questions and zero members of the public testified in favor or testified in opposition to the request; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals met on July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner presented evidence, testimony, and exhibits in support of the requested map amendment and seven members of the public expressed opposition to the proposal; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the proposed amendment; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and meetings, and has forwarded to the Kendall County Board a recommendation of **approval** of the proposed amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee, the recommendation of the Kendall County Zoning Board of Appeals, the record of the public hearing conducted by the Kendall County Regional Planning Commission, the recommendation of the Kendall County Regional Planning, and has determined that said proposed amendment to the Kendall County Land Resource Management Plan is necessary and in the best interests of Kendall County; and

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

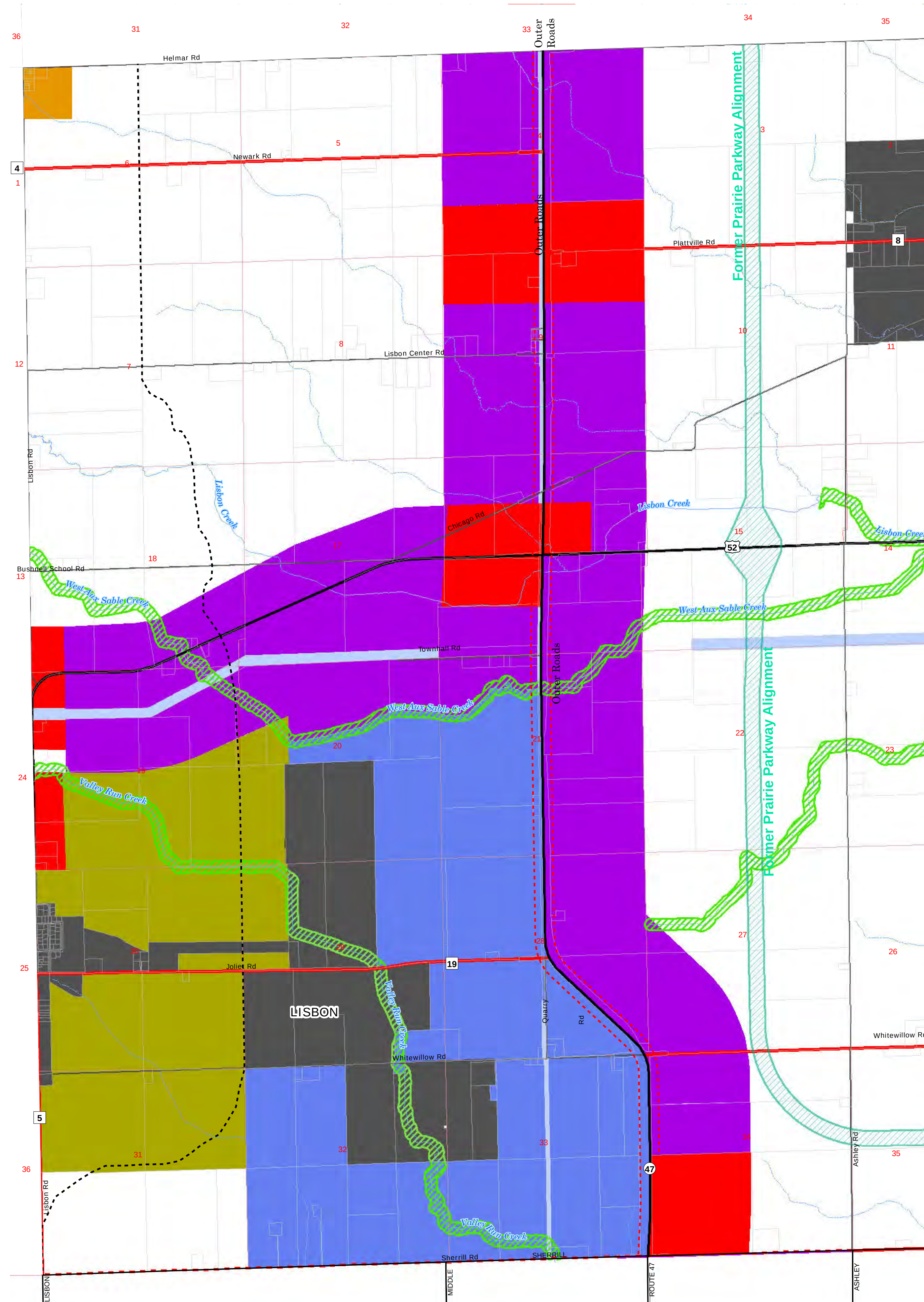
1. The revisions to the Future Land Use Plan of the Land Resource Management Plan, attached hereto as Exhibit A, are hereby adopted as an amendment to the Kendall County Land Resource Management Plan.
2. Any text or maps contained in the Kendall County Land Resource Management Plan in conflict with the attached Exhibit A are hereby repealed.

IN WITNESS OF, this resolution has been enacted by a majority vote of the Kendall County Board and is effective this 21st day of August, 2018.

Attest:

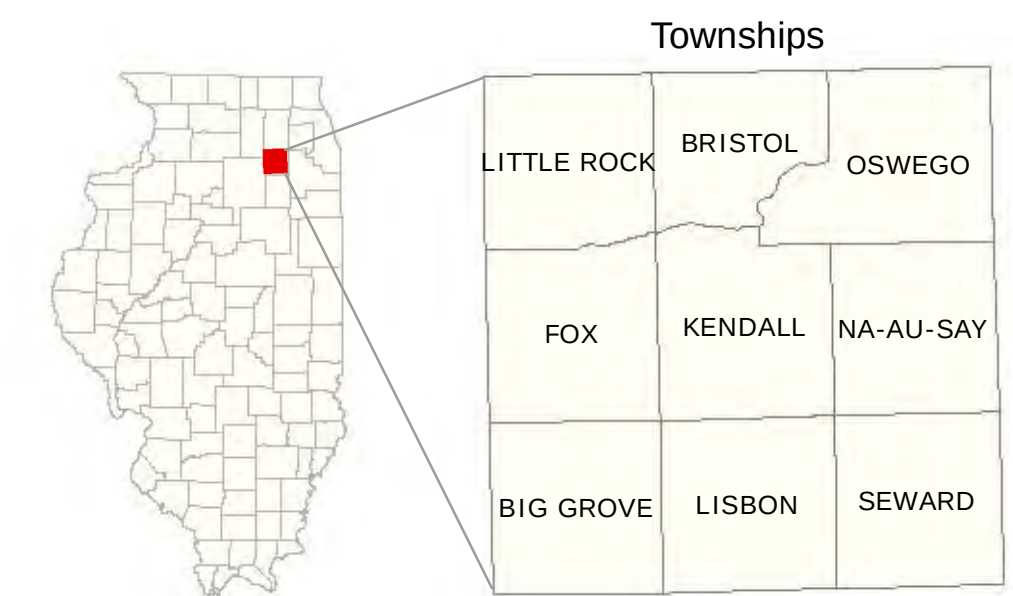
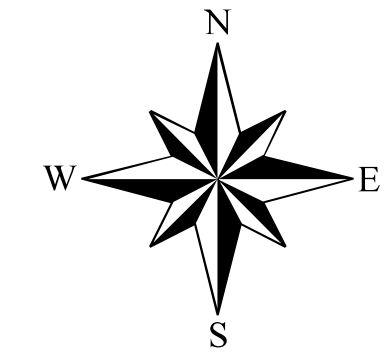
Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

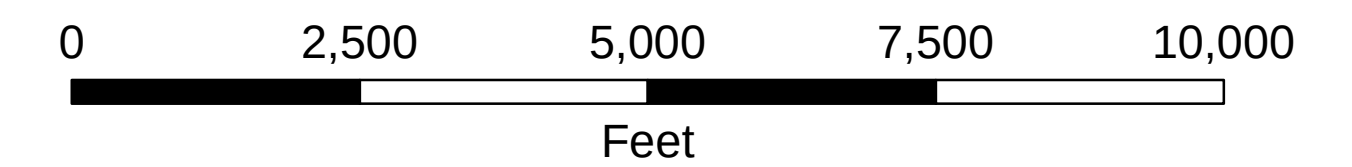


Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY - 2018 -

<http://www.co.kendall.il.us>



Scale: 1 in = 1,667 feet



Legend

- Outer Roads
- Proposed Roadways

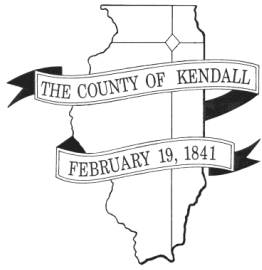
Future LRMP

Abbreviation

- Natural Resource Areas
- Grundy Mixed Use Business
- Court Ordered Mining
- Open Space
- Urbanized Areas
- Mixed Use Business
- Transportation Corridors
- Public Institutional
- Mining
- Rural Settlements
- Commercial
- Continued Growth Suburban Residential



Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 29, 2018
Re: 18-07 Proposed Text Amendment to Section 13.08 Pertaining to Special Use Permit Renewal Procedures

This proposed text amendment was originally initiated because the Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. This proposal evolved into its current form as the Planning, Building and Zoning Committee and Kendall County Regional Planning Commission reviewed the proposal. Ultimately, the proposal called for amending the text of the Zoning Ordinance to allow the County Board to amend or revoke special use permits for any reason by a simple majority vote. This proposal only applies to special use permits issued after the date of adoption of this ordinance.

The Planning, Building and Zoning Committee reviewed the original proposal on February 13th and unanimously approved initiating the text amendment process. The Planning, Building and Zoning Committee reviewed the concerns raised by the Kendall County Regional Planning Commission at their May and June meetings and ultimately approved this text amendment proposal in its current form.

ZPAC reviewed the original proposal at their meeting on March 6th and unanimously recommended approval of the original proposal.

The Kendall County Regional Planning Commission believed that amendments and revocations should only occur after a special use permit holder had been found guilty in court and such revocations and amendments should occur by super-majority votes of the County Board. The Kendall County Regional Planning Commission also expressed concerns about the investments that special use permit holders made in their property and business that could be lost if a special use permit was revoked. Concerns about obtaining business loans were expressed on several occasions and that this proposal would discourage business. The Kendall County Regional Planning Commission also did not like the potential for litigation. Concerns about the County Board behaving arbitrarily on revocations or amendments were also expressed. The Planning, Building and Zoning Committee was also informed of the Kendall County Regional Planning Commission's concerns about holding property and special use permit holders accountable for violations of previous property and/or special use permit holders. The Planning, Building and Zoning Committee did not share the concerns of the Kendall Regional Planning Commission on these matters and they (the Planning, Building and Zoning Committee) believed the County Board should have the ability to amend and/or revoke special use permits as outlined in the proposal. At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial with eight (8) members of the Commission present.

Staff previously mailed notices of the meetings and a copy of the proposal to all special use permit holders on file.

The following comments on this subject were made at the March 28, 2018, Kendall County Regional Planning Commission meeting:

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

The following comments on the subject were at the June 27, 2018, Kendall County Regional Planning Commission meeting:

Todd Milliron, Yorkville, does not like the simple majority language. He would like a supermajority vote of the County Board. He would like to see cause, documentation, and due process when amendments to or revocation of special use permits are considered.

Peter Pasteris, Johnson Road, expressed concerns regarding the proposal. He does not believe a special use permit should be revoked or amended if someone is following the provisions of their special use permit.

The following comments on the subject were made the July 25, 2018, Kendall County Regional Planning Commission meeting:

The proposal will not impact the campground on Van Emmon.

Dan Koukol, Oswego Township, said many of the special use permit holders employ many people in Kendall County. These employees spend money in Kendall County. The Comprehensive Land Plan and Solid Waste Plan are constantly updated. Families have been built on the special use permits. Mr. Koukol was also concerned that fewer than six (6) votes could be required to revoke someone's special use permit. He also expressed concerns that these special use permit holders will not get financing. If a special permit holder makes four (4) County Board members angry, they could lose their special use permit.

Jerry Callaghan, attorney for Green Organics, argued that the grandfathering provisions were not clear. Does "upon revocation" mean that someone has to cease immediately? He stated that people cannot just cease an activity because of private property rights. There are no standards for revocation or amendment of special use permits which makes it difficult for people and businesses to make business decisions.

August 29, 2018

Peter Pasteris, Johnson Road, stated that his farm means a lot to him. He looked at his special use permit as a way to save their farm. He discussed the multiplier effect of his business on hotels, caterers, kids doing jobs, and similar businesses and people. He thinks that, if this proposal is approved, some of the growth will cease. He expressed concerns that he could lose his grandfathering if he makes changes to the layout of the site.

Megan Jensen, Caton Farm Road, stated that they went through the special use process two (2) years ago. She expressed concerns regarding the impact of potential changes to their special use permit. They purchased their property on the condition that the zoning must be approved. If the special use permit were revoked, that revocation would negatively impact their use of the property. The people applying for special use permits are trying to follow the rules.

Pete Bielby, Fox River Drive, asked how many special use permits did not run with the land. Mr. Asselmeier said very few. His special use permit runs with the land.

Nobody in audience at the July 25th meeting expressed support of the proposed amendment.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 30, 2018. The Kendall County Zoning Board of Appeals unanimously recommended denial of the proposal.

The following testimony and comments on the subject were made the July 30, 2018, Kendall County Zoning Board of Appeals meeting:

Jerry Callaghan, attorney for Green Organics, stated that he attended the Kendall County Regional Planning Commission meeting on July 23, 2018. He stated that Green Organics has five (5) more years on their special use permit. He stated the language of the petition was that the special use will remain in effect until the special use permit expires. Chairman Mohr agreed with Mr. Callaghan. Mr. Callaghan continued that, if the special use permit was to be revoked, notice had to be sent two (2) months prior to final action. Mr. Asselmeier responded, if Kendall County wanted to revoke a special use permit, yes. Mr. Callaghan expressed concerns regarding the procedure and lack of standards for revocation. Mr. Callaghan expressed concerns regarding the loss of investment made by a business if the County revoked a special use permit. Mr. Callaghan questioned the County's ability to shut down an activity due to legal non-conforming regulations. Mr. Callaghan argued the proposal did not take into consideration the owners property rights and was promoting chaos and confusion. He agreed if an owner was not adhering to their special use permit, the County has a right to revoke their special use. Mr. Callaghan agreed that the petition will discourage investments and discourage banks from lending money to owners. He requested the Zoning Board of Appeals to reject the proposed text amendment. Chairman Mohr questioned the location of the Green Organics business and if they are paying the tipping fees as part of the special use permit. Mr. Callaghan believed that Green Organics was paying the tipping fees. Chairman Mohr questioned if Green Organics will still be in a similar situation in five (5) years when they are set to renew their permit. Mr. Callaghan believed any owner would be in a better position for renewal if this proposal was not rejected. Mr. Asselmeier responds that one member of the Planning, Building and Zoning Committee believed the issues with the special use permits were a legislative decision and that revocation falls under that scope and the County would have that right to revoke under the legislative decision. Mr. Callaghan agreed that the issuance of special uses permits are a legislative decision, but did not believe it can be legislated to revoke someone's property rights.

Mark Caldwell, Finnie Road, Dickson Valley Camp, stated that he understood the camp would be grandfathered, but did not agree with the proposal. Mr. Caldwell argued that the language could be used negatively by future County Boards that have an agenda against religious organizations such as his. He stated any changes or amendments to the camp could place them under the new regulations. Mr. Caldwell admitted that the camp will continue to evolve and changes will be made. However, they will be penalized with the new language if accepted. Mr. Caldwell requested for the Zoning Board of Appeals to vote no.

Megan Jensen, Caton Farm Road, requested the Zoning Board of Appeals vote no on the petition. She understood the petition will not affect them as they are grandfathered. However, if their special use needed to be amended for any reason, the County could revoke their special use permit for any reason. Ms. Jensen argued the County should not be able to revoke at a later date if the owner agreed to follow any and all rules. Furthermore, she argued the petition was proposed for a couple of properties with issues, but this proposal will not apply to those properties because they are also grandfathered. The proposal creates issues for future special use. Also, if the special use permit that came with her property was revoked, they would have lower property values. Ms. Clementi questioned what Ms. Jensen's special use was for; Ms. Jensen's special use was for landscaping.

Fred Davis, Caton Farm Road was mainly concerned with the County's ability to revoke the special use permit without good reason and without majority of County Board members present. Mr. Davis reinvested back into the Kendall County community via his special use and he did not believe the petition will be welcoming to businesses. Mr. Davis argued if someone is not following the rules, their special use permit should be revoked. Mr. Davis questioned if he amended his business by expansion or hiring more workers would he then be under the new petition. Mr. Asselmeier stated that, if Mr. Davis' amendments were more than ten percent (10%) of something quantifiable in his special use permit, he would fall under the new regulations. Chairman Mohr stated that whatever changes Mr. Davis makes to his property will affect the homes or properties near him which would warrant him to fall under the new petition if approved. Chairman Mohr acknowledged that there will still be a procedure whether the petition is accepted or not if Mr. Davis adds to his special use. Mr. Asselmeier explained that, with the current procedure Mr. Davis would still be required to amend his special use if he intended on amending his property more than ten percent (10%). Chairman Mohr questioned if Mr. Davis would be better off not expanding; Mr. Asselmeier confirmed.

Pete and Laurie Pasteris, Johnson Road, believed if the County was having an issue with a few people with a special use permit, the County should deal with those individuals instead of creating problems for the ones that are following the rules. Mr. Pasteris stated they have a farm but also a special use for a weddings. He argued if he changes the tent size, they would have to accept the new guidelines. Mr. Pasteris argued the farm was another selling point for his business. Ms. Pasteris argued their loan could create problems if Kendall County decided to revoke their special use permit, which is not fair in her opinion.

Nate Howell, Church Road stated his problem with the revocation language. He has a special use for his whole property, but uses a small percentage for his shooting range. Mr. Howell argued that, if he decided to demolish his current barn, he would automatically be placed under the new rules. Mr. Howell argued if someone on the County Board did not like shooting ranges, he would no longer have a business. Mr. Howell stated he cannot add or take down any building because of his special use permit. Mr. Asselmeier responded that, due to how Mr.

August 29, 2018

Howell's site plan was approved, Mr. Howell would have a harder time making any changes to his property.

Chairman Mohr questioned the definition of guilty. Mr. Asselmeier responded guilty meant being found guilty by a court. Chairman Mohr referred to Mr. Howell taking down the barn on his property; Mr. Mohr believed that Mr. Howell should have his special use revoked even though the removal of the barn would technically be a violation of special use permit. Mr. Asselmeier stated, because of how his special use permit was written, Mr. Howell would be in violation. However, the original goal of the proposal was to revoke special use permits only after all legal actions have been taken and the property owner was in fact found guilty of violation by a court. Chairman Mohr agreed with Mr. Howell that, if someone on the Kendall County Board did not like shooting ranges, that belief would be a reason for revocation.

Mr. Whitfield stated there was already a revocation process in place. Mr. Asselmeier stated there was a procedure currently in place. After notice, the owner has thirty (30) days for remediation. An owner can request an extension. After all extensions were exhausted, the case goes to the Kendall County Board Committee they can forward the case to the States' Attorney for legal action. Mr. Asselmeier stated the one (1) special use permit holder has been causing problems, but has not been found guilty because they remedied their violations. Mr. Whitfield sought clarification that there was a procedure already in place that keeps the owners in line with the rules. Mr. Whitfield stated there was already a process in place for the people who are causing problems.

Mr. Thompson agreed with Mr. Whitfield and stated the proposal is too imposing.

Mr. Davidson stated his opposition because he believed that a super majority vote should be required. Mr. Davidson did not believe the petition will have a positive effect.

Ms. Clementi did not believe the proposal was fair to the people, and the people causing problems should be addressed directly.

Mr. LeCuyer stated that too many rules that could hinder the people that are adhering to the rules.

The townships were frequently updated on the status of this proposal and on July 31, 2018, they were notified that a public hearing occurred. Pursuant to 55 ILCS 5/5-12014(c), the townships of Little Rock, Kendall, Lisbon, and Seward filed formal objections to this proposal. Pursuant to State law, the approval of at least three-quarters (3/4) of the County Board is required to approve this proposal.

The Comprehensive Land Plan and Ordinance Committee met on this proposal on August 22, 2018, and suggested that the proposal be laid over reviewed for possible changes at their October meeting.

A copy of the proposed ordinance is attached to this memo.

If you have any questions regarding this proposal, please let me know.

PBZ Memo
August 29, 2018

Thanks,

MHA

ENCs: Proposed Ordinance
 Formal Objections of Little Rock, Kendall, Lisbon, and Seward Townships

ORDINANCE NUMBER 2018-_____

**TEXT AMENDMENT TO SECTION 13.08 OF THE KENDALL COUNTY ZONING
ORDINANCE ADDING SUB-SECTION R PERTAINING
TO SPECIAL USE RENEWAL PROCEDURES**

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve text amendments and provides the procedure through which text amendments are granted; and

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance contains the procedures for approving special use permits, major and minor amendments to special use permits, and revocations of special use permits, but does not contain specific procedures for the renewal of special use permits;

WHEREAS, on February 13, 2018, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, submitted a text amendment to the Kendall County Zoning Ordinance establishing procedures for renewing special use permits; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on July 12, 2018, the Kendall County Zoning Board of Appeals conducted a public hearing on July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested text amendment and seven (7) members of the public testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has recommended denial of the text amendment on July 30, 2018; and

WHEREAS, 55 ILCS 5/5-12014 (c) grants certain townships the right to file formal objections to proposed text amendments; and

WHEREAS, the Townships of Little Rock, Kendall, Lisbon, and Seward did file formal objections in a manner permissible by State law; and

WHEREAS, 55 ILCS 5/5-12014 (c) requires the approval of at least three-fourths of a County Board to approve a text amendment over the formal objection of certain townships; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial** of the requested text amendment; and

WHEREAS, the Kendall County Board has considered the recommendations of the Planning, Building and Zoning Committee and the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS,
that Section 13.08 of the Kendall County Zoning Ordinance be amended as follows:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.

II. Amended Text: Section 13.08 is hereby amended by adding Sub-Section R:

“13.08.R. Special Use Renewal Procedures

1. All special use permits requiring renewal shall automatically be renewed for the same duration as listed in the special use permit currently in effect unless the Kendall County Board requests one or more amendments to or revocation of the special use permit using the procedure outlined in Section 13.08.R.2.
2. If the Kendall County Board requests one or more amendments to or the revocation of a special use permit requiring renewal, the following process shall occur:
 - a. Prior to initiating the amendment or revocation, the Kendall County Board shall direct the Planning, Building and Zoning Department to notify the property owner and owner of the special use permit by registered letter that changes to or revocation of their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The letter shall be sent not earlier than six (6) months or less than two (2) months prior to the renewal period stated in the special use permit or within six (6) months after all judicial appeals of the guilty verdict have been exhausted. The guilty verdict shall run with property and not the owner of the special use permit.
 - b. After sending the required letter, the Kendall County Board may approve initiating amendment(s) to or revocation of a special use permit by a favorable vote of a majority of the members of the Kendall County Board.
 - c. The proposed amendments shall follow the procedure outlined in Section 13.08.C (Processing of Special Use Permit Applications) regardless of the size or nature of the proposed amendment(s) to or revocation of the special use permit.
 - d. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings.
 - e. After the completion of the procedure outlined in Section 13.08.R.2.c, the Kendall County Board may approve amendments to or revocation of special use permits by favorable vote of a majority of the Kendall County Board.
 - f. Within five (5) calendar days of approval of amendments to or revocation of a special use permit, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the changes or revocation to the special use permit.
 - g. Amendments approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the

time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place.

h. Revocations approved by the Kendall County Board shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the revocation and the revocation becoming effective, the conditions of the special use permit previously in effect shall remain in place.

i. If a proposed amendment or revocation fails to receive the required votes, the existing special use permit shall be automatically renewed for the same duration as listed in the special use permit currently in effect.

j. If a special use permit is revoked under the provisions of this Sub-Section, the Zoning Administrator shall cause the Official Zoning Map of Kendall County to be amended to reflect the revocation.

k. At least one (1) year shall lapse between the effective date of the revocation and the application for a new special use permit for the same or similar use at the same property.

l. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.

3. Section 13.08.R shall apply to any special use permit issued after the date of the adoption of this amendment. **INSERT DATE** requiring renewal. Any special use permit issued prior to this date that requires renewal may follow the provisions of this Sub-Section if the owner(s) of the special use permit sign a notarized affidavit agreeing to the provisions of this Sub-Section.”

III. Amended Text: Section 13.08.F is hereby deleted and replaced with the following:

“REVOCATION. The Kendall County Board may initiate revocation of a special use permit following a simple majority vote of the County Board for any special use issued after the adoption of this amendment **INSERT DATE**. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings. If a revocation is proposed, the Zoning Board of Appeals shall hold a public hearing (following procedures outlined in Section 13.08 H below) and submit to the County Board a report of their findings and recommendations. The current property owner shall be provided notice by registered letter at least 15 days in advance of the hearing.

If the special use permit holder wishes to discontinue the special use, he or she may request revocation of said special use, no matter the duration of time that the special use has been discontinued. The owner shall submit to the PBZ Department, in writing, a request to the County Board to revoke said special use. Such a request shall be signed by the owner. No public hearing shall be required for an owner initiated revocation. Said revocation shall be discussed by the PBZ Committee for review and

recommendation to the County Board. A revocation shall not become effective unless approved by the County Board.”

IV. Amended Text: Section 13.08.M is hereby deleted and replaced with the following:

“AMENDMENTS TO APPROVED SPECIAL USES. Unless amended, a special use shall be constructed/established in accordance with the terms and conditions as stated in the approving ordinance and any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable). Modifications of the terms and conditions specified in the approving ordinance granting the special use or changes to any controlling site plans attached to or referenced in the ordinance which granted the special use (if applicable) shall require the processing and approval of either a minor or major change to a Special Use.

Amendment of Special Uses under this paragraph shall apply to all existing, valid Special Uses issued prior to the date of the amendment of this ordinance as well as any future Special Uses granted under this ordinance.

The Kendall County Board may initiate amendments by a simple majority vote of the members of the Kendall County Board to approved special use permits issued after the adoption of this amendment **INSERT DATE** after notifying the property owner and owner of the special use permit by registered letter that change(s) to their special use permit are under consideration. The letter shall state specific changes proposed by the Kendall County Board. The proposed amendment(s) shall be treated as major amendments regardless of the size or nature of the proposed amendments and shall follow review the procedure outlined in Section 13.08.O. The Kendall County Board shall be responsible for paying all fees associated with the notification and holding of hearings. After the completion of the procedure outlined in Section 13.08.O, the Kendall County Board may approve amendments to or special use permits by favorable vote of a majority of the Kendall County Board. Within five (5) calendar days of approval of amendments to a special use permit initiated by the Kendall County Board, the Kendall County Planning, Building and Zoning Department shall notify the property owner and owner of the special use permit by registered mail of the change(s) to the special use permit. The amendments shall become effective thirty-five (35) calendar days after approval by the Kendall County Board. During the time period between the approval of the amendments and the amendments becoming effective, the conditions of the special use permit previously in effect shall remain in place. Nothing in this Sub-Section shall be construed to prevent a property owner or special use permit holder from applying for minor and major amendments to special use permits as outlined in Section 13 of the Kendall County Zoning Ordinance.”

IN WITNESS OF, this ordinance has been enacted by a supermajority vote of the Kendall County Board and is effective this 18th day of September, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Little Rock Township

Frank Carreno III
Supervisor
(630) 552-3315

611 W. Main Street
Plano, Illinois 60545
(Fax) 630-552-1316

Marie Bracken
Assessor
(630-552-3328)

Richard Wade Jr.
Highway Commissioner
(630) 552-3304

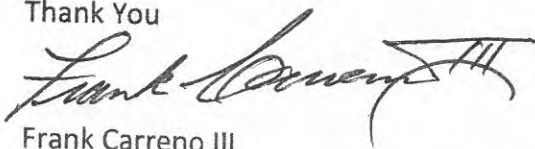
Angie Carreno
Clerk
(630-552-3315)

August 13, 2018

To Kendall County Clerk

At our meeting on August 11, 2018, the Little Rock Township Board held our regular monthly meeting and unanimously denied the proposed text amendment to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits. Our vote was 5-0 against amendment.

Thank You

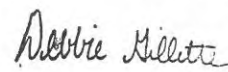


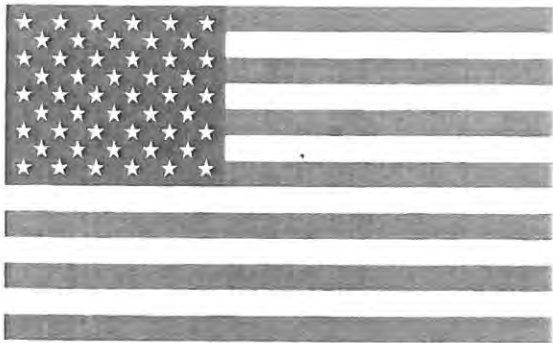
Frank Carreno III

Little Rock Township Supervisor

STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -

AUG 17 2018

 COUNTY CLERK
KENDALL COUNTY



STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -

AUG 29 2018

Nellie Mellette COUNTY CLERK
KENDALL COUNTY

KENDALL TOWNSHIP 9925 RT. 47
STEVE GENGLER, SUPERVISOR

YORKVILLE, IL. 60560
630-553-7133

August 25, 2018

Matthew H. Asselmeier

Kendall County Senior Planner

111 W. Fox Street

Yorkville, Illinois 60560

The Kendall Township board by, unanimous vote, hereby formally objects to petition 18-07 as written.

Thanks for your consideration,

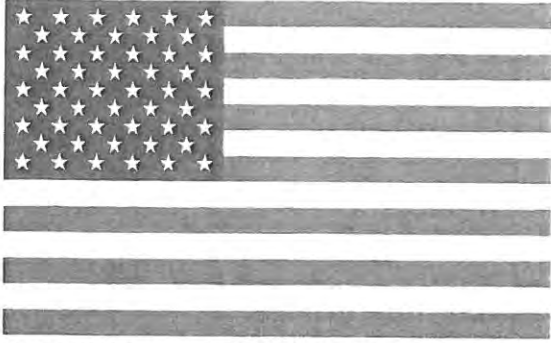
Steve Gengler

Kendall Township Supervisor

~~August 25,~~

~~111 W. Fox Street~~

~~Yorkville~~



KENDALL TOWNSHIP 9925 RT. 47
STEVE GENGLER, SUPERVISOR
~~Thanks for your consideration,~~

YORKVILLE, IL. 60560
630-553-7133

~~Steve Gengler~~
~~Kendall Township Supervisor~~

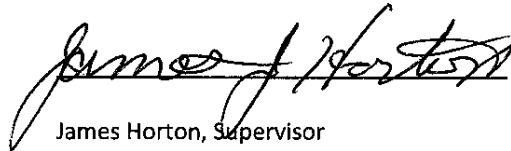
Legal Objection

The Lisbon Township Planning Commission has recommended to the Lisbon Township Board to be a legal objector to the Kendall County Special Use Proposed Ordinance. A vote was taken and the Lisbon Township Board voted to be a legal objector to the Kendall County Special Use Proposed Ordinance dated this August 20, 2018.

	<u>Yes</u>	<u>No</u>	<u>Absent</u>
Tom Anzelc	<u>X</u>	—	—
Bill Ashton	<u>X</u>	—	—
Tara Kunkel	—	—	<u>X</u>
Scott Wallin	—	—	<u>X</u>
James Horton	<u>X</u>	—	—



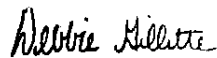
Darlene Ashton, Clerk



James Horton, Supervisor

STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -

AUG 21 2018



COUNTY CLERK
KENDALL COUNTY

RECEIVED

AUG 20 2018

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

Seward Township

14719 O'Brien Rd.
Minooka, Illinois 60447
Phone: (815) 475-4613

Jean Homerding – Supervisor (815) 467-4623
Sharleen Smith – Clerk
Ray Vickery – Road Commissioner

Phil Chaney - Trustee
Tom Fleming - Trustee
Jim Martin - Trustee
Dan Roberts - Trustee

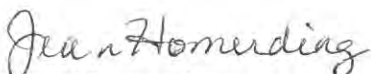
Date: August 15, 2018

To: Kendall County Board
From: Seward Township
Re: Special Use Permits

At the August 14, 2018 meeting of Seward Township, the recommendation of the Seward Township Planning Commission of Petition 18-07 Renewal, Amendment and Resolution of Special Use Permits was reviewed.

Following review of the Seward Township Planning Commission's recommendation, the Seward Township Board of Trustees voted unanimously to file a legal objection of said petition.

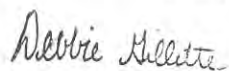
If you have further questions, please feel free to contact me.


Jean Homerding
Supervisor


Attest: Sharleen Smith
Clerk

STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -

AUG 20 2018


COUNTY CLERK
KENDALL COUNTY

Enclosure: Seward Township Planning Commission recommendation

RECEIVED^{p.1}

AUG 20 2018

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

Sword Township Plan Commission Meeting

The ^{Sword Township}₁ Plan Commission voted 4-0 to
file an objection to the Petition 18-07-

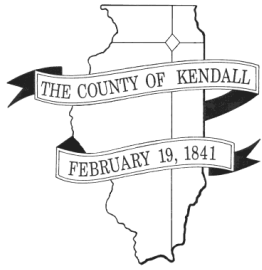
Kendall County Planning, Building and Zoning
Pertaining to the Renewal, Amendment,
and Revision of Special Use Permits

Suzanne Caley


Jessica Nielsen

Eleanor Burt

August 13, 2018



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 29, 2018
Re: 18-13 Proposed Text Amendments Pertaining to Solar Panel Zoning Regulations

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed solar panel regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was "may" and not "shall" (4.18.P.6).

The townships were mailed the proposal on March 22nd and were notified of the results of the July 30, 2018, Zoning Board of Appeals hearing. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word "crops" found in line 7 of 4.18.C.4 should be replaced with the word "vegetation" because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes.

1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.

PBZ Memo

August 29, 2018

2. All references to waiving the special use permit requirements and setback requirements should be deleted.
3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State's Attorney's Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on July 30, 2018. No members of the public testified in favor or in opposition to the proposal. The Zoning Board of Appeals unanimously recommended approval of the proposal.

A revised proposal incorporating the above amendments is attached to this memo.

The State of Illinois recently approved an Agricultural Impact Mitigation Agreement (AIMA) requirement. This proposal requires decommissioning to be completed within six (6) months of the commencement of the decommissioning plan (4.18.P.4); the AIMA allows a maximum twelve (12) month for decommissioning to occur (17.B). In addition, the proposal gives the County Board discretion whether or not to require a decommissioning bond (4.18.P.6); the AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Proposed Text Amendments for Solar Panels (Dated 5/24/18)
 State of Illinois AIMA
 4.3.18 ZPAC Minutes
 5.23.18 RPC Minutes
 7.30.18 ZBA Minutes

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
July 30, 2018 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson, Dick Whitfield, and One Vacancy

Members Absent: None

Staff Present: Matthew Asselmeier, AICP, Senior Planner and Jasmine Brown Watkins, Office Assistant

Public: Ruth Bell, Pete Pasteris, Jerry Callaghan, Scott Friestad, Kristin Friestad, Scott Wallin, Bob Friestad, Kurt Friestad, Linda Fosen, Mark Caldwell, Megan Jensen, Fred Davis, Laurie Pasteris, and Nate Howell

PETITIONS

The Zoning Board of Appeals started their review of Petition 18-13 at 9:17 p.m.

Petition 18-13 Kendall County Planning, Building and Zoning Committee

Request: Text Amendments to Sections 3.02, 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County’s Solar Panel Zoning Regulations

Purpose: Text Amendment Defines Types of Solar Panel Usage and Solar Panel Equipment, Amends the Zoning Regulations for Accessory Use of Solar Panels, and Adds Requirements for Solar Gardens and Solar Farms

Mr. Asselmeier summarizes the petition.

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table from this study was included in the packet to the Zoning Board of Appeals.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was "may" and not "shall" (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts. (Chairman Mohr stated a solar garden is defined as twenty (20) acres or less. He questioned if someone can go to R-1 zoning and install a twenty (20) acre solar farm. Mr. Asselmeier confirmed that, if the special use permit is granted, yes. Mr. Asselmeier stated this was the concern that if a subdivision was built, a solar panel of that size could be needed to supply energy to the subdivision. Ms. Clementi questioned even if a residence wanted to place a solar panel on their property, they would still have to obtain a special use permit. Mr. Asselmeier stated that, if it is on the house and the energy will be used onsite, a solar panel would be permitted without a special use permit.)
5. The word "crops" found in line 7 of 4.18.C.4 should be replaced with the word "vegetation" because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

The Kendall County Regional Planning Commission met on May 23, 2018, and recommended approval of the proposal with the following changes:

1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.
2. All references to waiving the special use permit requirements and setback requirements should be deleted.

3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.

4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.

5. If allowed by the State's Attorney's Office, provision should be added to Section 4.18.F regarding repair of damaged drain tile.

Mr. Asselmeier stated that density became an issue in DeKalb and Will Counties.

Ms. Clementi mentioned the owners requesting for solar panels were only going forward if the State grants funding. However, she did not believe the state will be giving all the funds to just Kendall County. Mr. Asselmeier responded that there was only one (1) application for the solar panel in the unincorporated area.

Chairman Mohr opened the public hearing at 9:42 p.m. With no members of the public desiring to speak, Chairman Mohr adjourned the public hearing at 9:42 p.m.

Ms. Clementi made a motion, seconded by Mr. Whitfield, to recommend approval of the text amendment as presented.

The votes were as follows:

Ayes (6): Cherry, Clementi, LeCuyer, Mohr, Thompson, and Whitfield
Nays (0): None
Absent (0): None

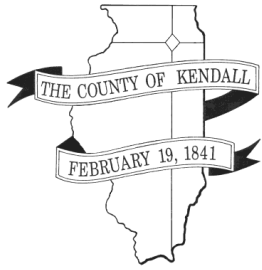
The motion passed. This matter will be sent to the townships for an opportunity to file formal objections and will go to the Planning, Building and Zoning Committee on September 10th.

The Zoning Board of Appeals concluded review of Petition 18-13 at 9:44 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits

1. Staff Report on Petition 18-13 Dated June 25, 2018.
2. Certificate of Publication for Petition 18-13 (Not Included with Report but on file in Planning, Building and Zoning Office).



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 25, 2018
Re: 18-13 Proposed Text Amendments Pertaining to Solar Panel Zoning Regulations

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table from this study is included with this memo.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County’s proposed regulations into the Kendall County Zoning Ordinance.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

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4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.

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4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State’s Attorney’s Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

A revised proposal incorporating the above amendments is attached to this memo.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Solar Comparison Table
 Proposed Text Amendments for Solar Panels (Dated 5/24/18)
 4.3.18 ZPAC Minutes
 5.23.18 RPC Minutes

Solar Panel Amendments

(Updated 5/24/18)

Amend Section 3.02 by adding the following terms and definitions:

ACTIVE SOLAR ENERGY SYSTEM. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS. An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

GRID-INTERIE SOLAR ENERGY SYSTEM. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

GROUND MOUNT SOLAR ENERGY SYSTEM. A solar energy system mounted on a rack or pole that rests on or is attached to the ground.

OFF-GRID SOLAR ENERGY SYSTEM. A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

PASSIVE SOLAR ENERGY SYSTEM. A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PHOTOVOLTAIC SYSTEM. An active solar energy system that converts solar energy directly into electricity.

ROOF MOUNT SOLAR ENERGY SYSTEM. A solar energy system that is mounted on a rack that is fastened onto a building roof.

SOLAR ACCESS. Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR COLLECTOR. An assembly, structure, and the associated equipment and housing, designed for gathering, concentrating, or absorbing direct and indirect solar energy for which the primary purpose is to convert or transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY EASEMENT. An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land.

SOLAR ENERGY SYSTEM (SES). All components required to become a complete assembly or structure that will convert solar energy into electricity for use.

SOLAR ENERGY SYSTEM ADDITION. A private solar energy system which is structurally attached to a building or structure on the zoning lot on which said system is located. Said system shall be considered part of the building and shall comply with all provisions of this ordinance pertaining thereto.

SOLAR ENERGY SYSTEM, PRIVATE. A collection of one (1) or more solar collectors designed for use by the occupant(s) of the zoning lot on which said system is located; excess power generation is limited to net metering or similar technology with regulations set by the local power utility, community, county, and state. Private solar energy system equipment shall conform to applicable industry standards, and applicants for building permits for private solar energy systems shall submit certificates from equipment manufacturers that the equipment is manufactured in compliance with industry standards.

SOLAR FARM. A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

SOLAR GARDEN. A commercial solar-electric (photovoltaic) array, of no more than 20 acres in size, that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses ~~residing in or located off-site from the location of the solar energy system. A county solar garden may be either an accessory use, when a part of an existing or a proposed subdivision or a special use if it is a stand-alone garden.~~ (Updated 5/24/18)

SOLAR HEAT EXCHANGER. A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

SOLAR HOT AIR SYSTEM. An active solar energy system (also referred to as Solar Air Heat or Solar Furnace) that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air.

SOLAR HOT WATER SYSTEM. A system (also referred to as Solar Thermal) that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

SOLAR MOUNTING DEVICES. Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

SOLAR STORAGE UNIT. A component of a solar energy device that is used to store solar generated electricity or heat for later use.

Amend Section 4.18 as follows:

4.18 SOLAR PANELS

- A. **Roof Mounted for On-Site Energy Consumption.** Solar panels located on the roof of an existing structure shall be permitted in all districts. **Roof mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted. Roof mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. Roof mounted or building integrated private solar energy systems for residential or business use shall be considered an accessory use in all zoning districts where there is a principal structure and shall meet the regulations of the Kendall County Zoning Ordinance. Roof mounted solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits.** The use of roof mounted solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)
- B. **Freestanding for On-Site Energy Consumption.** Solar panels located on the ground or attached to a framework located on the ground shall be classified as accessory structures **in all zoning districts provided that the system is no larger than necessary to provide one hundred twenty percent (120%) of the electrical and/or thermal requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.** Freestanding solar panels shall be permitted if they comply with ~~all of the following standards~~ **the standards listed in the Kendall County Zoning Ordinance.** Ground or pole mounted solar energy systems shall not exceed the maximum height, when oriented at maximum tilt, for the zoning district in which it is located. **Freestanding solar panels used as accessory to agricultural uses and which the energy generated from the solar panels is consumed on-site shall be exempt from building permits.** The use of freestanding solar panels for on-site energy consumption shall comply will all applicable federal, state, and local laws and the rules of the local electrical utility. (Updated 5/14/18)

~~(Properties considered agriculturally exempt as defined in State Statute from building permits are further exempt from these standards with the exception of #3 listed below):~~

~~1. The proposed system is no larger than necessary to provide 120 percent of the electrical and/or thermal energy requirements of the structure to which it is accessory as determined by a contractor licensed to install photovoltaic and thermal solar energy systems.~~

~~2. The solar panels and supporting framework shall not exceed 12' in all districts with the exception of the agricultural district as measured from adjoining grade at base to the highest elevation of the equipment.~~

~~3. The solar energy system including any appurtenant equipment is not located within any required setback areas within the respective zoning district.~~

~~4. If the solar panels are visible from off-site, the solar panels are not located within 150 feet of a dwelling located on a lot other than the lot on which the solar energy system is located unless:~~

~~a. There are appropriate facades, walls, fences or landscaping that screen the solar panels and supporting framework from unobstructed view.~~

~~b. Reflection angles from collector surfaces are oriented away from neighboring windows.~~

~~c. The panels are mounted as close as possible to the ground while allowing adequate drainage and preventing vegetation from shading the panels.~~

~~5. The solar panels are located so that they are not readily visible from public viewing areas including parks, roads and trails located to the south of the site.~~

C. Solar Gardens. Solar gardens shall be allowed in all zoning districts and shall require a special use permit whether accessory or principal use of the property subject to the following requirements:

~~1. The requirement for a special use permit may be waived, provided the solar garden's owner/lessee obtains and records with the Kendall County Planning, Building and Zoning Department signed and notarized affidavits agreeing that the need for a special use permit be waived from all property owners adjoining the zoning lot on which the solar garden is to be located (as determined by the Kendall County Planning, Building and Zoning Department). (Updated 5/24/18)~~

2. Unless otherwise noted in the Kendall County Zoning Ordinance, solar gardens must comply with all required standards for structures in the district in which the system is located.
 3. Rooftop community systems are permitted in all zoning districts where buildings are permitted.
 4. Ground-mount community solar energy gardens must be less than or equal to twenty (20) acres in total size. Ground-mount solar developments covering more than twenty (20) acres shall be considered solar farms. (Updated 5/14/18)
 5. Solar gardens are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
 6. An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - ~~7. For solar gardens located within 500 feet of an airport or within the approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
 8. Ground-mount systems must comply with all required standards for structures in the district in which the system is located. All solar gardens shall also be in compliance with all applicable local, state and federal regulatory codes, including the ~~State of Illinois Uniform Building Code, as amended,~~ and the National Electric Code, as amended. Also, Health Department requirements for wells and septic systems must be met. (Updated 5/14/18).
- D. Solar Farms. Ground-mount solar energy systems that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
- ~~1. Solar farms shall require a special use permit in the A-1 Agricultural District. Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all the required standards for structures in the district in which the system is located. (Updated 5/24/18)~~
 - ~~2. The solar array and all components of the solar collector system in a solar farm shall be kept at least one hundred feet (100') from a property line or right-of-way. However, this requirement may be waived, provided the solar farm's owner/lessee obtains, and records with the Kendall County~~

~~Planning, Building and Zoning Department, signed and notarized affidavits agreeing that the minimum setback be waived, from all property owners and affected road authorities adjoining the zoning lot on which the solar farm is to be located (as determined by the Kendall County, Planning, Building and Zoning Department). However, in no instance shall any part of the solar farm be located within fifty feet (50') of any of the aforementioned items.~~ Unless otherwise noted in the Kendall County Zoning Ordinance, solar farms must comply with all required standards for structures in the district in which the system is located. (Updated 5/24/18)

3. Solar farms are subject to Kendall County's Stormwater Management Ordinance and NPDES permit requirements.
4. Top soils shall not be removed during development, unless part of a remediation effort. Soils shall be planted to and maintained in perennial vegetation to prevent erosion, manage run off and build soil. A plan must be approved by the Kendall County Soil and Water Conservation District and paid for by the developer. Applicable noxious weed ordinances shall be followed. Due to potential County liability under the Illinois Endangered Species Protection Act (520 ILCS 10/11(b)), it is required that any crops or vegetation planted be in compliance with all federal and state laws protecting endangered species. This will also include pollinators such as bees. A report showing demonstration of plan compliance shall be submitted annually and paid for by the developer. (Updated 5/14/18)
5. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.
6. All solar farms shall be in compliance with all applicable local, state and federal regulatory codes and the National Electric Code, as amended.
7. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by Kendall County in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines or distance makes undergrounding infeasible, at the discretion of the Kendall County Planning, Building and Zoning Department. In addition, the Illinois Department of Agriculture (IDOA) has established standards and policies in the Agricultural Impact Mitigation Agreements (AIMA) regarding the construction or burial of electric transmission lines which should be agreed to and adhered to between the landowner and the developer.
8. A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property

lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, farm tile, electric equipment, fencing, and screening materials and all other characteristics requested by Kendall County. The site plan should also show all zoning districts and overlay districts.

- ~~9. For solar farms located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
- ~~10. Solar farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the department's online, EcoCat program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation will be borne by the developer. (Updated 5/14/18)~~

- E. Setback Requirements.** Unless otherwise stated in the Kendall County Zoning Ordinance, the setback requirements for all solar energy systems shall meet the structure minimum setback requirements when the solar energy system is oriented at any and all positions.

No solar energy system shall be located in any front yard of any residentially zoned or used property.

- F. Design Standards.** Active solar energy systems shall be designed to conform to the County's Land Resource Management Plan and to blend into the architecture of the building or may be required to be screened from the routine view from public rights-of-way other than alleys. Screening may be required to the extent it does not affect the operation of the system. The color of the solar collector is not required to be consistent with other roofing materials.

1. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
2. Solar energy systems using roof mounting devices or ground-mount solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way or immediately adjacent to a residential structure.

3. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties. Measures to minimize glare include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit glare.
 4. Damaged field drain tile shall be repaired or rerouted on a timetable approved by the Kendall County Planning, Building and Zoning Department. (Updated 5/24/18)
 - ~~5. For solar units located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA. (Updated 5/14/18)~~
- G. Coverage. Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount private solar energy systems shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious.
- H. Plan Approval Required. All solar energy systems shall require administrative plan approval by the Kendall County Building Official via the review of the application for a building permit.
1. Plan applications for solar energy systems shall be accompanied by horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system including the property lines.
 2. For all roof-mounted systems other than a flat roof, the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 3. For flat roof applications, a drawing shall be submitted showing the distance to the roof edge and any parapets on the building shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

4. Applications that meet the design requirements of the Kendall County Zoning Ordinance and do not require an administrative variance shall be granted administrative approval by the Zoning Administrator and not require Planning, Building and Zoning Committee review. Plan approval does not indicate compliance with Building or Electrical Codes.
- I. **Approved Solar Components.** Electric solar energy system components must have a UL listing approved equivalent and solar hot water systems must have an SRCC rating.
- J. **Compliance with Building Code.** All active solar energy systems shall meet approval of County building officials; solar thermal systems shall comply with HVAC-related requirements of the Illinois State Energy Code. All County adopted building codes will apply and take precedence where applicable.
- ~~K. **Compliance with State Plumbing Code.** Solar thermal systems shall comply with applicable Illinois State Plumbing Code requirements. (Updated 5/14/18)~~
- ~~L. **Compliance with State Energy Code.** All photovoltaic systems and solar thermal systems shall comply with the Illinois State Energy Code. (Updated 5/14/18)~~
- M. **Utility Notification.** All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- N. **Building Permit Requirements and Fees.** All solar energy systems will be required to have a Kendall County Building Permit before any work can be started. A written plan and a plat/drawing for the proposed solar energy system shall be provided with the Building Permit Application. The plat/drawing must show the location of the system on the building or on the property, (for a ground-mount system show arrangement of panels), with all property lines and set back footages indicated. Fees for processing the applications for building permits shall be submitted to and collected by the Kendall County Planning, Building and Zoning Department as follows:
- | | | |
|------|----------------------------|---|
| 0- | 10 kilowatts (kW) | \$150.00 |
| 11- | 50 kilowatts (kW) | \$300.00 |
| 51- | 100 kilowatts (kW) | \$600.00 |
| 101- | 500 kilowatts (kW) | \$1,200.00 |
| 501- | 1,000 kilowatts (kW) | \$2,750.00 |
| | 1,001-2,000 kilowatts (kW) | \$6,000.00 |
| | Over 2,000 kilowatts (kW) | \$6,000.00 + \$200.00 for each additional 0-100 kilowatts |

Any solar energy system that construction has started before a Building Permit has been applied and paid for will be charged double the permit fee. The above fees do not apply to solar energy systems used to generate energy for on-site consumption of energy for agricultural purposes. (Updated 5/14/18)

O. Liability Insurance and Indemnification.

1. For Solar Farms and Solar Gardens, commencing with the issuance of building permits, the Applicant, Owner, or Operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least Three Million Dollars (\$3 Million) per occurrence and Five Million Dollars (\$5 Million) in the aggregate. Such insurance may be provided pursuant to a plan of self- insurance, by a party with a net worth of Twenty Million Dollars (\$20 Million) or more. The County shall be named as an individual insured on the policy to the extent the county is entitled to indemnification.
- ~~2. For private/individual SES(s), commencing with the issuance of building permits, the applicant or owner shall maintain a current liability policy covering bodily injuries and any damage that may occur, on their home owner's policy or other applicable policy as approved by the Planning, Building and Zoning Department.~~ (Remove Per Brian Holdiman)
3. Any SES(s), applicant, owner, or operator, whether individual or commercial, shall defend, indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of applicant, owner, or operators selection, construction, operation, and removal of the SES(s) and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law.

P. Decommissioning Plan.

1. Upon the request of the Kendall County Planning, Building and Zoning Department, an owner of a ~~commercial~~ solar energy system must provide documentation, within thirty (30) days, that the solar energy system is still in use. If the solar energy system is not in use, the owner of the system shall have 180 days, after notification from the Kendall County Planning,

Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)

- 2. A decommissioning plan shall be required at the time of applying for all solar farms and solar gardens to ensure that the facilities are properly removed after their useful life.**
- 3. Decommission of solar panels must occur in the event they are not in use for ninety (90) consecutive days.**
- 4. The owner or operator will have six (6) months to complete the decommissioning plan after operation of a solar farm or solar garden ceases.**
- 5. The decommissioning plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.**
- 6. The Kendall County Board may require the posting of a bond, letter of credit, or the establishment of an escrow account to ensure the proper decommissioning. The posting of a bond may be required prior to the issuance of a building permit for the facility.**
- 7. In the event that the State of Illinois enacts a law with regards to the decommissioning of a solar farm, the strictest requirements shall prevail.**

Q. Other Requirements.

- ~~**1. Upon request from the Kendall County Planning, Building and Zoning Department, an owner of a commercial solar energy system must provide documentation, within thirty (30) calendar days, that the solar energy system is still in use. If it is not still in use, the owner of the system will have one hundred eighty (180) calendar days, after notification from the Planning, Building and Zoning Department, to remove the solar energy system from the property. (Updated 5/14/18)**~~
- 2. Upon request from the Kendall County Planning, Building and Zoning Department, the owner or operator of a solar farm or a solar garden must submit, within fourteen (14) calendar days, a current operation and maintenance report to the Department.**
- 3. In all undeveloped areas, the solar energy developer will be required to complete a consultation with both the Illinois Historic Preservation Agency (IHPA) and the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. The cost of this consultation shall be**

at the developer's expense. The final certificate from EcoCat shall be provided to the Kendall County Planning, Building and Zoning Department before a permit or special use permit will be issued.

4. No fencing is required; however, if installed on the property the fencing shall have a maximum height of eight (8) feet. The fence shall contain appropriate warning signage that is posted such that is clearly visible on the site.
5. Any lighting for solar farms or solar gardens shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends substantially beyond the boundaries of the facility.
6. Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties.
7. Electric solar energy system components must have a UL listing and must be designed with anti-reflective coating(s).
8. Solar energy systems must be in compliance with all State of Illinois Plumbing and Energy Codes.
9. For solar energy systems located within five hundred feet (500') of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA (Updated 5/14/18).

Amend Section 7.01.D by adding:

“54. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.

55. Solar Farms subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 8.02.C by adding:

“19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 8.03.H.1 by adding

“p. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 8.09.B by adding

“9. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 9.02.C

“15. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 9.03.C

“26. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 9.04.C

“29. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 9.05.C

“20. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 9.06.F

“Solar Gardens. Solar gardens shall be a special use in the B-5 Business Planned Development District.

Amend Section 9.07.C

“19. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend Section 10.03.B

“5. Solar Gardens subject to the provisions of Section 4.00 of the Kendall County Zoning Ordinance.”

Amend the Table of Uses to reflect Solar Gardens as special use in every zoning district and Solar Farms as a special use in the A-1 District.

County Solar Panel Regulations (Updated DeKalb 3/19/18)

Boone (B)
DeKalb (D)
Grundy (G)
Kankakee (K)
Tazewell (T)
Will (W)

Note: LaSalle County Allows Solar Panels as Special Use, But Has No Stated Restrictions.

	B	D	G	K	T	W
Differentiate Between Community and Utility Systems	Yes	~~No, but Does Differentiate in Size at 5 Acres~~ 20 Acres Maximum for Solar Gardens	No	No	No, but Does Differentiate in Size at 5 Acres	Concentrated Solar Not Allowed
Districts Where Permitted Use	None	~~None~~ Solar Gardens May Be Approved if Neighbors Approve Otherwise They Are Special Use (All Districts) Solar Farms May Be Approved if Neighbors Approve	None	None	None	None

		Otherwise They Are Special Use in A-1				
Districts Where Special Use	A-1, A-2, RE, R-1, RC, RC-2, RTN, B-1, B-2, I- 1, and I-2	~~Less than 5 Acres In All Districts 5 Acres or Greater A-1 Only~~ Applications Meeting the Requirements of the Ordinance Do Not Require Committee Review	All Agricultural and Industrial Districts	A-1	Less than 5 Acres In All Districts 5 Acres or Greater A-1, Conservation and Industrial Districts	A-1, I-1, I-2, and I-3
Foundation	Must be Certified by a Qualified Engineer	Must be Certified by a Qualified Engineer for Solar Farms Must be an Impervious Surface (Gravel or Compacted Soils Are Impervious)	Not Mentioned	Must be Certified by Qualified Engineer	Panels Must Be Installed by Qualified Installer	Not Mentioned
	B	D	G	K	T	W

	B	D	G	K	T	W
Glare	No Glare on Adjacent Properties or ROWs	No Glare on Adjacent Properties or ~~Airports within 500 Feet of Airport or Approach Zone~~ If Within 500 Feet of Airport or Approach Zone, Solar Glare Hazard Analysis Tool Report Must be Submitted; Potential FAA Review Required	No Glare on Adjacent Residential Property	Not Mentioned	No Glare on Adjacent Properties or Airports within 500 Feet of Airport or Approach Zone	Minimize Glare to Adjacent Property No Glare on ROWs or Impacting Air Traffic or Create a Safety Hazard
Lighting	Photometric Plan Required, Security Lights Max 30 Feet in Height, Lighting Elements Shielded from Adjacent Property, Foot Candle at Property Line Max 0.5	Security Lighting Only and Lighting Required by FAA and FCC	Cannot Cross Property Lines	Cannot Cross Property Lines	Not Mentioned	No Artificial Lighting Unless Required by FAA or Other Governmental Entity
Drainage Tile	Must Be Repaired and Restored-Boone County SWD Chooses Inspector and Applicant Pays for Inspection	Not Mentioned	Must Be Repaired and Bond or Letter of Credit Required, No Specifics	Not Mentioned	Not Mentioned	Must Be Maintained and Repaired

	B	D	G	K	T	W
Electrical Lines	Inspected Prior to Burial	Must Be Buried (Also Communication Lines)	Must Be Buried (Also Communication Lines or Wireless)	Must Be Buried (Also Communication Lines)	Not Mentioned	All Utilities Must Be Buried Unless Waived by SU Permit
Minimum Lot Size	Not Specified	Not Specified	Not Specified	5 Acres	Not Specified	Not Specified
Height	Systems, Equipment and Structures Shall Not Exceed 30 Feet in Height at Maximum Tilt (Lines and Utility Poles are Exempt)	~~Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt (Lines and Utility Poles are Exempt)~~ Must Follow Height Restrictions of the District at Maximum Tilt	Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt	Systems, Equipment and Structures Shall Not Exceed 30 Feet in Height (Lines and Utility Poles are Exempt)	Systems, Equipment and Structures Shall Not Exceed 20 Feet in Height at Maximum Tilt (Cannot Exceed 30 Inches Above Grade in the Front Yard)	Systems, Equipment and Structures Shall Not Exceed 25 Feet in Height at Maximum Tilt
Setbacks-Front	75 Feet from ROW (Fences Excluded)	~~Not Mentioned 500-100 Feet Unless Waived by Road District (50 Foot Min)~~ No System in Front Yards	150 Feet	100 Feet (Fences Excluded)	Cannot Encroach on Setbacks at Minimum Tilt	Follow Setback Regulations of District

	B	D	G	K	T	W
Setbacks- Adjoining Property	40 Feet from Property Lines (Excluding Fences)	50 Feet from Property Lines Min 500 100 Feet Unless Waived by Neighbors	150 Feet	50 Feet from Property Lines (Excluding Fences)	Cannot Encroach on Setbacks and Minimum Tilt 50 Feet from Property Lines	25 Feet from Property Lines
Setbacks- Residential	150 Feet from Properties with Residences (Neighbor Can Waive this Requirement and Record Waiver)	~~500~~ 100 Feet from Neighboring Residence Residential Property Lines (Neighbor Can Waive up to ~~300~~ 50 Feet)	Not Mentioned	100 Feet (As Measured From Property Line to Property Line)	Cannot Encroach on Setbacks and Minimum Tilt 500 Feet from Neighboring Residence	Not Mentioned
Setbacks Internal	None	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Landscaping	Follow Zoning Ordinance (Must Submit Landscaping Plan, Name Type(s) of Evergreen Planted and Location, Must Submit Soil Evaluation, Incorporate Native Plantings)	~~When Visible for Adjoining Residential Use or Residential Zoned Property, Use View Obstructing Vegetation, a Wall, Semi- Opaque Fence or Berm Designed to Obscure Views~~	Landscaping Plan Required Use Native Plantings Use as Screening, But No Specifics Shall be Inspected Monthly by County	Landscaping Plan Must be Submitted	Do Not Block View or Shading of Properties to the North	Must be Screened from All Roads and Dwelling Units within 1000 Feet (Screening May Be in Setbacks)

Landscaping Continued		to a Height of 6 Feet (For Mechanical Equipment the Screening Shall be the Height of the Equipment Plus 6 Inches				
Fencing	Not Mentioned	Not Required but if Used Then Maximum 8 Feet in Height with Warning Sign	Maximum 8 Feet in Height with Warning Sign	Minimum 8 Feet in Height (Must Have Knox Box and Keys)	Maximum 8 Feet in Height with Warning Sign	Privacy Fence May Be Substituted for Buffer if 6 Feet Tall. At Least 1 Evergreen Must is Required Per 30 Linear Feet of Fence or Wall, Perimeter Fencing is Required with a Minimum of 7 Feet in Height; Barbed Wire and Razor Wire Prohibited Unless Waived
	B	D	G	K	T	W

	B	D	G	K	T	W
Buffers	25 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage (Shall Be Located Along Road Frontage and Perimeter of Any Single-Family Dwelling) Minimum 3 Feet Tall; Hedge Must be 6 Feet Tall Within 5 Years; Replace Dead Growth and Maintain in Good Condition. Topographical Features and Existing Woodlands May Be Incorporated in Buffer	Minimize View of System to Surrounding Properties Screened to Protect from Routine View from Public ROWs; Screening May Be Required to the Extent It Does Not Affect the Operation of the System Building Integrated or Roof Mounted Systems Do Not Need to be Screened Top Soils Cannot Be Removed from Solar Farms	Not Mentioned in Specifics	30 Foot Wide Buffer of Compact Evergreen Hedges or Other Type of Evergreen Foliage Minimum 3 Feet Tall; Hedge Must be 8 Feet Tall Within 3 Years; Replace Dead Growth and Maintain in Good Condition. Earth Berms, Topographical Features and Existing Woodlands May Be Incorporated in Buffer	Not Mentioned	A Landscaped Area at Least 10 Feet in Width with at Least 1 Shrub Per 5 Linear Feet Plus 1 Evergreen Tree per 25 Linear Feet of the Perimeter Area Evergreens Must Be at Least 5 Feet Tall at Time of Planting, Top Soils Cannot be Removed Without Permission of the County Board, Perennial Vegetation Must Be Maintained

	B	D	G	K	T	W
Noise	No Detectible Noise by the Human Ear at 500 Feet. Noise Does Not Include Routine Maintenance, Repair, or Construction (Construction is Limited to Monday-Saturday 7-7; Sundays and Holidays 9-6)	Not Mentioned	Not Mentioned	50 dBA When Located Adjacent to Residence or Residential Zoning District	Not Mentioned	Not Mentioned
Signage	Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number	Not Mentioned	High Voltage Signs Posted at Each Entrance and Base of All Pad Mounted Transformers Emergency Contact Information Near Tower, Operations Building and Maintenance Building	Warning Sign at Entrance Which Includes Facility's 911 Address and 24 Hour Emergency Contact Phone Number	Manufacturer's Specs Must be Displayed	Not Mentioned

	B	D	G	K	T	W
Site Plan Requirements	Existing Property Lines Extending Five Hundred Feet from the Exterior Boundary, Including the Names of Adjacent Property Owners and Current Use of Those Properties Exiting Public and Private Roads, Show Width and Easements Location and Size of Existing and Abandoned Wells and Sewage Treatment Systems Existing Buildings and Impervious Surfaces Contour Map Showing Topography at 2 Foot Intervals, May Include Topography of Neighboring Properties Existing Vegetation and Type of Vegetation	~~Not Mentioned Directly~~ Must Submit Horizontal and Vertical Elevations Showing the Location of the System, Buildings, and Property Lines Highest Finished Slope of Roof Must be Provided	25 Copies of Required Submittals Evidence of Control of Site Must Be Provided Plan Must Include Number and Capacity of Arrays, Placement, Fencing and Landscaping, and Total Height of Arrays Topography Information at 5 Foot Intervals Fire Protection Plan, Revegetation Plan, Drainage and Erosion Plan	50 Copies of Required Submittals Same as Boone Except No Utility Information Also Must Submit Manufacturer's Specs, Itemized Cost of Construction and Connection Method	Same as Boone Except No Utility Information	Must Provide Proof that Owner/Operator Has the Financial Ability to Construct the Solar Farm Must Provide Notice of Development Letter to Will County Board Representatives Site Plan Must Show Same Property Line, Property Ownership and Floodplain Locations as Boone Must Include Number Location and Spacing of Solar Panels Include Product Cut Sheets Traffic Control Information Operation and Maintenance Plan

Site Plan Requirements Continued	Waterways, Watercourses, Lakes, and Wetlands Wetland Boundaries FEMA FIRM Map and 100 Year Flood Elevation Floodway, Flood Fringe, and General Flood Plain District Boundary Mapped Soils Surface Water Drainage Patterns Location of Subsurface Drainage Tiles Location of All Utilities		Emergency Plan Provided to Local Fire Department			Emergency Services Plan Redact Copy of Lease
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	B	D	G	K	T	W
Site Plan Conditions	1. Location, Number and Spacing of Solar Panels 2. Location of Access Roads and Access Points 3. Planned Location of Underground or Overhead Electric Lines Connecting the Solar Farm to a Building, Substation, or Other Electric Load. 4. New Electrical Equipment Other Than Existing Building or Substation 5. Certified Drawings of Elevation of the Premises Accurately Depicting the System 6. Weed Control Plan Approved by Boone County Conservation District, No Soil Sterilant Shall Be Permitted to be Used Onsite	Must Submit Operation and Maintenance Report Within 14 Days Upon Request Must Submit EcoCat and Illinois Historic Preservation Agency Consultation Information Must Allow Access for Fire Protection Personnel Must Follow Noxious Weed Ordinance	Included with Site Plan Requirements	Same as Boone 1-6 \$500 Per Week Weed Violation	Same as Boone 1-6 \$500 Per Week Weed Violation	Included with Site Plan Requirements

	B	D	G	K	T	W
Road District Approval	Not Mentioned	Not Mentioned	Required and Panels Must Be 150 Feet From Public or Private Roads Bonds or Letter of Credit Required for Maintenance, Amount Not Provided	Required	Required	Required
Utility Approval	Not Mentioned	~~Not Mentioned~~ Required	Not Mentioned	Required, Copy of the Agreement Must be Submitted as Part of Application	Required	Required

	B	D	G	K	T	W
Decommissioning Plan	Required as Part of Application Must Occur if Panels Not Used in 12 Consecutive Months, Operating Company or Land Owners has 6 Months to Complete Plan County Board May Grant Extensions Plan Must Include Removal of Structures, Equipment, Fencing, Hazardous or Special Materials, Roads, Foundations, and Restoration of Soil and Vegetation Bond in the Amount of 150% of the Engineer's Estimate for Decommission Costs Must Be Submitted Prior to Issuance of Occupancy Permit	Required as Part of Application If Not Used for 90 Consecutive Days 6 Months to Complete Removal County May Request Written Approval that System is Still Operational; Must Respond in 14 Days Remove All Structures and Foundations and Restore Vegetation Bond or Letter of Credit May Be Required (Dollar Amount Not Listed)	Required as Part of Application If Not Used for 9 Months 9 Months to Remove Must Remove All Structures and Pads to a Depth of 4 Feet Below Ground Surface Bond or Letter of Credit Required, Amount Determined by Engineer or Contractor, Must Pay 50% Before Construction Starts and Balance is Due Within 5 Years of the Start of Construction	Required as Part of Application Same as Boone Financial Security of \$1000 Per Acre in the Form of Irrevocable Letter of Credit or Escrow in lieu Boone Bond	If Not Used for 6 Months, Must be Removed in 30 Days (Violation) Required as Part of Application Must Occur if Panels Not Used for 12 Months, Have 6 Months to Remove Panels and Foundations to a Depth of 4 Feet Below Ground Surface. Hazardous Materials Must be Disposed Per Applicable Laws Surety Bond or Escrow Must Be Provided to Cover Cost of Removal at Time of Application	Required as Part of Application Removal within 180 Days Considered Abandoned if Not Producing Electricity for 1 Year Remove all Structures, Foundations, Barriers, and Transmission Lines Re-Vegetated as Necessary Hazardous Materials Must be Disposed Per Applicable Laws Owners Must Provide Cost Estimates at Time of Special Use Permit Application

Decommission Plan Continued	Updated Decommissioning Plans Must Be Submitted Every 3 Years, Plans Must Be Signed by Party Responsible for Decommissioning and/or Land Owner County May Request Additional Information Construction Must Commence within 2 Years of Approval by the County Board, Board May Grant Extension If Requested Prior to 60 Days of 2nd Anniversary of the Issuance of the Special Use Permit Must Comply with State Laws as They Relate to Decommissioning		Revegetation Plan		County May Collect Escrow or Bond and Enter Property if Decommissioning Not Completed in 6 Months County May Also Place a Lien on Property to Cover Costs	
	B	D	G	K	T	W

	B	D	G	K	T	W
Fees	Reimburse County for Costs Greater than \$500 and Pay All Invoices within 10 Days	Building Permit Fees 0-10 KW \$150 11-50 KW \$300 51-100 KW \$600 101-500 KW \$1200 501-1000 KW \$2750 1001-2000 KW \$6000 Over 2000 KW \$200 for Each Additional 0- 100 KW Fees Double if Construction Commences before Obtaining Building Permit	Not Mentioned	Filing Fee of \$5,000 Plus Reimburse County for Costs Greater than \$5,000 and Pay All Invoices with 10 Days	Building Permit Fees 0-4 KW \$75 5-10 KW \$150 11-50 KW \$300 51-100 KW \$500 101-500 KW \$1000 501-1000 KW \$3000 1001-2000 KW \$5000	Not Mentioned

	B	D	G	K	T	W
Insurance	Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$20 Million in Aggregate Must Have Policy for Duration of Special Use Permit and Submit Copy of Renewals to the Building Department County is Named as Additional Insured	Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at Least \$3 Million Per Occurrence and \$5 Million in Aggregate, Must Have Policy for Duration of Special Use Permit, Such Insurance May Be Provided Pursuant to a Plan of Self-Insurance by a Party with a Net Worth of \$20 Million Dollars or More, County Named as Additional Insured	Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000	Not Mentioned	Owner or Operator Shall Maintain Current Liability Policy Covering Bodily Injury and Property Damage at \$2 Million Per Occurrence and \$5 Million in Aggregate with a Deductible of No More Than \$5,000, Must Have Policy for Duration of Special Use Permit, County is Named as Additional Insured	Required, No Specifics

	B	D	G	K	T	W
Outdoor Storage	Not Mentioned	Not Mentioned	Ordinance Hints that Outdoor Storage is Allowed, But Does Not Provide Any Perimeters	Only Equipment and Materials Related to the Operation and Maintenance of the Solar Farm (Must be paved with a Bituminous Surface and either Fenced or Screened from Adjoining Properties and Uses)	Not Mentioned	Not Allowed
UL (Underwriters Laboratories, Inc) Listing	Not Mentioned	~~Not Mentioned~~ Required and Must Have Anti-Reflective Coating	Not Mentioned, But Equipment Must Meet Industry Standards	Required and Must Have Anti-Reflective Coating	Required for Components	Required for Electrical Systems Components
Indemnification of County	Yes	Yes	Non Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
Public Nuisance Statement	Yes	Not Mentioned	Not Mentioned	Cost Statement	Must Be Maintained in Good Order	Must Be Maintained in Good Order
Severability Statement	Yes	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned	Not Mentioned
High Water Mark	Not Mention	Not Mentioned	150 Feet	Not Mentioned	Not Mentioned	Not Mentioned
Adjoining Property Value Evaluation	Not Mention	Not Mentioned	Yes	Not Mentioned	Not Mentioned	Not Mentioned

	B	D	G	K	T	W
Follow Federal, State, and Local Laws	Yes	Yes	Yes-Annual Inspection	Yes	Yes-County Will Do Annual Inspection	Not Mentioned

ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 3, 2018 – Meeting Minutes

Senior Planner Matt Asselmeier called the meeting to order at 9:00 a.m.

Present:

Aaron Rybski – Health Department
Don Clayton – GIS
Fran Klaas – Highway Department
David Guritz – Forest Preserve (Arrived at 9:05 a.m.)
Megan Andrews – Soil and Water Conservation District
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Deputy Commander Jason Langston – Sheriff's Department
Robert Davidson – PBZ Committee Chair

Audience:

None

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the March 6, 2018 meeting minutes with a correction to Petition 18-05 that an alternative sewer system “may” not “will” be required at the site. With a voice vote of all ayes the motion carried.

PETITION

Petition 18-13 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 3.02 4.18, 7.01.D, 8.02.C, 8.03.H.1, 8.09.B, 9.02.C, 9.03.C, 9.04.C, 9.05.C, 9.06.F, 9.07.C, and 10.03.B of the Kendall County Zoning Ordinance by Amending Kendall County's Solar Panel Zoning Regulations

Mr. Asselmeier summarized the request. In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The proposed regulations of Boone, DeKalb, Grundy, Kankakee, Tazewell, and Will Counties were examined.

Mr. Guritz arrived at this time (9:05 a.m.)

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed regulations into the Kendall County Zoning Ordinance. DeKalb County adopted their regulations in March 2018.

The proposal states that solar farms are greater than twenty (20) acres in size; solar gardens are a maximum twenty (20) acres, and solar panels are considered accessory if they produce not greater than one hundred twenty (120%) of the solar need for onsite consumption of energy. Solar gardens would be special uses in all zoning classifications. However, the special use permit could be waived if adjoining property owners sign affidavits agreeing to the placement of the solar garden. Solar farms are special uses in the A-1 district.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

Ms. Andrews suggested that 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.

Ms. Andrews asked when an NRI would occur. Mr. Asselmeier responded that an NRI would occur as part of the application in the same way as other special use permit applications.

Ms. Andrews suggested requiring a more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance.

Mr. Holdiman noted that 4.18.C.8 references a “State of Illinois Uniform Building Code”. This code does not exist and he recommended that the reference to such code be removed.

Mr. Klaas questioned allowing solar gardens by special use in all districts, particularly residential districts. Mr. Holdiman noted that most of the homeowners’ associations will restrict the placement of solar panels within the subdivisions. Mr. Klaas questioned whether or not enough space existed on residential lots to make the placement of solar gardens worthwhile or practical in most cases.

Mr. Rybski expressed a concern that solar panels not be installed in such a manner that negatively impacts septic fields or the function of septic fields. The area of the septic field should be kept free of structures for functioning and maintenance purposes. Ms. Andrews noted Boone County’s requirements related to abandoned wells. Mr. Holdiman noted that, at the time of building permit submittal, the Health Department should catch the location of wells and septic systems in relation to solar panels and related solar panel infrastructure.

Ms. Andrews suggest that the word “crops” found in line 7 of 4.18.C.4 be replaced with “vegetation” because crops probably will not be the only plants growing around the solar panels. Crops probably will not grow around the solar panels.

Mr. Guritz asked about the lot size in Henneberry Woods as it relates to this proposal. Mr. Holdiman noted that the new single-family home in Henneberry Woods was on twenty (20) acres.

Mr. Andrews made a motion, seconded by Mr. Guritz, to recommend approval of the proposed text amendment with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

Ayes (7): Klaas, Guritz, Rybski, Andrews, Clayton, Holdiman, and Asselmeier
Nays (0): None
Absent: (3) Langston, Chismark, and Davidson

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on April 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-33 transferring special use hearings from the Hearing Officer to the Zoning Board

of Appeals was approved by the County Board.

Mr. Asselmeier also reported that Petition 17-29 regarding distance notification requirements for special use applicants was sent back to the Planning, Building, and Zoning Committee by the Committee of the Whole.

Petition 18-03 regarding the items that ZPAC and Kendall County Regional Planning Commission reviews will have a public hearing on April 30th.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier reported that the Illinois Department of Transportation recorded a document withdrawing the centerline protection for the Prairie Parkway.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Ms. Andrews to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:39 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of May 23, 2018

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Chris Childress, Michael Saar, Tom Bromeland, Mary Bromeland, Melissa Samaroo, Justin Hardt, Jim Coyle, Margaret Blum, and Cliff Fox

APPROVAL OF AGENDA

Mr. Wormley made a motion, seconded by Ms. Zubko, to amend the agenda by moving Petition 18-14 to before Petition 18-13 and to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Ms. Zubko, to approve the April 25, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITIONS

Petition 18-14 Michael and Dayle Saar

Mr. Asselmeier summarized the request.

Michael and Dayle Saar are requesting a map amendment rezoning the majority of the subject property from A-1 to R-1 in order to have the ability to sell the property and market the property as a single-family home site. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite. The Petitioners own one (1) of the houses northeast of the subject parcel. They would like to divide a portion of the northeast corner off of the subject property and merge it with their property in the Timber Creek Subdivision and rezone the northeast corner to R-3 at some point in the future.

The Petitioners do not believe that the property is large enough for farming.

The Land Resource Management Plan calls for this area to be rural residential in the future. Existing single-family homes are located to the north and east of the subject property.

The area surrounding the property is a mix of residential and agricultural zoning.

EcoCAT Report submitted and consultation was terminated.

The application for NRI was submitted on April 12, 2018 and the LESA score was 178 indicating a low level of protection.

Petition information was sent to Kendall Township on April 20, 2018.

Petition information was sent to the United City of Yorkville on April 20, 2018. Yorkville will conduct its meetings on this petition in June.

ZPAC met on this proposal on May 1, 2018 and unanimously recommended approval.

Any structures constructed on the property would have to meet applicable building and health related laws and secure the necessary permits.

No new odors or lighting issues are foreseen.

Mr. Saar stated that he did not have any additional information to provide the Commission.

Ms. Zubko wanted to make sure that a future property owner was notified that a trail could be installed in the future. A concrete ditch is located along Route 71.

The northeast portion of the property will remain A-1. The property owners' home is zoned R-3. The northeast corner of the property will not be landlocked because the Petitioners' adjoining property touches Timbercreek Drive.

Mr. Nelson made a motion to recommend approval of the map amendment as requested, seconded by Ms. Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on June 4th.

Petition 18-13 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County's proposed regulations into the Kendall County Zoning Ordinance.

At the April Kendall County Regional Planning Commission meeting, Staff was asked to review the proposed solar panel regulations, contact the counties previously contacted regarding the number of solar panel projects they approved and any changes to their regulations they wish could be made in hindsight, obtain information from Fulton and Shelby Counties, and obtain Yorkville's solar panel regulations.

As of April 30th, DeKalb County had not approved any solar panel project. There were four (4) applications for projects. The only change they suggested was, as of April 3rd, the State of Illinois allows collocation. Prior to April 3rd, the State would not have allowed two (2) 2 MW systems to be located next to each other, but now they could be located adjacently.

As of April 30th, Will County had approved one (1) project and they have three (3) tabled for the past two (2) months. Discussion has occurred about whether or not to require a decommissioning bond; this was not required in the approved ordinance. Also, Will County is discussing a density limitation, i.e. how many solar panels should be allowed in a given area.

As of April 30th, Grundy County had approved one (1) project, a one hundred forty-three (143) acre solar farm. There are three (3) additional projects under consideration. The distance of the front yard setback has been an issue, some favor one hundred fifty feet (150') while others favor "farm ground". There are landscaping concerns (nature and type) and concerns that the roots of the landscaping could impact field tile. Discussion has occurred regarding requiring lighting at the gate entrance.

As of April 30th, Kankakee County had approved eleven (11) solar gardens and nine (9) more are at some stage of the adoption. In addition, there is one (1) solar farm that is under consideration. Their ordinance made no distinction between solar gardens and solar farms; that is the only change they would suggest.

As of April 30th, Tazewell County had one (1) approved project and two (2) projects at some form of the review process. They are considering changing the setback requirements from non-participating residences; it started at five hundred feet (500') and was reduced to one hundred feet (100').

As of May 6th, Boone County had not approved any solar projects and had four (4) projects at some form of the review process. The big issue of discussion is whether or not to allow solar projects on landfills and the impacts of the required setbacks for the landfills on the solar project.

Shelby County has not approved a separate solar panel project and they are in the process of writing an ordinance. They amended an existing special use permit for their electric co-operative to allow them to have solar panels on their existing site.

As of May 14th, Fulton County has not returned Staff's phone calls.

The regulations for the United City of Yorkville were provided.

Staff went through the proposal and offered the following amendments:

1. The definition of solar garden was clarified that energy generated from the panels would be used for offsite consumption.
2. The existing regulations for roof mounted and freestanding systems were clarified to apply for onsite consumption of energy only.
3. The existing regulations for roof mounted and freestanding systems were clarified that the systems had to follow applicable federal, state, and local laws and the regulations of the local electrical utility.
4. The building permit fee was clarified to apply to solar energy systems that consumed energy offsite or solar energy systems that consumed energy onsite for non-agricultural purposes.

5. The definition of solar gardens was clarified to include projects twenty (20) acres in size in Section 4.18.C.4.
6. The references to airports in Section 4.18.C.7, 4.18.D.9, and 4.18.F.4 were removed and replaced with a blanket statement in 4.18.Q.9 regarding all solar energy systems in relation to airports.
7. The reference to the State of Illinois Uniform Building Code in 4.18.C.8 was deleted because the Code does not exist.
8. The phrase “or vegetation” was added to Section 4.18.D.4 per the request of ZPAC.
9. Section 4.18.D.10 was deleted because it repeated the language found in 4.18.Q.3.
10. Solar energy systems must comply with State plumbing and energy codes (4.18.Q.8). Therefore, sections K and L are repetitive.

Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

Ms. Wilson asked the difference between the solar energy system and the solar photovoltaic system. The photovoltaic system is the collectors and solar energy systems are all of the components.

The reference to county solar garden mentioned in the definition of solar garden was removed.

Onsite consumption of energy would be accessory to the existing use and would be allowed by right. Discussion occurred regarding the difference in regulations between onsite and offsite consumption of energy as applied to the regulations.

Ms. Zubko expressed her opposition to the waiver requirements listed in various sections. The consensus of the Commission was to have these references removed to protect neighbors.

The consensus of the Commission was also that solar gardens and solar farms had to follow the setback requirements of the zoning district in which they are located to avoid confusion and ensure consistency with the application of the Zoning Ordinance.

The reference to solar farms requiring a special use permit found in Section 4.18.D.1 was redundant because this language was in the definitions section.

Mr. Nelson asked if Greg Chismark commented on this proposal. Mr. Asselmeier said that Mr. Chismark reviewed the proposal and he was satisfied with the existing language because of the NPDES and Stormwater Ordinance requirement contained in the proposal. Discussion occurred about stormwater runoff, the importance of vegetation, and the method for controlling and maintaining the vegetation. Top soils will not be removed per 4.18.D.4.

Chris Childress, the County's consultant, discussed the importance of the distinction between onsite and offsite consumption of the energy generated. In the agreement for the County's proposed solar field, the developer is responsible for the maintenance and control of vegetation. The owner or developer should be responsible for maintaining the vegetation. Fixed panels could have stormwater drainage issues; these panels do not generate the same kilowatt hours.

The State has been collecting funds on electricity bills to fund the incentives for solar panel projects. Mr. Childress does not believe that many solar panel projects will occur in Kendall County because the funds for incentives will be gone within a year or year and a half. Most projects are in the advanced stage of approval. Once the incentives are used, solar panel projects will not occur because they are not economically beneficial.

Mr. Wormley asked the lifespan of the panels. Mr. Childress said that twenty-five (25) years is not an issue, but new technologies could arise to make the solar panels obsolete.

Mr. Childress said that holding a bond for twenty-five (25) years is expensive. Mr. Asselmeier noted that the bonding requirement says "may" in the current proposal. Mr. Davidson discussed the scrap value of the solar energy system.

Mr. Childress expressed concerns regarding damaging field tiles. He would like to see a provision for the repair of field tile.

Mr. Childress discussed the permit fees. He supported the fees so long as they were not required at the time of the special use permit application.

Mr. Nelson asked about the National Environmental Policy Act (NEPA) requirements. The Petitioners for Petition 18-15 will discuss this issue.

Discussion occurred regarding the exemption of building permits for agricultural related onsite consumption. A property owner would be required to get an agriculture-exempt permit, but not a building permit and no fees would be assessed.

Discussion occurred regarding the setbacks for the solar gardens and solar farms. The consensus of the Commission was to require solar gardens and solar farms to follow the setbacks and petitioners could request variances.

Discussion occurred regarding the relationship of solar panels to the County's Land Resource Management Plan. Renewable energy systems are mentioned in the Land Resource Management Plan.

Ms. Zubko requested that a provision for drain tile repair be placed in the proposal. The Commission requested that Staff ask the State's Attorney's Office for an opinion on this matter. If a provision could be added, the provision should be added in the Design Standards section. A drain tile replacement or repair restriction could be placed in each special use permit.

Ms. Zubko asked when the Department would know if the solar panels were not in use. Mr. Asselmeier responded that the Department would receive a complaint and ask for documentation of use per Section 4.18.P.1.

Ms. Wilson asked about the measures to minimize glare. Mr. Asselmeier responded that specific measures would be addressed in individual special use permits.

Chairman Ashton asked if knox boxes should be required. The consensus of the Commission was not to require knox boxes.

Ms. Wilson asked the impervious soil language in Section G. The issue of impervious surface calculations was addressed in the NPDES and Stormwater Ordinance requirements.

Ms. Zubko made a motion, seconded by Mr. Nelson, to recommend approval of the text amendment with the recommended changes from Staff and the following changes:

1. The reference to a county solar garden in the definition of "Solar Garden" should be deleted.
2. All references to waiving the special use permit requirements and setback requirements should be deleted.
3. Solar gardens and solar farms had to follow the setback requirements for the zoning district in which they are located. Accordingly, the reference to a one hundred foot (100') distance from the right-of-way or property line found in 4.18.D.2 should be deleted.
4. The statement that solar farms require a special use permit found in Section 4.18.D.1 should be removed.
5. If allowed by the State's Attorney's Office, a provision should be added to Section 4.18.F regarding repair of damaged drain tile.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 2nd.

Petition 18-15 Nancy Harazin on Behalf of Nancy L. Harazin Trust Number 101

Mr. Asselmeier noted that this petition would not be required to follow the solar panel proposal because the proposal was not adopted at the time they submitted the application.

Mr. Asselmeier summarized the request.

Nancy Harazin, on behalf of Nancy L. Harazin Trust Number 101, submitted a petition for a special use permit to operate a public or private utility system – other on her property at 16400 Newark Road. Specifically, the Petitioner would like to contract with Borrego Solar Systems, Inc. for the installation and operation of a solar energy system. The energy generated from the system will be fed into Ameren’s system and consumed offsite.

The property is sixty (60) acres in size. The special use area is approximately twenty-two (22) acres in size and the solar panel area is approximately twelve (12) acres in size.

The subject property and all of the properties are zoned A-1.

The wetland buffer area was reduced from fifty feet (50’) to twenty-five feet (25’). There were two (2) wetlands and two (2) farmable wetlands identified.

The EcoCat report was submitted and consultation was terminated.

The LESA score was 205 indicating a medium area of protection.

Big Grove Township reviewed the proposal and expressed no concerns.

The Village of Newark expressed the following concerns:

1. They would like the solar panels be set back further to the south.
2. They would like larger landscaping or fencing that better blocks the view of the solar panels from adjoining properties other than a chain link fence.
3. They had concerns regarding the safety of the environment if the solar panels break and their contents spill onto the ground.
4. They had concerns about glare if the tracking system malfunctions.
5. They would like assurances that the equipment is removed in a timely manner at the end of the project or when the lease is terminated.

The Newark Fire Protection District reviewed the proposal and expressed no concerns.

ZPAC reviewed this proposal on May 1, 2018. The representatives from the Petitioner requested that the operator be included on conditions 8, 11, and 13 because the operator will be responsible for decommissioning and insurance. The County Highway Department requested a fifteen foot (15’) right-of-way dedication at the north side of the property along Newark Road to address an erosion issue. This request was added as condition 12 and the property owner agreed to this request.

According to the information provided by the Petitioner, the Petitioner would like to lease approximately twenty-three (23) acres to 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. for an initial period of twenty (20) years. The lease could be renewed up to four (4) additional periods of five (5) years. If approved, Borrego Solar Systems, Inc. would install and maintain six thousand, nine hundred twelve (6,912) solar panels

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on the north side of the subject property. The solar panels would be seven feet (7') in height at maximum tilt and three to four feet (3'-4') off of the ground. The panels would rotate with the sun. The system would connect to Ameren's system at the northeast corner of the property at Newark Road. The system is planned to generate two mega-watts (2 MW) of energy. If approved, the system would be operational by approximately July 31, 2019.

Other than periodic mowing and maintenance, no personnel will be onsite and no parking is required.

The construction process is estimated to take between four and six (4-6) months.

The solar panels will be located at their closest point approximately one hundred seventy-five feet (175') from Newark Road and approximately one hundred forty-seven feet (147') from the nearest neighboring property line. The solar panels shall not be closer than twenty-five feet (25') from the identified wetlands.

The laydown area indicated on the site plan will be used for the placement of equipment during construction, decommissioning, and maintenance activities.

The Landscaping Plan calls for the planting of eighteen (18) Black Chokeberries, eighteen (18) Sea Green Junipers, twenty-nine (29) Spiraea, and thirty (30) Woodward Arborvitae. The shrubs would grow to approximately thirty inches (30") in height maximum. Several existing trees shall remain on the west side of the property.

A lawn seed mix will be planted under and around the solar panels. The growth would require mowing three (3) or four (4) times per year.

According to information provided to the County, the no mow is a blend of bunch-forming and creeping fescues derived from species that are native to the Northern Hemisphere. A combination of six (6) complementary varieties of fine fescues makes our no mow lawn seed mix a versatile and adaptable blend that is an excellent choice for a wide variety of planting situations and applications. The bunch grasses are exceptionally drought resistant, thrive in low nitrogen soils, and have moderate tolerance to heavy foot traffic. The creeping fescues spread gradually by underground rhizomes to help fill in between the bunch grasses to create a weed-resistant sod. The creeping fescues also help to fill in areas that may experience turf damage.

Some of the fine fescue grasses in the no mow lawn mix have been documented to possess allelopathic properties, in which the grasses produce compounds that prevent or retard the growth other plants and weeds. This "natural herbicide" makes the no mow particularly resistant to invasion by other herbaceous plants that often plague other types of turf.

- Hard Fescue (*Festuca brevipila*)
- Sheep Fescue (*Festuca ovina*)
- Chewings Fescue (*Festuca rubra* subs. *fallax*)
- Red Fescue (*Festuca rubra*)
- Creeping Red Fescue (*Festuca rubra* var. *rubra*)

The Kendall County Soil and Water Conservation District expressed no concerns regarding the ability of the proposed mix to handle erosion control provided that the property owner or operator conducted annual inspections.

Vegetation would be planted when the panels are in place.

The proposed solar panels should be located away from the wetlands. The Petitioner submitted a wetland study that verified these areas will not be negatively impacted by the placement of solar panels.

Several drain tiles were located on the property. Any drain tiles impacted by the placement of the solar panels shall be relocated.

The project will be required to meet Kendall County's Stormwater Management Ordinance. Greg Chismark submitted comments and questions on the proposal and the Petitioner addressed Mr. Chismark's concerns.

The proposed solar panels shall be required to meet all applicable building codes.

The supports would be buried approximately twelve to thirteen feet (12'-13') in the ground depending on soil conditions. The supports would not be encased in concrete.

Electric lines will be buried inside the fence. There is a utility pole east of the access drive. The electric lines will go above ground at that point and connect to the Ameren system at the point on connection on the northeast corner of the site.

A fourteen foot (14') wide gravel access from Newark Road will be installed. The property already possesses a field access at this location. The access is across the street from the driveway of 16295 Newark Road.

Per the Site Plan, a seven foot (7') high chained link fence shall surround the solar panels. The fence shall have a sixteen foot (16') wide vehicle access gate on the east side and a four foot (4') wide man gate on the south side. The fence will be installed approximately one (1) week after construction starts.

A light will be installed for security reasons at the electrical equipment area.

Approximately eight (8) signs will be placed around the property along the fence and anywhere required by the NEC. A "Danger High Voltage" sign will be placed around the fence every two hundred feet (200'). A sign will also be placed on the vehicle gate entrance. There will be plaques stating emergency contact information and a site key.

No new odors are foreseen.

The Petitioner supplied a report outlining that solar panels do not cause damage to neighboring property value or harm the environment.

The solar panels have life expectancy of thirty (30) years. The anticipated decommissioning costs were provided to the Commission. Decommission is estimated to take between two and three (2-3) months.

Kendall County is currently in the process of adopting solar panel regulations for offsite usage of energy. Some of the proposed language is included in the proposed recommendations.

Staff recommended approval of the requested special use permit with the following conditions and restrictions:

1. The site will be developed in accordance with the Site Plan.
2. Lighting will be installed in accordance with the Site Plan.

3. The landscaping shall occur in accordance with the Landscaping Plan.
4. Replacement of dead and/or damaged vegetation shall occur on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Department.
5. Signage shall be installed as described in the Sheet Notes. In addition, at least one (1) sign shall be placed at the vehicle access gate stating emergency contact information.
6. The site shall be decommissioned in accordance with the Decommissioning Plan. In the event the Decommissioning Plan changes, the property owner shall supply the Kendall County Planning, Building and Zoning Department with revised plans as soon as they are available.
7. The Decommissioning Plan shall be initiated if the solar panels are not used for ninety (90) consecutive days. This condition shall not apply if maintenance on the impacted solar panel(s) is occurring.
8. The property owner or operator shall have six (6) months to complete the Decommissioning Plan and remove the solar panels and related equipment from the property (**Amended by ZPAC**).
9. In addition to other applicable fees, the following fees should be paid to the County prior to the installation of the solar panels:
 Building Permit Fees
 0-10 KW \$150
 51-100 \$300
 101-500 \$600
 501-1000 \$1200
 1001-2000 \$2750
 1001-2000 \$6000
 Over 2000 KW \$200 for Each Additional 0-100KW
 Fees Double if Construction Commences before Obtaining Building Permit
10. The property owner or operator shall maintain current liability policy covering bodily injury and property damage at least Three Million Dollars per occurrence and Five Million Dollars in aggregate and must have policy for the duration of the special use permit, such insurance may be provided pursuant to a plan of self-insurance by a party with a net worth of Twenty Million Dollars or more and the County shall be named as additional insured to the extent that the County is entitled to indemnification.
11. The property owner or operator shall indemnify, and hold harmless the County and its officials, employees, and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of actions, damages, injuries, costs, expenses, and liabilities whatsoever, including reasonable attorney's fees, except to the extent arising in whole or part out of negligence or intentional acts of such Indemnified Parties (such liabilities together known as "liability") arising out of Applicant, Owner, or Operators selection, construction, operation, and removal of the solar energy system and affiliated equipment including, without limitation, liability for property damage or personal injury (including death), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limited or qualifying the County's other indemnification rights available under the law (**Amended by ZPAC**).
12. Within sixty (60) days of the approval of this special use permit ordinance, the owner shall dedicate

a fifteen foot (15') wide strip along the northern portion of the property to Kendall County to be used as Newark Road right-of-way (**Added by ZPAC**).

13. The property owner or operator shall be responsible for ensuring that the operations of the solar panels allowed by this special use permit comply with all applicable Federal, State, and Local laws (**Amended by ZPAC**).
14. Damaged or non-functioning solar panels shall be replaced or repaired on a timetable agreed to between the property owner and the Kendall County Planning, Building and Zoning Department (**Added after Village of Newark meeting**).
15. Failure to comply with above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid (**Added after ZPAC**).

Ms. Zubko requested that a condition be added that drain tile should be repaired and/or rerouted. The consensus of the Commission was to add this condition.

Margaret Blum, Justin Hardt, Jim Coyle, and Melissa Samaroo presented a powerpoint presentation, see enclosure. Mr. Hardt provided a description of Borrego and the various types of solar energy systems. He also discussed the various studies involved in the permitting process. Ms. Blum explained the installation process of the solar panels and related equipment. She also discussed the maintenance of the panels and vegetation. A sample panel was passed around to the Commissioners. Federal NEPA regulations do not apply to this project. The mature height for the plants is approximately four to six feet (4'-6') for the vegetation planted along the northern portion of the property.

Mr. Nelson asked about the taxing of the property. The taxing for solar panel projects is currently under review in the General Assembly.

They will do weekly inspections to get the landscaping started.

The south portion of the property will be farmed. The area between the solar panels and the road may not be farmed.

The panels rotate east to west. The coating is anti-glare with the objection to absorb as much sunlight as possible.

The reasons that the project is its current size are because of the capacity of Ameren's system and State regulations.

Mr. Wormley asked why the panels were placed on the northern portion of the property. They wanted to avoid the wetlands and avoid extending the driveway and electricity lines.

Mr. Wormley disagreed with the statement that the project will not negatively impact property values. He argued that the southern part of the property cannot be used for anything but farming for the duration of the solar panel lease. Ms. Blum stated the studies examined the property values of adjacent parcels.

Ms. Wilson asked about guarantees for decommissioning and the incentive for Borrego to remove the solar panels and restore property to agricultural condition. Mr. Hardt stated that the lease requires removal of the solar panel related equipment. No bond or monetary holdbacks were included in the lease. Salvage value exists.

Ms. Wilson asked about the noise level in rain and general noise. A noise diagram was presented. The noise at one hundred feet (100') from the transformer is thirty-five (35) dBa. The noise level reduces the further away from the transformer. The transformer is fifty-five to sixty-five (55-65) dBa at the transformer. The transformer does not run at night.

No impact on birds exists.

Most of the provisions of the proposed solar panel ordinance were incorporated in the special use permit conditions.

Borrego will be involved in the maintenance of the solar panels.

The whole site will be weed eaten a few times a year.

The posts are rated for one hundred thirty-four (134) mile per hour winds.

Maintenance includes mowing and inspections.

Cliff Fox, Village Administrator of the Village of Newark, requested a copy of the landscaping plan. The Petitioner is not planning to move the solar panels further south at this time. The Village wanted the panels moved south to prevent an eyesore.

Tom Bromeland, Newark Road, expressed his opposition to the proposal. He was concerned about the environmental impact of broken panels. Runoff from the subject property drains onto his property. He expressed concerns about glare and he would like to see a different type of fencing other than chain-link. He would like to see the panels moved further south because of noise concerns and aesthetics. He argued that land values will be impacted and that the County will not benefit from the project.

The components of the solar panels do not have a hazardous substance inside them.

A solid fence would create a different wind load inside the solar panel project. The posts would almost certainly need concrete casings.

The suggestion was made to plant arborvitae every six to eight feet (6'-8').

Discussion of the LaSalle project in Streator occurred, focusing on the visibility of the project from roads and nearby property. This project is much larger than the one (1) proposed outside Newark.

Cell phone and television reception will not be impacted.

Mr. Nelson made a motion, seconded by Ms. Zubko, to recommend approval of the special use permit with the conditions proposed by Staff, the addition of a condition that damaged drain tile be repaired and/or rerouted, and the suggestion that arborvitaes be planted on the north side of the property and/or the installation of taller shrubs during installation.

No – Ashton and Wormley (2)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on June 4th.

Mr. Wormley voted no because he believed the property values of the subject property will be impacted.

Chairman Ashton voted no because he thought their plans to farm on the sides were unrealistic and taking into consideration the comments of the neighbor.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition

Mr. Asselmeier noted the change made to the proposal; references to the Prairie Parkway are in past tense.

Mr. Nelson made a motion, seconded by Mr. Bledsoe to schedule a public hearing on the proposed changes to the Land Resource Management Plan for June 27, 2018, at 7:00 p.m. in the County Board Room at 111 W. Fox Street in Yorkville.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley, and Zubko (7)

No – None (0)

Absent – Casey and Shaw (0)

The motion passed.

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee is reviewing one (1) paragraph in the proposal. Upon completion of that review, the proposal will come back to the Planning Commission.

Update on Petition 18-03 Pertaining to Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Mr. Asselmeier reported that the Planning, Building and Zoning Committee laid this proposal over until the September 2018 meeting.

Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits

Mr. Asselmeier reported that the Planning, Building and Zoning Committee instructed Staff to rewrite the proposal to allow the County Board to initiate amendments to and revocations of special use permits at any time
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and any reason.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 18-05 rezoning the Warpinski property on Walker Road from A-1 to R-1 was approved by the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

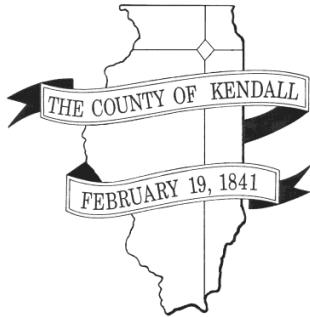
Mr. Wormley made a motion, seconded by Ms. Zubko, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 10:11 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Encs.

**KENDALL COUNTY REGIONAL
PLANNING COMMISSION MEETING
MAY 23, 2018**

NAME	ADDRESS	EMAIL ADDRESS
Tom Bromeland Mary		
Melissa Samaras	1 N. State St. #1500	msamaras@burregosalas.com
Justin Hardt	Chicago, IL c/o Burrege Sales Systems	jhardt@burregosalas.com
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CLIFF FOX	VILLAGE OF NEWARK	NEWARK-IL, IL



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 18-26

**Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 (Owners)
and Gay Hoddy (Operator)
A-1 Special Use – Banquet Facility and
Variances to Location and Parking Areas**

INTRODUCTION

Gay Hoddy is the daughter-in-law of the Owners of the subject property. Ms. Hoddy would like to establish a banquet facility at the subject property and is requesting variances to the requirement that the facility must be located on an arterial or major collector road, the requirement for hard surface parking areas (except for the ADA required parking spaces), and that the property not be required to have fully shielded parking facility lighting.

RECOMMENDATION

Because a similar special use permit and similar variances were granted at a property near the subject property, Staff recommends approval of the requested special use permit and variances subject to the following conditions and restrictions:

1. The site, including parking plan, shall be developed in accordance to the attached site plan. The owner of the business allowed by this special use permit may remove the porta-potties shown on the site plan if adequate, permitted facilities (i.e. septic system) are installed on the property for use at the banquet facility (**Amended by ZPAC**). The owner of the business allowed by this special use permit may also install one or more temporary tents located west of the framed barn. (**Clarified after ZPAC**).
2. A maximum of two hundred fifty (250) guests in attendance at a banquet center related event may be on the subject property at a given time (**Added after ZPAC**).
3. The lighting shall be developed in accordance to the attached site plan and photometric plan. The operator of the banquet facility may install two (2) decorative lights on the south side of the barn and two (2) decorative lights on the east side of the barn.
4. Events shall be confined to the framed barn, patio area, and grassy area west of the barn. No events may be held in the loft or second story or above of the framed barn, the corn crib, garage, residence, or any new barns or accessory buildings on the property without an amendment to this special use permit.
5. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance (**Clarified after ZPAC**).
6. The subject parcel must be a minimum of five (5) acres.
7. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
8. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted.
9. A variance shall be granted to the requirement contained in Section 11.02.F.2 of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall be exempt from the requirement that all required open off-street parking areas and access drives constructed or re-

constructed after May 20, 2008 shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. This variance shall not be extended to parking and parking related facilities required by the Americans with Disabilities Act (**Clarified after ZPAC**).

10. A variance shall be granted to the requirement contained in Section 11.02.F.12.B of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall provide only "fully shielded" or "cut-off" light fixtures (**Clarified after ZPAC**).
11. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The signage will not be illuminated.
12. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
13. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

14. No music shall originate outside of any building associated with the special use permit. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony (**Added at ZPAC**). No bands shall perform at any events (**Added at KCRPC**).
15. Events shall be held between May 1 and October 31. The property owner or banquet operator may hold events outside of this timeframe with the approval of the Planning, Building and Zoning Committee.
16. No more than four (4) events in a seven (7) day period may be held at the property.
17. Setup for events shall not commence prior to 10:00 a.m.
18. All events must cease by Midnight except for cleaning up after an event which must cease by 1:00 a.m.
19. A new certificate of occupancy must be issued for the framed barn.
20. The operator of the banquet facility allowed by this special use permit shall reside at the subject property as their primary place of residence.
21. The operator of the banquet facility and property owner(s) acknowledge and agree to follow Kendall County's Right to Farm Clause.
22. The property owner and operator of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
23. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
24. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

FOX TOWNSHIP

Fox Township was emailed information on July 30, 2018. No comments were received

NEWARK FIRE PROTECTION DISTRICT

Newark Fire Protection District was emailed information on July 30, 2018. No comments were received.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed information on July 30, 2018. While the property is within one point five (1.5) miles of the Yorkville City Limits, the subject property is not included in Yorkville's extraterritorial planning area as shown on the Yorkville Future Land Use Map.

ZPAC

ZPAC reviewed this proposal at their meeting on August 7, 2018. The consensus of ZPAC was to allow the Petitioner to install or expand her septic system in the future (thus removing the need for porta-potties) without having to amend her site plan. Discussion also occurred about requiring landscaping, berming, and/or trees if the neighbors complain. John Whitehouse, engineer for the Petitioner, expressed concerns installing buffering because of a complaint; he wondered who would investigate a complaint and if a complaint, whether founded or unfounded, would trigger a buffering requirement. The Petitioner agreed not to have music outside the barn except wedding ceremony music. No private security would be provided. Mr. Rybski indicated that private events are not under the jurisdiction of the Health Department so long as the well is not used. If all the water is trucked in, that is fine. Mr. Whitehouse said that he would provide additional information on the lines for the septic field. Mr. Asselmeier indicated that WBK had concerns about the unpaved parking area. Mr. Asselmeier indicated that, if the area looked bad, Ms. Hoddy's business would suffer because some prospective customers would not want to have events at a location that looked undesirable. Mr. Davidson said the Petitioner will have to let the grass grow slightly higher and mow it frequently. ZPAC unanimously recommended approval of the proposal with restrictions.

KCRPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 22, 2018. Discussion occurred regarding verifying that the property owners supported the application. No music would be allowed to originate from tents. The special use permit would run with the land; a resident of the property could operate a banquet facility. Ms. Wilson expressed concerns regarding noise, particularly wedding reception music, created by the proposed use. The Petitioner indicated that no bands shall perform at events. Mr. Bledsoe expressed concerns regarding the impact of noise and lights on the house across the street from the property. Ms. Zubko suggested adding landscaping south of the parking area to block lights from the parking lot. She also suggested adjusting the handicapped stall or walkway to prevent a vehicle from blocking the south access point of the path from the handicapped parking area to the barn. Mr. Nelson suggested adding arborvitae to block the headlights from motorists on the driveway. Discussion occurred regarding adding a right-turn only sign. However, the consensus of the Commission was that people would not follow the instruction and that enforcing the sign would be difficult. Anne Vickery stated that she visited her daughter who lives near another banquet facility and did not hear any noise from that banquet facility. She also stated that people will travel down the path of least resistance and a right-turn only sign will not work. The Kendall County Planning Commission recommended approval the conditions proposed by Staff with seven (7) Commissioners in favor and one (1) Commissioner in opposition. Ms. Wilson voted no because of the lack of mitigation of noise and light. She was unsure that the property owner was in favor of the petition. She also does not think the County does an adequate job of enforcing the noise regulations.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 27, 2018. No members of the public expressed support or objections to this proposal. The Petitioner's attorney provided documentation from the owner expressing his support for the proposal. The Petitioner's attorney also provided a letter of no opposition from the tenant living in the house across Hughes Road from the subject property. The Zoning Board of Appeals unanimously recommended approval of the special use permit and variances with the restrictions proposed by Staff. The complete record of the hearing, including the minutes of all related meetings and documents related to the Petition, can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_18-26.pdf.

The Zoning Board of Appeals also unanimously approved the following Findings of Fact:

FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan. The Kendall County Sheriff's Department, Fox Township Road District, and Newark Fire Protection District have not submitted comments expressing concerns for public health and safety. However, without proper buffering or screening, light and noise from the proposed use could impact the comfort of the property located southeast of the subject property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities, drainage, and points of ingress and egress are provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that variances are approved regarding distance to arterial and collector roads, the waiver of the requirement that off-street parking areas and access drives be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practice, and the waiver of the requirement that only "fully shielded" or "cut-off" light fixture are allowed, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Also, if the business allowed by this special use permit were to cease operations, the land could be easily converted to other uses allowed in the A-1 Zoning District.

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. If the owner of the business allowed by this special use permit were required to install the required parking, the property would have greater difficulty reverting back to a farmstead if the business ceased operations. The required light is for businesses located in a more developed,

commercial area and not a rural, agricultural area. The proposed banquet facility is approximately one point two (1.2) miles from an arterial roadway (Route 71); an existing, approved banquet facility on the same road is approximately one point five (1.5) miles away from an arterial roadway or major collector roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet facilities in the rural areas could face similar concerns related to lighting, parking, and access to an arterial roadway or major collector roadway. The specific number of properties sharing similar characteristics is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. While no one involved with the requested special use permit and variances platted the subject property, the Petitioners created the hardship by desiring to have a banquet facility at the subject property.

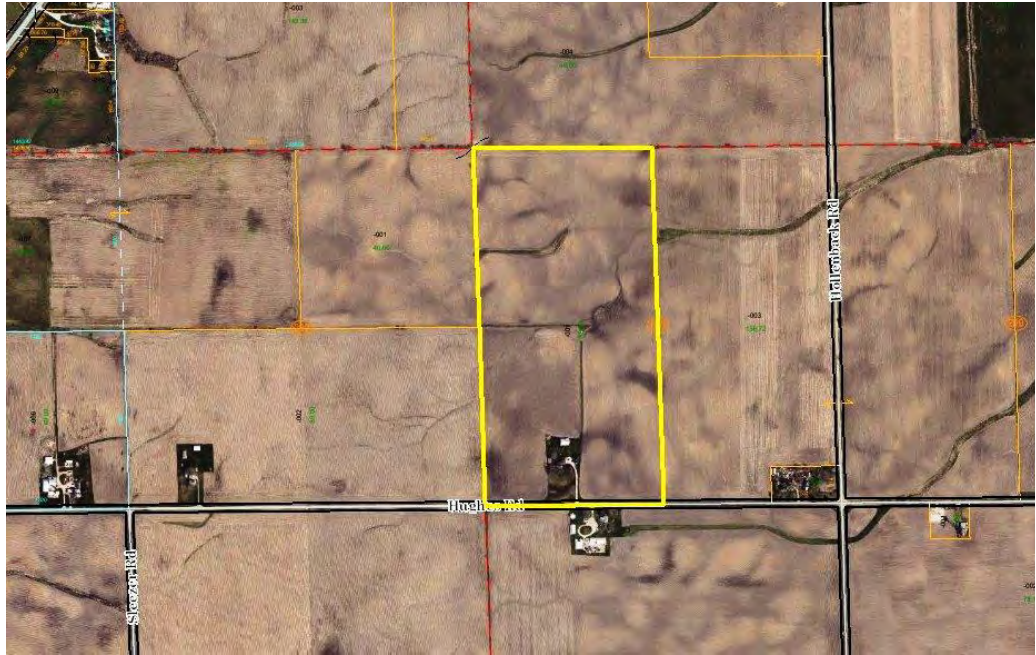
That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Fox Township Road District, and the Newark Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.

SITE INFORMATION

LOCATION Approximately 1.2 Miles East of Route 71 on the North Side of Hughes Road
(Approximately 0.5 Miles East of Sleezer Road)





TOWNSHIP Fox

PARCEL # 04-34-100-001

LOT SIZE 5.112 +/- Acres

EXISTING LAND USE Agricultural/Single Family Residential

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural and Single-Family Residential
	Future Land Use	Agricultural
	Roads	Hughes Road is a Township Road Classified as a Local Road.
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION

A-1 Special Use to Operate a Banquet Facility with variances to be located on a non-arterial or non-collector road, allow off-street parking and driving aisles to not be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly or green design practice and to waive the requirement for "fully shielded" or "cut off" light fixtures for the parking facility.

APPLICABLE REGULATIONS Section 7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be Located in the A-1 District with Approval of a Special Use Provided that the Facility Meets Certain Criteria

Section 7.01.D.10.a – Requires Banquet Facilities to be Have Direct Access to an

Arterial Roadway or Major Collector Road as Defined in the Land Resource Management Plan

Section 11.02.F.2 – Additional Regulations – Parking – Design and Maintenance – Surfacing – Requires All Required Open Off-Street Parking Areas and Access Drives Constructed or Re-Constructed after May 20, 2008 (Effective Date of This Amendment) in all Zoning Districts Shall Be Improved with a Permanent, Concrete, Unit Paver, Asphalt Surface or Some Other Environmentally Friendly Surface or Green Design Practices. (Petitioners are not asking for a variance to the requirements for ADA parking stalls.)

Section 11.02.F.12 – Additional Regulations – Parking – Light – Only “fully shielded” or “cut-off” light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries.

Section 13.04 – Variations

Section 13.08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural	A-1
South	Agricultural/Farmstead	A-1	Agricultural	A-1
East	Agricultural/Farmstead	A-1	Agricultural	A-1
West	Agricultural	A-1	Agricultural	A-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on July 11, 2018; consultation was termination.

NATURAL RESOURCES INVENTORY

NRI application submitted on July 11, 2018. The NRI was completed on August 14, 2018. The LESA Score was 201 indicating a medium level of protection.

GENERAL

Gay Hody lives on the subject property with her husband and would like to operate the Harvest Moon Barn banquet facility. Ms. Hody requires a special use permit to operate a banquet facility at the subject property. The barn furthest to the north will be used for events. The building with red doors will not be used for events.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. **The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan. (Variance is required for this requirement.)**
- b. The subject parcel must be a minimum of 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.

- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

BUSINESS OPERATION

Ms. Hoddy's business plans were provided. The site plan was provided. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Events would be held in the frame barn located on the north side of site. Tents could be set up to the west of the barn. Based on the current size of the barn (approximately 1100 square feet), approximately one hundred twenty (120) people could fit inside the barn. Ms. Hoddy anticipates the largest group of attendees to be approximately two hundred fifty (250) people including staff. No members of the public would be allowed in the loft of the barn. At some point in the future, Ms. Hoddy may put concrete pavement in the barn; the current pavement is compacted gravel.

The facility would be operational from May 1st through October 31st. Ms. Hoddy would like the ability to have events outside these dates, weather permitting. The majority of events would be on weekends. However, she would like the ability to have weekday events as well. She seemed open to capping the number of events per week. The proposed hours of operation for events would be from 4:00 p.m. until Midnight. Setup for events would start at 10:00 a.m. and take down from events would be completed by 1:00 a.m.

Ms. Hoddy plans to have two (2) hostesses and four (4) servers at a maximum.

In the event of a security issue, Ms. Hoddy would call 911. The Sheriff's Department had no objections to this plan.

All events would be catered, both food and drink.

The reserving party would be responsible for securing applicable insurance. Ms. Hoddy will also have insurance.

The banquet hall will be used for weddings, birthdays, retirement parties, and similar events.

Ms. Hoddy and her husband live on the property. She has over twenty (20) years of experience as a waitress and banquet related work. She has taken CPR classes in the past and plans to take a refresher course.

Ms. Hoddy reported that she has received at least four (4) phone calls requesting weddings at the property. She had her wedding at the property. One (1) niece had a wedding at the property and another niece is planning a wedding at the property.

Ms. Hoddy agreed to follow all applicable laws related to this type of business and she also agreed to follow the Kendall County Right to Farm Clause.

If approved, Ms. Hoddy would like to start having events in May 2019.

BUILDING CODES

A Change of Occupancy Permit will be required for each existing structure that will be used in conjunction with the proposed banquet facility.

ENVIRONMENTAL HEALTH

Ms. Hoddy indicated that all water used for events will be brought into the site; no well water will be used. Porta-potties will be used for events. According to the site plan, one (1) handicapped accessible porta-potty and two (2) other porta-potties will be located to the northeast of the barn. Refuse containers and a dumpster will be located near the porta-potties. An ADA approved path from the barn to the handicapped accessible porta-potty will be installed with lights.

ROAD ACCESS

The Fox Township Highway Commissioner informed the Kendall County Highway Engineer that he had no issues with the proposed use at the subject property.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Ms. Hoddy submitted a parking plan showing sixty-three (63) parking spaces including four (4) handicapped parking spaces. The parking area is planned to be grass except for the handicapped parking spaces; Ms. Hoddy is requesting a variance to allow this type of parking. Parking will be to the south of the house west of the driveway and to the east of the driveway. No parking will encroach in the required setbacks. The site plan was revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

Staff discussed the lack of paved parking areas with WBK. If the grass is maintained correctly, no parking or erosion issues related to bare soil should arise.

The ADA parking areas will be hard surfaced.

The Kendall County Sheriff's Department expressed no concerns regarding the internal traffic circulation pattern as it relates to public health and safety concerns at the site.

LIGHTING

Ms. Hoddy submitted a photometric plan and lighting is shown on the parking plan. According to the plan, two (2) new lights would be added for the parking lot west of the driveway. Two (2) new lights would be added to the parking lot east of the driveway. One (1) new light would be installed north of the handicapped parking area. Eight (8) solar powered lights will be installed on the walkway between the barn and the handicapped parking area. Ms. Hoddy indicated additional lighting could be installed along the south and east sides of the barn. The photometric and site plans were revised prior to the Kendall County Regional Planning Commission meeting to reflect concerns by the Health Department regarding the location of the septic field.

SIGNAGE

A non-illuminated sign is proposed on the west side of the driveway as shown on the site plan. The sign will be approximately thirty-two (32) square feet in size and two (2) faced. The location and type of sign proposed meet the requirements of the Kendall County Zoning Ordinance.

LANDSCAPING

Ms. Hoddy does not plan to install any additional landscaping.

NOISE CONTROL

The barn would not be air conditioned and the doors on the south and east sides would likely be open during events.

Ms. Hoddy indicated that no music related to events would originate outside the barn except for music related to a wedding ceremony.

Ms. Hoddy agreed to follow the Kendall County noise regulations. However, she did not provide a method for tracking noise.

RELATION TO OTHER SPECIAL USES

Kendall County previously granted a special use permit at 13889 Hughes Road (Ordinance 2016-05) for a banquet facility. This banquet facility is approximately one point two (1.5) miles from the nearest major collector road (Newark Road via Hollenback Road). The proposed banquet facility at the subject property is approximately one point two (1.2) miles from Route 71.

Based on the Kendall County GIS, the barn at the subject property is approximately six hundred two feet (602') from the house at 14838 Hughes Road. The parking area east of the driveway is approximately two hundred twenty-four feet (224') from the house at 14838 Hughes Road. In comparison, the closest barn at 9111 Ashley Road is approximately six hundred twenty-four feet (624') from the house across the street and the parking area is approximately four hundred eleven feet (411') from the house across the street. The impact of noise and light on the adjoining property are concerns.

PROPOSED ORDINANCE

The proposed ordinance for this special use permit and variance is attached.

ATTACHMENTS

1. Proposed Ordinance

ORDINANCE NUMBER 2018-_____

GRANTING A SPECIAL USE PERMIT ON PROPERTY ZONED A-1 AGRICULTURAL FOR A BANQUET FACILITY AND A VARIANCE TO SECTION 7.01.D.10.A OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW A BANQUET FACILITY TO BE LOCATED OFF OF A NON-ARTERIAL OR NON-MAJOR COLLECTOR ROADWAY AND A VARIANCE TO SECTION 11.02.F.2 OF THE KENDALL COUNTY ZONING ORDINANCE TO ALLOW OFF-STREET PARKING AND DRIVING AISLE TO NOT BE IMPROVED WITH A PERMANENT, CONCRETE, UNIT PAVER, ASPHALT SURFACE, OR SOME OTHER ENVIRONMENTALLY FRIENDLY OR GREEN DESIGN PRACTICE AND A VARIANCE TO SECTION 11.02.F.12.B OF THE KENDALL COUNTY ZONING ORDINANCE TO WAIVE THE REQUIREMENT FOR “FULLY SHIELDED” OR CUT-OFF LIGHT FIXTURES FOR THE PAKING FACILITIES FOR A 5.112 ACRE +/- PARCEL LOCATED AT 14905 HUGHES ROAD, NEWARK, ILLINOIS AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 04-34-100-001 IN FOX TOWNSHIP

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13.04 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue variations and place conditions on variations and provides the procedure through which variations are granted; and

WHEREAS, Section 7.01.D.10 of the Kendall County Zoning Ordinance permits the operation of banquet facilities as a special use with certain restrictions in the A-1 Agricultural Zoning District; and

WHEREAS, Section 7.01.D.10.a of the Kendall County Zoning Ordinance requires banquet facilities located in the A-1 Agricultural Zoning District to have direct access to an arterial roadway or major collector road as defined in the Land Resource Management Plan; and

WHEREAS, Section 11.02.F.2 of the Kendall County Zoning Ordinance requires all off-street parking areas and access drives be constructed or re-constructed after May 20, 2008, shall be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practices; and

WHEREAS, Section 11.02.F.12 of the Kendall County Zoning Ordinance requires only “fully shielded” or “cut-off” lighting fixtures; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 5.112 acres located at 14905 Hughes Road, Newark, Illinois (PIN: 04-34-100-001) in Fox Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, the subject property is currently owned by Maurice E. Ormiston as Trustee u/t/a No. 101 and Marilyn J. Ormiston as Trustee u/t/a 102 and Gay Hoddy currently resides at the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 22, 2018, Petitioner filed a petition for a Special Use Permit allowing the operation of a banquet facility at the subject property and variances to Sections 7.01.D.10.a, 11.02.F.2, and 11.02.F.12 of the Kendall County Zoning Ordinance; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on August 27, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and presented evidence, testimony, and exhibits in support of the requested special use permit and variances and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the special use permit and variances with conditions as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated August 27, 2018, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of **approval/denial** of the requested special use permit and variances with conditions; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use permit and variances shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a special use permit and variances allowing the operation of a banquet facility on the subject property subject to the following conditions:
 - A. The site, including parking plan, shall be developed in accordance to the attached site plan attached hereto as Exhibit C. The owner of the business allowed by this special use permit may remove the porta-potties shown on the site plan if adequate, permitted facilities (i.e. septic system) are installed on the property for use at the banquet facility. The owner of the business allowed by this special use permit may also install one or more temporary tents located west of the framed barn.
 - B. A maximum of two hundred fifty (250) guests in attendance at a banquet center related event may be on the subject property at a given time.
 - C. The lighting shall be developed in accordance to the attached site plan and photometric plan attached hereto as Exhibit C. The operator of the banquet facility may install two (2)

decorative lights on the south side of the barn and two (2) decorative lights on the east side of the barn.

- D. Events shall be confined to the framed barn, patio area, and grassy area west of the barn. No events may be held in the loft or second story or above of the framed barn, the corn crib, garage, residence, or any new barns or accessory buildings on the property without an amendment to this special use permit.
- E. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
- F. The subject parcel must be a minimum of five (5) acres.
- G. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- H. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted.
- I. A variance shall be granted to the requirement contained in Section 11.02.F.2 of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall be exempt from the requirement that all required open off-street parking areas and access drives constructed or re-constructed after May 20, 2008 shall be improved with a permanent, concrete, unit paver, asphalt surface or some other environmentally friendly surface or green design practices. This variance shall not be extended to parking and parking related facilities required by the Americans with Disabilities Act.
- J. A variance shall be granted to the requirement contained in Section 11.02.F.12.B of the Kendall County Zoning Ordinance that the business allowed by this special use permit shall provide only “fully shielded” or “cut-off” light fixtures.
- K. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The signage will not be illuminated.
- L. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- M. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the

maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

- N. No music shall originate outside of any building associated with the special use permit. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. No bands shall perform at any events.
 - O. Events shall be held between May 1 and October 31. The property owner or banquet operator may hold events outside of this timeframe with the approval of the Planning, Building and Zoning Committee.
 - P. No more than four (4) events in a seven (7) day period may be held at the property.
 - Q. Setup for events shall not commence prior to 10:00 a.m.
 - R. All events must cease by Midnight except for cleaning up after an event which must cease by 1:00 a.m.
 - S. A new certificate of occupancy must be issued for the framed barn.
 - T. The operator of the banquet facility allowed by this special use permit shall reside at the subject property as their primary place of residence.
 - U. The operator of the banquet facility and property owner(s) acknowledge and agree to follow Kendall County's Right to Farm Clause.
 - V. The property owner and operator of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
 - W. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
 - X. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this special use permit.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 18th day of September, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF PARCEL
SUBJECT TO SPECIAL USE PERMIT APPLICATION
AND VARIANCE APPLICATION

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID WEST HALF; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTH HALF, 425.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 240.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 175.00 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 49 SECONDS WEST, 100.09 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 170.86 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 260.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 400.00 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 44 SECONDS EAST, 600.00 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 400.00 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

THE ABOVE DESCRIBED PROPERTY CONTAINS 5.1126 Acres

Exhibit B
FINDINGS OF FACT-SPECIAL USE

§ 13.08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan. The Kendall County Sheriff's Department, Fox Township Road District, and Newark Fire Protection District have not submitted comments expressing concerns for public health and safety. However, without proper buffering or screening, light and noise from the proposed use could impact the comfort of the property located southeast of the subject property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, adequate utilities, drainage, and points of ingress and egress are provided.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that variances are approved regarding distance to arterial and collector roads, the waiver of the requirement that off-street parking areas and access drives be improved with a permanent, concrete, unit paver, asphalt surface, or some other environmentally friendly surface or green design practice, and the waiver of the requirement that only "fully shielded" or "cut-off" light fixture are allowed, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness." Also, if the business allowed by this special use permit were to cease operations, the land could be easily converted to other uses allowed in the A-1 Zoning District.

FINDINGS OF FACT-VARIANCE

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. If the owner of the business allowed by this special use permit were required to install the required parking, the property would have greater difficulty reverting back

to a farmstead if the business ceased operations. The required light is for businesses located in a more developed, commercial area and not a rural, agricultural area. The proposed banquet facility is approximately one point two (1.2) miles from an arterial roadway (Route 71); an existing, approved banquet facility on the same road is approximately one point five (1.5) miles away from an arterial roadway or major collector roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is not true. Other banquet facilities in the rural areas could face similar concerns related to lighting, parking, and access to an arterial roadway or major collector roadway. The specific number of properties sharing similar characteristics is unknown.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **While no one involved with the requested special use permit and variances platted the subject property, the Petitioners created the hardship by desiring to have a banquet facility at the subject property.**

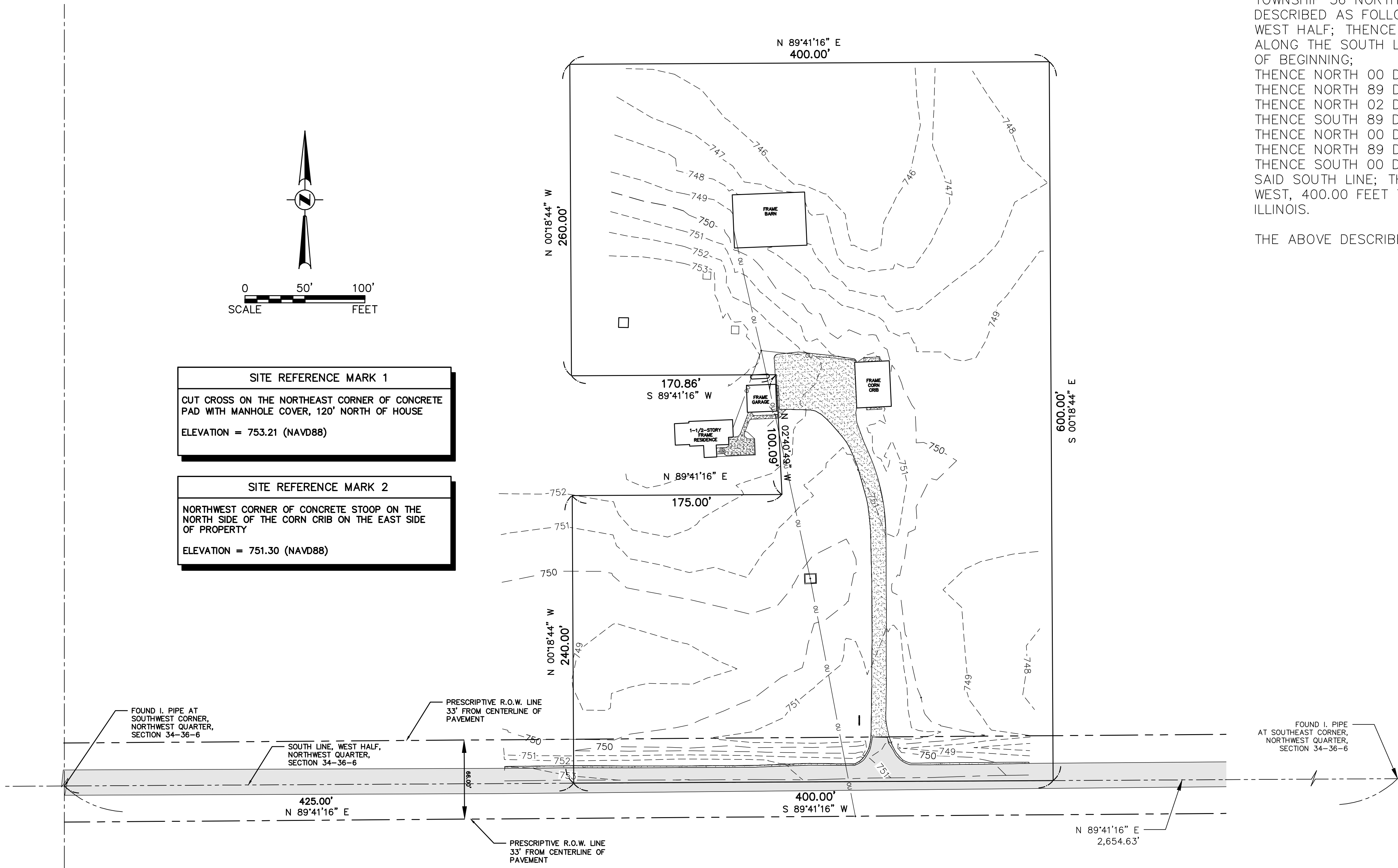
That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **True, the Kendall County Sheriff's Department, Fox Township Road District, and the Newark Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.**

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property value of the property located southeast of the subject property.**

PLAT OF SURVEY

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID WEST HALF; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTH HALF, 425.00 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 240.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 175.00 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 49 SECONDS WEST, 100.09 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 170.86 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 260.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 400.00 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 44 SECONDS EAST, 600.00 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 400.00 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

THE ABOVE DESCRIBED PROPERTY CONTAINS 5.1126 Acres



NOTES:

- 1. THE BASIS OF BEARINGS IS THE ILLINOIS STATE PLANE COORDINATE SYSTEM.
- 2. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY, ZONING ORDINANCE, ETC. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE AT ONCE. CONTACT UTILITY COMPANIES BEFORE BUILDING

STATE OF ILLINOIS)
COUNTY OF KANE)

THIS IS TO CERTIFY THAT WE, ENGINEERING ENTERPRISES INC., HAVE PERFORMED A BOUNDARY SURVEY OF THE PROPERTY DESCRIBED IN THE ABOVE LEGAL DESCRIPTION, AS SHOWN BY THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. FIELD WORK PERFORMED APRIL 13, 2018.

GIVEN UNDER MY HAND AND SEAL AT SUGAR GROVE, ILLINOIS, THIS 13th DAY OF JULY, 2018.

BY: *John T. Whitehouse*
JOHN T. WHITEHOUSE, P.E., P.L.S.
PROFESSIONAL LAND SURVEYOR #2724
(EXPIRES 11-30-18)

ENGINEERING ENTERPRISES, INC.
PROFESSIONAL DESIGN FIRM #184-002003
(EXPIRES 04-30-19)



Plotted: July 23, 2018 @ 2:02 PM By: John Whitehouse - Tab: S.U. Plat of Survey



Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeiweb.com

GAY HODDY
THE HALF MOON BARN
14905 HUGHES ROAD
NEWARK, IL 60541-9480

NO.	DATE	REVISIONS	

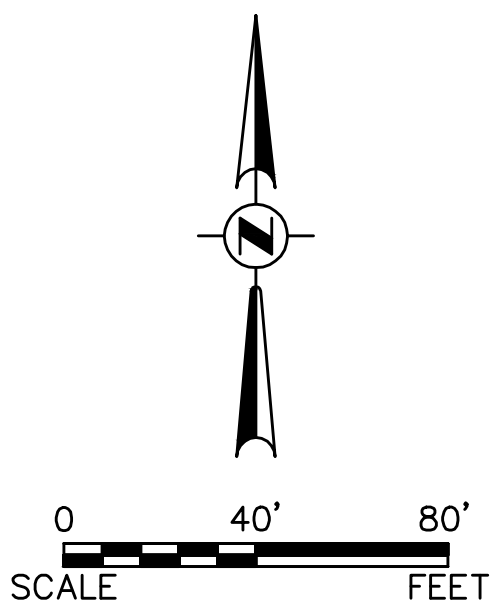
PLAT OF SURVEY

DATE:	JULY 13, 2018
PROJECT NO.	P16008
FILE NO P18006 CIVIL BASE	
PAGE 1 OF 1	

LEGAL DESCRIPTION OF PARCEL
SUBJECT TO SPECIAL USE APPLICATION

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID WEST HALF; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 175.00 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 240.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 175.00 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 49 SECONDS WEST, 100.09 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 170.86 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 44 SECONDS WEST, 260.00 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, 400.00 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 44 SECONDS EAST, 600.00 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS WEST, 400.00 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

THE ABOVE DESCRIBED PROPERTY CONTAINS 5.1126 Acres



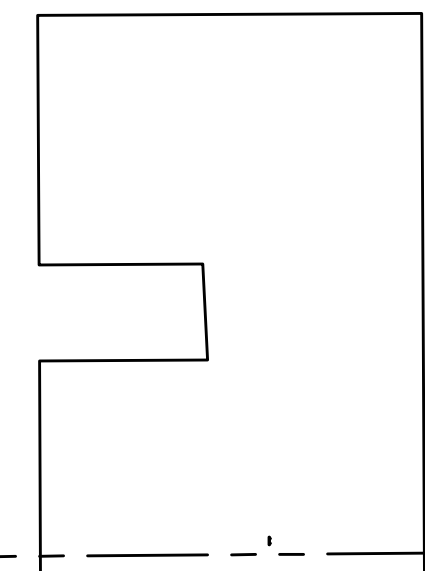
SEE LEGEND ON SHEET 2

NOTES

1. ADA PARKING SPACES SHALL BE PAVED
2. TURF PARKING SPACES SHALL BE DELINEATED WITH POSTS, ROPE AND WITH TURF PAINT AS NECESSARY

SPECIAL USE PARCEL
WITHIN PIN 04-34-100-001

THE WEST HALF OF NW-1/4
OF SECTION 34-36-6



HUGHES ROAD

#14905

ENGINEER'S & SURVEYOR'S CERTIFICATION

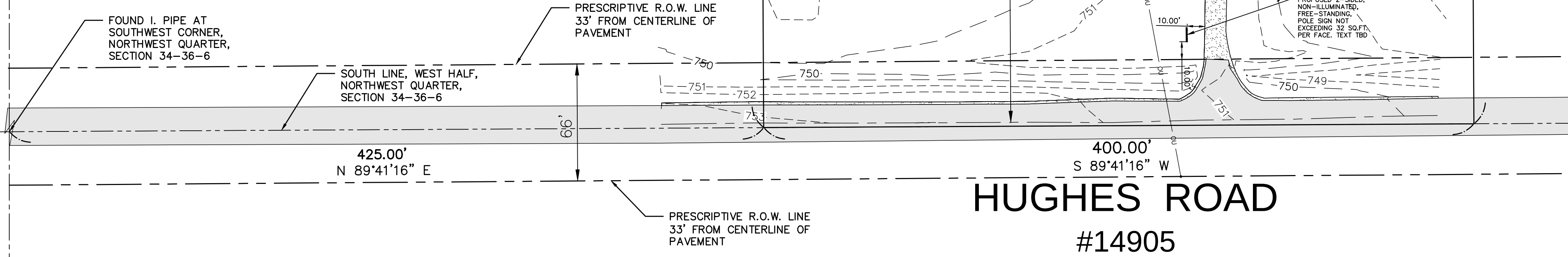
I HEREBY CERTIFY THAT THESE PLANS AND
LEGAL DESCRIPTION WERE PREPARED BY ME.

DATED AT SUGAR GROVE, ILLINOIS,

THIS 11th DAY OF MAY, 2018.



JOHN T. WHITEHOUSE, P.E., P.L.S.
ILLINOIS L.C. PROF. ENGINEER NO. 62-42859 (Exp. 11-30-19)
ILLINOIS PROF. LAND SURVEYOR NO. 35-2724 (Exp. 11-30-18)



HUGHES ROAD
#14905

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeiweb.com
Illinois Professional Design Firm # 184-002003

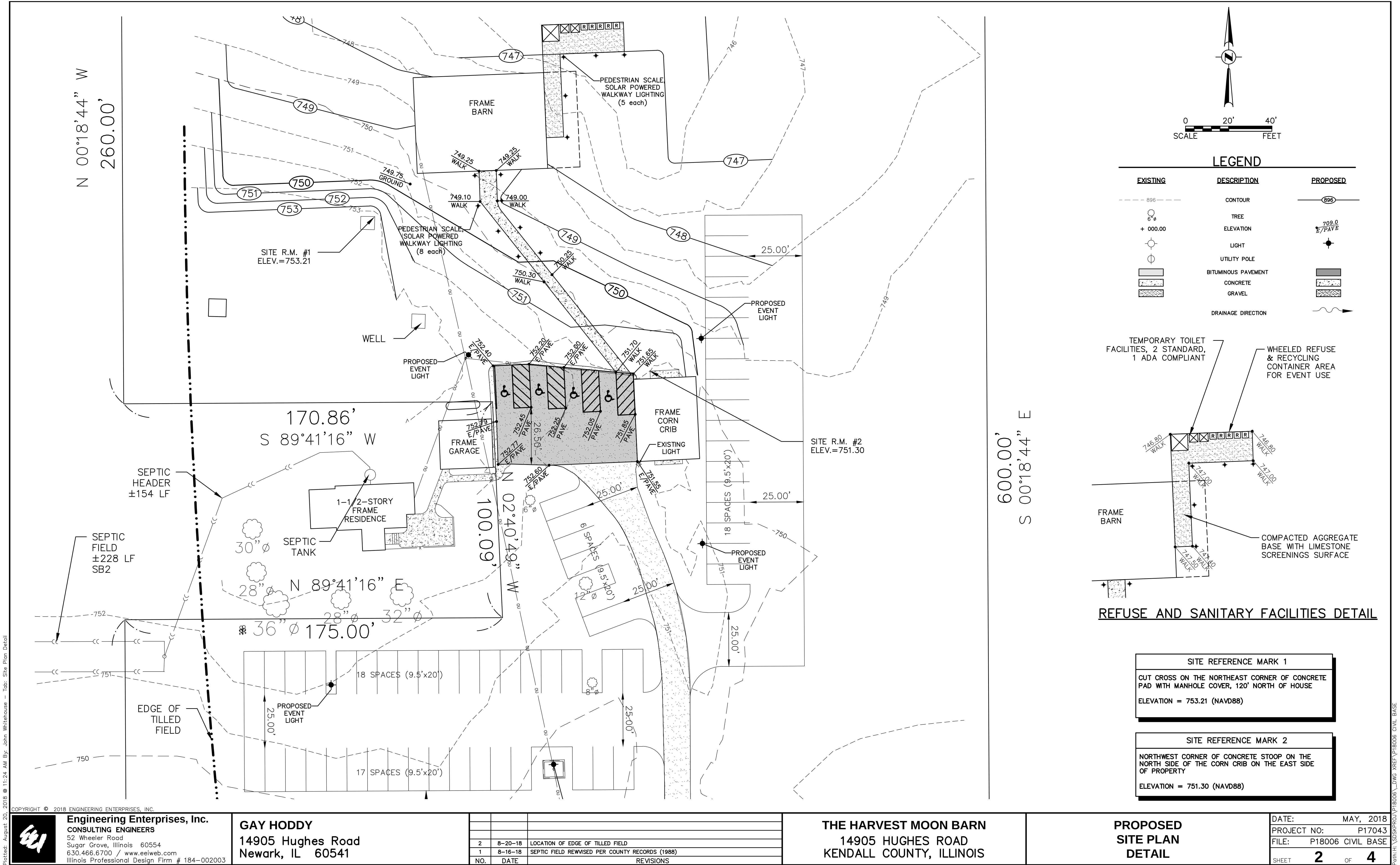
GAY HODDY
14905 Hughes Road
Newark, IL 60541-9480

NO.	DATE	REVISIONS
1	8-16-18	PARKING AREA RECONFIGURATION DUE TO SEPTIC FIELD REVISION

THE HARVEST MOON BARN
14905 HUGHES ROAD
KENDALL COUNTY, ILLINOIS

**PROPOSED
OVERALL
SITE PLAN**

DATE:	MAY, 2018
PROJECT NO:	P17043
FILE:	P18006 CIVIL BASE
SHEET	1 OF 4



Printed: August 20, 2018 @ 11:24 AM By: John Whitehouse - Tab: Site Plan Detail

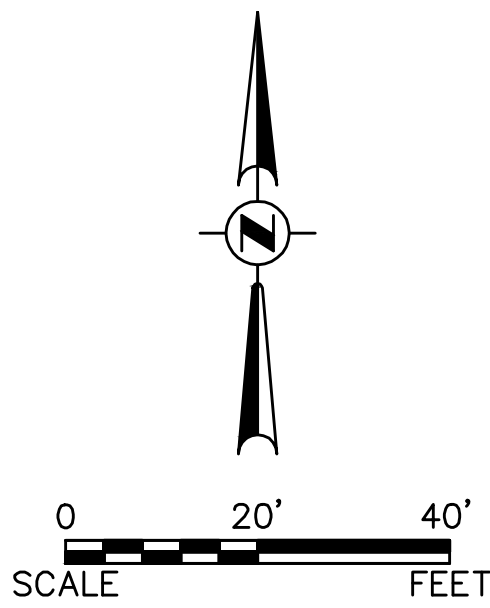
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Sugar Grove, Illinois 60554
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Illinois Professional Design Firm # 184-002003

GAY HODDY		
14905 Hughes Road		
Newark, IL 60541		
NO.	DATE	REVISIONS
2	8-20-18	LOCATION OF EDGE OF TILLED FIELD
1	8-16-18	SEPTIC FIELD REMISED PER COUNTY RECORDS (1988)

THE HARVEST MOON BARN 14905 HUGHES ROAD KENDALL COUNTY, ILLINOIS	PROPOSED SITE PLAN DETAIL		DATE: MAY, 2018
			PROJECT NO: P17043
			FILE: P18006 CIVIL BASE
			SHEET 2 OF 4

Path: \\SSKSRV01\P18006\DWG\XREF\18006 CIVIL BASE



PHOTOMETRIC NOTES

THE FOOTCANDLE (Fc) PHOTMETRIC PROJECTIONS SHOWN HEREON ARE BASED ON LITHONIA LIGHTING FIXTURE TDD2 LED AREA LIGHT MOUNTED AT A HEIGHT OF 20 FEET.



TDD2 LED
LED Area Luminaire

lighting facts

Specifications

Width: 9-1/2" (24.1 cm)
Height: 9-1/8" (23.5 cm)
Depth: 11-3/8" (29.3 cm)
Weight: 4.8 lbs (2.17 kg)

Backplate

Width: 2-3/4" (7 cm)
Height: 2-1/4" (5.6 cm)
Opening: 1-3/4" (4.5 cm)

OMA Mounting Arm (Optional)

Introduction

The popular TDD2 LED luminaire is now available with long-lasting, energy-efficient LED technology. Featuring a classic dayform, the TDD2 LED offers a fresh update to a traditional appearance and is powered by advanced LEDs.

The TDD2 LED luminaire is powerful yet energy efficient, capable of replacing a 175W mercury vapor luminaire while saving 82% in energy costs. The TDD2 LED eliminates frequent lamp and ballast replacements associated with traditional technologies. Can be wall or post mounted with integral bracket or onto 1-5/8" mast arm.

Ordering Information

EXAMPLE: TDD2 LED P1 50K 120 PER DNA M4

Series	Light Engine	Color Temperature	Voltage	Controls	Finish	Option
TDD2 LED	P1	50K 5000K	120 120 volts	PER Twist-lock photocell included	DNA Grey	M4

Accessories

OMA Mounting Arm

FEATURES & SPECIFICATIONS

INTENDED USE: The energy savings, long life and easy-to-install design of the TDD2 LED make it the smart choice for building and post-mounted driveway, pathway and yard illumination for nearly any facility.

CONSTRUCTION: Die-cast aluminum housing has an impact-resistant, polycarbonate lens which protects the LEDs. The fixture is sealed against moisture and environmental contaminants.

FINISH: Exterior parts are protected by a thermoset powder-coat finish that provides superior resistance to corrosion and weathering. A highly controlled multi-stage process ensures a minimum 2 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling.

OPTICS: Protective polycarbonate lens covers LEDs. Removable lower diffuser provides some up-light for a traditional appearance. DesignLights Consortium® (DLC) qualified with or without diffuser. Light engine is 5000K (50 min. CRI).

ELECTRICAL: Light engine consists of high-powered LEDs mounted to the outer edge of the integral aluminum heat sink to maximize heat dissipation and promote long LED life (80,000 hours at 25°C), 800,000 hours protection. Electronic driver operates at 120V. Twist-lock, replaceable photocell is standard.

INSTALLATION: Easily mounts to a wooden post or pole using 2" lag screws, included. Compatible with OMA 1-5/8" mounting arm, sold separately.

LISTINGS: UL Listed to U.S. and Canadian safety standards for wet locations.

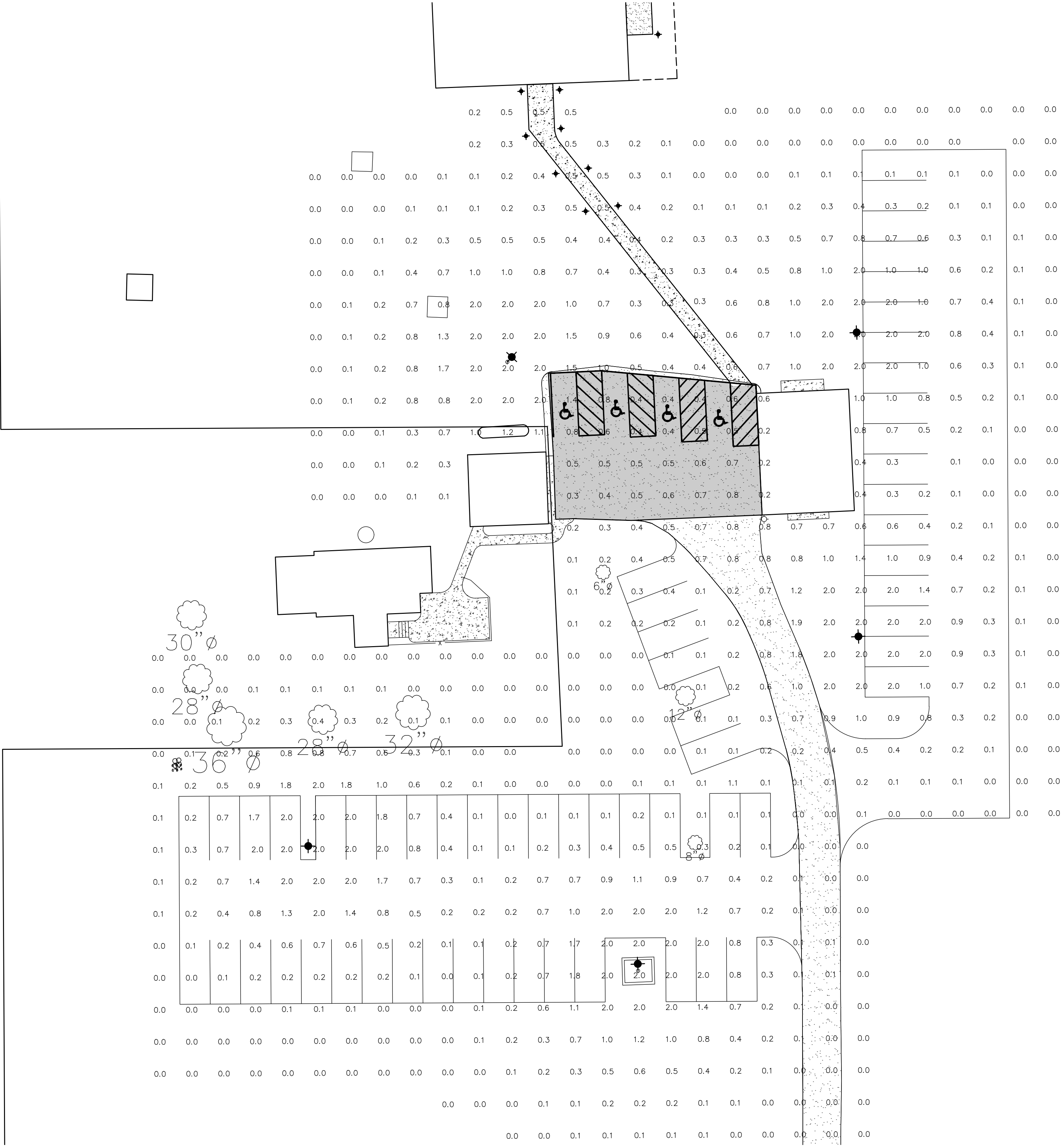
WARRANTY: Five-year limited warranty. Complete warranty terms located at: www.lithonia.com/customer-service/terms-and-conditions.aspx

Notes: Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

LITHONIA LIGHTING

One Lithonia Way • Conyers, Georgia 30012 • Phone: 800.279.8041 • www.lithonia.com
© 2014-2017 Acuity Brands Lighting, Inc. All rights reserved.

TDD2 LED
Rev. 03/2017



Plotted: August 17, 2018 @ 2:35 PM By: John Whitehouse - Tab: Parking Photometrics

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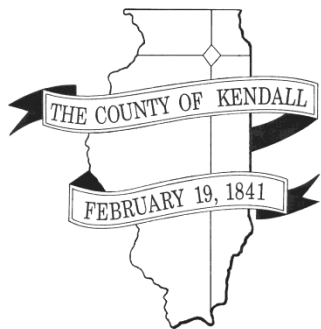
1	8-16-18	REVISED PER PARKING RECONFIGURATION DUE TO SEPTIC FIELD
NO.	DATE	REVISIONS

THE HARVEST MOON BARN
14905 HUGHES ROAD
KENDALL COUNTY, ILLINOIS

**PROPOSED
PARKING FACILITY
PHOTOMETRIC PLAN**

DATE:	MAY, 2018
PROJECT NO:	P17043
FILE:	P18006 CIVIL BASE
SHEET	3 OF 4

Path: \\SSK\REV\18006\DWG\XREF\18006 CIVIL BASE



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

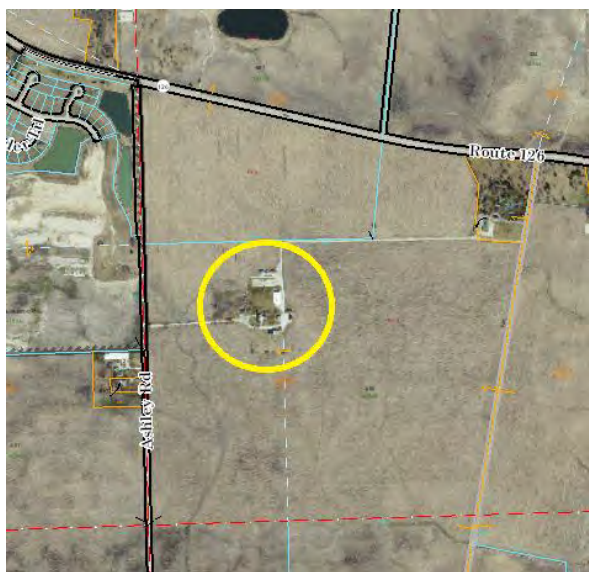
To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP

Date: August 30, 2018

Re: A-1 Conditional Use – Seasonal Festival – 7626 Ashley Road, Kendall Township

At their meeting on March 12, 2018, the Committee approved a request from Laura Hubbard for a conditional use permit application for the property at 7626 Ashley Road in Kendall Township to hold a one-day festival on Saturday 29, 2018, from 9:00am to 5:00pm. Ms. Hubbard would like to amend this proposal and have a two (2) day event on September 29 and September 30th. The hours of operation would not change.



The subject property is zoned A-1. Seasonal Festivals, such as the proposed event, are permitted as conditional uses in the A-1 Agricultural District. The petitioner held two (2) similar events last year on June 24th and September 30th and one (1) event on June 30, 2018. The Sheriff's Department had no concerns regarding this request.

The Zoning Ordinance restricts the amount of seasonal festivals that may occur on a property to one (1) event during a calendar year. Additional seasonal festivals may occur on a property only with the authorization from the Planning, Building, and Zoning Committee.

Staff recommends approval of the Conditional Use permit for the season festival contingent on a completed and signed affidavit by the applicant stating that all requirements will be met. This affidavit is the same as previous affidavits for this use at the subject property and is included as Exhibit A. If the PBZ Committee concurs with Staff's recommendation, it may take final action on the application.

MHA

Attachment

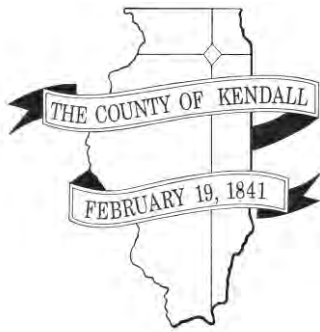


Exhibit A

DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

CONDITIONAL USE PERMIT

This CONDITIONAL USE PERMIT is for the purpose of operating a seasonal festival in the A-1 zoning district on September 29, 2018, and September 30, 2018.

NAME(S): Laura Hubbard

PIN(S): 05-11-300-002

ADDRESS: 7626 Ashley Road, Yorkville, IL

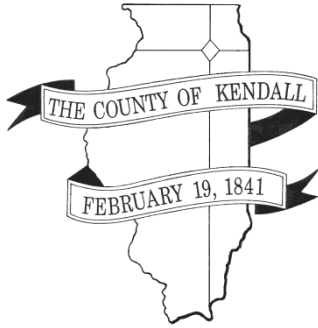
The petitioners agree to the following terms and conditions on the conditional use:

1. Adequate parking on site shall be provided in such a way that no on-street parking is necessary.
2. Event areas, stands, booths, parking and other uses and facilities appurtenant to the site shall not be located within 150 feet of a residential district, or residential structure located off the subject zoning lot unless written consent from the effected residents is provided to the Planning, Building and Zoning Office.
3. The operator shall have adequate waste receptacles and toilet facilities on site as determined in writing from the Department of Health and Human Services.
4. No alcohol shall be sold on the premises.
5. Petting Zoos shall provide adequate hand sanitation devices as determined by the Department of Health and Human Services.
6. All food prepared or sold on site shall comply with the Department of Health and Human Services requirements.
7. Noise levels generated from non-agricultural sources shall not exceed 60 dBA as measured at the nearest occupied residential structure on an adjoining property.
8. The operator shall provide adequate crowd control and parking direction as reasonably determined by the Kendall County Sheriff's Office.
9. No event activity shall start earlier than 9:00 A.M. any day of the week, and shall end no later than 10:00pm, Monday thru Wednesday and no later than 11:30pm Thursday thru Sunday.
10. Events shall be permitted once a year unless otherwise approved by the PBZ Committee.
11. Seasonal Festivals shall be permitted up to, but not exceed, ninety (90) consecutive days in length in one calendar year.
12. Accessory uses including but not limited to temporary vendors engaged in the sale of ancillary items not produced on site but which are related to products produced on site or associated with the season shall be permitted during the duration of the Seasonal Festival subject to the review and approval of the Zoning Administrator.
13. All signage shall comply with Section 12.00 of the Zoning Ordinance.
14. All proposed lighting shall be non-obtrusive onto adjoining properties and should not exceed 0.2 foot-candles at any property line.
15. Any Seasonal Festival which cannot meet these standards may still be permitted if approved as a Special Use. An applicant seeking an approval of the conditional use shall submit an application to be acted upon by the Zoning Administrator. The Zoning Administrator may, at his or her discretion, refer the request to the Planning, Building and Zoning Committee of the County Board for recommendation prior to taking action. In addition, the petitioner may appeal the decision of the Zoning Administrator in the review of a Conditional Use for a Seasonal Festival to the PBZ Committee. In such instances the PBZ Committee shall be the final authority in deciding upon such requests.

*Subscribed and sworn to before me
this _____ day of _____, 2018*

Signature of Owner/ Date

Notary Public



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 30, 2018

Re: Petition 18-28 Inoperable Vehicle Ordinance

The Kendall County State's Attorney's Office recently completed the attached draft Inoperable Vehicle Ordinance.

The proposal would allow the Kendall County Planning, Building and Zoning Department to issue citations in cases of inoperable vehicles.

The proposal removes the authority to allow the Kendall County Sheriff's Department to tow inoperable vehicles.

The proposal could apply to inoperable farm machinery that meets the definition of "motor vehicle".

The existing Inoperable Vehicle Ordinance is also attached to this memo.

If you have any questions, please let me know.

MHA

ENC: Draft Inoperable Vehicle Ordinance
Ordinance 88-15

ORDINANCE NUMBER 18-

INOPERABLE MOTOR VEHICLES

WHEREAS, it is the policy of the Kendall County Board to promote the health, safety, and welfare of Kendall County by abating the nuisance created by the outside storage of inoperable motor vehicles in unincorporated areas of the County; and

WHEREAS, on May 10, 1988, the Kendall County Board adopted Ordinance No. 8815 entitled "Inoperable Motor Vehicles;" and

WHEREAS, Ordinance No. 8815 stated the circumstances under which the storage of inoperable motor vehicles in unincorporated areas of Kendall County would constitute a nuisance and provided procedures for the abatement of such nuisance; and

WHEREAS, the Kendall County Board now desires to implement an updated procedure for the abatement of the nuisance created by the storage of inoperable motor vehicles; and

WHEREAS, Section 5-1092 of the Counties Code (55 ILCS 5/5-1092) authorizes a county board to declare by ordinance inoperable motor vehicles, whether on public or private property, to be a nuisance and authorize fines to be levied against a person for failure to dispose of an inoperable motor vehicle after receiving notice; and

WHEREAS, pursuant to Section 5-1092, this Ordinance shall not apply to motor vehicles kept within a building when not in use, operable historic vehicles over 25 years of age, or motor vehicles on the premises of a place of business engaged in the wrecking or junking of motor vehicles; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby authorizes the abatement of the nuisances created by the storage of inoperable motor vehicles and the levying of fines for a person's failure to abate as follows:

Section 1.

Pursuant to authority granted by 55 ILCS 5/5-1092, the purpose of this Ordinance is to provide a method for abating nuisances created in the County of Kendall by inoperable motor vehicles and to provide for fines to be levied for the failure of any person to obey a notice received from the county which states that such person is to dispose of any inoperable motor vehicles under that person's control.

Section 2.

It is hereby declared a nuisance for any person to cause or permit the existence or storage upon any premises within the County of Kendall and outside the municipal confines of any city, village or incorporated town any inoperable motor vehicle or part thereof.

For purposes of this Section, "inoperable motor vehicle" means any motor vehicle from which, for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. "Inoperable motor vehicle" shall not include:

a. a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

- b. any motor vehicle that is kept within a building when not in use;
- c. an operable historic vehicle over 25 years of age which is licensed pursuant to section 3-804 of the Motor Vehicle Code (625 ILCS 5/3-804);
- d. a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.

Section 3.

a. Any Kendall County code enforcement officer and the Kendall County Sheriff, or his deputies, are hereby authorized to issue citations to the offender for a violation of this Ordinance.

b. Whenever any authorized officer determines an inoperable motor vehicle exists on any public or private property located in the County of Kendall and outside the municipal confines of any city, village, or incorporated town, the officer shall cause a written notice to be served by hand delivery upon the person(s) controlling the inoperable motor vehicle, which notice shall inform the person served that an inoperable motor vehicle constitutes a nuisance under this Ordinance.

An inoperable motor vehicle is under the control of a person(s) if that person(s):

- i. holds legal title to the inoperable motor vehicle;
 - ii. is in custody or possession of the inoperable motor vehicle;
 - iii. is the owner of real property upon which the inoperable motor vehicle is located;
 - iv. has any possessory interest in the real property upon which the inoperable motor vehicle is located;
 - v. has any possessory interest in the inoperable motor vehicle.
- c. Such notice shall include the following:
- i. The name of the defendant and his or her address, if known;
 - ii. The nature of the offense and a reference to this Ordinance;
 - iii. The date, time and place that the person is required to appear in court;
 - iv. A statement that defendant can avoid the court appearance if he, within 10 days of the service of the notice, repairs the vehicle to an operable condition or disposes of the inoperable vehicle;
 - v. A statement that the defendant may demand a jury trial by filing a jury demand and paying a jury demand fee when entering his or her appearance, plea, answer to the charge, or other responsive pleading;
 - vi. A statement that a default judgment may be entered in the event the person fails to appear in court or answer the charge made on the date set for the defendant's court appearance or any date to which the case is continued and the amount of any default judgment.

Section 4.

a. Any person receiving such notice to dispose of an inoperable motor vehicle shall, within 10 days of the date of service of said notice:

- i. Repair all inoperable motor vehicles identified in the notice to operable condition; or
- ii. Dispose of all inoperable motor vehicles identified in the notice in accordance with all applicable statutes of the State of Illinois and all applicable ordinances and resolutions of the County of Kendall.

b. If the person receiving such notice repairs or disposes of the inoperable motor vehicle within 10 days as required, that person shall contact the Kendall County Planning, Building, and Zoning Department at least 10 days prior to the scheduled court appearance for an inspection. If the code enforcement officer determines the inoperable motor vehicle has been repaired or disposed of so that it is no longer in violation of this Ordinance, the court appearance shall no longer be required.

Section 5.

a. It shall be unlawful and in violation of this Ordinance for any person to neglect, refuse, or otherwise fail to remove or abate any nuisance as defined in Section 2 within 10 days following service of notice pursuant to Section 3(c).

b. A violation of this Ordinance by any person shall be punishable by a fine not exceeding \$200.00 for each offense.

c. Each day a violation continues to exist following the expiration of the 10 day cure period set forth in Section 4(a) shall constitute a separate offense.

Section 6.

Ordinance No. 8815 adopted May 10, 1988 is repealed.

IN WITNESS OF, this Ordinance has been enacted by a majority vote of the Kendall County Board this ____ day of _____, 2018.

Attest:

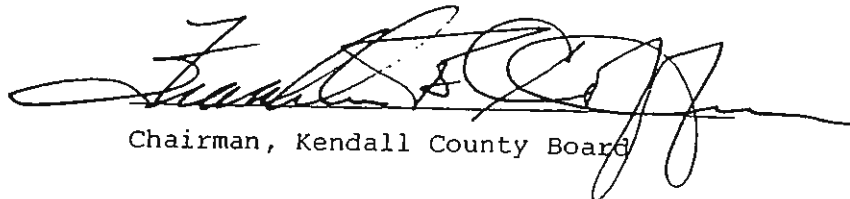
Debbie Gillette
Kendall County Clerk

Scott R. Gryder
Kendall County Board Chairman

BE IT HEREBY ORDAINED AS FOLLOWS:

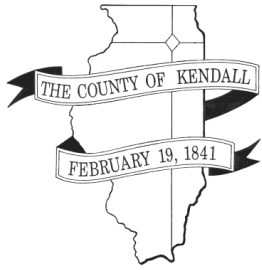
1. That all inoperable motor vehicles located in the unincorporated areas of the County, whether on public or private property are hereby declared to be a nuisance.
2. That "inoperable motor vehicle" means any motor vehicle from which for a period of at least 7 days, the engine, wheels or other parts have been removed, or on which the engine, wheels or other parts have been altered, damaged or otherwise so treated that the vehicle is incapable of being driven under its own power. "Inoperable motor vehicle" shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations.
3. That any person having an inoperable motor vehicle under his or her control shall dispose of said vehicle within 7 days after receipt by said person from the County of notice thereof.
4. That the Building and Zoning Office of Kendall County is hereby authorized to enforce the notice provision under the terms of this ordinance.
5. That any person failing to dispose of an inoperable motor vehicle after notice shall be in violation of this Ordinance and shall be fined not to exceed \$200.00 for each day that such a violation continues.
6. This Ordinance is expressly declared not to apply to any motor vehicle that is kept within a building when not in use, to operable historic vehicles over 25 years of age, or to a motor vehicle on the premises of a place of business engaged in the wrecking or junking of motor vehicles.
7. That the Sheriff's Office of Kendall County is authorized to remove, after 7 days from the issuance of the Notice as provided in § 3 herein, any inoperable motor vehicle or parts thereof.

ADOPTED this 10 day of May, 1988


Chairman, Kendall County Board

ATTEST:


County Clerk



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 29, 2018
Re: Agricultural Impact Mitigation Agreements

When the County Board approved the special use permit allowing solar panels at 16400 Newark Road (Ordinance 2018-15), they included a requirement that the operator of the solar field and the owner of the property sign an Agricultural Impact Mitigation Agreement (AIMA) similar to the one approved by the State of Illinois.

Attached please find proposed AIMAs between the County and Borrego and the County and the Nancy L. Harazin Trust Number 101.

This agreement differs from the special use permit in the following ways:

1. The special use permit required decommissioning within six (6) months of the commencement of the decommissioning plan (restriction H); this proposed AIMA allows a maximum twelve (12) month for decommissioning to occur (17.B).
2. The special use permit required a decommissioning bond be posted for the duration of the special use permit (restriction F); this proposed AIMA allows decommissioning Financial Assurance to be phased over the first eleven (11) years (17.D).

Staff recommends the AIMAs be forwarded to the State's Attorney's Office for review.

If you have any questions prior to the meeting on this topic, please let me know.

Thanks,

MHA

ENCS: Proposed AIMA with Borrego
Proposed AIMA with Harazin Trust

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT
between
312 Solar Development, LLC co/Borrego Solar Systems, Inc.
and the
COUNTY OF KENDALL
Pertaining to the Construction of a Commercial Solar Energy Facility
in Kendall County, Illinois

Pursuant to the requirements of Ordinance 2018- 15, the following standards and policies are required by the County of Kendall to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were modeled after the State of Illinois' Standard Agricultural Impact Mitigation Agreement that existed on August 21, 2018.

312 Solar Development, LLC c/o Borrego Solar Systems, Inc., hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 2 MW Commercial Solar Energy Facility in Kendall County (GPS Coordinates:) which will consist of up to 12 acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the County of Kendall.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

Conditions of the AIMA

The mitigative actions specified in this AIMA shall be subject to the following conditions:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. The County of Kendall may utilize any legal means to enforce this AIMA.
- B. Except for Section 17. B. through F., all actions are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of any respective Construction or Deconstruction activities.
- C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.

- D. All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.
- E. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.
- F. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.
- G. Execution of this AIMA shall be made a condition of any Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.
- H. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.
- I. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.
- J. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer to the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.
- K. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.
- L. Within 30 days of execution of this AIMA, the Facility Owner shall provide the County of Kendall with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners and Tenants is updated, the Facility Owner shall notify the County of Kendall of any additions or deletions.
- M. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

Definitions

Abandonment	When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.
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Aboveground Cable	Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
Agricultural Impact Mitigation Agreement (AIMA)	The Agreement between the Facility Owner and the County of Kendall, Illinois described herein.
Agricultural Land	Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.
Best Efforts	Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.
Commercial Operation Date	The calendar date of which the Facility Owner notifies the Landowner and County in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.
Commercial Solar Energy Facility (Facility)	A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.
Commercial Solar Energy Facility Owner (Facility Owner)	A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.
County	The County or Counties where the Commercial Solar Energy Facility is located.
Construction	The installation, preparation for installation and/or repair of a Facility.
Cropland	Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.

Deconstruction	The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
Deconstruction Plan	A plan prepared at the Facility Owner's expense by a Professional Engineer who is agreed upon by the County and the Facility Owner, that includes: (1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things: i. the number of solar panels, racking, and related facilities involved; ii. the original Construction costs of the Facility; iii. the size and capacity, in megawatts of the Facility; iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs); v. the Construction method and techniques for the Facility and for other similar facilities; and (2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.
Department	Kendall County, Illinois
Financial Assurance	A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.
Landowner	Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.
Prime Farmland	Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).
Professional Engineer	An engineer licensed to practice engineering in the State of Illinois.
Soil and Water Conservation District (SWCD)	A unit of local government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.
Tenant	Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.
Topsoil	The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.
Underlying Agreement	The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has

	constructed, constructs, or intends to construct a Facility on the property of the Landowner.
Underground Cable	Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility.
USDA Natural Resources Conservation Service (NRCS)	An agency of the United States Department of Agriculture that provides America's farmers with financial and technical assistance to aid with natural resources conservation.

Construction and Deconstruction Standards and Policies

1. Support Structures

- A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.
- B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
- C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

2. Aboveground Facilities

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

3. Guy Wires and Anchors

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

4. Underground Cabling Depth

- A. Underground electrical cables shall be buried with:
 - 1. a minimum of 5 feet of top cover where they cross Cropland.
 - 2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
 - 3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.

4. a minimum of 3 feet of top cover where they cross wooded/brushy land.
- B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:
 1. Within the fenced perimeter of the Facility; or
 2. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.
- C. If Underground Cables within the fenced perimeter of the Facility are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.

5. Topsoil Removal and Replacement

- A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
- B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.
- C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.
- D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.
- E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.
- F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
- G. Excess soil material resulting from solar facility excavation shall be removed from Landowner's property, unless otherwise agreed to by Landowner.

6. Rerouting and Permanent Repair of Agricultural Drainage Tiles

The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:

- A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.
- B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 30 days after Construction is complete, the Facility Owner shall provide the

Landowner, Kendall County, and the respective County Soil and Water Conservation District (SWCD) with “as built” drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

C. Maintaining Surrounding Area Subsurface Drainage

If drainage tile lines traverse the site and are damaged in advance of Construction, during Construction, or during Deconstruction, the Facility Owner shall repair the lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

D. Re-establishing Subsurface Drainage Within Facility Footprint

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility

- E. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD’s opinion shall be considered by the Facility Owner and the Landowner.
- F. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.
- G. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.

7. Rock Removal

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

- A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.
- B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.
- C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. Repair of Compaction and Rutting

- A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.
- B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.
- C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition.
- D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. Construction During Wet Weather

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils.

- A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.
- B. Construction activities on unprepared surfaces shall be done only when work shall not result in rutting, creating a mixing of subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing shall be in consultation with the Landowner or Landowner's designee.

10. Prevention of Soil Erosion

- A. The Facility Owner shall work with Landowners to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility. Consultation with the appropriate County SWCD by the Facility Owner shall take place to determine the appropriate methods to be implemented to control erosion.
- B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.
- C. The Facility Owner may, with the consent of the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

11. Repair of Damaged Soil Conservation Practices

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

12. Compensation for Damages to Private Property

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

13. Clearing of Trees and Brush

- A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
- B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

14. Access Roads

- A. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.
- B. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.
- C. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction,

or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

15. Weed/Vegetation Control

- A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

16. Indemnification of Landowners

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

17. Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
 - 1. Solar panels, cells and modules;
 - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
 - 3. Solar panel foundations, if used (to depth of 5 feet);
 - 4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
 - 5. Overhead collection system components;
 - 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;

7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
 9. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the replacement Financial Assurance is in place. The estimated cost of Deconstruction shall not take into account any salvage value of the Facility unless the County agrees in writing that all interests in the salvage value are subordinate to that of the County if Abandonment occurs.

- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County may select a separate Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.
- F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

Concurrence of the Parties to this AIMA

The County of Kendall, Illinois and 312 Solar Development, LLC c/o Borrego Solar Systems, Inc. concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in Kendall County within the the State of Illinois.

The effective date of this AIMA commences on the date of execution.

COUNTY OF KENDALL, ILLINOIS

FACILITY OWNER a name of state limited liability company

By Scott Gryder, County Board Chairman
111 W. Fox Street
Yorkville, IL 60560

By _____, Title

address

_____, 20____

_____, 20____

STANDARD AGRICULTURAL IMPACT MITIGATION AGREEMENT
between
Nancy L. Harazin Trust Number 101
and the
COUNTY OF KENDALL
Pertaining to the Construction of a Commercial Solar Energy Facility
in Kendall County, Illinois

Pursuant to the requirements of Ordinance 2018- 15, the following standards and policies are required by the County of Kendall to help preserve the integrity of any Agricultural Land that is impacted by the Construction and Deconstruction of a Commercial Solar Energy Facility. They were modeled after the State of Illinois' Standard Agricultural Impact Mitigation Agreement that existed on August 21, 2018.

Nancy L. Harazin Trust Number 101, hereafter referred to as Commercial Solar Energy Facility Owner, or simply as Facility Owner, plans to develop and/or operate a 2 MW Commercial Solar Energy Facility in Kendall County

(GPSCoordinates:)which will consist of up to 12 acres that will be covered by solar facility related components, such as solar panel arrays, racking systems, access roads, an onsite underground collection system, inverters and transformers and any affiliated electric transmission lines. This AIMA is made and entered between the Facility Owner and the County of Kendall.

If Construction does not commence within four years after this AIMA has been fully executed, this AIMA shall be revised, with the Facility Owner's input, to reflect the IDOA's most current Solar Farm Construction and Deconstruction Standards and Policies. This AIMA, and any updated AIMA, shall be filed with the County Board by the Facility Owner prior to the commencement of Construction.

The below prescribed standards and policies are applicable to Construction and Deconstruction activities occurring partially or wholly on privately owned agricultural land.

Conditions of the AIMA

The mitigative actions specified in this AIMA shall be subject to the following conditions:

- A. All Construction or Deconstruction activities may be subject to County or other local requirements. However, the specifications outlined in this AIMA shall be the minimum standards applied to all Construction or Deconstruction activities. The County of Kendall may utilize any legal means to enforce this AIMA.
- B. Except for Section 17. B. through F., all actions are subject to modification through negotiation by Landowners and the Facility Owner, provided such changes are negotiated in advance of any respective Construction or Deconstruction activities.
- C. The Facility Owner may negotiate with Landowners to carry out the actions that Landowners wish to perform themselves. In such instances, the Facility Owner shall offer Landowners the area commercial rate for their machinery and labor costs.

- D. All provisions of this AIMA shall apply to associated future Construction, maintenance, repairs, and Deconstruction of the Facility referenced by this AIMA.
- E. The Facility Owner shall keep the Landowners and Tenants informed of the Facility's Construction and Deconstruction status, and other factors that may have an impact upon their farming operations.
- F. The Facility Owner shall include a statement of its adherence to this AIMA in any environmental assessment and/or environmental impact statement.
- G. Execution of this AIMA shall be made a condition of any Special Use Permit. Not less than 30 days prior to the commencement of Construction, a copy of this AIMA shall be provided by the Facility Owner to each Landowner that is party to an Underlying Agreement. In addition, this AIMA shall be incorporated into each Underlying Agreement.
- H. The Facility Owner shall implement all actions to the extent that they do not conflict with the requirements of any applicable federal, state and local rules and regulations and other permits and approvals that are obtained by the Facility Owner for the Facility.
- I. No later than 45 days prior to the Construction and/or Deconstruction of a Facility, the Facility Owner shall provide the Landowner(s) with a telephone number the Landowner can call to alert the Facility Owner should the Landowner(s) have questions or concerns with the work which is being done or has been carried out on his/her property.
- J. If there is a change in ownership of the Facility, the Facility Owner assuming ownership of the Facility shall provide written notice within 90 days of ownership transfer to the County, and to Landowners of such change. The Financial Assurance requirements and the other terms of this AIMA shall apply to the new Facility Owner.
- K. The Facility Owner shall comply with all local, state and federal laws and regulations, specifically including the worker protection standards to protect workers from pesticide exposure.
- L. Within 30 days of execution of this AIMA, the Facility Owner shall provide the County of Kendall with a list of all Landowners that are party to an Underlying Agreement and known Tenants of said Landowner who may be affected by the Facility. As the list of Landowners and Tenants is updated, the Facility Owner shall notify the County of Kendall of any additions or deletions.
- M. If any provision of this AIMA is held to be unenforceable, no other provision shall be affected by that holding, and the remainder of the AIMA shall be interpreted as if it did not contain the unenforceable provision.

Definitions

Abandonment	When Deconstruction has not been completed within 12 months after the Commercial Solar Energy Facility reaches the end of its useful life. For purposes of this definition, a Commercial Solar Energy Facility shall be presumed to have reached the end of its useful life if the Commercial Solar Energy Facility Owner fails, for a period of 6 consecutive months, to pay the Landowner amounts owed in accordance with an Underlying Agreement.
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Aboveground Cable	Electrical power lines installed above ground surface to be utilized for conveyance of power from the solar panels to the solar facility inverter and/or point of interconnection to utility grid or customer electric meter.
Agricultural Impact Mitigation Agreement (AIMA)	The Agreement between the Facility Owner and the County of Kendall, Illinois described herein.
Agricultural Land	Land used for Cropland, hayland, pastureland, managed woodlands, truck gardens, farmsteads, commercial ag-related facilities, feedlots, livestock confinement systems, land on which farm buildings are located, and land in government conservation programs used for purposes as set forth above.
Best Efforts	Diligent, good faith, and commercially reasonable efforts to achieve a given objective or obligation.
Commercial Operation Date	The calendar date of which the Facility Owner notifies the Landowner and County in writing that commercial operation of the facility has commenced. If the Facility Owner fails to provide such notifications, the Commercial Operation Date shall be the execution date of this AIMA plus 6 months.
Commercial Solar Energy Facility (Facility)	A solar energy conversion facility equal to or greater than 500 kilowatts in total nameplate capacity, including a solar energy conversion facility seeking an extension of a permit to construct granted by a county or municipality before June 29, 2018. "Commercial solar energy facility" does not include a solar energy conversion facility: (1) for which a permit to construct has been issued before June 29, 2018; (2) that is located on land owned by the commercial solar energy facility owner; (3) that was constructed before June 29, 2018; or (4) that is located on the customer side of the customer's electric meter and is primarily used to offset that customer's electricity load and is limited in nameplate capacity to less than or equal to 2,000 kilowatts.
Commercial Solar Energy Facility Owner (Facility Owner)	A person or entity that owns a commercial solar energy facility. A Commercial Solar Energy Facility Owner is not nor shall it be deemed to be a public utility as defined in the Public Utilities Act.
County	The County or Counties where the Commercial Solar Energy Facility is located.
Construction	The installation, preparation for installation and/or repair of a Facility.
Cropland	Land used for growing row crops, small grains or hay; includes land which was formerly used as cropland, but is currently enrolled in a government conservation program; also includes pastureland that is classified as Prime Farmland.

Deconstruction	The removal of a Facility from the property of a Landowner and the restoration of that property as provided in the AIMA.
Deconstruction Plan	A plan prepared at the Facility Owner's expense by a Professional Engineer who is agreed upon by the County and the Facility Owner, that includes: (1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things: i. the number of solar panels, racking, and related facilities involved; ii. the original Construction costs of the Facility; iii. the size and capacity, in megawatts of the Facility; iv. the salvage value of the facilities (if all interests in salvage value are subordinate to that of the Financial Assurance holder if abandonment occurs); v. the Construction method and techniques for the Facility and for other similar facilities; and (2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.
Department	Kendall County, Illinois
Financial Assurance	A reclamation or surety bond or other commercially available financial assurance that is acceptable to the County, with the County or Landowner as beneficiary.
Landowner	Any person with an ownership interest in property that is used for agricultural purposes and that is party to an Underlying Agreement.
Prime Farmland	Agricultural Land comprised of soils that are defined by the USDA Natural Resources Conservation Service (NRCS) as "Prime Farmland" (generally considered to be the most productive soils with the least input of nutrients and management).
Professional Engineer	An engineer licensed to practice engineering in the State of Illinois.
Soil and Water Conservation District (SWCD)	A unit of local government that provides technical and financial assistance to eligible Landowners for the conservation of soil and water resources.
Tenant	Any person, apart from the Facility Owner, lawfully residing or leasing/renting land that is subject to an Underlying Agreement.
Topsoil	The uppermost layer of the soil that has the darkest color or the highest content of organic matter; more specifically, it is defined as the "A" horizon.
Underlying Agreement	The written agreement between the Facility Owner and the Landowner(s) including, but not limited to, an easement, option, lease, or license under the terms of which another person has

	constructed, constructs, or intends to construct a Facility on the property of the Landowner.
Underground Cable	Electrical power lines installed below the ground surface to be utilized for conveyance of power within a Facility.
USDA Natural Resources Conservation Service (NRCS)	An agency of the United States Department of Agriculture that provides America's farmers with financial and technical assistance to aid with natural resources conservation.

Construction and Deconstruction Standards and Policies

1. Support Structures

- A. Only single pole support structures shall be used for the Construction and operation of the Facility on Agricultural Land. Other types of support structures, such as lattice towers or H-frames, may be used on nonagricultural land.
- B. Where a Facility's Aboveground Cable will be adjacent and parallel to highway and/or railroad right-of-way, but on privately owned property, the support structures shall be placed as close as reasonably practicable and allowable by the applicable County Engineer or other applicable authorities to the highway or railroad right-of-way. The only exceptions may be at jogs or weaves on the highway alignment or along highways or railroads where transmission and distribution lines are already present.
- C. When it is not possible to locate Aboveground Cable next to highway or railroad right-of-way, Best Efforts shall be expended to place all support poles in such a manner to minimize their placement on Cropland (i.e., longer than normal above ground spans shall be utilized when traversing Cropland).

2. Aboveground Facilities

Locations for facilities shall be selected in a manner that is as unobtrusive as reasonably possible to ongoing agricultural activities occurring on the land that contains or is adjacent to the Facility.

3. Guy Wires and Anchors

Best Efforts shall be made to place guy wires and their anchors, if used, out of Cropland, pastureland and hayland, placing them instead along existing utilization lines and on land other than Cropland. Where this is not feasible, Best Efforts shall be made to minimize guy wire impact on Cropland. All guy wires shall be shielded with highly visible guards.

4. Underground Cabling Depth

- A. Underground electrical cables shall be buried with:
 - 1. a minimum of 5 feet of top cover where they cross Cropland.
 - 2. a minimum of 5 feet of top cover where they cross pastureland or other non-Cropland classified as Prime Farmland.
 - 3. a minimum of 3 feet of top cover where they cross pastureland and other Agricultural Land not classified as Prime Farmland.

4. a minimum of 3 feet of top cover where they cross wooded/brushy land.
- B. Provided that the Facility Owner removes the cables during Deconstruction, underground electric cables may be installed to a minimum depth of 18 inches:
 1. Within the fenced perimeter of the Facility; or
 2. When buried under an access road associated with the Facility provided that the location and depth of cabling is clearly marked at the surface.
- C. If Underground Cables within the fenced perimeter of the Facility are installed to a minimum depth of 5 feet, they may remain in place after Deconstruction.

5. Topsoil Removal and Replacement

- A. Any excavation shall be performed in a manner to preserve topsoil. Best Efforts shall be made to store the topsoil near the excavation site in such a manner that it will not become intermixed with subsoil materials.
- B. Best Efforts shall be made to store all disturbed subsoil material near the excavation site and separate from the topsoil.
- C. When backfilling an excavation site, Best Efforts shall be used to ensure the stockpiled subsoil material will be placed back into the excavation site before replacing the topsoil.
- D. Refer to Section 7 for procedures pertaining to rock removal from the subsoil and topsoil.
- E. Refer to Section 8 for procedures pertaining to the repair of compaction and rutting of the topsoil.
- F. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
- G. Excess soil material resulting from solar facility excavation shall be removed from Landowner's property, unless otherwise agreed to by Landowner.

6. Rerouting and Permanent Repair of Agricultural Drainage Tiles

The following standards and policies shall apply to underground drainage tile line(s) directly or indirectly affected by Construction and/or Deconstruction:

- A. Prior to Construction, the Facility Owner shall work with the Landowner to identify drainage tile lines traversing the property subject to the Underlying Agreement. All drainage tile lines identified in this manner shall be shown on the Construction and Deconstruction Plans.
- B. The location of all drainage tile lines located adjacent to or within the footprint of the Facility shall be recorded using Global Positioning Systems (GPS) technology. Within 30 days after Construction is complete, the Facility Owner shall provide the

Landowner, Kendall County, and the respective County Soil and Water Conservation District (SWCD) with “as built” drawings (strip maps) showing the location of all drainage tile lines by survey station encountered in the Construction of the Facility, including any tile line repair location(s), and any underground cable installed as part of the Facility.

C. Maintaining Surrounding Area Subsurface Drainage

If drainage tile lines traverse the site and are damaged in advance of Construction, during Construction, or during Deconstruction, the Facility Owner shall repair the lines or install new drainage tile line(s) of comparable quality and cost to the original(s), and of sufficient size and appropriate slope in locations that limit direct impact from the Facility. Any new line(s) may be located outside of, but adjacent to the perimeter of the Facility. Disrupted adjacent drainage tile lines shall be attached thereto to provide an adequate outlet for the disrupted adjacent tile lines.

D. Re-establishing Subsurface Drainage Within Facility Footprint

Following Deconstruction and using Best Efforts, if underground drainage tile lines were present within the footprint of the facility and were severed or otherwise damaged during original Construction, facility operation, and/or facility Deconstruction, the Facility Owner shall repair existing drainage tiles or install new drainage tile lines of comparable quality and cost to the original, within the footprint of the Facility with sufficient capacity to restore the underground drainage capacity that existed within the footprint of the Facility prior to Construction. Such installation shall be completed within 12 months after the end of the useful life of the Facility

- E. If there is any dispute between the Landowner and the Facility Owner on the method of permanent drainage tile line repair, the appropriate County SWCD’s opinion shall be considered by the Facility Owner and the Landowner.
- F. During Deconstruction, all additional permanent drainage tile line repairs beyond those included above in Section 6.D. must be made within 30 days of identification or notification of the damage, weather and soil conditions permitting. At other times, such repairs must be made at a time mutually agreed upon by the Facility Owner and the Landowner. If the Facility Owner and Landowner cannot agree upon a reasonable method to complete this restoration, the Facility Owner may implement the recommendations of the appropriate County SWCD and such implementation constitutes compliance with this provision.
- G. Following completion of the work required pursuant to this Section, the Facility Owner shall be responsible for correcting all drainage tile line repairs that fail due to Construction and/or Deconstruction for one year following the completion of Construction or Deconstruction, provided those repairs were made by the Facility Owner. The Facility Owner shall not be responsible for drainage tile repairs that the Facility Owner pays the Landowner to perform.

7. Rock Removal

With any excavations, the following rock removal procedures pertain only to rocks found in the uppermost 42 inches of soil, the common freeze zone in Illinois, which emerged or were brought to the site as a result of Construction and/or Deconstruction.

- A. Before replacing any topsoil, Best Efforts shall be taken to remove all rocks greater than 3 inches in any dimension from the surface of exposed subsoil which emerged or were brought to the site as a result of Construction and/or Deconstruction.
- B. If trenching, blasting, or boring operations are required through rocky terrain, precautions shall be taken to minimize the potential for oversized rocks to become interspersed in adjacent soil material.
- C. Rocks and soil containing rocks removed from the subsoil areas, topsoil, or from any excavations, shall be removed from the Landowner's premises or disposed of on the Landowner's premises at a location that is mutually acceptable to the Landowner and the Facility Owner.

8. Repair of Compaction and Rutting

- A. Unless the Landowner opts to do the restoration work on compaction and rutting, after the topsoil has been replaced post-Deconstruction, all areas within the boundaries of the Facility that were traversed by vehicles and Construction and/or Deconstruction equipment that exhibit compaction and rutting shall be restored by the Facility Owner. All prior Cropland shall be ripped at least 18 inches deep, and all pasture and woodland shall be ripped at least 12 inches deep or to the extent practicable. The existence of drainage tile lines or underground utilities may necessitate less ripping depth. The disturbed area shall then be disked.
- B. All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on Cropland adjacent to the Facility.
- C. The Facility Owner shall restore all rutted land to a condition as close as possible to its original condition.
- D. If there is any dispute between the Landowner and the Facility Owner as to what areas need to be ripped/disked or the depth at which compacted areas should be ripped/disked, the appropriate County SWCD's opinion shall be considered by the Facility Owner and the Landowner.

9. Construction During Wet Weather

Except as provided below, construction activities are not allowed on agricultural land during times when normal farming operations, such as plowing, disking, planting or harvesting, cannot take place due to excessively wet soils.

- A. Construction activities on prepared surfaces, surfaces where topsoil and subsoil have been removed, heavily compacted in preparation, or otherwise stabilized (e.g. through cement mixing) may occur at the discretion of the Facility Owner in wet weather conditions.
- B. Construction activities on unprepared surfaces shall be done only when work shall not result in rutting, creating a mixing of subsoil and topsoil. Determination as to the potential of subsoil and topsoil mixing shall be in consultation with the Landowner or Landowner's designee.

10. Prevention of Soil Erosion

- A. The Facility Owner shall work with Landowners to prevent excessive erosion on land that has been disturbed by Construction or Deconstruction of a Facility. Consultation with the appropriate County SWCD by the Facility Owner shall take place to determine the appropriate methods to be implemented to control erosion.
- B. If the Landowner and Facility Owner cannot agree upon a reasonable method to control erosion on the Landowner's property, the Facility Owner shall consider the recommendations of the appropriate County SWCD to resolve the disagreement.
- C. The Facility Owner may, with the consent of the Landowner, seed appropriate vegetation around all panels and other facility components to prevent erosion. The Facility Owner must utilize Best Efforts to ensure that all seed mixes will be as free of any noxious weed seeds as possible. The Facility Owner shall consult with the Landowner regarding appropriate varieties to seed.

11. Repair of Damaged Soil Conservation Practices

Consultation with the appropriate County SWCD by the Facility Owner shall be carried out to determine if there are soil conservation practices (such as terraces, grassed waterways, etc.) that will be damaged by the Construction and/or Deconstruction of the Facility. Those conservation practices shall be restored to their preconstruction condition as close as reasonably practicable following Deconstruction in accordance with USDA NRCS technical standards. All repair costs shall be the responsibility of the Facility Owner.

12. Compensation for Damages to Private Property

The Facility Owner shall reasonably compensate Landowners for damages caused by the Facility Owner. Damage to Agricultural Land shall be reimbursed to the Landowner as prescribed in the applicable Underlying Agreement.

13. Clearing of Trees and Brush

- A. If trees are to be removed for the Construction or Deconstruction of a Facility, the Facility Owner shall consult with the Landowner to determine if there are trees of commercial or other value to the Landowner.
- B. If there are trees of commercial or other value to the Landowner, the Facility Owner shall allow the Landowner the right to retain ownership of the trees to be removed and the disposition of the removed trees shall be negotiated prior to the commencement of land clearing.

14. Access Roads

- A. To the extent practicable, access roads shall be designed to not impede surface drainage and shall be built to minimize soil erosion on or near the access roads.
- B. Access roads may be left intact during Construction, operation or Deconstruction through mutual agreement of the Landowner and the Facility Owner unless otherwise restricted by federal, state, or local regulations.
- C. If the access roads are removed, Best Efforts shall be expended to assure that the land shall be restored to equivalent condition(s) as existed prior to their construction,

or as otherwise agreed to by the Facility Owner and the Landowner. All access roads that are removed shall be ripped to a depth of 18 inches. All ripping shall be performed consistent with Section 8.

15. Weed/Vegetation Control

- A. The Facility Owner shall provide for weed control in a manner that prevents the spread of weeds. Chemical control, if used, shall be done by an appropriately licensed pesticide applicator.
- B. The Facility Owner shall be responsible for the reimbursement of all reasonable costs incurred by owners of agricultural land where it has been determined by the appropriate state or county entity that weeds have spread from the Facility to their property. Reimbursement is contingent upon written notice to the Facility Owner. Facility Owner shall reimburse the property owner within 45 days after notice is received.
- C. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
- D. The Deconstruction plans must include provisions for the removal of all weed control equipment used in the Facility, including weed-control fabrics or other ground covers.

16. Indemnification of Landowners

The Facility Owner shall indemnify all Landowners, their heirs, successors, legal representatives, and assigns from and against all claims, injuries, suits, damages, costs, losses, and reasonable expenses resulting from or arising out of the Commercial Solar Energy Facility, including Construction and Deconstruction thereof, and also including damage to such Facility or any of its appurtenances, except where claims, injuries, suits, damages, costs, losses, and expenses are caused by the negligence or intentional acts, or willful omissions of such Landowners, and/or the Landowners heirs, successors, legal representatives, and assigns.

17. Deconstruction Plans and Financial Assurance of Commercial Solar Energy Facilities

- A. Deconstruction of a Facility shall include the removal/disposition of all solar related equipment/facilities, including the following utilized for operation of the Facility and located on Landowner property:
 - 1. Solar panels, cells and modules;
 - 2. Solar panel mounts and racking, including any helical piles, ground screws, ballasts, or other anchoring systems;
 - 3. Solar panel foundations, if used (to depth of 5 feet);
 - 4. Transformers, inverters, energy storage facilities, or substations, including all components and foundations; however, Underground Cables at a depth of 5 feet or greater may be left in place;
 - 5. Overhead collection system components;
 - 6. Operations/maintenance buildings, spare parts buildings and substation/switching gear buildings unless otherwise agreed to by the Landowner;

7. Access Road(s) unless Landowner requests in writing that the access road is to remain;
 8. Operation/maintenance yard/staging area unless otherwise agreed to by the Landowner; and
 9. Debris and litter generated by Deconstruction and Deconstruction crews.
- B. The Facility Owner shall, at its expense, complete Deconstruction of a Facility within twelve (12) months after the end of the useful life of the Facility.
- C. During the County permit process, or if none, then prior to the commencement of construction, the Facility Owner shall file with the County a Deconstruction Plan. The Facility Owner shall file an updated Deconstruction Plan with the County on or before the end of the tenth year of commercial operation.
- D. The Facility Owner shall provide the County with Financial Assurance to cover the estimated costs of Deconstruction of the Facility. Provision of this Financial Assurance shall be phased in over the first 11 years of the Project's operation as follows:
1. On or before the first anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover ten (10) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 2. On or before the sixth anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover fifty (50) percent of the estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan.
 3. On or before the eleventh anniversary of the Commercial Operation Date, the Facility Owner shall provide the County with Financial Assurance to cover one hundred (100) percent of the estimated costs of Deconstruction of the Facility as determined in the updated Deconstruction Plan provided during the tenth year of commercial operation.

The Financial Assurance shall not release the surety from liability until the replacement Financial Assurance is in place. The estimated cost of Deconstruction shall not take into account any salvage value of the Facility unless the County agrees in writing that all interests in the salvage value are subordinate to that of the County if Abandonment occurs.

- E. The County may, but is not required to, reevaluate the estimated costs of Deconstruction of any Facility after the tenth anniversary, and every five years thereafter, of the Commercial Operation Date. Based on any reevaluation, the County may require changes in the level of Financial Assurance used to calculate the phased Financial Assurance levels described in Section 17.D. required from the Facility Owner. If the County is unable to its satisfaction to perform the investigations necessary to approve the Deconstruction Plan filed by the Facility Owner, then the County may select a separate Professional Engineer independent of the Facility Owner to conduct any necessary investigations. The Facility Owner shall be responsible for the cost of any such investigations.
- F. Upon Abandonment, the County may take all appropriate actions for Deconstruction including drawing upon the Financial Assurance.

Concurrence of the Parties to this AIMA

The County of Kendall, Illinois and Nancy L. Harazin Trust Number 101 concur that this AIMA is the complete AIMA governing the mitigation of agricultural impacts that may result from the Construction and Deconstruction of the solar farm project in Kendall County within the the State of Illinois.

The effective date of this AIMA commences on the date of execution.

COUNTY OF KENDALL, ILLINOIS

FACILITY OWNER a name of state limited liability company

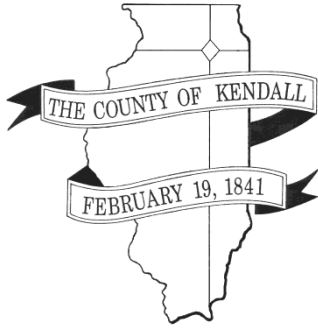
By Scott Gryder, County Board Chairman
111 W. Fox Street
Yorkville, IL 60560

By _____, Title

address

_____, 20____

_____, 20____



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 30, 2018
Re: Request from Guidance Regarding a Special Use Permit for the Yarn Foundation at 71
Boulder Hill Pass

On June 19, 2012, the Kendall County Board approved a special use permit allowing the operation of the Yarn Foundation, Inc. at 71 Boulder Hill Pass (Ordinance 2012-10).

One (1) of the WHEREASes states, "if the Yarn Foundation Inc. was to move out of the building the special use would dissolve at that time."

On July 18, 2018, Staff sent the owners of the Yarn Foundation, Inc. an email asking if the business was still located at the subject property. The owners responded on July 18th stating they are no longer operational at that address. Staff emailed a request to the owners asking them if they would like to revoke the special use permit. Staff has not received correspondence from the owners since July 18th.

Ordinance 2012-10 and the correspondence between Staff and the owners of Yarn Foundation, Inc. are attached this memo.

Staff requests guidance as to how to proceed.

If you have any questions, please let me know.

MHA

ENC: Ordinance 2012-10
7-18-18 Correspondence Regarding the Subject Special Use

ORDINANCE NUMBER 2012 - 10

GRANTING SPECIAL USE FOR THE TENANTS AT
71 BOULDER HILL PASS
YARN FOUNDATION INC.

WHEREAS, Yarn Foundation Inc. has filed a petition for a Special Use within the B-3 Highway Business Zoning District for a 4,800 square foot tenant space on an overall 7.82 acre property located in the Boulder Hill Marketplace on the east side of Boulder Hill Pass, approximately 0.15 miles north of Route 25 (PIN# 03-05-401-003), in Oswego Township; and

WHEREAS, said petition is to allow the operation of a Community Center/ After school programs/ Educational Center; and

WHEREAS, said property is currently zoned B-3 Highway Business District; and

WHEREAS, said property is legally described as:

THAT PART OF THE EAST HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPLE MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25 AND THE EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD, THENCE SOUTH ALONG SAID EAST RIGHT OF WAY LINE OF THE C.B. & Q. RAILROAD FOR A DISTANCE OF 2000 FEET; THENCE EAST ON A LINE SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5 TO A POINT WHERE THE SAID LINE INTERSECTS THE WEST RIGHT OF WAY LINE OF BOULDER HILL PASS (AS SHOWN ON THE SUBDIVISION PLAT OF BOULDER HILL UNIT #1) EXTENDED IN SAME ARC AS SHOWN; THENCE NORTHWESTERLY ALONG THE WEST RIGHT OF WAY LINE OF SAID BOULDER HILL PASS EXTENDED, TO A POINT WHERE THE SAID LINE INTERSECTS THE EAST RIGHT OF WAY LINE OF ILLINOIS ROUTE 25; THENCE SOUTHWESTERLY ALONG THE SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on June 4, 2012; and

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be run with the tenant, Yarn Foundation Inc. at 71 Boulder Hill Pass; and

WHEREAS, if the Yarn Foundation Inc. was to move out of the building the special use would

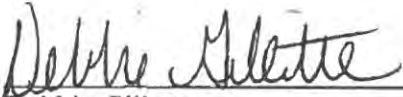
dissolve at that time; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit operate a Community Center/ After school programs/ Educational Center in the 4,800 square feet of building space located at 71 Boulder Hill Pass.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on June 19th 2012.

Attest:


Debbie Gillette
Kendall County Clerk


John Purcell
Kendall County Board Chairman

Matt Asselmeier

From: Matt Asselmeier
Sent: Wednesday, July 18, 2018 11:53 AM
To: 'John Anthony'
Subject: RE: Yarn Foundation Question
Attachments: Voluntary Revocation Letter Yarn Foundation.docx

John:

Would you be willing to sign and notarize the attached letter?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: John Anthony [<mailto:johnanthony101@msn.com>]
Sent: Wednesday, July 18, 2018 11:33 AM
To: Matt Asselmeier
Subject: Re: Yarn Foundation Question

Hello Matt,

Yarn Foundation is no longer in operation at 71 Boulder Hill Pass. It is still operational, just not at the listed address you mentioned.

Best Regards,
John

From: Matt Asselmeier <masselmeier@co.kendall.il.us>
Sent: Wednesday, July 18, 2018 10:10 AM
To: deborah@yarnfoundation.org; johnanthony101@msn.com
Subject: Yarn Foundation Question

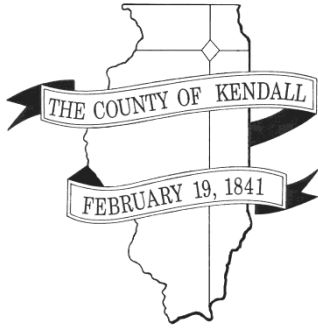
John and Deborah:

Kendall County is updating its list of special permit holders and we were wondering if the Yarn Foundation was still in operation at 71 Boulder Hill Pass.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning

111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 30, 2018

Re: Request from Guidance Regarding Redacting Personal and Private Information on Zoning Applications and Personal and Private Information Gathered at Zoning Related Meetings

In an effort to improve transparency, in 2017, the Kendall County Planning, Building, and Zoning Department started posting petition information on the County's website. This information included the application for the petition and comments submitted by neighbors on the petition.

Staff was instructed by the previous County Administrator to redact information that would normally be redacted as part of a Freedom of Information Act request (i.e. personal signatures, personal addresses, personal email addresses, and personal phone numbers, etc.) The current County Administrator favored continuing this practice.

Staff received a complaint from several members of the Kendall County Regional Planning Commission that information about applicants and individuals that spoke at zoning related meetings should not be redacted.

Accordingly, Staff requests guidance as to how the Planning, Building and Zoning Committee would like to proceed (i.e. does the Committee still want Staff to redact this information?).

The Illinois Open Meetings Act does not require a speaker to state their address. Staff prepared the attached revised meeting sign-in sheet. This sheet would be used at all zoning related meetings except the Kendall County Zoning Board of Appeals, which hearing where speakers must be sworn-in prior to providing testimony.

If you have any questions, please let me know.

MHA

ENC: Proposed Sign-In Sheet
Zoning Board of Appeals Sign-In Sheet

**KENDALL COUNTY
PLANNING, BUILDING, & ZONING COMMITTEE
SEPTEMBER 10, 2018**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE
MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR
ADDRESS OR EMAIL ADDRESS

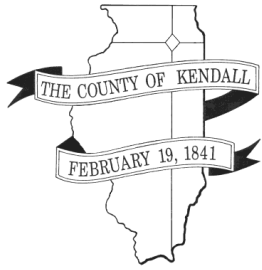
NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)

KENDALL COUNTY
ZONING BOARD OF APPEALS

August 27, 2018

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: August 30, 2018
Re: 18-03 Proposed Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments.

At the May 7, 2018, meeting, the Kendall County Planning, Building and Zoning Committee laid over the subject petition until its September meeting. Staff requests that the Committee determine if the proposal should be advanced to the Zoning Board of Appeals for public hearing (in its present form or amended) or if the proposal should die.

At their meetings on March 28th and April 25th, the Kendall County Regional Planning Commission reviewed this proposal and unanimously recommended denial. The reasons for their denial recommendation were as follows:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.
5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

Commissioner Larry Nelson circulated a draft email to the Planning, Building and Zoning Committee and requested input from Commissioners. A copy of this draft email is attached. Commissioner Nelson wanted to ensure that the Planning, Building and Zoning Committee possessed a history of the process and role of the Commission. One (1) Commissioner also requested that the Planning,

August 30, 2018

Building and Zoning Committee be informed of the level of experience on the Commission.

According to the original proposal, ZPAC and the Kendall County Regional Planning Commission would not have formal meetings for the following applications:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

A redlined narrative of the proposed text amendments and flow charts of applications is attached for your review.

The Committee of the Whole discussed this proposal at their meeting on December 14th and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8th and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6th and unanimously recommended approval.

The Kendall County Regional Planning Commission reviewed this proposal on March 28th and unanimously recommended denial. The reasons for their denial recommendation were as follows:

If you have any questions prior to the meeting on this topic, please let me know.

PBZ Memo
August 30, 2018
Thanks,

MHA

ENC Proposed Redlined Changes to Zoning Ordinance
Existing and Amended Flow Charts
2.6.18 ZPAC Minutes
3.28.18 KCRPC Minutes
4.25.18 KCRPC Minutes

Zoning, Platting & Advisory Committee and Kendall
County Regional Planning Commission Amendments

Ref: Ordinance 66-4 (February 1966) RPC Powers

4.17.H Small Wind Energy Systems

Visual Effects and Safety. All reasonable visual and safety concerns of adjacent property owners must be resolved before Construction/Use Permit will be issued. When an applicant intends to submit a Construction/Use Permit Application to the Planning, Building and Zoning Department, he/she must also submit a copy of the completed conditional use application form to each adjacent neighbor at least 15 days prior to the issuance of a conditional use permit. If there are negative comments from neighbors, staff will attempt to resolve these negative neighbor comments with the applicant. If staff is unsuccessful in resolving concerns of the neighbors with the applicant, staff will schedule and provide notice of a public hearing before the Kendall County ~~Planning Commission~~ **Zoning Board of Appeals** to review and make a determination on the pending application and unresolved issues. At this public hearing the Kendall County ~~Planning Commission~~ **Zoning Board of Appeals** will take testimony from staff, the neighbors and the applicant, and then will make a determination, based on the evidence presented, to approve, conditionally approve or deny the application. Any decision by staff or the ~~Planning Commission~~ **Zoning Board of Appeals** may be appealed to the County Board.

7.01.D.53.b.vi Special Use in A-1-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County ~~Regional Plan Commission~~ **Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

8.08.B.2.h Special Use in R-3-Retail Shops or Office Use

Expansion of a residential building, structure, or of any accessory building in which an office or retail use is proposed to be situated may be permitted upon the submission of a site plan and accurate drawings showing all elevations of such proposed building or structure to the ~~plan commission~~ **Zoning Board of Appeals** for its review and recommendation, and upon approval by the County Board. The current structures and any new structures must maintain a residential appearance and match the surrounding neighborhood architecture.

10.01.C.27.b.vi Special Use in M-1 and M-2-Wind Farm, Commercial-Performance Standards

Lighting - Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. Approval from the FAA stating that the turbines will not pose a hazard to aviation must be obtained prior to final recommendation by the Kendall County ~~Regional Plan Commission~~ **Zoning Board of Appeals**. If lighting of turbines, or other structures, is required, “daytime white-nighttime red” shall be the only type of lighting allowed unless prohibited by law. All required lighting effects shall be in synchronization with each

turbine located on the same or contiguous zoning lot and under the same ownership of a single wind energy system organization. All turbines and towers shall be a shade of white in color.

11.02.C Shared Parking Facilities

Shared parking may be permitted upon written documentation submitted to the ~~Plan~~ **Commission Zoning Board of Appeals** and County Board demonstrating evidence that parking spaces will be shared at specific times of the day (where one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours.) The Shared Parking report published by the Urban Land Institute may be used as a guideline in the estimation of parking demand for mixed-use buildings and sites.

11.02.D Mixed Uses (Parking)

When two or more uses are located on the same zoning lot or within the same building, parking spaces equal in number to the sums of the separate requirements for each such use shall be provided. No parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the ~~Regional Plan Commission~~ **Zoning Board of Appeals** and approved by the County Board.

11.04 Schedule of Parking Requirements

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, ~~the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. Applicants may also property owners may~~ file for a variation from ~~theses~~ requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

11.04 Schedule of Parking Requirements

Airports or aircraft landing field

Heliports

Convents and monasteries

Crematories and mausoleums

Fraternal institutions

Outdoor amusement establishments -

fairgrounds, permanent carnivals, kiddy

parks and other similar amusement centers

Municipal or privately owned recreation

buildings, community centers, club houses,

or other recreational uses such as ball fields

or golf courses

Penal and correctional institutions

Rectories and parish houses

Swimming pools

Parking spaces shall be provided in adequate number as determined by the **Regional Plan Commission Zoning Board of Appeals** and approved by the County Board to serve persons employed or residing on the premises as well as the visiting public.

11.04.A Schedule of Parking Requirements-Other Uses

For uses not listed heretofore in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use, or as determined by the Zoning Administrator. Such determination may be appealed to the **Regional Plan Commission Zoning Board of Appeals**.

13.01.C Kendall County Regional Planning Commission

The Planning Commission shall have the following duties under this ordinance:

~~1. To receive from the Zoning Administrator copies of all applications for amendments and special use permits along with the committee report from the Zoning and Platting Advisory Committee (ZPAC) and report thereon with its recommendations.~~

2 1. To hold conferences in regard to proposed plan developments under this Ordinance **and the Kendall County Subdivision Control Ordinance** and submit a written report with its recommendations.

~~3 2.~~ To initiate, direct and review a study of the provisions of ~~this Ordinance and the zoning map attached hereto~~ **the Kendall County Land Resource Management Plan** and to make reports on its recommendation to the County Board not less frequently than annually.

3. To review and issue recommendations on text amendments to this Ordinance related to the powers and duties of the Kendall County Regional Planning Commission. The Kendall County Regional Planning Commission may also initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.

4. Those powers and duties assigned to the Kendall County Regional Planning Commission in Special Use Ordinances approved by the Kendall County Board prior to the approval of this text amendment.

5. Members of the Kendall County Regional Planning Commission shall receive application information for map amendments, text amendments not impacting the duties and powers of the Kendall County Regional Planning Commission, special use permits and major amendments to special use permits. However, the Kendall County Regional Planning Commission shall not meet on these applications. Individual members of the Kendall County Regional Planning Commission may submit comments on these applications to the Zoning Administrator.

13.07.B Amendments-Initiation of Amendments

Amendments may be proposed by the County Board, a Committee designated by the County Board, the Zoning Board of Appeals, ~~the Regional Plan Commission~~ or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment. **The Regional Planning Commission may initiate text amendments to this Ordinance on matters impacting the duties and powers of the Kendall County Regional Planning Commission.**

13.07.C Application for Amendment

1. An application for an amendment shall be filed with the Zoning Administrator.
2. A copy of such application shall thereafter be forwarded ~~to the Zoning, Platting & Advisory Committee (ZPAC), the Regional Plan Commission and~~ to the County Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.
3. For all proposed map amendments, the Applicant will promptly forward via certified mail return receipt requested a copy of the complete application and notice of public hearing to the Township containing the subject parcel, and to any municipality within one and one-half (1½) miles of the subject parcel.
- 4. Applications for map amendments shall be forwarded to the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission for review and comment. The Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission shall not meet to consider map amendments. Individual members of the Zoning, Platting & Advisory Committee and the Kendall County Regional Planning Commission may forward comments on proposed map amendments to the Zoning Administrator prior to the date of the public hearing before the Kendall County Zoning Board of Appeals.**
- 5. Applications for text amendments not involving matters impacting the duties and powers of the Zoning, Platting & Advisory Committee or the Kendall County Regional Planning Commission shall follow the same procedure listed in 13.07.C.4 above.**
- 6. The Zoning, Platting & Advisory Committee shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Zoning, Platting & Advisory Committee. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**
- 7. The Kendall County Regional Planning Commission shall meet and issue a recommendation on proposed text amendments impacting the duties and powers of the Kendall County Regional Planning Commission. Said recommendation shall be issued within sixty (60) days of date of application submittal. If no recommendation is issued, the Kendall County Board shall consider the recommendation to be a positive recommendation and the proposal shall be forwarded to the Kendall County Zoning Board of Appeals for a hearing.**

13.08.C Special Uses Processing

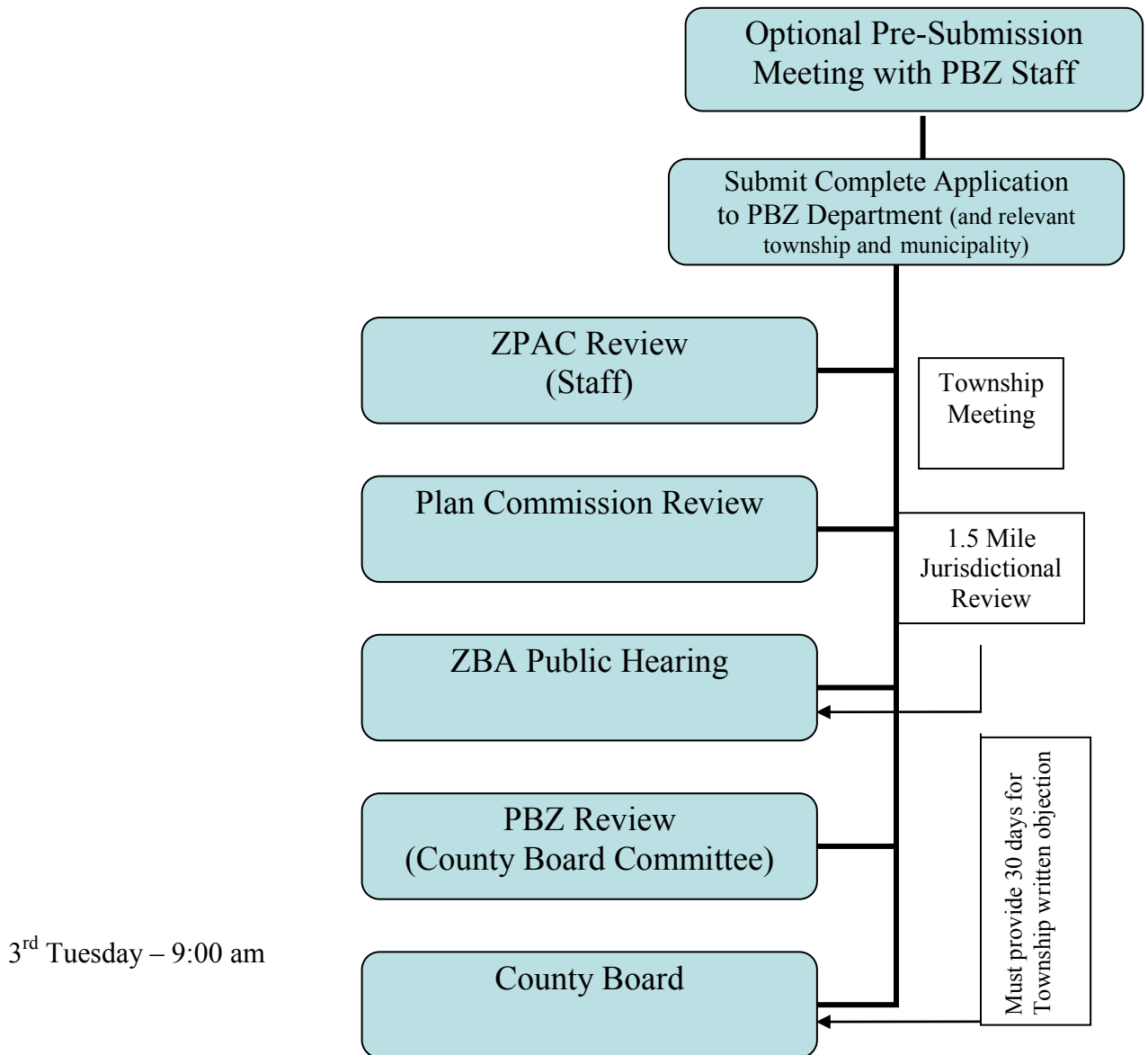
1. An application for a special use shall be filed with the Zoning Administrator.
2. A copy of such application shall be forwarded to ~~the members of~~ the Zoning, ~~and~~ Platting Advisory Committee (ZPAC) for review, ~~and~~ comment, ~~and recommendation~~. **The Zoning, Platting and Advisory Committee (ZPAC) shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.**
- ~~3. A copy of such application and the committee report from the Zoning and Platting Advisory Committee (ZPAC) shall thereafter be forwarded to the Planning Commission for review, comment, and recommendation.~~
- 3. A copy of such application shall be forwarded to the members of the Kendall County Regional Planning Commission for review and comment. The Kendall County Regional**

Planning Commission shall not meet to consider the application. However, individual members may forward their comments to the Zoning Administrator prior to the public hearing on the application.

4. A copy of such application ~~and the reports from the Zoning and Platting Advisory Committee (ZPAC) and Planning Commission~~ and any comments submitted by individual members of the Zoning, Platting Advisory Committee (ZPAC) or the Kendall County Regional Planning Commission shall thereafter be forwarded to the Zoning Board of Appeals with a request to hold a public hearing and submit to the County Board a report of its findings and recommendations.

5. The recommendation and findings of the Zoning Board of Appeals shall be forwarded to the Planning, Building and Zoning (PBZ) Committee of the County Board for review and recommendation prior to final action by the County Board.

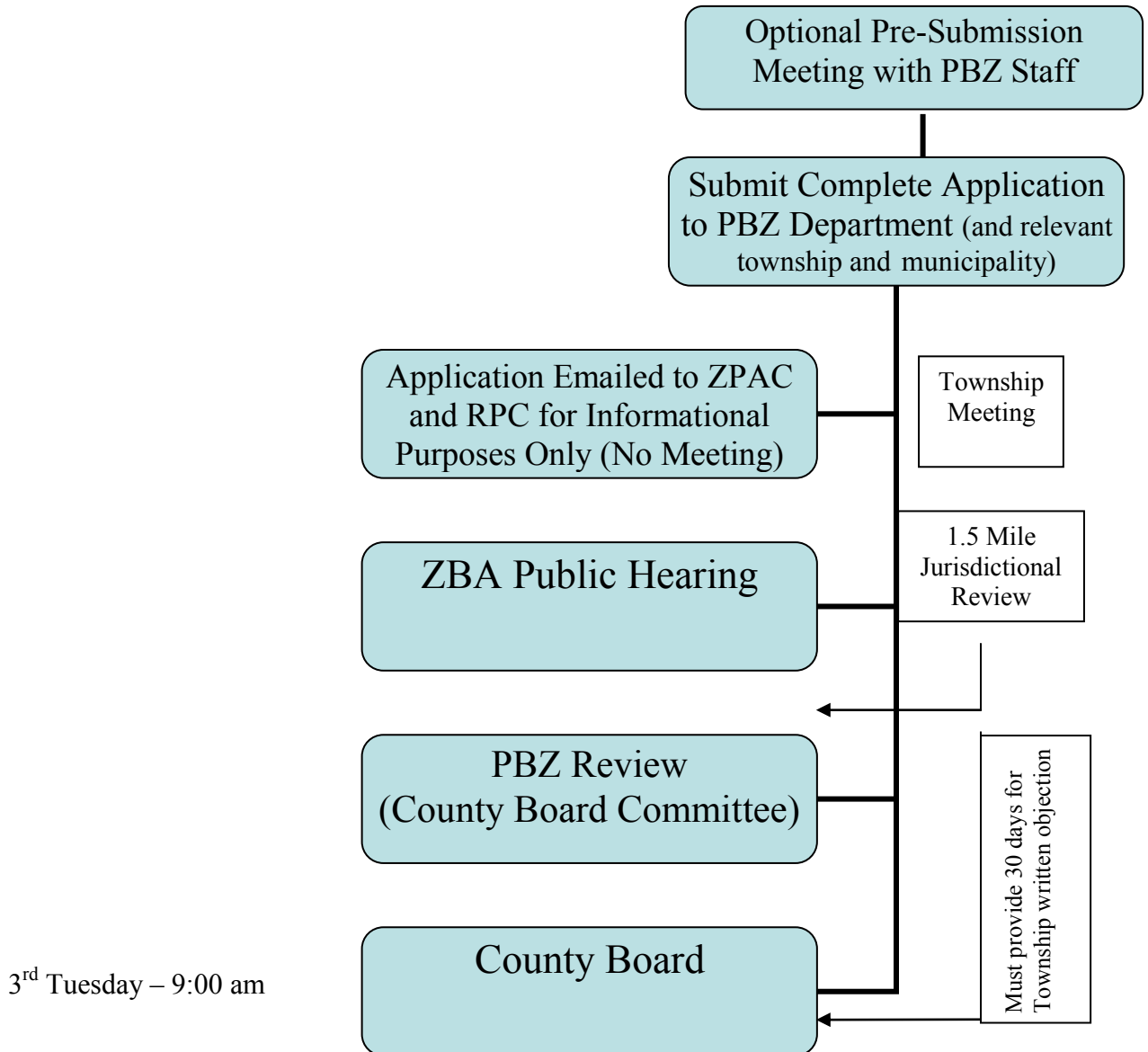
Existing Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the RPC agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the RPC or ZBA Hearing.

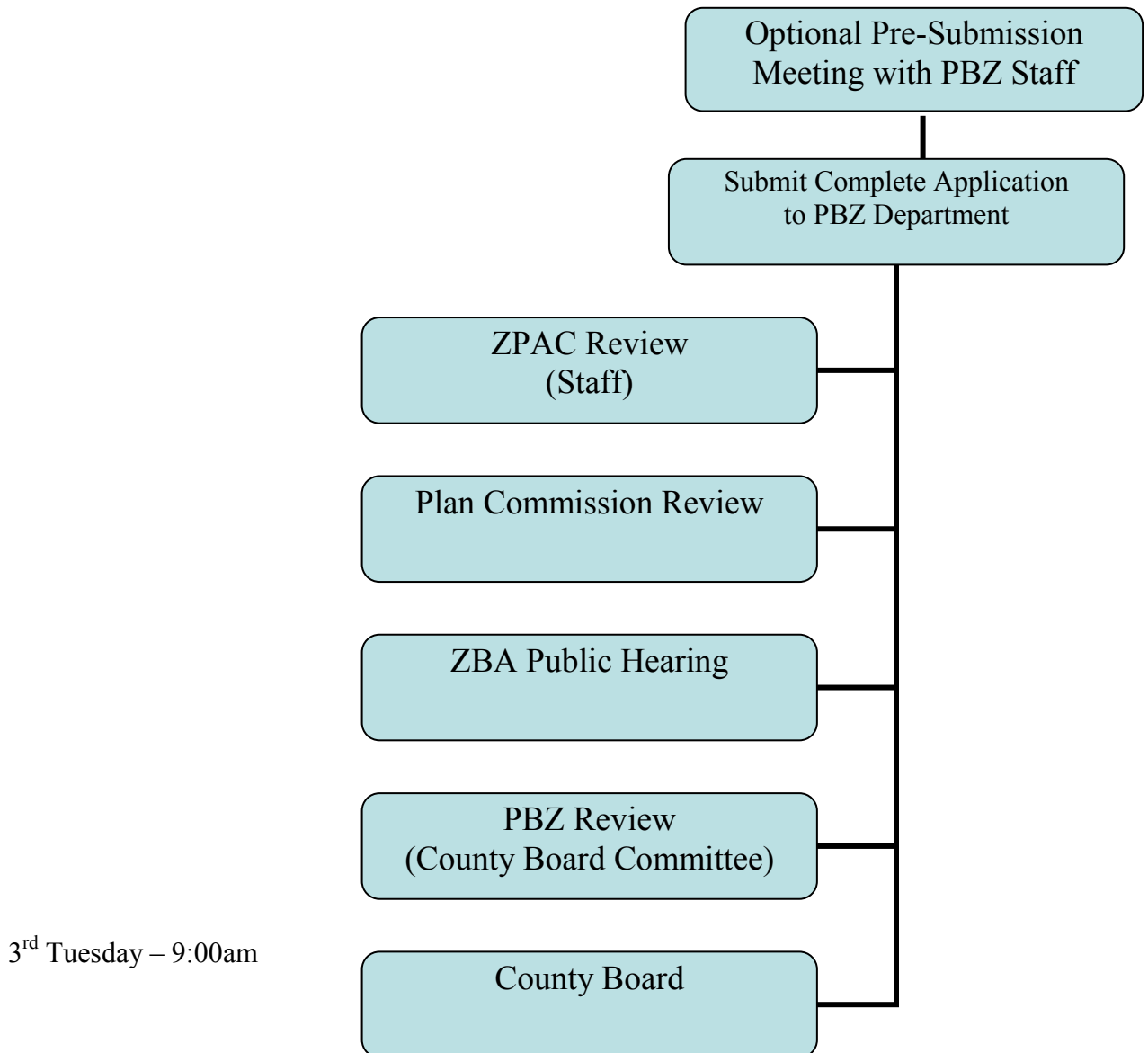
Proposed Amended Kendall County Rezoning Process (Map Amendment)



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** ~~or~~ ZBA Hearing.

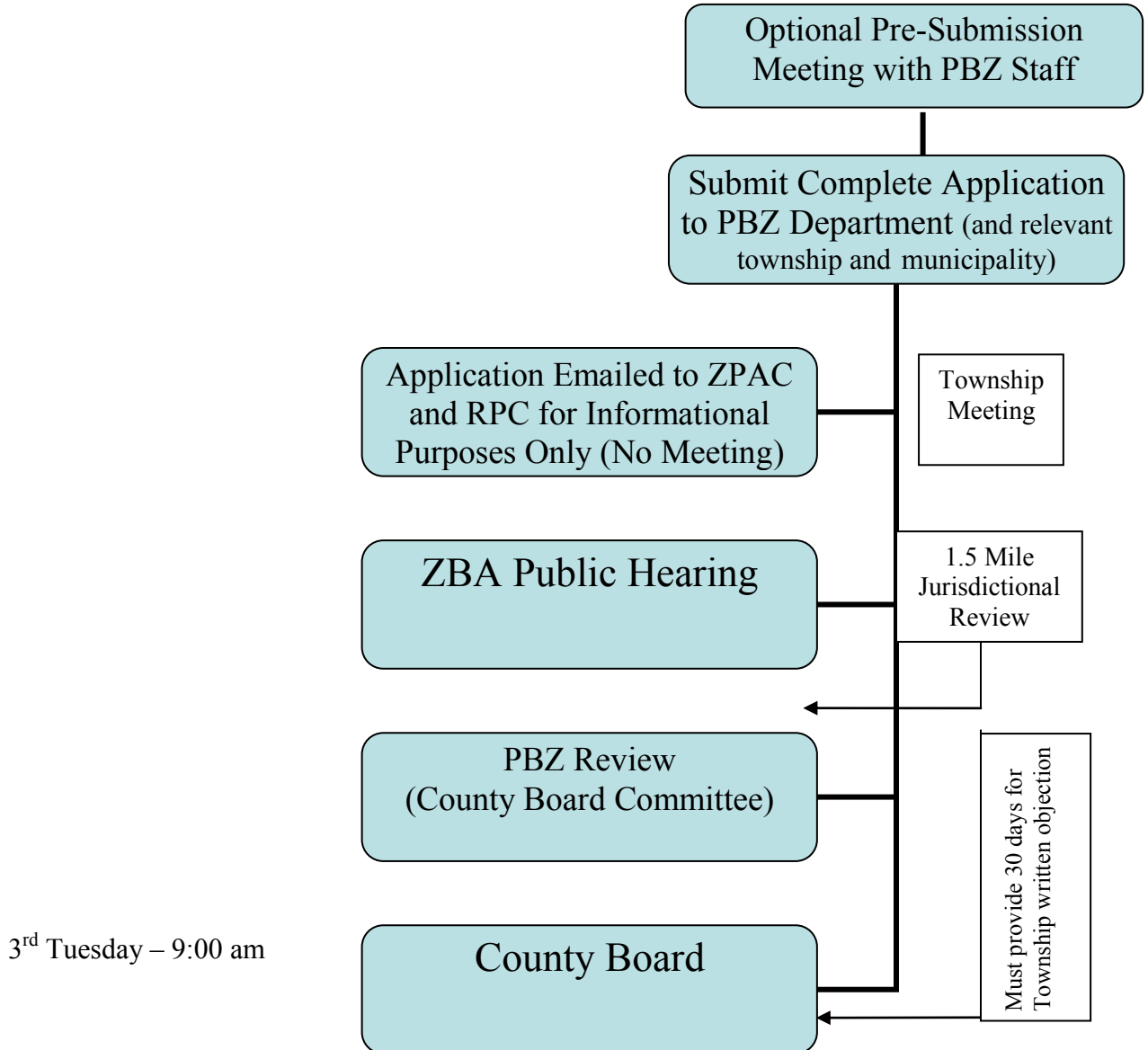
Existing Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

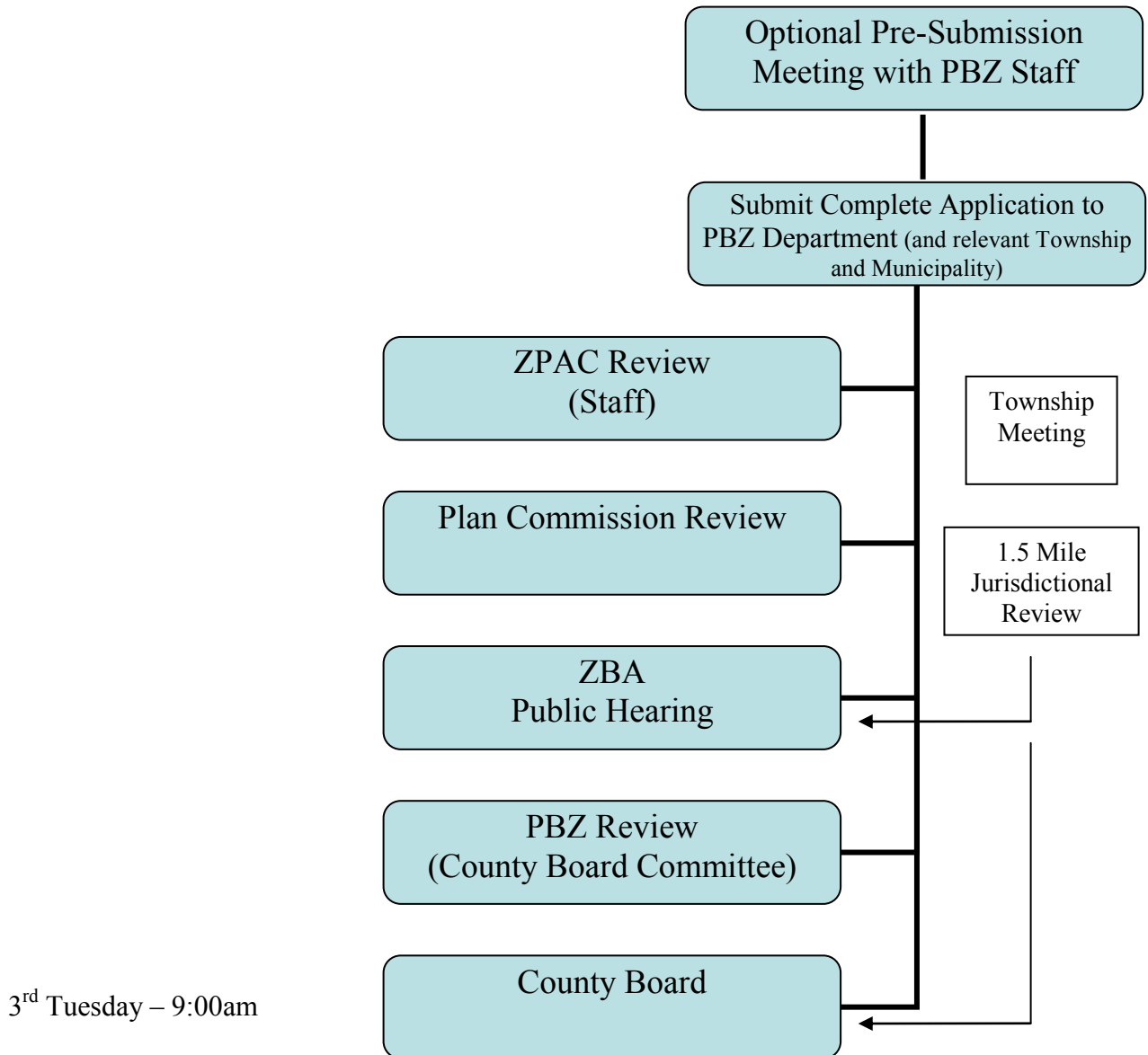
Proposed Amended Kendall County Text Amendment Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The **Plan Commission**, ZBA, PBZ and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Current policy (as provided on application forms) requires the petition to be heard and discussed by the affected Township and Municipality prior to being placed on the **ZBA RPC** agenda. However, Statute only requires that they (Township and Municipality) provide comments prior to action by the County Board. Given the expedited timeline noted above, a formal response from the Township and Municipality may not be available at the **RPC** or ZBA Hearing.
4. **The Plan Commission and ZPAC shall review all text amendments involving their powers and duties.**

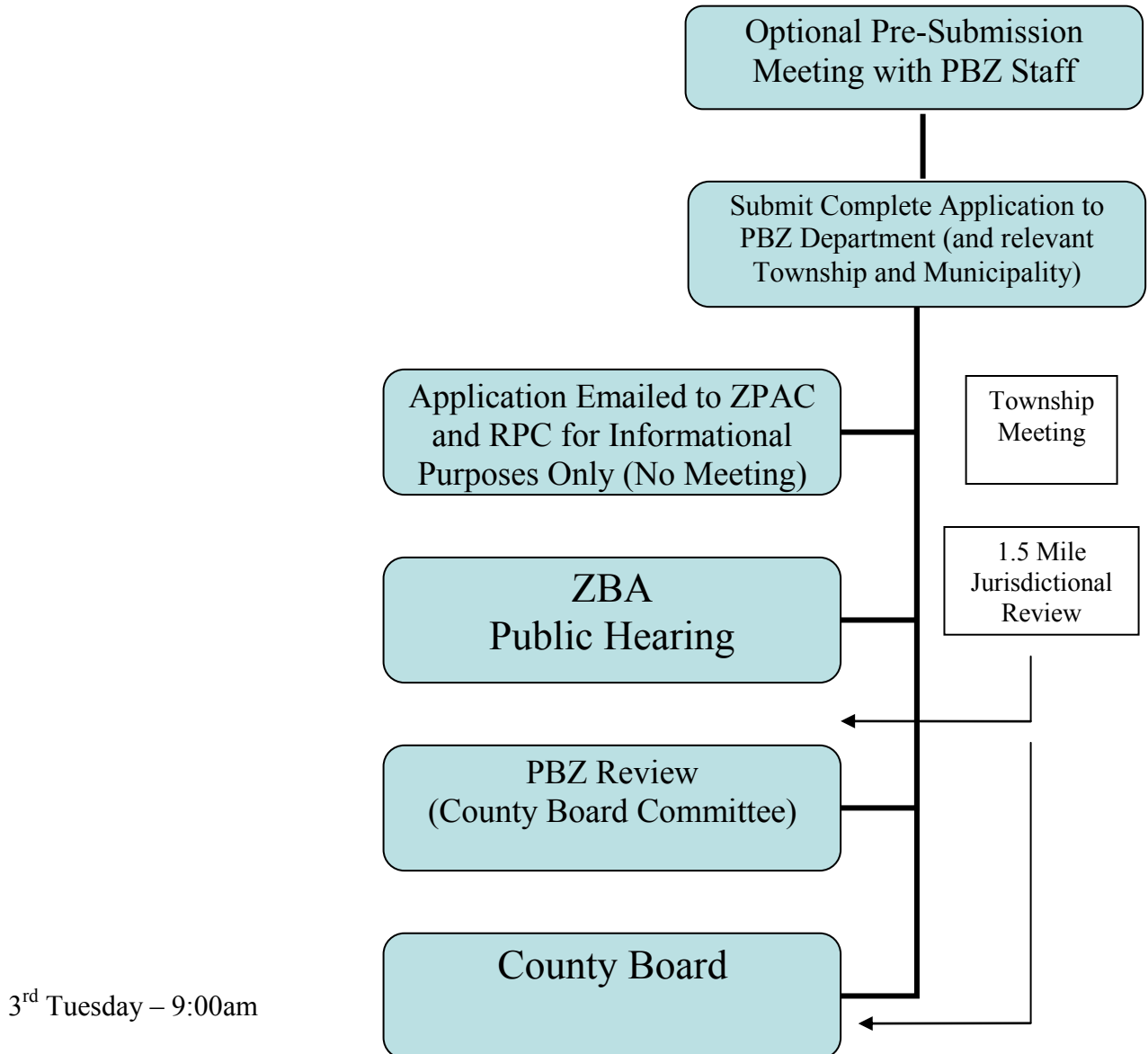
Existing Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

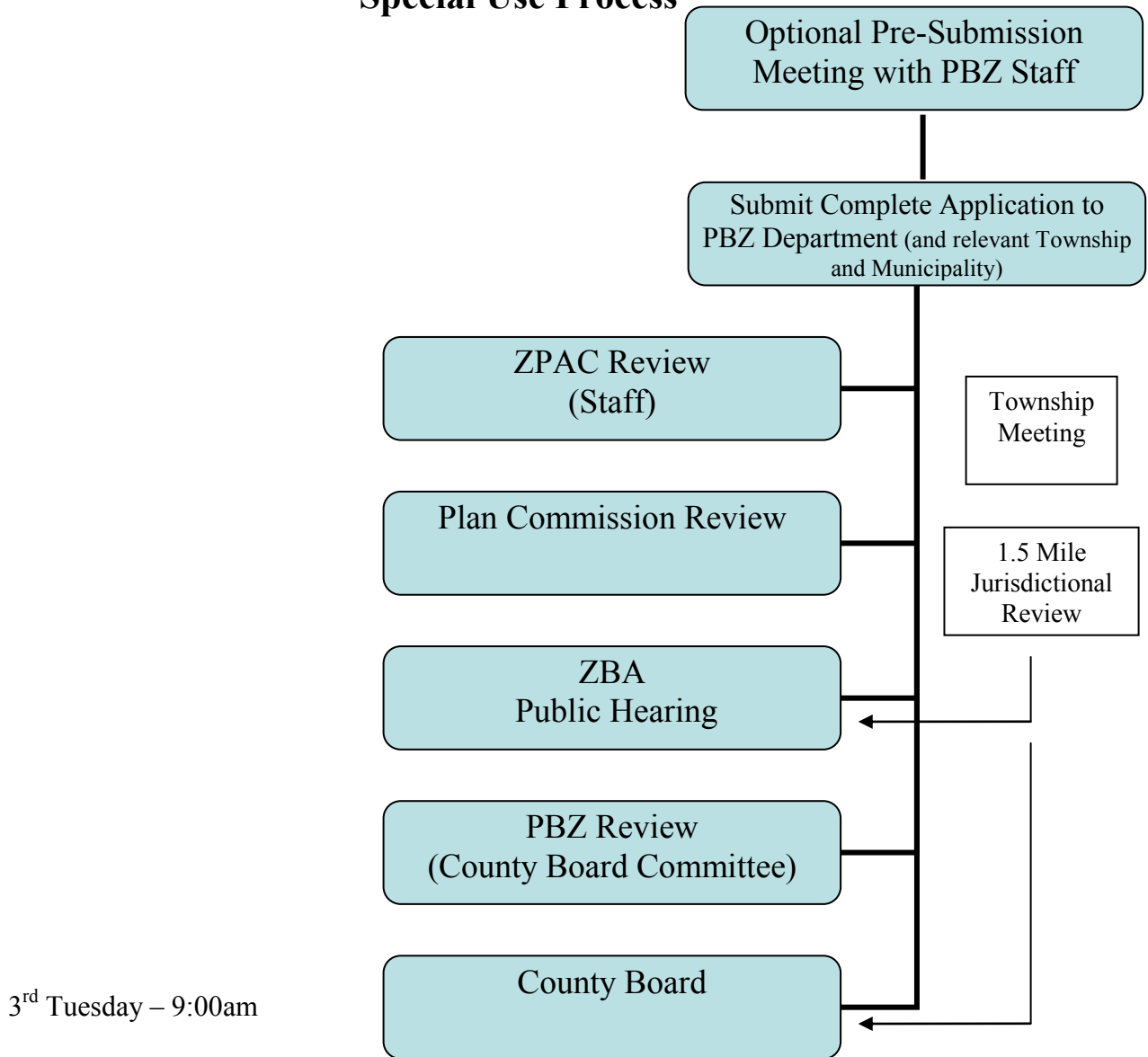
Proposed Amended Kendall County Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

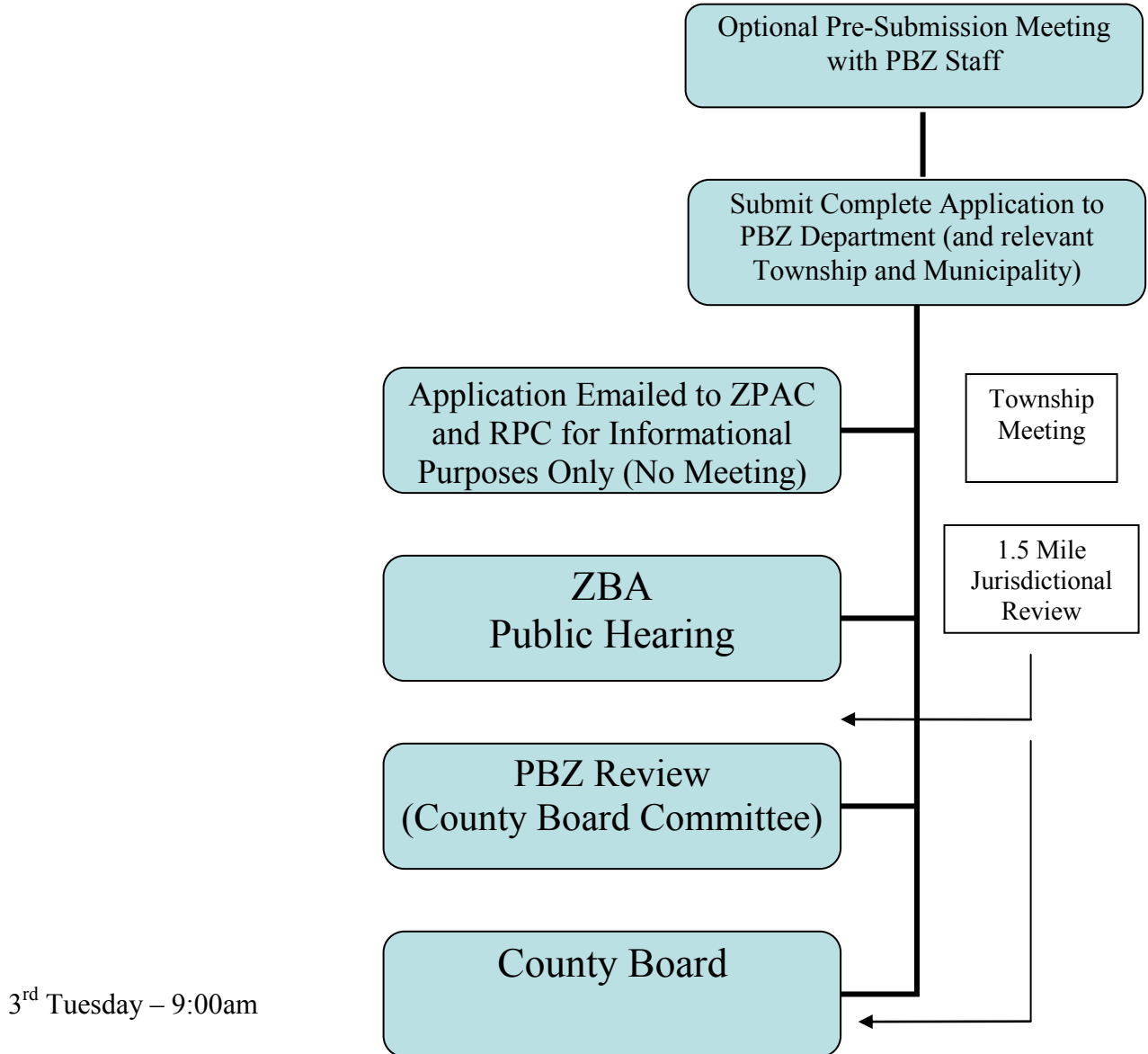
Existing Kendall County Major Amendment Special Use Process



Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The Plan Commission, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

Proposed Amended Kendall County Major Amendment to an Existing Special Use Process

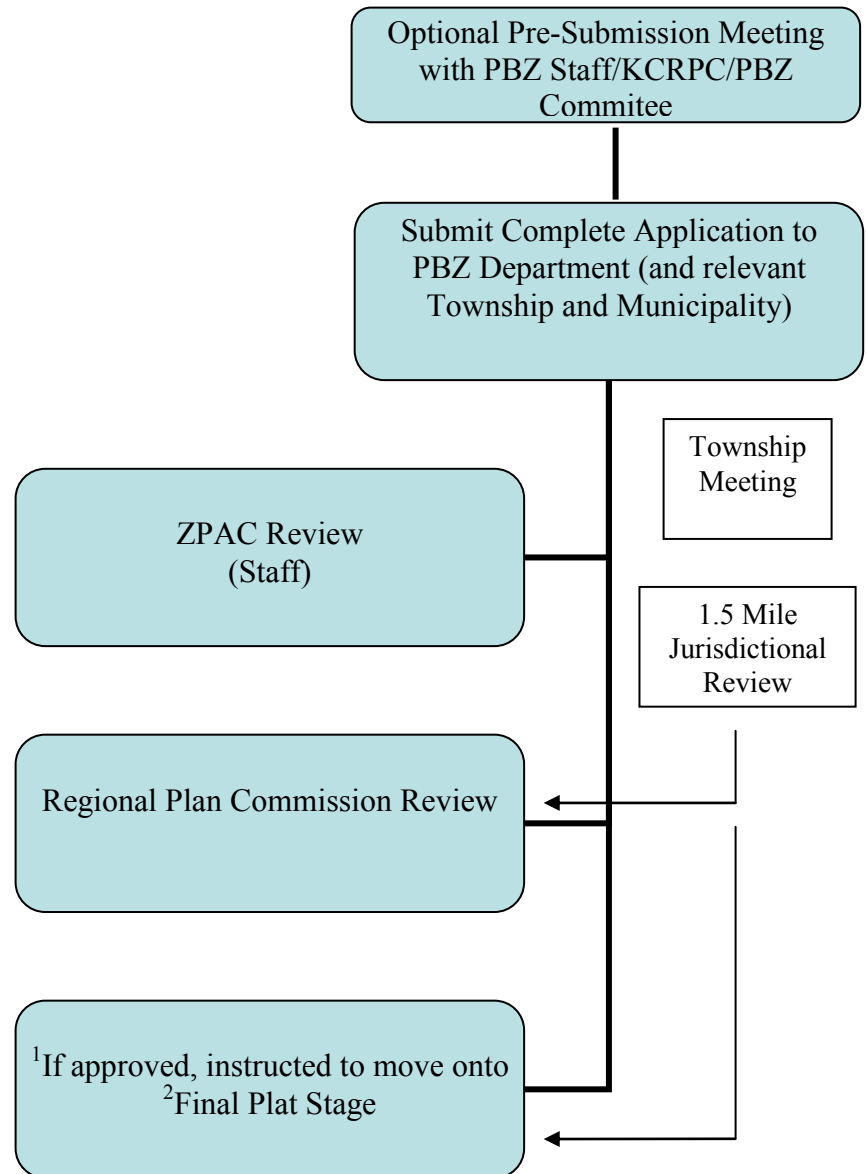


Notes:

1. Timeline assumes application submittal is complete, and no major changes are requested during the review process.
2. The ~~Plan Commission~~, Zoning Board of Appeals, and County Board may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.
3. Major amendments to an approved Special Use would also follow this process.

Existing-No Changes Proposed

Kendall County Preliminary Plat Process

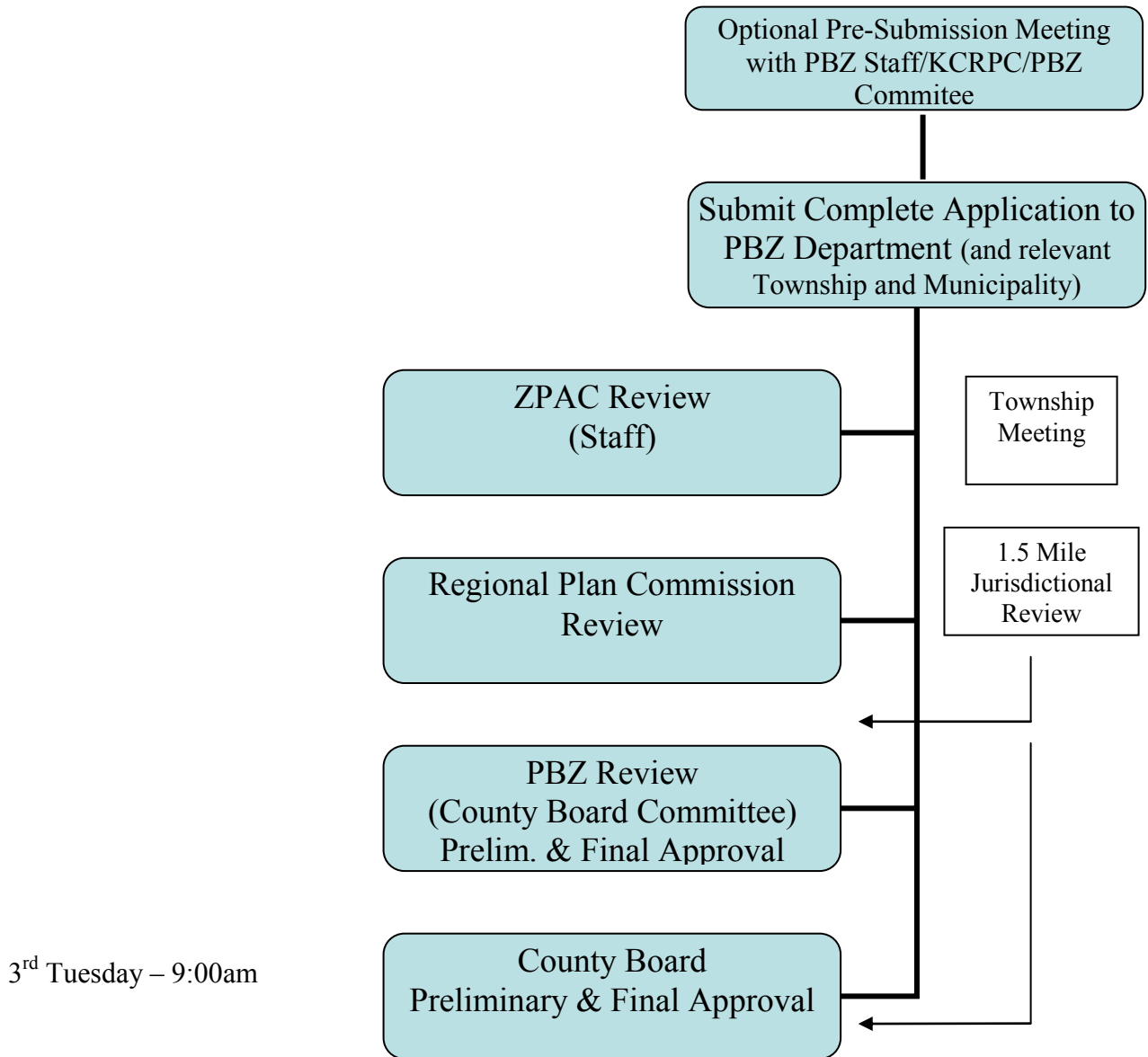


Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

Existing-No Changes Proposed

Kendall County Final Plat Process



Notes:

1. Approval of the preliminary plat by KCRPC is tentative only, involving merely the general acceptability of the layout as submitted. Final approval of the Preliminary Plat shall be granted by the County Board at the time of Final Plat approval.
2. Approval of Preliminary Plat shall be effective for a maximum of one (1) year
3. The Plan Commission may continue or table an item if it is determined that additional time or information is needed for review. Such actions will extend the review process.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
February 6, 2018 – Unapproved Meeting Minutes**

Code Official Brian Holdiman called the meeting to order at 9:03 a.m.

Present:

Aaron Rybski – Health Department
Megan Andrews – Soil and Water Conservation District
Deputy Commander Jason Langston – Sheriff's Department
Don Clayton – GIS
Fran Klaas – Highway Department
Brian Holdiman – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Robert Davidson – PBZ Committee Chair
Matt Asselmeier – PBZ Department

Audience:

None

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Klaas made a motion, seconded by Mr. Langston, to approve the December 5, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

Petition 18-03 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 4.17.H, 7.01.D.53.b.vi, 8.08.B.2.h, 10.01.C.27.b.vi, 11.02.C, 11.02.D, 11.04, 11.04.A, 13.01.C, 13.07.B, 13.07.C and 13.08.C of the Kendall County Zoning Ordinance by Removing the Requirements for the Zoning, Platting and Advisory Committee and the Kendall County Regional Planning Commission to Meet and Issue Recommendations on Proposed Map Amendments, Special Use Permits, Major Amendments to Special Use Permits, and Text Amendments on Matters Not Involving the Powers and Duties of the Zoning, Platting and Advisory Committee or the Kendall County Regional Planning Commission and Related Zoning Text Citation Amendments

Mr. Holdiman provided a summary of this proposed text amendment. The PBZ Committee had concerns that review period for certain applications was too time consuming and involved too many meetings. ZPAC would continue to meet for site plan reviews, text amendments to the Zoning Ordinance involving their powers and duties, amendments to the Subdivision Control Ordinance, preliminary plat approvals, final plat approvals, and RPD related plat approvals. ZPAC would not meet for map amendments, text amendments to the Zoning Ordinance not involving their powers and duties, special use permits, and major amendments to special use permits.

Mr. Rybski asked if ZPAC would meet for special use permit applications. Mr. Holdiman stated that ZPAC would not formally meet for special use permit applications, but ZPAC members could submit comments prior to the hearing regarding the special use permit applications. The distribution email would continue to be sent.

Mr. Klaas asked if the Planning, Building and Zoning Department Staff was in favor of this proposal. Mr. Holdiman responded that Staff had no objections. Mr. Klaas noted that the Soil and Water Conservation District and Health Department may still want to provide input on certain special use permit proposals. Mr. Holdiman noted that the proposed process would still allow ZPAC members to comment on proposals and pre-application meetings could occur as well.

Mr. Klaas made a motion, seconded by Ms. Andrews, to recommend approval of the proposal.

Ayes (6): Klaas, Andrews, Langston, Rybski, Clayton, and Holdiman
Nays (0): None
Absent: (4) Davidson, Chismark, Guritz, and Asselmeier

The motion passed unanimously. This matter will go before the Kendall County Regional Planning Commission on February 28th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Holdiman stated that Mr. Asselmeier will need to provide an update on Petition 17-30 at a future meeting.

OLD BUSINESS/NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Ms. Andrews made a motion, seconded by Mr. Clayton, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:11 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

***Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois***

Unapproved Meeting Minutes of March 28, 2018

Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Larry Nelson, Ruben Rodriguez, Claire Wilson, Budd Wormley, and Angela Zubko

Members Absent: Tom Casey and John Shaw

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Dan Kramer, Pat Kinnally, Roger Smith, and George Ostreko

APPROVAL OF AGENDA

Mr. Wormley made a motion, seconded by Mr. Bledsoe, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the February 28, 2018, joint meeting minutes with the Comprehensive Land Plan and Ordinance Committee and the February 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Petition 18-05-Keith and Kathleen Warpinski

Mr. Asselmeier summarized the request. The petitioners desire a map amendment in order to be able to construct a house on the property.

ZPAC reviewed the proposal on March 6th and unanimously recommended approval.

The Kendall Township Planning Commission and Kendall Township Board reviewed the proposal in February and recommended denial. Kendall Township will not be submitting a formal objection.

The United City of Yorkville's Planning and Zoning Commission met on March 14th and recommended approval. The United City of Yorkville's City Council met on March 27th and expressed no objections to the proposal.

Dan Kramer, attorney for the petitioners, stated that Kendall Township recommended denial because at least one (1) planning commissioner objected to the construction of another house in the area.

Mr. Kramer stated that the petitioners did not pursue an A-1 building permit because the Kendall County Board had a similar case last year and they required the property owner to obtain a map amendment. In addition, the notification and publication requirements for a map amendment are stricter than the rules for an A-1 building permit.

Mr. Kramer also noted that easements for the proposed trails will be recorded.
KCRPC Meeting Minutes 3.28.18

Mr. Wormley asked about the pipeline easement running through a portion of the property. Mr. Kramer explained how the pipeline easement was created.

Mr. Nelson asked the width of the property. The width is approximately is approximately two hundred thirty-seven feet (237').

Mr. Wormley asked about the water table. Mr. Kramer stated the soil was classified for septic.

Ms. Wilson noted that certain agricultural uses would be more restrictive if the property were rezoned to R-1.

There were no public comments on this proposal.

Mr. Asselmeier stated that he did not receive anything in writing from Kendall Township. There were no calls from any surrounding residents.

Ms. Wilson made a motion to recommend approval of the map amendment as proposed, seconded by Ms Zubko.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed. This proposal will go to the Zoning Board of Appeals on April 2nd.

Petition 18-07 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

The Zoning Ordinance does not have a clear procedure for renewing special use permits. In reviewing all of the existing special use permits, twenty-seven (27) require some form of review or renewal. Additionally, in the future, the County Board may impose time limits on future special use permits. Therefore, Staff prepared the attached proposal establishing procedures for renewing special use permits.

The Planning, Building and Zoning Committee reviewed this proposal on February 13th and unanimously approved initiating the text amendment process.

This proposal was mailed to each township on February 15th. To date, none of the townships have submitted comments.

This proposal was mailed to each existing special use permit holder that has a review/renewal provision in their special use permit on February 16th. To date, only (1) special use permit holder had detailed questions. Three (3) others were satisfied with the proposal after the proposal was explained.

ZPAC reviewed this proposal on March 6th and unanimously recommended approval.

Several Commissioners expressed concerns about the ability of the County Board to amend special use permits without the request or approval of the property owner, even though the property owner complied with the terms of the special use permit. This action could have negative consequences for business owners that invested large sums of money into their businesses. Concerns were raised that such changes could be arbitrary.

The Hearing Officer still exists for administrative adjudication; the Planning, Building and Zoning Committee could refer an alleged violations to the Hearing Officer or the State's Attorney's Office.

Several Commissioners expressed concerns regarding the language about previous owners of special use permits. Commissioners felt that the automatic renewal provisions should apply to the current owner and the current owner should not have the special use permit jeopardized by the actions or violations of previous owners.

Ms. Wilson asked if the County Board could request changes at any time. Mr. Asselmeier stated that the intent of the proposal was that the County Board could do amendments at the time of renewal. Item 2.b would be amended to reflect that change.

Roger Smith, Tyler Road, provided a history of his special use permit for a mobile home on his property. He was not in favor of the proposed changes.

Pat Kinnally, attorney for Bryan Holdings, Aurora, expressed concerns about the lack of clarity for grandfathering. He also expressed concerns about the difference between minor and major amendments to special use permits and the power of the Zoning Administrator. Mr. Kinnally did not want the actions of previous property owners to have an impact on whether or not a special use permit is revoked or renewed.

George Ostreko, East Beecher Road, said that he has not been inspected by Kendall County since he bought the property in the 1984. His special use permit is for mining.

Dan Kramer said that he agreed with changes proposed by Mr. Nelson.

Mr. Nelson moved to table the proposal and to have the proposal sent to Commissioners as a Word document. Discussion occurred regarding the intent of the Planning, Building and Zoning Committee in proposing the text amendment. The motion died for lack of second.

Mr. Rodriguez asked about the procedures of other counties. Mr. Asselmeier will investigate this matter.

Mr. Wormley made a motion to refer the proposal back to the Planning, Building and Zoning Committee for additional study, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

No – None (0)

Absent – Casey and Shaw (2)

The motion passed.

Petition 18-03 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In 2017, the Kendall County Board created a Boards and Commissions Review Ad-Hoc Committee to examine the number, type, and duties of the various committees utilized by the County. This Ad-Hoc Committee evaluated the roles and responsibility of each of the committees associated with the Planning, Building and Zoning Department. The Ad-Hoc Committee expressed concerns about the number of meetings certain applicants had to attend in order to obtain approval of map amendments and special use permits. In addition to

County meetings, applicants for map amendments and special use permits might need to attend various township and municipal meetings.

Accordingly, the Board and Commissions Review Ad-Hoc Committee, at their meetings on August 29th and November 30th recommended the following applications not require formal meetings of ZPAC or the Kendall County Regional Planning Commission:

1. Map Amendments
2. Special Use Permits
3. Major Amendments to Special Use Permits
4. Text Amendments to the Zoning Ordinance Not Impacting the Powers and Duties of ZPAC and/or Kendall County Regional Planning Commission

Members of ZPAC and the Kendall County Regional Planning Commission would continue to receive notifications of the above types of applications and individual members of these committees could submit comments on the proposals, but neither body would be required to meet and issue recommendations on these types of applications.

ZPAC would continue to meet for the following types of applications:

1. Site Plan Reviews
2. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals

The Kendall County Regional Planning Commission would continue to meet for the following types of applications:

1. Text Amendments to the Zoning Ordinance Impacting Its Powers and Duties
2. Changes to the Land Resource Management Plan
3. Amendments to the Kendall County Subdivision Control Ordinance
4. Preliminary Plat Approval
5. Final Plat Approval
6. RPD Related Plat Approvals
7. Requests by the County Board and/or Planning, Building and Zoning Committee for Research on Planning, Zoning, and Development Related Topics

The Committee of the Whole discussed this proposal at their meeting on December 14th and no one objected to the proposal.

The Planning, Building and Zoning Committee reviewed this matter at their meeting on January 8th and unanimously recommended approval of initiating the text amendment as proposed.

ZPAC reviewed this proposal on February 6th and unanimously recommended approval.

Ms. Wilson asked, if this proposal was implemented, would the Kendall County Regional Planning Commission meet on petitions similar to Petition 18-07. Mr. Asselmeier responded that the Kendall County Regional Planning Commission would not meet for similar proposals.

Mr. Nelson asked, if the Kendall County Regional Planning Commission did not meet, would the timeframe for adopting a proposal be shortened. Mr. Asselmeier said that the timeframe for adopting a proposal would not be shortened unless the Kendall County Regional Planning Commission requested additional information.

Ms. Zubko asked if ZPAC members receive each petition and submit comments. Mr. Asselmeier responded that petitions are emailed to ZPAC members, but most ZPAC members wait until the meeting before stating their comments.

Ms. Zubko asked if the County Board was aware that the Planning, Building and Zoning Committee did not need to meet to review petitions under State law. Mr. Asselmeier responded that the Ad-Hoc Commissions and Committees Committee was informed which zoning related committees were required by State law and which ones were of the County's discretion.

Chairman Ashton expressed concerns about the RPD subdivisions approval. He believed that the terms of RPDs should be reviewed by the Kendall County Regional Planning Commission.

Mr. Nelson explained his experience with obtaining a special use permit.

Commissioners noted that one (1) of the reasons for transferring special use hearings to the Zoning Board of Appeals was to obtain more input and opinion. This proposal seems contradictory to that previous opinion.

Mr. Nelson made a motion to refer the proposal to the Comprehensive Land Plan and Ordinance Committee. The motion died for lacked of a second.

Mr. Asselmeier stated that the Planning, Building and Zoning Committee, as the petitioner, was the only entity that could approve amendments to the petition.

Ms. Wilson made a motion to recommend approval of the proposal, seconded by Ms. Zubko

Yes – None (0)

No – Ashton, Bledsoe, Nelson, Rodriguez, Wilson, Wormley and Zubko (7)

Absent – Casey and Shaw (2)

The motion failed. The petition received a negative recommendation from the Planning Commission.

The reasons for the negative recommendation were:

1. The Kendall County Regional Planning Commission would like the proposal to go to the Comprehensive Land Plan and Ordinance Committee to work out issues.
2. The Kendall County Regional Planning Commission had concerns regarding the due process for petitions.
3. The Kendall County Regional Planning Commission felt that Kendall County Regional Planning Commission meetings were the appropriate setting for creating conditions and restrictions for special use permits (express the values of the community).
4. Removing the Kendall County Regional Planning Commission meeting from the timeline for adoption does not slow down the approval process; the Senior Planner indicated that no extra time was needed for Kendall County Regional Planning Commission meetings.

5. The Kendall County Regional Planning Commission had concerns about a lack of thorough vetting of the implications of proposals if the Kendall County Regional Planning Commission did not meet and review proposals.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition

Chairman Ashton noted that changes were made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon.

The Village President of Lisbon attended the Comprehensive Land Plan and Ordinance Committee meeting earlier in the evening.

Ms. Wilson expressed her surprise about the opposition to the proposal from the residents of the area.

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on March 12th and the proposal has changed drastically. The proposal was sent to the State's Attorney's Office for review.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-33 transferring certain powers and duties from the Hearing Office to the Zoning Board of Appeals passed at the County Board. Petition 17-29 increasing the notification requirements for applications for special use permits on properties zoned A-1 was sent back to the Planning, Building and Zoning Committee from the Committee of the Whole.

OTHER BUSINESS/ANNOUNCEMENTS

None

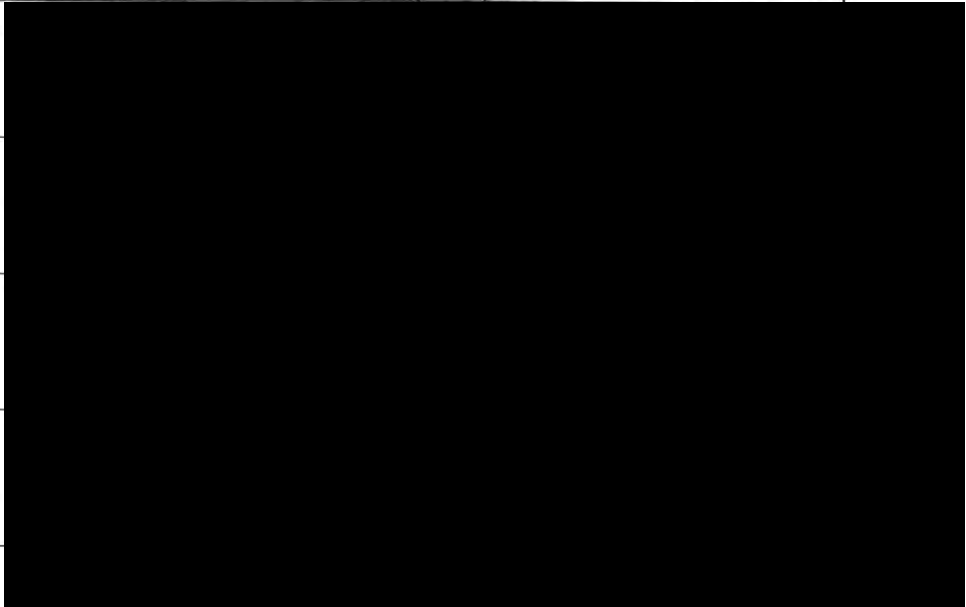
ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:31 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

**KENDALL COUNTY REGIONAL
PLANNING COMMISSION MEETING
MARCH 28, 2018**

NAME	ADDRESS	EMAIL ADDRESS
<i>Don Kinn</i>		
<i>Pat Kinnally</i>		
<i>George Osineko</i>		
<i>Peggy Smith</i>		

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of April 25, 2018

Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko (arrived at 7:04 p.m.)

Members Absent: Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson

APPROVAL OF AGENDA

Mr. Bledsoe made a motion, seconded by Ms. Wilson, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Bledsoe made a motion, seconded by Mr. Casey, to approve the March 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

Petition 18-13 Kendall County Planning, Building and Zoning Department

Mr. Asselmeier summarized the request.

In recent months, the Kendall County Planning, Building and Zoning Department has received inquiries from solar energy consultants and property owners desiring to place solar panels on properties throughout the County. These solar panels would be used to generate power offsite from the location where the solar panels are placed. Kendall County adopted solar panel zoning regulations in 2010 and 2011, but these regulations focused on generating solar energy and using that energy onsite. The County also has zoning regulations for power plants, but many solar energy consultants were uncomfortable with a “power plant” classification.

Ms. Zubko arrived at this time (7:04 p.m.).

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table was presented to Commissioners.

At their meeting on March 12, 2018, the Planning, Building and Zoning Committee approved initiating text amendments to the Kendall County Zoning Ordinance incorporating DeKalb County’s proposed regulations into the Kendall County Zoning Ordinance.

Mr. Asselmeier noted that Mr. Holdiman previously suggested that 4.18.O.2 be removed from the proposal because the County currently does not require insurance for existing solar panels.

The Kendall County Farm Bureau was sent the proposal in March. They questioned why the bonding requirement was “may” and not “shall” (4.18.P.6).

The townships were mailed the proposal on March 22nd. To date, no townships have submitted comments.

ZPAC met on the proposal on April 3rd and unanimously recommended approval of the proposal with the following amendments:

1. Section 4.18.D.10 should be removed because the same language is found in 4.18.Q.3.
2. A more detailed contour map with existing vegetation, waterways, wetland boundaries, and FEMA FIRM information in a manner described in the Boone County ordinance should be added to the proposal.
3. The reference to the State of Illinois Uniform Building Code found in Section 4.18.C.8 should be removed.
4. Greater discussion should occur regarding the desire to have solar gardens in residential zoned districts.
5. The word “crops” found in line 7 of 4.18.C.4 should be replaced with the word “vegetation” because crops probably will not be the only plants growing around the solar panels and crops probably will not grow around the solar panels.

There is an open application for a special use permit for solar panels in Big Grove Township.

Chairman Ashton asked if the proposal had to be finalized and approved by May. Mr. Asselmeier responded that the proposed text amendment would not apply to the proposed solar operation in Big Grove Township because the Big Grove Township project was submitted prior to the adoption of the proposed solar panel regulations.

The Commission reviewed the comparison table.

Discussion occurred regarding DeKalb County’s requirement for impervious surface. Gravel and compacted soils were considered impervious surfaces. Discussion occurred regarding the rain water runoff.

Discussion occurred regarding decommissioning. Mr. Davidson did not foresee any problems with cleaning up a solar farm site because the panels are easy to remove.

Ms. Zubko expressed concerns regarding the airport language in the proposal. Mr. Davidson suggested keeping the language in the proposal.

Ms. Zubko requested clarification on permit fees.

Chairman Ashton expressed that drainage tiles should be fixed if damaged as a result of the solar panel operations.

Proposed setbacks would be one hundred feet (100’) at the front, fifty feet (50’) from adjoining property lines and one hundred feet (100’) from residential property lines. The road district and neighbors could approve waivers lowering the setback to fifty feet (50’).

Mr. Nelson asked about NEPA requirements. Mr. Asselmeier responded that proposed solar panel operations must follow all applicable federal, state, and local laws.

The regulations for roof mounted and freestanding solar systems should be clarified to expressly state they are for accessory use and that the energy produced will be used onsite.

Discussion occurred about the licensing of solar panel installers. Chairman Ashton will bring an advertisement he received about solar panel installers to a future meeting.

Mr. Wormley asked about berming and fencing. There was no berming requirement and fences were not required, but, if installed, fences had to be a maximum eight feet (8') in height. Chairman Ashton stated that fencing should be required.

Ms. Wilson suggested additional study of the subject.

Chairman Ashton asked to have the County's solar consultant to attend a future meeting and submit comments on the proposal. Mr. Davidson said that he would ask Chris Childress to review the proposal and attend a meeting.

Ms. Zubko suggested examining Fulton County's and Shelby County's regulations. Ms. Wilson suggested that Mr. Asselmeier contact the county's studied to see if they have had issues with implementing their regulations.

Ms. Zubko requested a copy Yorkville's solar panel regulations.

Mr. Nelson made a motion to layover this petition until the next meeting and to have the County's consultant provide comments on the proposal, seconded by Ms. Zubko.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson, Wormley, and Zubko (8)

No – None (0)

Absent – Rodriguez (1)

The motion passed. This proposal will return to the Planning Commission in May.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

Request from the Kendall County Planning, Building and Zoning Committee for Comments Pertaining to Petition 18-07 Regarding Text Amendments Establishing Procedures for Renewing Special Use Permits

Mr. Asselmeier reported on the changes proposed by the Comprehensive Land Plan and Ordinance Committee.

In paragraph 1, "or if" shall be replaced with "because". The County Board would only be able to amend or revoke special use permits if a special use permit holder were found guilty through the courts or administrative adjudication.

Paragraph 2 would be deleted in its entirety.

Paragraph 3 would remain unchanged.

In paragraph 4, the first sentence would be changed to read, “This Sub-Section shall apply to any special use permit issued after the date of adoption of this ordinance (insert date) requiring renewal.”

Mr. Bledsoe expressed concerns about the “previous owner” language.

Ms. Wilson suggested clarifying the language to focus on “on-going” violations; she suggested adding “unabated” to the first paragraph. She also suggested adding revocation to the first paragraph.

Ms. Zubko advised that the Planning, Building and Zoning Committee discuss the existing revocation language in the Zoning Ordinance.

Ms. Wilson asked why the option of amending a special use permit was included in paragraph 1. Mr. Asselmeier responded that a situation could arise where neither renewing a special use permit nor revoking a special permit are the appropriate options.

Discussion occurred regarding when the County Board could initiate revocation; specifically could the County Board initiate revocations immediately upon the guilty verdict of a special use permit holder?

The consensus of the Commission was to send the proposal back to the Planning, Building and Zoning Committee with the Commission’s suggestions. The Planning, Building and Zoning Committee will meet on this matter on May 7th meeting.

Consideration and Action on Amendments to Petition 18-04 Regarding Amending the Future Land Use Map for Property Near Route 47 in Lisbon Township-Commission Could Vote to Schedule a Public Hearing on the Petition

Mr. Asselmeier noted the change made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon to correspond to the Village of Lisbon’s Comprehensive Plan.

This proposal will go to the May 7th Planning, Building and Zoning Committee for comments. The Commission could schedule a public hearing at the May 23rd meeting.

Update on Petition 17-28 Pertaining to text Amendments to Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on April 9th and are reviewing comments from the State’s Attorney’s Office.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-29 increasing the notification distance requirements for A-1 special uses passed at the County Board. The new distance requirement is seven hundred fifty feet (750’). Only adjoining property owners have to be notified for non-A-1 special use applications. The notification distance remains five hundred feet (500’) for map amendments and variances.

OTHER BUSINESS/ANNOUNCEMENTS

Update on Petition 18-03 Pertaining to the Powers and Duties of ZPAC and the Kendall County Regional Planning Commission

Mr. Nelson distributed a draft message that he will send to the Planning, Building and Zoning Committee outlining the importance of the Planning Commission in evaluating map amendments, text amendments, and special use related applications, see enclosed. He felt that the Planning, Building and Zoning Committee did

not have an adequate history of how the process evolved. Either Mr. Asselmeier or Mr. Davidson will request that the Zoning Board of Appeals layover the hearing until after the Planning, Building and Zoning Committee has an opportunity to review the Commission's comments. Mr. Nelson will email the draft message to everyone.

Ms. Zubko requested that the years of experience in planning be noted in the message to the Planning, Building and Zoning Committee and to identify the longest serving member of the Commission.

ADJOURNMENT

Mr. Nelson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:35 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Enc.

Larry.nelson

From: "Larry Nelson Multimedia" <[REDACTED]>
To: "Larry Nelson Multimedia" <[REDACTED]>
Sent: Wednesday, April 25, 2018 3:39 PM
Attach: KCRPC changes 2-28-18 by PBZ.docx
Subject: Fw: KCRPC Duties
 Draft

To: Kendall County building and zoning committee

The Kendall County Regional Planning Commission has had an opportunity to review the committee's idea of eliminating the Kendall County Regional Planning Commission from a number of crucial zoning actions in the County Kendall County. The Regional Planning Commission was established over 30 years ago as an advisory Commission for the County Board to oversee the Kendall County Comprehensive Land Plan and review of zoning applications, and how zoning applications impact the Comp Plan. When the regional Planning Commission was formed our bylaws proved that it's made up of one representative from each of the 9 Township and one at large, appointed to a 4 year term on a staggered basis.

Many of the Plan Commission members have been with the Kendall County Regional Planning Commission through the development of our current Land Plan which was a involved process including hearings in each Township and at a county wide level. The KCRPC serves as an advisory body to the Kendall ZBA, Kendall P B & Z.

The Commission when a new request comes in for a new or revised text Amendment has in most cases taken the first pass at formulating the text along with the Kendall County Professional staff to make sure the language change or new text Amendment reflect the rights of landowners, land use, and the Comp Plan.

Special uses are not a simple matter in Kendall County as there is a great diversity in Kendall County in land use from Oswego Twp to Big Grove Township. One size doesn't fit all, the Plan Commission with one member from each Township is very knowledgeable collectively of the needs and interest across the County. Map amendments, special uses and text amendments that come out of the plan Commission provide an insight to the Kendall County Planning Building and Zoning Committee for their ultimate decision on how the zoning should be decided.

Below is a number of comments from Plan Commission Members on the specific items proposed to be eliminated from the Plan Commissions review.

1) proposed map amendments.

Claire Wilson <[REDACTED]>
 From my time on the Kendall County Regional Plan Commission, I have observed how the open frank exchange of thoughts and ideas from people from different walks of life, many of whom have great background in the

4/25/2018

County is so helpful to analysis of all of these items. These commissioners all have the citizens' best interests in mind. The deliberative process that this group can provide has often yielded very helpful and beneficial background for the decision makers on all of these functions. In particular, for all of the listed functions, the Plan Commission has the ability to "flush out" the opinions of the local citizens as well as give them open and honest answers to their questions. To me it is good government to be able to interact on that level with the people our County's actions impact the most.

Roger Bledsoe <[REDACTED]>
PROPOSED MAP AMMENDMENTS

To assure a proposal is within the "planned development" of said area and meets criteria of "best possible use".

Angela Zubko <[REDACTED]>

To verify it is compliance with the LRMP which the Plan Commission holds a yearly meeting on regarding proposed modifications.

2) special use permits and major amendments to special use permits

Claire Wilson <[REDACTED]>

Regarding Special Use Permits and Major Amendments to them, the Plan commission historically has deeply explored and attempted to determine to the greatest degree possible the impact of the uses/proposed uses on surrounding parcels. We try to project the long range implications, compatibility of the use with surrounding uses, and of great importance, the impact of the proposed use on the purpose and intent of the County long range plan.

Roger Bledsoe <[REDACTED]>
SPECIAL USE PERMITS

Verify requested use would not violate county ordinances, impinge on neighboring property use, meet "planned development" guidelines and meet criteria of "best possible use". on MAJOR AMMENDMENTS TO SPECIAL USE PERMITS
Verify that the County and the special use recipient receive fair and just treatment by such amendment keeping in mind the spirit of the original special use.

Angela Zubko <[REDACTED]>

Special Uses typically have conditions added to them or conditions that need to be verified. The Plan Commission would also verify the Special use fits into the LRMP

3) text amendments

Claire Wilson <[REDACTED]>

Regarding text amendments, we have the ability to thoroughly analyze the proposed wording and how this could unfairly negatively impact or positively impact legal pre-existing uses. In a recently proposed text amendment, we clearly saw how the changes could have caused significant negative and unfair economic harm to existing businesses. The wording of that proposal as presented to us was quite disturbing to say the least.

Roger Bledsoe <[REDACTED]>
TEXT AMMENDMENTS

To assure such amendments enhances and does not degrade or nullify the intent of the text in question.

Angela Zubko <[REDACTED]>

Most amendments modify language that the Plan Commission is checking during Rezoning, Special Uses, etc. From personal experience the Plan Commission typically gives the most input on text amendments and verifies they are 'practical' to uphold and enforceable.

4) KCRPC over all benfite to Land Use In county

Richard Wormley

The feedback I have received from several board members is that our review of these matters saves them time and gives a different perspective on pending issues.

Taking all the above into consideration the plan Commission makes a recommendation to the PBZ committee **not** to remove the proposed review by the KCRPC of map amendments, special use permits, major SU amendments and text amendments.

sincerely,

Larry Nelson
Secretary Kendall County Regional Planning Commission

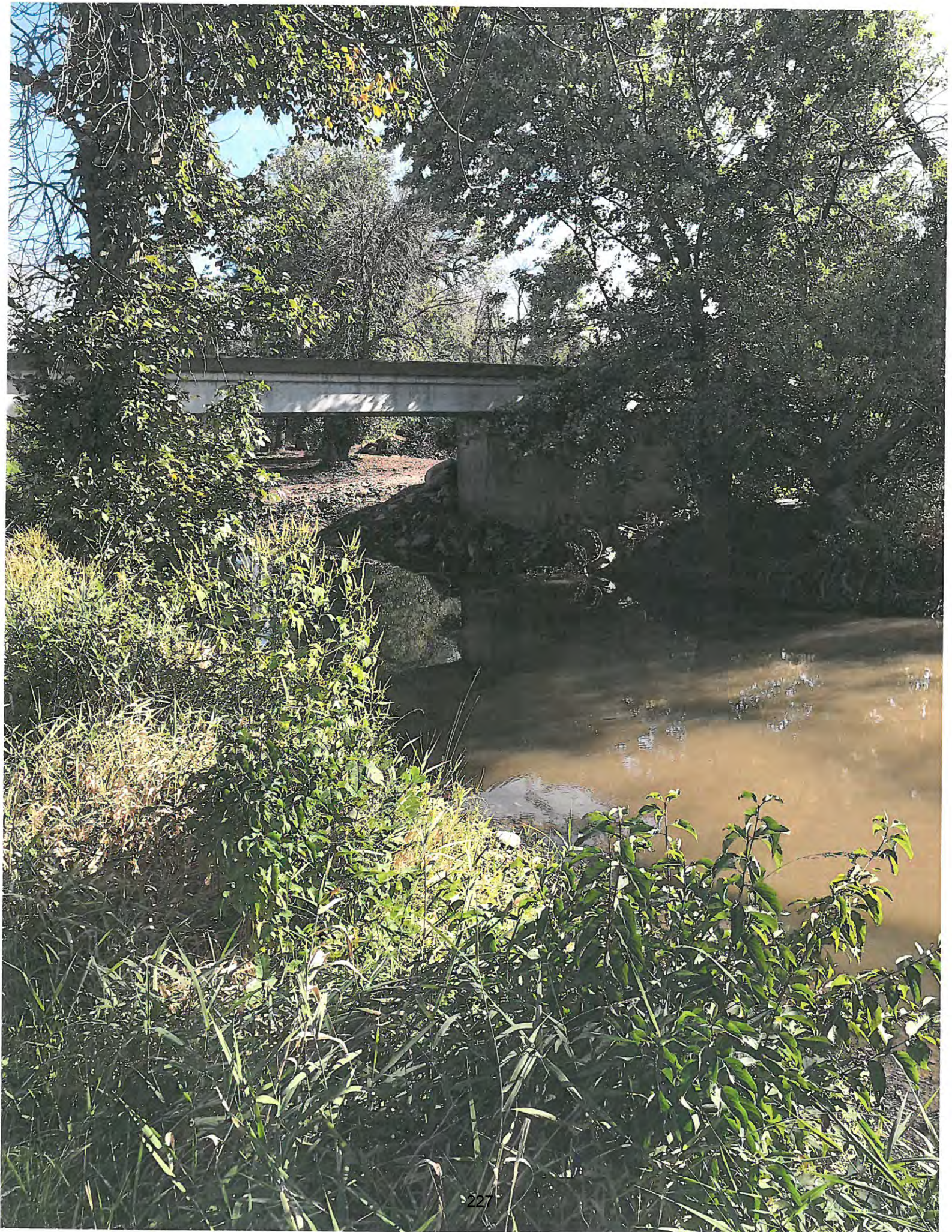
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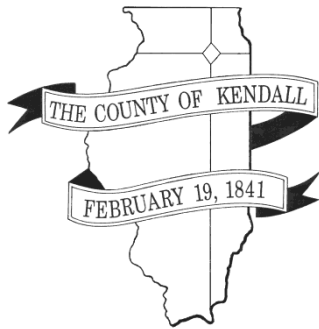












DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Planning, Building & Zoning Committee

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: August 30, 2018

Re: Update on 21 Dawn Avenue

At the August Planning, Building and Zoning Committee, the Committee requested a letter from the owner stating that field tile were not damage during the course of work at 21 Dawn Avenue. A copy of that letter is attached.

The owner submitted a check for a building permit at the property; the check was never deposited. The check was returned to the owner when the building permit application was voided.

If you have any questions, please let me know.

MHA

ENC: August 21, 2018 Letter Regarding 21 Dawn Avenue

August 21, 2018

Attn: Brian Holdiman
Kendall County Planning, Building & Zoning
111 West Fox Street
Room 203
Yorkville, IL 60560

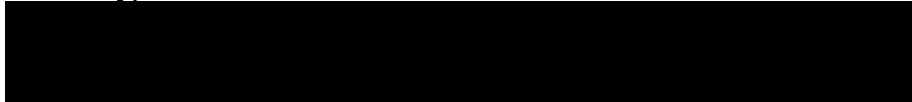
Re: 21 Dawn Avenue

Mr. Holdiman:

This is to inform the Planning, Building and Zoning Committee of the Kendall County Board that we have restored the lot on 21 Dawn Avenue. The excavation that began ceased after learning that the ground was not suitable to build a home on. The hole that was dug in the process has been filled. The tiles that were there have been filled with concrete and were free of any water.

Please let us know if there are any more questions you may have.

Sincerely,

A large black rectangular redaction box covering the signature area.

Luis Baltierrez & Emma Urbina

Matt Asselmeier

From: Brian Holdiman
Sent: Monday, August 06, 2018 4:07 PM
To: Matt Asselmeier
Cc: Scott Koeppel
Subject: FW: Dangerous conditions, Damaged Drain Tile & Erosion

Matt,

Scott received the emails below from a homeowner near 21 Dawn Ave Plano. Please share these emails with the PBZ committee on August 13th unless it is too late to make the agenda. Here is a recap of events leading to this point:

- Building Permit 01-2017-133 was issued for a new home at 21 Dawn Avenue
- After site was excavated and prior to footing inspection contractor requested meeting on site to discuss soil conditions. I determined a soil report from an engineer would be required due to poor soil conditions.
- The owner sent me letter requesting the permit be refunded as they would not be able to afford to build on this lot based upon soil conditions and costly recommendations of engineers.
- Building Permit 01-2017-133 was voided.
- Several requests were made to the owner to restore the lot to its original condition but due to winter weather and then a wet spring he was unable to bring equipment to the site until recently.
- I will provide photos of the lot in its current state as soon as possible. If the photos show the excavation site filled I do not feel this is a County issue any longer.

Respectfully,

Brian Holdiman

Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179

From: Scott Koeppel
Sent: Monday, August 06, 2018 8:04 AM
To: Brian Holdiman
Subject: FW: Dangerous conditions, Damaged Drain Tile & Erosion

From: Zach [REDACTED]
Sent: Saturday, August 4, 2018 4:01 PM
To: KCAdmin <KCAdmin@co.kendall.il.us>
Subject: Fwd: Dangerous conditions, Damaged Drain Tile & Erosion

Scott-

Following up on this site, the owner had his boss come out with a skid steer and push in all the dirt and fill the hole. (Matt Christensen w/ midwestern concrete). Unfortunately they did not repair any of the 3 broken drain tiles. The neighbor to my west said the broken drain tile on the south side of the road now doesn't have any water running through it. You can see it at the south invert of the road culvert. Which confirms they just filled it in with out repairing the damaged tiles. The drain tile owner (Wykes Farm) came by and was pretty upset they didn't replace the damaged tiles.

Besides this, they didn't restore the site back to the existing condition they found it in. It's still a fish bowl that will hold water. It never held water before they started. Work completed today 8/4/18

Sorry for my language but they half assed the repair, still 2' drop off ledges. It should have been filled in and graded to provide positive flow.

It is unfortunate that the county let this future homeowner down and allowed him to try and build in this waterway. Wasting so much money.

Please contact the owner and have the drain tiles repaired before future issues arise. It's sad that this has to be said, but if the county was more involved then these issues wouldn't have even come up.

As the guy was filling in the hole, it amazes me to see our small community we have out here all come together and we're discussing it. There are a dozen of us that have been upset how this owner keeps doing what he wants with out any repercussions.

I'll be out of town for the next week Incase you try reaching out to me.

Thanks - Zach Stevens
[REDACTED]

Sent from my iPhone

Begin forwarded message:

From: zachary stevens [REDACTED]
Date: July 3, 2018 at 11:04:57 AM CDT
To: "kcadmin@co.kendall.il.us" <kcadmin@co.kendall.il.us>
Subject: Dangerous conditions, Damaged Drain Tile & Erosion

To whom it concerns –

I have a vacant lot in my subdivision that the owner has done some work that has caused additional flooding to our area. Address of this property is 21 Dawn Ave – Plano. I unfortunately have contacted Kendall County B & Z a few times now and they stated they didn't have a permit for the work. They have also stated that nothing can be done about the current dangerous state the lot was left in. Not sure how this is possible but...

The current lot was excavated for a basement and the spoil piles have since been eroding. We have several children in this neighborhood and having a deep hole isn't safe. (deep hole is also now one large, deep pond & breeding ground for Mosquitoes and all the diseases that come with that) I have had several neighbors ask me about this. Excavation Stopped - September 2017.

I am assuming the excavation has been halted due to finding a field drain tile right through where they were excavating for the home. (Also just found out that the soils are unsuitable for a building) . The drain tile was damaged and has caused excessive flooding to the lot and to the properties downstream. My neighbor has had an issue with this same field tile previously as he believes it is collapsed down stream from him. It shoots out of the ground like a geyser every large rain fall. He is located at 850 Vilmin Rd – Plano. This same neighbor is unable to use the majority of his property because it is always saturated with water & mosquitoes.

Since the drain tile was damaged at 21 Dawn, it has caused twice as much overland flooding to the area. The site location is a natural floodway from the farm fields to the North.

The IEPA requires all construction sites to have silt fence to prevent erosion, it also states that all disturbed areas shall be seeded within 14 days of completion of excavation. Soil stockpiles also need to

be silt fenced and stabilized with temporary seed. Additional soil preventive measures may apply as well since the site is a natural overland floodway route for the farm fields.
This site hasn't complied with any of these requirements.

I work for a local engineering firm and know that what they did was wrong in so many ways. Kendall County B&Z normally enforces penalties to individuals who do work without permits, which makes me wonder why they are turning a blind eye to this site? I am starting to get really fed up and especially now that the Mosquitoes are becoming unbearable due to this huge breeding ground. My kids can't even play outside nor simple walk to the car without getting eaten alive by mosquitoes. A mosquito presence is normal but they are insanely bad and we feel its because of this large swamp area.

The neighbors and I would like for the Owner to fix the damaged drain tile that he caused and backfill in the hole since he won't be building a home anymore.

I am all for having new neighbors, but people need to follow the rules with constructing a house.

I have attached pictures of the site and damaged drain tile for your use. This pictures were taken directly after it was excavated in 2017

The lot slopes to the rear. The initial drop in basement hole is 6-7'.

Concerned Homeowner / Parent,

Zach Stevens



<IMG_9706.jpg>

<IMG_9493.JPG>

<IMG_9494.JPG>

<IMG_9706.jpg>

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Tuesday, April 17, 2018

To:

MATT ASSELMEIER, SENIOR PLANNER – Kendall County

BRIAN HOLDIMAN, CODE OFFICIAL – Kendall County

Scott Gryder – Kendall County

SCOTT KOEPEL, COUNTY ADMINISTRATOR – Kendall County

Tom Karpus - Building, Planning and Zoning Director – Plano

Robert (Bob) Hausler – Mayor – Plano IL

Mr. Dwayne (Butch) Konicek – State of Illinois – Soil Conservation

Illinois OSHA

Re: Property 21 Dawn Ave Plano IL.

I am formally bringing to your attention and placing you on notice, a matter regarding the property at 21 Dawn Ave Plano, IL 60545

Facts as we know them;

1. Excavation of the home site for foundation footers was on September 18th and 19th 2017.
2. There was no permit for the excavator to dig.
 - a. Issue – illegal construction site
3. During the excavation, the operator damaged a drain tile.
4. The sites soil was tested and deemed unstable and was determined that the foundation would need caissons.
5. There was not and has never been any “no trespassing” signs.
 - a. Issue – Kendall county code
6. There was not and has never been any permit posted
 - a. Issue – Kendall county code
7. The site has never been fenced off (OSHA for a drop off - 1926.501(b)(4)(ii))
8. This site has been abandoned by the owner.

Issues;

1. The drain tile is damaged resulting in improper drainage from the north corn field.
2. The damaged drain tile has resulted in the dig site flooding and has standing water.
 - a. The standing water is a breeding ground for mosquitos which carry a host of diseases
3. The uncovered excavation has remained open since September 2017 (7 months)
 - a. This opening has resulted in a fall and drowning risk as there are young children in the area.
4. The uncovered excavation is an eyesore for the community

5. Liability for the state and county.

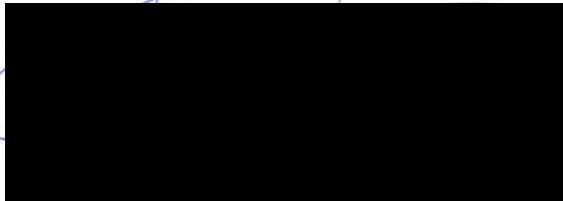
Requested resolution;

1. Post the site No Trespassing
2. Repair the damaged drain tile properly.
3. Fill the open hole and grade appropriately.

I look forward to your resolution in this matter without further action on our part.

Sincerely,

Chris K Sherman Sr.



Cc. Personal attorney

CC. File

Matt Asselmeier

From: Brian Holdiman
Sent: Monday, April 23, 2018 9:19 AM
To: 'Emma Urbina'
Cc: Matt Asselmeier; Pam Herber; Scott Koeppel
Subject: 21 Dawn Avenue

Good Morning Emma,

I spoke with Luis last week and he indicated you are going to be applying for building permit and constructing your new home in Plano soon. Congratulations! When Luis and I spoke I asked him about restoring the lot at 21 Dawn Ave to its original condition and he indicated he planned to do that soon. Our office and the Kendall County board has received some complaints about the dangerous condition of the open excavation on your property. The Planning, Building and Zoning Committee is going to discuss the complaint received at their meeting on May 7th. Would you mind responding to this email confirming you plan to restore the lot and include a timeline? Any questions please let me know.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

Matt Asselmeier

From: Brian Holdiman
Sent: Tuesday, May 08, 2018 7:45 AM
To: 'Emma Urbina'
Cc: Scott Koeppel; Pam Herber; Matt Asselmeier
Subject: RE: 21 Dawn Avenue

Thanks -

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Emma Urbina [REDACTED]
Sent: Monday, May 07, 2018 7:26 PM
To: Brian Holdiman
Cc: Scott Koeppel; Pam Herber; Matt Asselmeier
Subject: Re: 21 Dawn Avenue

Brian-

Looks like there is a delay in Jon's Excavating to push back the dirt since there is water inside the hole. We are trying to get someone to pump the water today so Jon can push it back tomorrow. We will keep you posted.

Sent from Yahoo Mail for iPhone

On Wednesday, April 25, 2018, 8:19 AM, Brian Holdiman <BHoldiman@co.kendall.il.us> wrote:

Emma,

In this situation, the lot would probably only have value to an adjacent property owner or someone that is willing to engineer a design to address the poor soils. The assessment has been lowered from \$10,458 to \$1,000 in 2017.

The acceptance of the land is a County Board decision, but the chances are extremely unlikely because then the County would have to maintain the property and they have not done this in the past.

Please let me know about the lot restoration so we can move forward with resolving that issue. Thanks.

Matt Asselmeier

From: Brian Holdiman
Sent: Wednesday, April 25, 2018 8:20 AM
To: 'Emma Urbina'
Cc: Scott Koepfel; Pam Herber; Matt Asselmeier
Subject: RE: 21 Dawn Avenue

Emma,

In this situation, the lot would probably only have value to an adjacent property owner or someone that is willing to engineer a design to address the poor soils. The assessment has been lowered from \$10,458 to \$1,000 in 2017.

The acceptance of the land is a County Board decision, but the chances are extremely unlikely because then the County would have to maintain the property and they have not done this in the past.

Please let me know about the lot restoration so we can move forward with resolving that issue. Thanks.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Emma Urbina [mailto: [REDACTED]]
Sent: Monday, April 23, 2018 10:06 AM
To: Brian Holdiman
Subject: Re: 21 Dawn Avenue

I will make sure to see how soon it can all be restored. As for the lot, is there someone we can talk to as far as signing the property over to the city/county? We have never gone through something like this so we are exploring all options as far as getting rid of the property. We do not wish to continue to pay property taxes on land we cannot build on and I doubt anyone would purchase the land if we put it back on the market.

Emma

On Monday, April 23, 2018, 9:19 AM, Brian Holdiman <BHoldiman@co.kendall.il.us> wrote:

Good Morning Emma,

I spoke with Luis last week and he indicated you are going to be applying for building permit and constructing your new home in Plano soon. Congratulations! When Luis and I spoke I asked him about restoring the lot at 21 Dawn Ave to its original condition and he indicated he planned to do that soon. Our office and the Kendall County board has received some complaints about the dangerous condition of the open excavation on your property. The Planning, Building and Zoning Committee is going to discuss the complaint received at their meeting on May 7th.

Would you mind responding to this email confirming you plan to restore the lat and include a timeline? Any questions please let me know.

Respectfully,

Brian Holdiman

Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560

Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179

Matt Asselmeier

From: Brian Holdiman
Sent: Monday, April 23, 2018 10:33 AM
To: Matt Asselmeier; Pam Herber; Scott Koeppel
Subject: FW: 21 Dawn Avenue

FYI - Response from Andy below.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Andy Nicoletti
Sent: Monday, April 23, 2018 10:32 AM
To: Brian Holdiman
Subject: RE: 21 Dawn Avenue

Hi Brian,

In this situation, the lot would only have value to an adjacent property owner. Marie lowered the assessment from \$10,458 to \$1,000 in 2017.

Andy Nicoletti, CIAO/M

Chief County Assessment Official
Kendall County
111 W. Fox St.
Yorkville, IL 60560
630-553-4146

From: Brian Holdiman
Sent: Monday, April 23, 2018 10:22 AM
To: Andy Nicoletti
Subject: FW: 21 Dawn Avenue

Andy – Do you have any insight on this?

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Scott Koeppel
Sent: Monday, April 23, 2018 10:21 AM
To: Matt Asselmeier; Brian Holdiman; Pam Herber
Subject: RE: 21 Dawn Avenue

Maybe Andy has come insight? If you cannot build on the property I would assume the value would go down.

Scott Koeppel

From: Matt Asselmeier

Sent: Monday, April 23, 2018 10:19 AM

To: Brian Holdiman <BHoldiman@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Pam Herber <pherber@co.kendall.il.us>

Subject: RE: 21 Dawn Avenue

The acceptance of the land is a County Board decision; I don't know if Kendall County historically accepts property in this fashion.

She could ask, but I think the chances are unlikely because then the County would have to maintain the property.

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Brian Holdiman

Sent: Monday, April 23, 2018 10:13 AM

To: Scott Koeppel; Matt Asselmeier; Pam Herber

Subject: FW: 21 Dawn Avenue

Good Morning,

Does anyone have any suggestions on how to respond to Emma Urbina below?

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Emma Urbina [mailto:████████████████████]

Sent: Monday, April 23, 2018 10:06 AM

To: Brian Holdiman

Subject: Re: 21 Dawn Avenue

I will make sure to see how soon it can all be restored. As for the lot, is there someone we can talk to as far as signing the property over to the city/county? We have never gone through something like this so we are exploring all options as far as getting rid of the property. We do not wish to continue to pay property taxes on land we cannot build on and I doubt anyone would purchase the land if we put it back on the market.

Emma

On Monday, April 23, 2018, 9:19 AM, Brian Holdiman <BHoldiman@co.kendall.il.us> wrote:

Good Morning Emma,

I spoke with Luis last week and he indicated you are going to be applying for building permit and constructing your new home in Plano soon. Congratulations! When Luis and I spoke I asked him about restoring the lot at 21 Dawn Ave to its original condition and he indicated he planned to do that soon. Our office and the Kendall County board has received some complaints about the dangerous condition of the open excavation on your property. The Planning, Building and Zoning Committee is going to discuss the complaint received at their meeting on May 7th. Would you mind responding to this email confirming you plan to restore the lot and include a timeline? Any questions please let me know.

Respectfully,

Brian Holdiman

Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560

Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179

Matt Asselmeier

From: Brian Holdiman
Sent: Tuesday, June 05, 2018 12:42 PM
To: Matt Asselmeier; Scott Koeppel
Subject: FW: Videos from Luis Baltierrez
Attachments: IMG_6800.mov; IMG_6791.mov

This is impeding 21 Dawn Lane from restoring his lot. The farm field along his North property line is draining into his lot.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Emma Urbina [redacted]
Sent: Tuesday, June 05, 2018 10:52 AM
To: Brian Holdiman
Subject: Videos from Luis Baltierrez

Sent from Yahoo Mail for iPhone

Matt Asselmeier

From: Brian Holdiman
Sent: Friday, June 01, 2018 8:00 AM
To: 'Emma Urbina'
Cc: Matt Asselmeier; Scott Koeppel
Subject: 21 Dawn Ave

Good Morning Emma,

Thank you for having Luis call me last week with an update on the restoration of the lot at 21 Dawn Ave. I was checking in this week to see if any progress had been made. Please let me know.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning - 111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

Matt Asselmeier

From: Brian Holdiman
Sent: Thursday, May 31, 2018 2:52 PM
To: Matt Asselmeier
Subject: RE: 21 Dawn Ave

I will inspect and let you know.

Respectfully,

Brian Holdiman

*Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

From: Matt Asselmeier
Sent: Thursday, May 31, 2018 2:38 PM
To: Brian Holdiman
Subject: RE: 21 Dawn Ave

Any update on 21 Dawn Avenue?

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Brian Holdiman
Sent: Tuesday, May 22, 2018 1:42 PM
To: Matt Asselmeier; Scott Koeppel
Subject: 21 Dawn Ave

Good Afternoon,

The owner of 21 Dawn Ave called me today and the foundation restoration has not been restored. The wet weather has prevented this from happening. He plans to pump the water this week and try to get it restored next week.

Respectfully,

Brian Holdiman

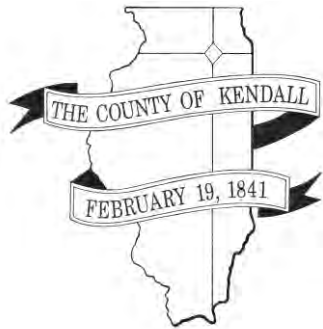
*Code Official - The County of Kendall - Planning, Building & Zoning -111 West Fox Street room 203 Yorkville IL 60560
Office: (630) 553-4134 Cell: (630) 774-1161 Fax: (630) 553-4179*

2018 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
V18-001	Bliek/Derevanko	01-34-300-008	14824 Millhurst Rd		Storage Containers	12/12/2017	10/1/2018			
V18-002	Romero/Rios	03-05-229-002	20 Fernwood	Boulder Hill	Pool w/o fencing & Junk and Debris	12/12/2017	4/1/2018			5/2/2018
V18-003	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Junk & Debris on Trailer	12/19/2017				3/1/2018
V18-004	Hutchings	03-04-380-002	20 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	12/19/2017	5/1/2018			4/26/2018
V18-005	Hornbaker	03-04-377-018	31 Saugatuck Rd	Boulder Hill	Prohibited Parking	12/19/2017				1/15/2018
V18-006	Gonzalez	03-09-152-019	14 Ridgefield	Boulder Hill	Inoperable Vehicle	1/25/2018	5/7/2018			5/21/2018
V18-007	Rod	08-02-300-008	7775 Plattville Rd		Sunroom built w/o Permit	2/1/2018				2/8/2018
V18-008	Jordan	03-04-480-011	130 Saugatuck Rd	Boulder Hill	Prohibited Parking - Boat in yard	2/8/2018				3/7/2018
V18-009	Petersen	03-04-454-015	63 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	2/8/2018	4/16/2018			4/13/2018
V18-010	Hafenrichter	03-03-352-003	138 Saugatuck Rd	Boulder Hill	Prohibited Parking - Rec. Vehicle	2/8/2018	5/11/2018			2/13/2018
V18-011	Ring	06-02-177-007	1551 Cherry Rd	Oswego Plains	Landscaping Bus in R3 Zoning	2/15/2018		Matt		
V18-012	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	3/1/2018	3/16/2018			3/16/2018
V18-013	Straudacher Fam Tr	02-21-200-014	9155 Kennedy Rd		Stormwater Violation	3/8/2018				3/28/2018
V18-014	Lakewest Builders	04-16-378-003	15749 Sumner Ct	Est. of Millbrook	Stormwater Violation	2/20/2018		Matt		5/30/2018
V18-015	Schleining	02-06-300-010/009	790 Eldamain Rd		Fence Violation	3/19/2018	4/18/2018		8/17/2018	5/4/2018
V18-016	Cusimano, Kesseling	02-34-151-003	90 Quinsey Rd	Nelson Quinsey	Junk & Debris	3/26/2018	4/27/2018			6/19/2018
V18-017	Hart	03-09-155-012	7 Circle Ct	Boulder Hill	Inoperable Vehicle & Junk & Debris	3/27/2018	5/31/2018			4/26/2018
V18-018	Old 2nd Natl Bank	02-34-151-005	82 Quinsey	Nelson Quinsey	Shed falling down/Junk & Debris	3/27/2018	4/34/18			6/19/2018
V18-019	Schanz	03-04-454-017	67 Saugatuck	Boulder Hill	Prohibited Parking of Truck	3/27/2018	5/31/2018			5/2/2018
V18-020	Biever	03-09-102-003	204 Boulder Hill Pass	Boulder Hill	Prohibited Parking of Trailer	3/27/2018				4/26/2018
V18-021	Beyer	03-09-108-007	140 Circle Dr E	Boulder Hill	Prohibited parking of Trailer	3/27/2018	5/1/2018			
V18-022	VOID									
V18-023	Ybarra	03-05-276-021	29 Aldon Rd	Boulder Hill	Junk & Debris/ Inoperable Vehicle	3/29/2018	5/31/2018		7/17/2018	
V18-024	Douglas	03-05-430-025	54 S. Bereman	Boulder Hill	Junk & Debris	4/11/2018	5/25/2018			7/18/2018
V18-025	Alkhazraji	03-09-104-002	212 Boulder Hill Pass	Boulder Hill	Inoperable Vehicle	4/13/2018	4/27/2018			5/2/2018
V18-026	Perez	03-09-103-002	22 Cayman Dr	Boulder Hill	Prohibited parking - Trailer	4/13/2018	5/13/2018			5/10/2018
V18-027	Min	03-04-479-015	69 Eastfield Rd	Boulder Hill	Illegal Pkg on non approved surface	4/23/2018	5/7/2018			5/27/2018
V18-028	Bautista	03-04-476-032	75 Springdale Rd	Boulder Hill	Illegal Pkg on non approved surface	4/23/2018	5/31/2018			6/19/2018
V18-029	Fehnie	03-04-477-037	78 Springdale Rd	Boulder Hill	Illegal Pkg on non approved surface	4/23/2018	5/7/2018			5/21/2018
V18-030	Wargo	03-04-477-038	80 Springdale Rd	Boulder Hill	Illegal Pkg on non approved surface/ Junk & Debris	4/23/2018	5/30/2018			6/19/2018
V18-031	VOID									
V18-032	Shachray	03-04-477-019	81 Paddock St	Boulder Hill	Illegal Pkg on non approved surface	4/24/2018	9/1/2018			
V18-033	Muniz	09-18-300-016	Brisbin Rd		Landscaping Bus IN A1/ Junk & Debris	4/30/2018	8/27/2018			
V18-034	Bravo	03-08-227-032	15 Old Post Rd	Boulder Hill	Prohibited parking on grass	5/3/2018	5/17/2018			5/21/2018
V18-035	Marmolejo	03-08-253-007	10 Ashawn	Boulder Hill	Prohibited parking of trailer	5/3/2018	5/17/2018			5/21/2018
V18-036	Guddendorf	03-04-303-010	2 Marne Rd	Boulder Hill	Inoperable Vehicle	5/3/2018	5/17/2018			5/21/2018
V18-037	Baustian	05-03-200-005	8510 Hilltop		Junk & Debris	5/4/2018	5/18/2018			5/24/2018
V18-038	Higgins		7686 Audrey Dr	FOFC	Prohibited Parking of Trailer(s)	5/4/2018	5/18/2018			7/18/2018
V18-039	Cargie	09-13-300-002	920 Route 52		Accessory Bldg Built w/o Permit	5/4/2018	5/18/2018			6/5/2018
V18-040	APAF, LLC	03-04-427-017	159 Heathgate Rd	Boulder Hill	Junk & Debris/ Illegal Boat Parking	5/23/2018	6/6/2018			6/19/2018
V18-041	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Prohibited parking of RV	5/31/2018	6/15/2018			6/19/2018
V18-042	Sutphin	03-09-105-004	118 Circle Dr. East	Boulder Hill	Inoperable Vehicle	5/31/2018	6/15/2018			6/19/2018
V18-043	Amworz	03-09-155-021	303 Boulder Hill Pass	Boulder Hill	Inoperable Vehicle	5/31/2018	6/15/2018			6/19/2018
V18-044	Amstadt	02-35-380-001	7796 Madeline Dr	FOFC	Prohibited Parking of RV	5/31/2018	6/18/2018			6/19/2018
V18-045	Chicago Title Land	02-35-381-008	5896 Fields Dr	FOFC	Illegal Boat parking	6/5/2018	6/19/2018			6/19/2018
V18-046	Wolgast	02-13-479-003	19 Center Dr	Riverview Hts	Multiple Violations	6/14/2018	8/3/2018			
V18-047	US Bank Trust NN Assn	03-08-303-006	107 Dolores St	Boulder Hill	Junk & Debris	6/14/2018	6/28/2018			7/5/2018

2018 VIOLATIONS

V18-048	Greenslade	03-09-152-021	18 Ridgefield Rd	Boulder Hill	Prohibited RV Parking	6/26/2018	7/29/2018			8/1/2018
V18-049	Hornbaker	03-04-377-018	31 Saugatuck Rd	Boulder Hill	Prohibited Boat Parking	6/26/2018	10/1/2018			
V18-050	Smith	03-05-404-026	152 Boulder Hill Pass	Boulder Hill	Multiple Violations	6/26/2018	8/13/2018			8/15/2018
V18-051	Stone	05-07-101-004	10 Hillview Ct	Pavillion Hts	Inoperable Vehicle	7/5/2018	7/19/2018			8/1/2018
V18-052	Sullivan	05-07-101-002	20 Hillview Ct	Pavillion Hts	Illegal Discharge of Sump	7/5/2018	7/19/2018			7/10/2018
V18-053	Gates	02-27-151-008	4401 Tuna Rd	Kenny	Junk & Debris	7/9/2018	7/23/2018			7/25/2018
V18-054	Velaquez	01-20-352-018	84 Woodland Dr	Sugarbrook	Stormwater Violation	7/10/2018	9/15/2018			
V18-055	Elliott	04-16-128-001	8055 Whitfield Rd	Vil of Millbrook	Burning of Landscaping Bus. Debris	7/10/2018	7/24/2018		Matt	
V18-056	Vasquez	03-05-278-028	1 Knollwood Dr	Boulder Hill	Camper not on approved surface	7/11/2018	9/18/2018			
V18-057	Keivanfar	03-08-153-031	2500 Light Rd #105	Deer Run Condos	No Permit - Remodeling	7/13/2018	9/4/2018			
V18-058	Johnson	03-04-354-006	68 Hampton Rd	Boulder Hill	Chickens not allowed in R-6	7/17/2018	7/31/2018			8/1/2018
V18-059	Stradal	03-04-380-008	32 Saugatuck Rd	Boulder Hill	Prohibited Boat Parking	7/17/2018	7/31/2018			7/31/2018
V18-060	Zack	03-05-476-020	15 Codorus Rd	Boulder Hill	Prohibited Boat Parking (2)	7/18/2018	9/17/2018			
V18-061	Gonzalez	03-09-152-019	14 Ridgefield	Boulder Hill	Prohibited trailer parking	7/18/2018	8/13/2018			8/15/2018
V18-062	Quinn	02-35-413-019	5805 Audrey Ave	FOFC	Prohibited trailer parking	7/18/2018	8/1/2018			8/1/2018
V18-063	Montano	03-15-251-002	2450 Wolf Rd		Landscape Business w/o Zoning	7/18/2018	8/1/2018			8/2/2018
V18-064	Decker	03-09-108-005	136 Circle Dr E	Boulder Hill	Prohibited Parking	7/26/2018	9/3/2018			8/22/2018
V18-065	Machado	03-04-329-012	31 Whitney Way	Boulder Hill	Multiple Violations	7/26/2018	8/9/2018			
V18-066	Nunez	02-24-300-003	6725 Route 71		Business w/o Proper Zoning	7/30/2018	8/13/2018		Matt	
V18-067	Otto	03-04-151-007	56 Fernwood Rd	Boulder Hill	Prohibited parking on grass	7/31/2018	8/14/2018			8/22/2018
V18-068	Butz	03-04-305-023	16 Wyndham Dr	Boulder Hill	Junk & Debris	8/1/2018	9/9/2018			
V18-069	Nanninga	03-03-351-009	135 Saugatuck	Boulder Hill	Inoperable Vehicle	8/14/2018	9/9/2018			
V18-070	Elpers	01-29-151-008	4350 Sandy Bluff Rd		Pool&Pool House built w/o Permit	8/14/2018	8/28/2018			8/28/2018
V18-071	Perez	03-09-103-002	22 Cayman Dr	Boulder Hill	Pool w/o Permit	8/23/2018	9/6/2018			
V18-072	Coonley	03-04-428-001	162 Heathgate Rd	Boulder Hill	Multiple Violations	8/23/2018	9/6/2018			
V18-073	Bozarth	03-04-478-031	72 Eastfield Rd	Boulder Hill	Prohibited RV Parking	8/28/2018	9/11/2018			
V18-074	Greenslade	03-09-152-021	18 Ridgefield Rd	Boulder Hill	Prohibited Boat Parking	8/28/2018	9/11/2018			



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

August 31, 2018

Timothy and Geraldine Moran



RE: Inoperable Vehicle at 93 Longbeach Road (03-04-476-010)

At their meeting on March 12, 2018, the Kendall Planning, Building and Zoning Committee voted to grant you six (6) months to remove the inoperable vehicles at the subject property.

Please be advised that, if the subject vehicles are not removed by **September 13, 2018**, the Kendall County Planning, Building and Zoning Department shall forward this case to the Kendall County State's Attorney's Office.

If you have any questions, feel free to contact me at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner

CC: File

Eric Weis
State's Attorney



Office of the
State's Attorney
Kendall County, Illinois

Kendall County Courthouse
807 W. John St.
Yorkville, IL 60560

Main: (630) 553-4157
Fax: (630) 553-4204

August 17, 2018

VIA U.S. MAIL

Joshua & Tammi Schleining
790 Eldamain Road
Plano, IL 60545

RE: Ordinance Violations: Failure to enclose storage with solid walls or fences at least eight feet in high, but in no case lower in height than the enclose storage, and failure to suitably landscape the same.
Parcel No.: 02-06-300-010 and 02-06-300-009

Dear Mr. and Mrs. Schleining:

On April 19, 2018, and June 25, 2018, the Kendall County Planning, Building & Zoning Department ("PBZ") notified you that your property located at the above-identified address, is currently in violation of the Kendall County Zoning Ordinance ("Ordinance"). Specifically, the letters explained that your property violates Section 10.01(A)(2), which requires the following:

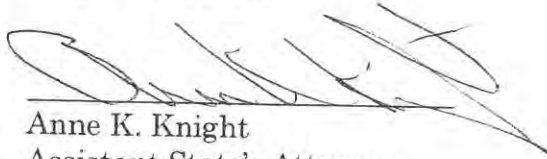
All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped.

Because you have not yet corrected this violation, the Planning, Building & Zoning Department requested the Kendall County State's Attorney's Office prosecute you for the violation. Before commencing Court proceedings, we are giving you thirty (30) days from the date of this letter to correct the violation.

The Planning, Building & Zoning Department will conduct a site visit after thirty (30) days to confirm compliance. If the violation has not been corrected prior to September 16, 2018, we will begin legal proceedings against you.

Should you have any questions regarding this matter and how to comply, please contact Matt Asselmeier at the Planning, Building & Zoning Department at (630) 553-4141.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Anne K. Knight', written over a horizontal line.

Anne K. Knight
Assistant State's Attorney
Kendall County, Illinois

cc: Matt Asselmeier, Planning, Building & Zoning Department
Kelly A. Helland, 1107A South Bridge Street, Yorkville IL 60560

Kendall County Planning, Building and Zoning**Request For Compliance****Violation #****18015****REQUEST DATE: 03/19/2018****Parcel #****02-06-300-010****PROPERTY INFORMATION**790 ELDAMAIN RD
PLANO, IL 60545 -**MAILING INFORMATION**SCHLEINING JOSHUA A & LATHAM-SCHLEINING
790 ELDAMAIN RD
PLANO, IL 60545-**VIOLATION DESCRIPTION**ZONING ORDINANCE FENCE VIOLATION
SECTION 10.01.A.2**Date of First Inspection:****3/19/2018****Red Tag Issued? N****First Inspector:****BH****Red Tag Date:****Picture Taken?****N****Complainant:****PBZ****COMMENTS**Matt Asselmeier - Zoning File
Follow up 4/18/18

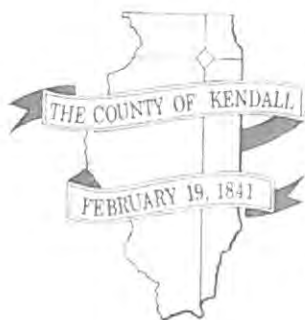
03/22/2018 09:00

03/22/2018 08:59

03/22/2018 08:59

03/22/2018 08:59

03/22/2018 08:59



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

March 19, 2018

Joshua and Tammi Schleining
790 Eldamain Road
Plano, IL 60545

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 790 Eldamain Road, Plano, IL (P.I.N. #s: 02-06-300-010 and 02-06-300-009). It has come to our attention the fence required by Section 10.01.A.2 of the Kendall County Zoning Ordinance has not been installed. This section of the Zoning Ordinance requires:

"All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped."

Please consider this your thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of installing the required fence. Please respond to this letter in writing by the **April 18, 2018** deadline.

Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

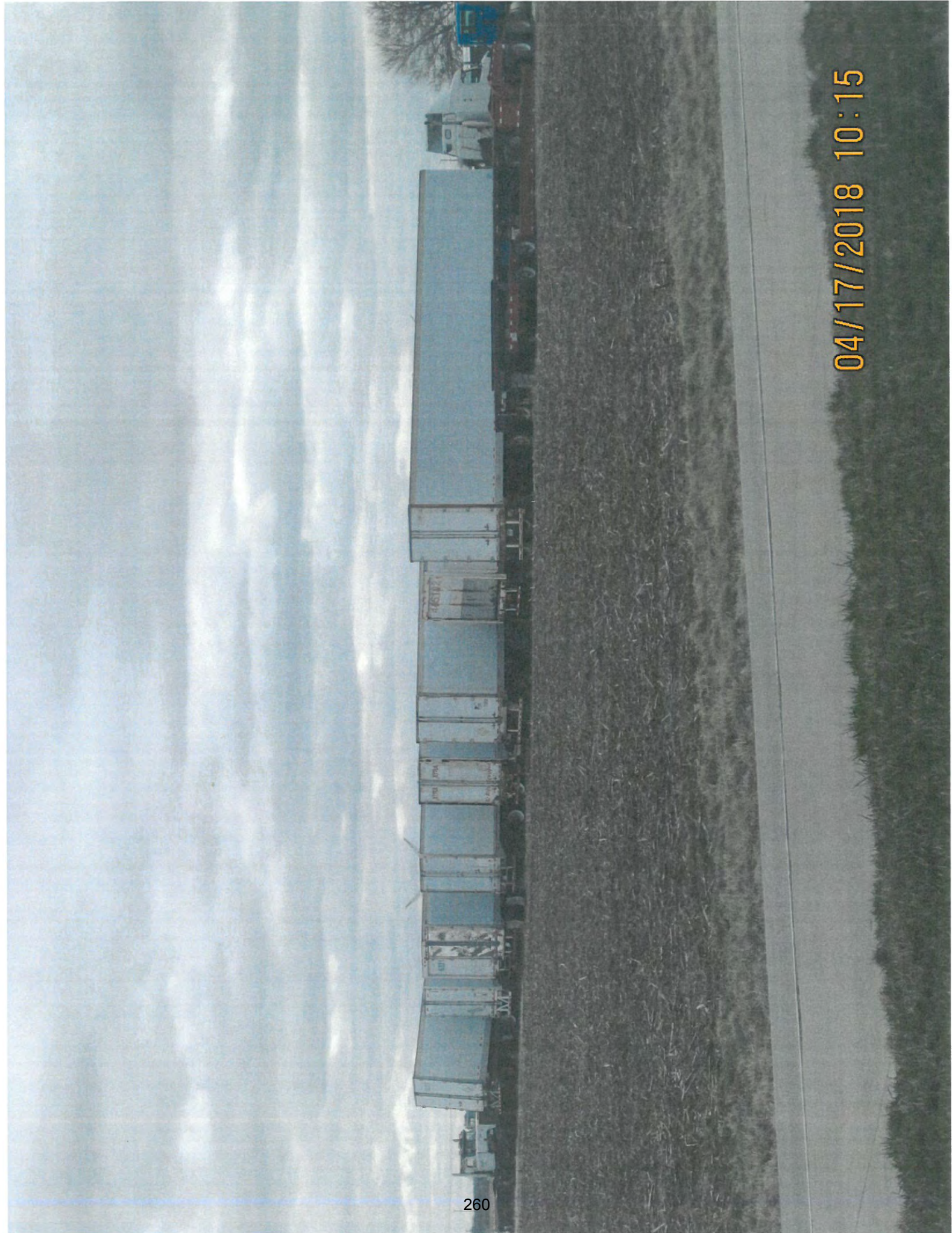
THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

PHONE CALL

FOR	DATE	TIME	A.M. P.M.
M	Phone call w/ Tuson on 4/18 9:39am		
OF	Check 5/18		
PHONE	CELL		
MESSAGE			
SIGNED			

☐ TELEPHONED
☐ RETURNED YOUR CALL
☐ PLEASE CALL
☐ WILL CALL AGAIN
☐ CAME TO SEE YOU
☐ SEE YOU

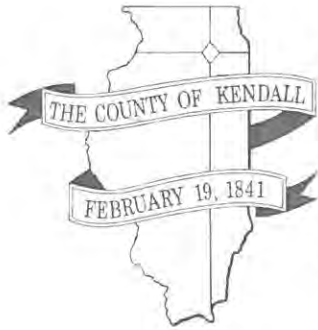


04/17/2018 10:15

04/17/2018 10:15



04/17/2018 10:16



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

April 19, 2018

Joshua and Tammi Schleining
790 Eldamain Road
Plano, IL 60545

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 790 Eldamain Road, Plano, IL (P.I.N. #s: 02-06-300-010 and 02-06-300-009). It has come to our attention the fence required by Section 10.01.A.2 of the Kendall County Zoning Ordinance has not been installed. This section of the Zoning Ordinance requires:

"All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped."

Please consider this your thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of installing the required fence. Please respond to this letter in writing by the **May 21, 2018** deadline.

Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

Matt Asselmeier

From: Matt Asselmeier
Sent: Monday, June 04, 2018 12:06 PM
To: 'Kelly Kramer'
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

Kelly:

Is there an update on this matter?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Kelly Kramer [<mailto:kkramer@dankramerlaw.com>]
Sent: Friday, May 18, 2018 10:53 AM
To: Matt Asselmeier
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

I will check and let you know.

Very truly yours,

Kelly A. Helland,
Attorney at Law
Law Offices of Daniel J. Kramer
1107A South Bridge St.
Yorkville, IL 60560
Phone: 630-553-9500
Fax: 630-553-5764

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From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]
Sent: Friday, May 18, 2018 7:46 AM
To: Kelly Kramer <kkramer@dankramerlaw.com>
Cc: Brian Holdiman <BHoldiman@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Robert Davidson

<rdavidson@co.kendall.il.us>

Subject: Jet's Towing

Kelly:

Do you have an update on the placement of fencing at 790 Eldmain Road?

I spoke with Chris last month and he said they were doing price quotes.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

Matt Asselmeier

From: Matt Asselmeier
Sent: Friday, May 25, 2018 7:57 AM
To: 'Kelly Kramer'
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

Kelly:

Is there an update on this matter?

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Kelly Kramer [<mailto:kkramer@dankramerlaw.com>]
Sent: Friday, May 18, 2018 10:53 AM
To: Matt Asselmeier
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

I will check and let you know.

Very truly yours,

Kelly A. Helland,
Attorney at Law
Law Offices of Daniel J. Kramer
1107A South Bridge St.
Yorkville, IL 60560
Phone: 630-553-9500
Fax: 630-553-5764

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From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]
Sent: Friday, May 18, 2018 7:46 AM
To: Kelly Kramer <kkramer@dankramerlaw.com>
Cc: Brian Holdiman <BHoldiman@co.kendall.il.us>; Scott Koeppel <scoeppel@co.kendall.il.us>; Robert Davidson

Matt Asselmeier

From: Matt Asselmeier
Sent: Friday, May 18, 2018 11:01 AM
To: 'Kelly Kramer'
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Kelly Kramer [<mailto:kkramer@dankramerlaw.com>]
Sent: Friday, May 18, 2018 10:53 AM
To: Matt Asselmeier
Cc: Brian Holdiman; Scott Koeppel; Robert Davidson
Subject: RE: Jet's Towing

I will check and let you know.

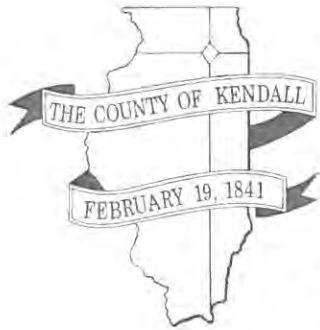
Very truly yours,

Kelly A. Helland,
Attorney at Law
Law Offices of Daniel J. Kramer
1107A South Bridge St.
Yorkville, IL 60560
Phone: 630-553-9500
Fax: 630-553-5764

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From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]
Sent: Friday, May 18, 2018 7:46 AM
To: Kelly Kramer <kkramer@dankramerlaw.com>
Cc: Brian Holdiman <BHoldiman@co.kendall.il.us>; Scott Koeppel <skoeppel@co.kendall.il.us>; Robert Davidson <rdavidson@co.kendall.il.us>
Subject: Jet's Towing

Kelly:



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

VIOLATION

June 25, 2018

Joshua and Tammi Schleining
790 Eldamain Road
Plano, IL 60545

Dear Property Owners,

According to the records of the Kendall County Tax Assessor's Office, you are the owner of property located at 790 Eldamain Road, Plano, IL (P.I.N. #s: 02-06-300-010 and 02-06-300-009). It has come to our attention the fence required by Section 10.01.A.2 of the Kendall County Zoning Ordinance has not been installed. This section of the Zoning Ordinance requires:

"All business, production, servicing and processing shall take place within completely enclosed buildings, unless otherwise specified. Within one hundred and fifty feet of a Residential District, all storage shall be in completely enclosed buildings or structures; and storage located elsewhere in this district may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet high, but in no case lower in height than the enclosed storage; and suitably landscaped."

Please consider this your final thirty (30) day warning to initiate compliance with the Ordinance. Compliance, in this case, consists of installing the required fence. Please respond to this letter in writing by the **July 25, 2018** deadline. **Failure to comply will result in your case being forwarded to the Kendall County Planning, Building and Zoning Committee which may refer your case to the Kendall County State's Attorney's Office.**

Thank you in advance for your cooperation in this matter. If you have any questions, feel free to contact our office at 630-553-4139.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building and Zoning Department

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joshua + Tammie Schleining
790 Eldaman Rd.
Plano, TX 75075

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ Tracy Stenberg ☐ Agent ☐ Address

B. Received by (Printed Name)

Tracy Stenberg C. Date of Delivery 6-27-18

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number

(Transfer from service label)

7006 2760 0003 5866 6172

PS Form 3811, July 2013

Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 1.47
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.45
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.67

6/25/18
Postmark Here

Sent To

Joshua + Tammie Schleining
Street Apt. No.: 790 Eldaman Rd.
or PO Box No.
City, State, ZIP+4
Plano, TX 75075

See Reverse for Instructions

PS Form 3800, August 2006

2279 9985 E000 0922 9002

6/21/18



6/21/18



NON VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	PIN #	Description	Date Inspected	Violation Y/N
12/7/2017	Machado	31 Whitney Way	Boulder Hill	03-04-329-012	Inoperable Vehicles and parked illegally	12/12/2017	N
12/28/2017	Beyer	140 Circle Drive East	Boulder Hill	03-09-108-007	Junk & Debris/Boat in front yard	1/31/2018	N
1/22/2018	Five HLLC	6361 Minkler Rd		05-02-100-002	On Hilltop- Stormwater drainage	2/3 2/21/18	N
1/26/2018	Firstar Bank	1250 Route 34		03-02-400-003	Remodeling without a Permit	1/31/2018	N
1/30/2018	Meyer	64 Fallcreek Circle	Boulder Hill	03-04-284-012	Comed/Electrical box exposed wires	1/31/2018	N
2/7/2018	Ruiz	132 Saugatuck Rd	Boulder Hill	03-03-352-001	Junk & Debris/Landscaping material	2/7/2018	N
2/9/2018	Boulder Hill	21 Boulder Hill Pass	Boulder Hill	03-05-401-003	New Tenants-No Permit application	3/14/2018	N
2/20/2018	Sekulski	19 Anna Maria Ln	Lynwood	02-14-226-005	Conv garage to living space/Addition	2/20/2018	N
3/14/2018	Douglas	54 S. Bereman	Boulder Hill	03-05-430-025	Junk & Debris/Tail Grass & Weeds	3/15/2018	N
3/22/2018	Santiago	9 Circle Ct	Boulder Hill	03-09-155-013	Illegal Parking on Grass/Street	3/26/2018	N
4/9/2018	Tecflio	Van Dyke Rd		09-05-400-018	Buildings/Home - No Permit	4/11/2018	N
4/12/2018	Aulis	8539 E Highpoint Rd		05-18-300-019	Possible Dam constructed	4/11/2018	N
4/18/2018	Bristol Property Holdings, LLC	43 Oak St		02-15-153-002	Poss. Illegal dumping on site	4/19/2018	N
5/11/2018	Bristol Property Holdings, LLC	43 Oak St		02-15-153-002	Site Development - No Permit	6/4/2018	N
5/15/2018	Belius	1549 Jones Rd		09-11-100-003	Poss Occupied Trailers	6/12/2018	N
5/18/2018	Hornbaker, Ed & Nicole	31 Saugatuck Rd	Boulder Hill	03-04-377-018	Illegal Boat parking	5/21/2018	N
5/18/2018	Chicago T&T# 133412	5896 Fields Drive	FOFC	02-35-381-008	Illegal Boat parking	5/31/2018	N
5/18/2018	Quinn	5805 Audrey Ave	FOFC	02-35-413-019	Illegal Boat parking	5/31/2018	N
5/18/2018	Gerry	5651 Audrey Ave	FOFC	02-35-413-006	Illegal RV parking	5/31/2018	N
5/23/2018	Walker/Coronado	9513 Route 47		05-21-300-006	Lambos on property	5/24/2018	N
6/1/2018	Davidson	31 Anchor West	Marina Terrace	03-07-231-007	Easement overgrowth	6/1/2018	N
6/7/2018	Ortiz	63 Old Post Rd	Boulder Hill	03-09-104-009	Possible Home Business	8/17/2018	N
6/11/2018	Ruth H Trust Marz	2080 Simons Rd		03-34-226-002	Possible Trucking Business	6/19/2018	N
6/11/2018	Leiser	2232 Simons Rd		03-34-226-004	Possible Trucking Business	6/19/2018	N
6/18/2018	Wilcoxson	35 Red Hawk Dr	Red Hawk Landing	03-27-427-011	Weeds	6/19/2018	N
6/19/2018	Hide A Way Lakes/Tanner	8045 Van Emmon Rd			Mobile Home Fire	6/27/2018	N
6/20/2018	Tostovarsnik	1394 Route 31	Ricketts	03-08-154-014	Possible drain tile installation	6/26/2018	N
7/11/2018	Quiroz	4080 Van Dyke Rd		09-05-400-018	Poss Occupied Trailer/Junk&Debris	7/12/2018	N
7/17/2018	Utility Dynamics Corporation	23 Commerce Dr		03-07-227-002	Stormwater issue-fill	8/17/2018	N
7/19/2018	Gonzalez	47 E. Larkspur	Willowbrook	02-11-103-006	Chickens in R3 Zoning	8/15/2018	N
7/23/2018	Castro	8433 Immanuel Rd		05-17-100-017	Tires disposed of on property	8/15/2018	N
7/24/2018	Velazquez, Haydee	11 Hunter Drive	Boulder Hill	03-04-256-001	Prohibited trailer parking	7/30/2018	N
8/1/2018	Truheim	7622 Madeline Dr	FOFC	02-35-380-013	Prohibited trailer parking	8/15/2018	N
8/9/2018	Rogers, Warren	9129 Lisbon Rd		04-24-200-001	Abandoned structures	8/14/2018	N
8/9/2018	Wyer, Raymond	16 N Cherry Rd		03-18-403-004	Water discharge onto adj property	8/17/2018	N
8/23/2018	Skilin	17879 Frazier		01-19-301-005	Construction of addition w/o permit	8/23/2018	N
8/23/2018	Fierke, Sr.	14525 Rt. 71		04-22-300-006	Possible SU violation	8/28/2018	N

Permit Summary by Category by Month Kendall County

Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	15	1	2	1	1	3	2	1	4	0	0	0	0
Garage	17	0	1	3	2	1	3	2	5	0	0	0	0
Accessory Buildings	26	0	0	2	8	5	3	6	2	0	0	0	0
Additions	10	1	1	1	1	0	1	3	2	0	0	0	0
Remodeling	7	1	2	1	2	0	0	0	1	0	0	0	0
Commercial - M Zone	2	2	0	0	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	17	3	0	4	2	3	3	1	1	0	0	0	0
Signs	1	0	0	0	0	0	0	0	1	0	0	0	0
Swimming Pools	21	0	0	5	1	2	7	3	3	0	0	0	0
Decks	12	0	1	0	2	3	2	1	3	0	0	0	0
Demolitions	6	1	0	2	0	1	2	0	0	0	0	0	0
Electrical Upgrades	4	0	0	0	1	1	1	0	1	0	0	0	0
Towers (Comm.)	3	2	0	1	0	0	0	0	0	0	0	0	0
Driveway	3	0	1	0	0	2	0	0	0	0	0	0	0
Fire Restoration	6	1	1	1	1	1	1	0	0	0	0	0	0
Patio	6	0	0	0	1	1	1	1	2	0	0	0	0
Generator	4	0	1	1	0	1	0	1	0	0	0	0	0
	160	12	10	22	22	24	26	19	25	0	0	0	0

2017 YTD - 27 Houses; total permits 175
 August 2017 - 9 Houses

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	4	\$2,005,550	\$11,127	\$6,327
Garage	5	\$186,486	\$481	\$0
Accessory Buildings	2	\$57,995	\$894	\$0
Additions	2	\$43,350	\$210	\$0
Remodeling	1	\$35,374	\$0	\$0
Barns/Farm Buildings	1	\$10,000	\$0	\$0
Signs	1	\$0	\$0	\$0
Swimming Pools	3	\$25,118	\$400	\$0
Decks	3	\$27,500	\$400	\$0
Electrical Upgrades	1	\$40,000	\$285	\$0
Patio	2	\$4,945	\$100	\$0
	25	\$2,436,318	\$13,897	\$6,327

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8/24/2018	012018173	01 House	0512227004	MUELLER AARON J & JULIE A	7199 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	MEDOWS CONSTRUCTION
8/31/2018	012018169	01 House	0421102013	OSTREKO LUKE A & MEGHAN	16003 STONEWALL DRIVE NEWARK, IL. 60541	ESTATES OF MILLBROOK UNIT 4	
8/6/2018	022018157	02 Garage	0213476017	MITCHELL RYAN P & KATHLEEN E	22 PLEASANTVIEW DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	Laukeman Construction
8/14/2018	022018161	02 Garage	0332327004	PEC GREGORY W & RILEY C	15 CRESTVIEW DR OSWEGO, IL 60543-	CRESTVIEW WOODS	BLUE SKY BUILDERS
8/2/2018	022018156	02 Garage	0417300002	DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		DANLEY'S GARAGE WORLD
8/29/2018	022018175	02 Garage	0811100029	AUSTIN NANCY	13090 ASHLEY RD NEWARK, IL 60541-		HOMEOWNER
8/23/2018	032018166	03 Accessory Buildings	0116402004	SCHIMANDLE JOSHUA M	29 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 4	
8/17/2018	032018167	03 Accessory Buildings	0833126002	SMITH ROBERT	9570 WHITEWILLOW RD MORRIS, IL 60450-		ROBERT THOMAS
8/23/2018	042018171	04 Additions	0308277002	KOVAC PAULA	4 SOMERSET RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 25	RELIABLE QUALITY CONSTRUCTION
8/24/2018	092018172	09 Signs	0121100005	LP NELSON TRUST	16000 FRAZIER RD PLANO, IL 60545-		
8/29/2018	122018177	12 Swimming Pools	0129151008	EIPERS BENJAMIN	4350 SANDY BLUFF RD PLANO, IL -		

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Issue Date	Permit ID		Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
	Permit Category	Permit Number					
8/20/2018	122018168	12 Swimming Pools	0518201002	HOBBS VINETTA & DEE E	7 TIMBERCREEK PL YORKVILLE, IL 60560-	TIMBER CREEK SUB	
8/8/2018	122018159	12 Swimming Pools	0211176011	REUTER, STACY L & WHEATON, JOHN W	7535 GALENA RD BRISTOL, IL 60512-	PURCELLS 3RD SUB	
8/23/2018	132018174	13 Decks	0119301005	SKILLIN SHANE W & STACY M	17879 FRAZIER RD SANDWICH, IL 60548-	LETT SUB	A&B EXTERIORS, LLC
8/20/2018	132018158	13 Decks	0222227002	METZGER SCOTT	102 PARKWAY DR YORKVILLE, IL 60560-	RIVER RIDGE UNIT 2	SAME
8/22/2018	152018170	15 Electrical Upgrades	0201200005	LENDEASE	6136 GALENA RD BRISTOL, IL 60512-		EILEEN BOLAND - AGENT FOR TMOBILE
8/29/2018	202018176	20 Patio	0308153027	DEER RUN OF OSWEGO CONDO ASSOC	2500 #101 LIGHT RD OSWEGO, IL 60543-		ILLINI SUBURBAN ASPHALT, INC.
8/14/2018	202018162	20 Patio	0304284006	WIMMER HENRY F & SARAH L	28 FALLCREEK CIR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 35	KENDALL CARPENTRY, INC.

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Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
5/14/2018	012018100	01 House	0907200027	PARKS THEODORE	13315 A GROVE ROAD MINOOKA, IL. 60447	HIGHGROVE	LIV COMPANIES, LLC.
3/13/2018	012018037	01 House	0512220008	C L DESIGN-BUILD INC	7341 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SAME
8/24/2018	012018173	01 House	0512227004	MUELLER AARON J & JULIE A	7199 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	MEDOWS CONSTRUCTION
2/26/2018	012018013	01 House	0605401008	T J BAUMGARTNER CUSTOM HOMES CORPORATION	4215 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 1	SAME
6/26/2018	012018131	01 House	0128254002	BALTIERREZ, LUIS & URBINA, EMMA	1201 W. JONES ST PLANO, IL. 60545	CAQUELINS SUB	RMT PROPERTIES LLC
8/31/2018	012018169	01 House	0421102013	OSTREKO LUKE A & MEGHAN	16003 STONEWALL DRIVE NEWARK, IL. 60541	ESTATES OF MILLBROOK UNIT 4	
6/26/2018	012018132	01 House	0607228010	SCHWARTZ MICHAEL & MICHELE	7464 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	CLARE CASTLE CUTOM HOMES
5/31/2018	012018105	01 House	0108400005	DAGHFAL STEVEN ANDREW	1790 CREEK RD PLANO, IL 60545-	OTTOS SECOND SUB	
7/11/2018	012018144	01 House	0421102014	JEFFERS STEVE	16002 WHIPPLE PL NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	SAME
5/1/2018	012018074	01 House	0605395006	FINK SCOTT & MILANI BETH	4722 CHERRY ROAD OSWEGO, IL. 60543	HENNEBERRY WOODS UNIT 2	CL DESIGN-BUILD, INC.
3/8/2018	012018036	01 House	0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK ROAD PLANO, IL. 60545	DEER RIDGE PUD	SAME

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Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
5/14/2018	012018099	01 House	0907200030 SHARKEY ERIN	13315 D GROVE ROAD MINOOKA, IL. 60447	HIGHGROVE	LIV COMPANIES, LLC
1/16/2018	012018017	01 House	0236106006 BAUGHMAN ROBERT & VICKI	233 FOXTAIL LANE YORKVILLE, IL. 60560	FARM COLONY UNIT 2 PHAE 3 BMF Remodeling LLC	
3/14/2018	012018044	01 House	0512220004 FERRI JOHN & LUZ	6349 VALLEYVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	CL Design-Build, Inc.
2/1/2018	022018031	02 Garage	0430200003 DIPPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		HOMEOWNER
8/29/2018	022018175	02 Garage	08111100029 AUSTIN NANCY	13090 ASHLEY RD NEWARK, IL 60541-		
3/21/2018	022018048	02 Garage	0226101006 LAMANNA, ANDREW & SIWAK, PAULINA	58 KINGMOOR LN YORKVILLE, IL 60560-		Artisan Enterprises Inc
6/25/2018	022018124	02 Garage	0517200002 BJORK ANNE & MARTY	10021 AMENT RD YORKVILLE, IL 60560-		
4/11/2018	022018050	02 Garage	0103353010 KLINKER BRYAN	35 EARL ST PLANO, IL 60545-	STAINFIELD SUB	
6/21/2018	022018114	02 Garage	0804100006 HIPSMAN JOHN & JENNIFER	9858 HELMAR RD NEWARK, IL 60541-		
4/18/2018	022018077	02 Garage	0119378001 LITTLEFAIR KEVIN & DENISE	14 FRAZIER CT SANDWICH, IL 60548-	HOLLIS PARK UNIT 2	Owner
8/6/2018	022018157	02 Garage	0213476017 MITCHELL RYAN P & KATHLEEN E	22 PLEASANTVIEW DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	Laukeman Construction

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Issue Date	Permit ID	Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
6/5/2018	022018112	02 Garage	0913300002 CARGLE KENNETH A	920 ROUTE 52 MINOOKA, IL 60447-		Homeowner
7/26/2018	022018140	02 Garage	0312201004 MATHEY WILLIAM M & LYNNE	21 COUNCIL AVE AURORA, IL 60503-		SELF
5/3/2018	022018090	02 Garage	0430200003 DIPPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		
8/14/2018	022018161	02 Garage	0332327004 PEC GREGORY W & RILEY C	15 CRESTVIEW DR OSWEGO, IL 60543-	CRESTVIEW WOODS	BLUE SKY BUILDERS
3/21/2018	022018049	02 Garage	0529400001 GENGLER STEVE & LINDA	10510 IMMANUEL RD YORKVILLE, IL 60560-		
4/18/2018	022018076	02 Garage	0531300002 HELMAR LUTHERAN CONGREGATION	11951 LISBON RD NEWARK, IL 60541-		
8/2/2018	022018156	02 Garage	0417300002 DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		DANLEY'S GARAGE WORLD
5/24/2018	0320180110	03 Accessory Buildings	0305452071 ELKIN WILLIAM L	19 CIRCLE DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	
3/7/2018	032018042	03 Accessory Buildings	0312203002 GODDARD J. WAGNER	18 COUNCIL AVE AURORA, IL 60503-		SAME
7/24/2018	032018152	03 Accessory Buildings	0605404002 NEBLOCK WILLIAM JR & GABRIELA	6500 HENNEBERRY PKWY OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 2 TUFF SHED	
7/24/2018	032018150	03 Accessory Buildings	0529200006 BRETTHAUER STAN & JANET	10180 WALKER RD YORKVILLE, IL 60560-		

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Issue Date	Permit ID	Permit Category	Parcel Number	Property Address	Subdivision	Contractor Name
7/18/2018	032018147	03 Accessory Buildings	0223153003 HOWELLS CHRIS J & GLORIA	36 PARKWAY DR YORKVILLE, IL 60560-	RIVER RIDGE UNIT 3	Marten Porable Buildings
7/5/2018	032018139	03 Accessory Buildings	0332133001 SIGWERTH DARRELL R	5400 HALF ROUND RD OSWEGO, IL 60543-	OLD RESERVATION HILLS UNIT 1	TUFF SHED
7/5/2018	032018138	03 Accessory Buildings	0332133001 SIGWERTH LISAL & DARRELL R	5400 HALF ROUND RD OSWEGO, IL 60543-	OLD RESERVATION HILLS UNIT 1	TUFF SHED
8/17/2018	032018167	03 Accessory Buildings	0833126002 SMITH ROBERT	9570 WHITEWILLOW RD MORRIS, IL 60450-		ROBERT THOMAS
6/12/2018	032018117	03 Accessory Buildings	0606226006 OLIN RICHARD & BEVERLY	27 NORTHWEST PASS OSWEGO, IL 60543-	ARROWHEAD HILLS UNIT 2	ROBERT E. LEE
8/23/2018	032018166	03 Accessory Buildings	0116402004 SCHIMANDLE JOSHUA M	29 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 4	
7/30/2018	032018155	03 Accessory Buildings	0229279006 BEZROUKOFF RONALD & DEBRA	1101 PRAIRIE LN YORKVILLE, IL 60560-	COUNTRYSIDE SUB UNIT 2	TUFF SHED
4/30/2018	032018083	03 Accessory Buildings	0304354008 POSS LARRY J TRUST & POSS MARY F TRUST	9 SAUGATUCK RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	
5/4/2018	032018087	03 Accessory Buildings	0221251004 VELEZ HAROLD A & VIVIAN H	12 E LEXINGTON CIR YORKVILLE, IL 60560-	BLACKBERRY CREEK	REINERT STRUCTURES
4/30/2018	032018081	03 Accessory Buildings	0304155009 HILLIARD PHILLIP & LAURA	14 PEMBROOKE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	TUFF SHED
5/8/2018	032018097	03 Accessory Buildings	0222126005 HATCH BRENT R & LEIGH A	18 LAKEVIEW DR YORKVILLE, IL 60560-	BRISTOL LAKE SUB	

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6/13/2018	032018121	03 Accessory Buildings	0136200009	MALACINA RICHARD DEC TR & MALACINA INVESTMENT TR	12300 RIVER RD PLANO, IL 60545-	RIVER GLEN SUB	ROBERT E LEE
6/15/2018	032018126	03 Accessory Buildings	0105128001	MACDONALD ANDREW J & JOAN M	16670 GALENA RD PLANO, IL 60545-		N.L. MORTON BUILDINGS, LTD
4/18/2018	032018075	03 Accessory Buildings	0917100002	HEAP GARY & LINDA	4819 ROUTE 52 MINOOKA, IL 60447-		MORTON BUILDINGS, INC.
5/7/2018	032018092	03 Accessory Buildings	0309107018	MANTZKE RODNEY W & JAMIE L	147 CIRCLE DR MONTGOMERY, IL 60538-		
4/13/2018	032018071	03 Accessory Buildings	0304453028	HANSON GARY & KAREN R	74 SHEFFIELD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 22	
4/13/2018	032018070	03 Accessory Buildings	0213476003	ULRICH GERALD T & SONYA K	6192 ROUTE 34 OSWEGO, IL 60543-	OWNERS SUB PT SE 1/4 SEC 13-37-7	
4/10/2018	032018068	03 Accessory Buildings	0802476006	CHRISTIAN CHRISTOPHER L & MICHAEL A	12859 MACKENZIE RD YORKVILLE, IL 60560-	MURDO T MACKENZIE SUB	
4/5/2018	032018064	03 Accessory Buildings	0518126002	LARSEN JASON C	12 TIMBERCREEK PL YORKVILLE, IL 60560-	TIMBER CREEK SUB	Morton Buildings
3/29/2018	032018059	03 Accessory Buildings	0507403002	FRENCH LARRY & SHARON S	11480 B LEGION RD YORKVILLE, IL 60560-		STEVE LEE
4/11/2018	032018067	03 Accessory Buildings	0417251003	JURCA JOHN & MARLENE CARY	8124 D FINNIE RD NEWARK, IL 60541-	WEST MILLBROOK PHASE 2	
5/3/2018	032018089	03 Accessory Buildings	0421104002	HALEY CURTIS	9272 LEE HILL RD NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	RONALD LARABEE

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Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
7/16/2018	042018146	04 Additions	0226300007	PIERCE STEPHEN	7535 ROUTE 71 YORKVILLE, IL 60560-		
6/8/2018	042018113	04 Additions	0415200019	SEEGO VINCENT & KARA	14103 BUDD RD YORKVILLE, IL 60560-		Thomas Builders
5/11/2018	042018065	04 Additions	0933100002	WILSON JOSEPH C & HITE BREANNE	3851 HOLT RD MINOOKA, IL 60447-		
3/29/2018	042018055	04 Additions	0508151002	GAWRYCH KRISTOPHER P & LARA	7531 E HIGHPOINT RD YORKVILLE, IL 60560-		APEX BUILDERS, INC./RICH VAN HAM
2/22/2018	042018032	04 Additions	0802300008	ROD ROSS R & CARMEN R	7775 PLATTVILLE RD NEWARK, IL 60541-		Weather Seal Nu Sash Inc
1/30/2018	042018029	04 Additions	0908300002	GRAHAM PAUL W & JANET K	13870 GROVE RD MINOOKA, IL 60447-		
7/18/2018	042018148	04 Additions	0136100023	MCCELROY JOSHUA L & ANNIE JOY	12881 RIVER RD PLANO, IL 60545-		
7/9/2018	042018141	04 Additions	0811400005	KING MICHAEL D & DIANE L	13567 CHURCH RD MINOOKA, IL 60447-		
8/23/2018	042018171	04 Additions	0308277002	KOVAC PAUL A	4 SOMERSET RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 25	RELIABLE QUALITY CONSTRUCTION
4/13/2018	052018069	05 Remodeling	0307430010	NONNIE CHRISTOPHER L & JAMES ANNA L	147 DOLORES ST OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 1	CLEAN EDGE CONSTRUCTION, INC.
4/5/2018	052018066	05 Remodeling	0508276004	JEMS ACQUISITIONS LLC	37 BONNIE LN YORKVILLE, IL 60560-	WILLMANS RESUB	WILLMAN & GROESCH

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3/6/2018	052018041	05 Remodeling	0305404025	MCSORLEY RYAN	150 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
2/28/2018	052018040	05 Remodeling	0508102001	MESSERSMITH JEREMY & CHRISTINA	7250 E HIGHPOINT RD YORKVILLE, IL 60560-		SAME
2/21/2018	052018033	05 Remodeling	0518300006	PETERS DANIEL	8751 B E HIGHPOINT RD YORKVILLE, IL 60560-	HIGHPOINT HILLS	SAME
1/24/2018	052018024	05 Remodeling	0305454031	RY PROPERTY MANAGEMENT CORPORATION	9 CREVE CT MONTGOMERY, IL 60538-	BOULDER HILL UNIT 7	SAME
2/1/2018	062018027	06 Commercial - M Zone ANR PIPELINE CO	0405300001		6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	062018025	06 Commercial - M Zone ANR PIPELINE CO	0405300001		6650 SANDY BLUFF RD SANDWICH, IL 60548-		
7/11/2018	082018143	08 Barns/Farm Buildings LP NELSON TRUST	0121100005		16000 FRAZIER RD PLANO, IL 60545-		
6/29/2018	082018137	08 Barns/Farm Buildings SCAMAN RICHARD A H & DANIELLE	0713400002		14585 LISBON RD NEWARK, IL 60541-		
6/13/2018	082018125	08 Barns/Farm Buildings ANZELC THOMAS J & CATHLEEN M	0803400006		8025 PLATTVILLE RD NEWARK, IL 60541-		
5/14/2018	082018101	08 Barns/Farm Buildings ERICKSON ROGER & SHANNON	0709200012		15147 LISBON CENTER RD NEWARK, IL 60541-		
5/10/2018	082018098	08 Barns/Farm Buildings CHICAGO TITILE	0610200005		2500 JOHNSON RD OSWEGO, IL 60543-		

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5/9/2018	082018091	08 Barns/Farm Buildings	0723300012	SWENSON CLAIRE L & KRISTIE S	13999 ROUTE 52 NEWARK, IL 60541		
4/16/2018	082018073	08 Barns/Farm Buildings	0427200009	WIESBROOK JEFFREY A & KIMBERLY A	14044 WALKER RD YORKVILLE, IL 60560-		
4/3/2018	082018063	08 Barns/Farm Buildings	0811100017	SPICHER DARON & KIMBERLY	7650 PLATTVILLE RD YORKVILLE, IL 60560-		
3/28/2018	082018061	08 Barns/Farm Buildings	0614200010	CHRIS LAVOIE	1050 ROUTE 126 PLAINFIELD, IL 60586-		
5/3/2018	082018058	08 Barns/Farm Buildings	0215301001	GREGORY CLEMENTZ	47 SOUTH STREET BRISTOL, IL 60512	HUNTSVILLE (ORIGINAL TOWN)	
4/3/2018	082018057	08 Barns/Farm Buildings	0632400001	CHICAGO ROAD FARM LLC	4275 CHICAGO RD MINOOKA, IL 60447-		
3/13/2018	082018046	08 Barns/Farm Buildings	0505300004	SLEEZER SETH VI	10735 ROUTE 71 YORKVILLE, IL 60560		
1/24/2018	082018023	08 Barns/Farm Buildings	0921100008	JIMENEZ, LINDA	3579 BELL RD MINOOKA, IL 60447-		
6/19/2018	082018130	08 Barns/Farm Buildings	0416253001	WINDING CREEK NURSERY & GARDEN CENTER INC	8241 MILLBROOK RD MILLBROOK, IL 60536-		
1/16/2018	082018019	08 Barns/Farm Buildings	0517300010	STUCK GEORGE M & JILL S	8945 IMMANUEL RD. YORKVILLE, IL 60560		
1/16/2018	082018018	08 Barns/Farm Buildings	0734100009	CARLSON JASON D & ERICA	14908 WHITEWILLOW RD NEWARK, IL 60541-		

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3/29/2018	082016052	08 Barns/Farm Buildings	0313400014	CAMPBELL VICKY	65 RANCE RD OSWEGO, IL 60543-		
8/24/2018	092018172	09 Signs	0121100005	LP NELSON TRUST	16000 FRAZIER RD PLANO, IL 60545-		
8/20/2018	122018168	12 Swimming Pools	0518201002	HOBBS VINETTA & DEE E	7 TIMBERCREEK PL YORKVILLE, IL 60560-	TIMBER CREEK SUB	
8/8/2018	122018159	12 Swimming Pools	0211176011	REUTER, STACY L & WHEATON, JOHN W	7535 GALENA RD BRISTOL, IL 60512-	PURCELLS 3RD SUB	
7/30/2018	122018154	12 Swimming Pools	0517121009	DARNELL SHANE P & TRACY E	102 ETHEL CT YORKVILLE, IL 60560-	RONHILL ESTATES UNIT 2	
7/16/2018	122018145	12 Swimming Pools	0506352001	STRZELECKI BRIAN	7 CHALLY DR YORKVILLE, IL 60560-	PAVILLION HEIGHTS UNIT 4	Cheyenne Pools
6/29/2018	122018136	12 Swimming Pools	0235280004	ADAMOVICH, RACHEL	201 FOXTAIL LN YORKVILLE, IL 60560-	FARM COLONY UNIT 2 PHAE 3 FOX POOL CHICAGO	
6/26/2018	122018134	12 Swimming Pools	0215157004	LACOURSIEERS LARRY L & DEBRA A	16 GROVE ST BRISTOL, IL 60512-		
6/13/2018	122018122	12 Swimming Pools	0335376005	PEREZ NATALY	1481 PLAINFIELD RD OSWEGO, IL 60543-	SHANNON SUB	A&J Recreational Services
6/13/2018	122018119	12 Swimming Pools	0105201004	VELAZQUEZ MARIO & MARIA	16421 GALENA RD PLANO, IL 60545-	LITTLE ROCK (ORIGINAL TOWN)	M. C. Construction
6/5/2018	122018116	12 Swimming Pools	0125461013	FLORES ROBERT & ADA M	12342 MITCHELL DR PLANO, IL 60545-	SCHAEFER WOODS SOUTH UNIT 2	AMERICAN SALE

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6/6/2018	122018115	12 Swimming Pools	0224201002	WHITE GARY A & SUSAN D	162 PLEASANTVIEW DR OSWEGO, IL 60543-	SERENITY ON THE FOX	
5/23/2018	122018104	12 Swimming Pools	0508376019	HILT LARRY J JR & MELISSA S	55 RONHILL RD YORKVILLE, IL 60560-	RONHILL ESTATES	SWIM SHACK
6/18/2018	122018128	12 Swimming Pools	0402226003	MURRAY JOSHUA J & ABIGAIL M	6217 POLO CLUB DR YORKVILLE, IL 60560-	THE WOOD OF SILVER SPRINGS PHASE 2	
5/16/2018	122018102	12 Swimming Pools	0402200012	BARBIER MARCIA	13019 FOX RD YORKVILLE, IL 60560-	PINE GROVE SUB	DRIES POOL PROFESSIONALS
4/30/2018	122018084	12 Swimming Pools	0135284001	BEERY CAROL A	13040 RIVER RD PLANO, IL 60545-	MINNETONKA SPRINGS SUB	
4/2/2018	122018062	12 Swimming Pools	0116427011	DOBRICH PAUL W & MARY ANN	26 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 3	Andrea Beckwell
7/23/2018	122018149	12 Swimming Pools	0125454007	LASKOWSKI BRIAN & MICHELLE	12462 ANDREW ST PLANO, IL 60545-	SCHAEFER WOODS NORTH UNIT 3	SWIM SHACK
3/29/2018	122018060	12 Swimming Pools	0120301006	GOODBRED BRADLEY A & DAWN	16863 FRAZIER RD PLANO, IL 60545-	HUNTSMEN TRAILS SUB	SWIM SHACK, INC.
3/26/2018	122018053	12 Swimming Pools	0401326002	WILLMAN ROBERT S	12560 FOX RD YORKVILLE, IL 60560-	FOX STATION (ORIG TOWN)	Owner
3/26/2018	122018051	12 Swimming Pools	0607130007	DUDA EDWARD S JR & SUSAN K	7123 GOLFVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	SUNCO POOLS & SPA
8/29/2018	122018177	12 Swimming Pools	0129151008	EIPERS BENJAMIN	4350 SANDY BLUFF RD PLANO, IL -		

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3/14/2018	122018047	12 Swimming Pools	0324100021	PETSCHE NICHOLAS A & KERI M	3401 STEWART RD OSWEGO, IL 60543-		
8/23/2018	132018174	13 Decks	0119301005	SKILLIN SHANE W & STACY M	17879 FRAZIER RD SANDWICH, IL 60548-	LETT SUB	A&B EXTERIORS, LLC
8/20/2018	132018158	13 Decks	0222227002	METZGER SCOTT	102 PARKWAY DR YORKVILLE, IL 60560-	RIVER RIDGE UNIT 2	SAME
7/9/2018	132018142	13 Decks	0229251012	FISHER MICHAEL & KARILYN	483 CONOVER LN YORKVILLE, IL 60560-	CONOVERS 3RD SUB	Patrick Clark-Picture Perfect Improvement
6/26/2018	132018133	13 Decks	0416101011	ZARCONI CHRISTOPHER S & MARY ADRIEN	45 SHAGBARK LN MILLBROOK, IL 60536-	FOXHURST UNIT 6	West Suburban Decks
6/13/2018	132018120	13 Decks	0304176012	HENDRICKSEN KJELL & LISA	102 FERNWOOD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 33	
5/11/2018	132018094	13 Decks	0105128008	ROTHLISBERGER SCOTT & SARAH	16524 GALENA RD PLANO, IL 60545-		WEST SUBURBAN DECKS LLC
5/7/2018	132018093	13 Decks	0136200026	ADAMCZYK DEREK M & BEATA K	12025 RIVER RD PLANO, IL 60545-	RIVER GLEN SUB	WEST SBURBAN DECKS LLC
5/2/2018	132018086	13 Decks	0502102003	SIOK CLIFFORD & KIMBERLY	322 EMILY CT YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 1	
4/30/2018	132018080	13 Decks	0116427011	DOBRICH MARY ANN	26 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 3	Mike Burgermeister In & Out Contractors
5/1/2018	132018078	13 Decks	0220452003	BAZAN STEPHAN P & BAZAN JEAN E	3862 CANNONBALL TRL YORKVILLE, IL 60560-	OAK KNOLL SUB	Doug Leifheit

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2/1/2018	132018030	13 Decks	0223303008	MCGREGOR SCOTT & JILL	10 TIMBER RIDGE DR YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 1	Warner's Decking
5/23/2018	142018109	14 Demolitions	0616200017	SMITS JERRALD			
4/10/2018	142018056	14 Demolitions	0632400001	CHICAGO ROAD FARM LLC	4275 CHICAGO RD MINOOKA, IL 60447-		
4/13/2018	142018054	14 Demolitions	0529200007	BRETHAUER STAN & JANET	10206 WALKER RD YORKVILLE, IL 60560-		
1/22/2018	142018021	14 Demolitions	0515100002	COOPER LARRY R LTD PARTNERSHIP	8641 AMIENT RD YORKVILLE, IL 60560-		
3/26/2018	142017204	14 Demolitions	0219400009	LASALLE NATIONAL BANL % DREW FARRIS C	11443 ROUTE 34 YORKVILLE, IL 60560-		
6/15/2018	142018127	14 Demolitions	0103400001	PLANO FARMS LLC % MURRAY WISE ASSOC. LLC	13961 SEARS RD PLANO, IL 60545-		
6/13/2018	142018118	14 Demolitions	0327401004	SIMPKINS CHARLES JR & PATRICIA	4704 DOUGLAS RD OSWEGO, IL 60543-		
8/22/2018	152018170	15 Electrical Upgrades	0201200005	LENDEASE	6136 GALENA RD BRISTOL, IL 60512-		EILEEN BOLAND - AGENT FOR TMOBILE
6/13/2018	152018123	15 Electrical Upgrades	0119452002	SCHULTZ ADAM & JAMIE	17360 FRAZIER RD PLANO, IL 60545-	HOLLIS PARK UNIT 1	INDEPENDENCE RENEWABLE ENERGY
5/8/2018	152018096	15 Electrical Upgrades	0625200009	BLACKLOCK DENNIS & KATHLEEN	562 WALKER RD PLAINFIELD, IL 60586-		ZOBEL ELECTRIC

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4/30/2018	152018085	15 Electrical Upgrades	0221101024	MARSH ANTHONY J & PATRICIA C	3193 CANNONBALL TRL YORKVILLE, IL 60560-		VIP ELECTRICAL SERVICES
3/13/2018	162018045	16 Towers (Comm.)	0124200028	BRUMMEL, RICHARD A DEC LIV TR & DORIANAEI, MARGALIT 0311100001	12260 FAXON RD PLANO, IL. 60545		Advanced Probuild Solutions (#82-1571485)
1/30/2018	162018028	16 Towers (Comm.)	COMMONWEALTH EDISON	1726 ROUTE 34 OSWEGO, IL 60543-			
1/22/2018	162018020	16 Towers (Comm.)	0201200005	BOLAND, EILEEN (AGENT FOR VERIZON)	6136 GALENA RD BRISTOL, IL 60512-		WINDY CITY TOWER TECHS, LLC.
5/23/2018	182018111	18 Driveway	0223352005	MICK JASON & ERIN	42 TIMBER RIDGE DR YORKVILLE, IL 60560-	TIMBER RIDGE SUB UNIT 2	MAUL PAVING
5/16/2018	182018103	18 Driveway	0304155002	CHAVEZ JOSE & GLORIA	17 WOODRIDGE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 5	
2/28/2018	182018038	18 Driveway	0416251009	STEPHENS BRYAN	7 SHERMAN ST MILLBROOK, IL 60536-		SAME
6/19/2018	192018129	19 Fire Restoration	0304253005	OLSEN KYLE	141 FERNWOOD RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	
5/7/2018	192018095	19 Fire Restoration	0227380004	BURGERMEISTER CHRISTOPHER J	67 RIVERSIDE DR YORKVILLE, IL 60560-	FOX RIVER GARDENS REPLAT LOTS 6-14 & 15-58	WILLMAN & GROESCH
4/16/2018	192018072	19 Fire Restoration	0122281010	CAMPBELL TIM	335 OLD MILL RD PLANO, IL 60545-	OWNERS 1ST SUB PT E 1/2 SEC 22-37-6	LITE CONSTRUCTION, INC.
5/7/2018	192018052	19 Fire Restoration	0235381001	LOPEZ MIGUEL A & ARLETTE CUSSIN	5753 DANIELLE LN YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 2	PAUL DAVIS

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2/16/2018	192018035	19 Fire Restoration	0127400001	CEDARDELL GOLF CLUB	14264 HALE RD PLANO, IL 60545-		S&P Builders, Inc.
1/22/2018	192018022	19 Fire Restoration	0307279001	LIGHT ROAD LLC	1800 LIGHT RD OSWEGO, IL 60543-		Synergy Construction Group
8/29/2018	202018176	20 Patio	0308153027	DEER RUN OF OSWEGO CONDO ASSN	2500 #101 LIGHT RD OSWEGO, IL 60543-		ILLINI SUBURBAN ASPHALT, INC.
8/14/2018	202018162	20 Patio	0304284006	WIMMER HENRY F & SARAH L	28 FALLCREEK CIR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 35	KENDALL CARPENTRY, INC.
7/24/2018	202018151	20 Patio	0308302002	LECHUGALORENZO & TERESA	115 LAURIE LN OSWEGO, IL 60543-	SHORE HEIGHTS UNIT 1	SELF
6/27/2018	202018135	20 Patio	0309155026	WEBER, RAMONA & MARK	313 BOULDER HILL PASS MONTGOMERY, IL 60538-	BOULDER HILL UNIT 21	DOXA BRICK PAVING
5/21/2018	202018106	20 Patio	0304251016	PAGAN EDWIN A	24 HUNTER DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 34	
4/30/2018	202018082	20 Patio	0304155009	HILLIARD PHILLIP & LAURA	14 PEMBROOKE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	TUFF SHED
7/26/2018	232018153	23 Generator	0221301013	AMERICAN TOWER CORPORATION	3531 ROUTE 47 YORKVILLE, IL 60560-		NEWKIRK ELECTRIC & ASSOCIATES
5/3/2018	232018088	23 Generator	0416378004	MCCORMICK JANE	15753 SUMNER CT NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 1	LEE LEGLER
3/6/2018	232018043	23 Generator	0506226004	MCLAUGHLIN ROGER T & MCLAUGHLIN NATUEDINE A	13 W BIRCH CT YORKVILLE, IL 60560-	FOXLAWN UNIT 1	Lee Legler Construction & Electric Inc

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2/16/2018	232018034	23 Generator	0504177013	KATZ DAVID W & CATHERINE M	99 WOODEN BRIDGE DR YORKVILLE, IL 60560-	CROOKED CREEK WOODS	LEE LEGLER CONSTRUCTION & ERECTING INC

PLANNING BUILDING & ZONING RECEIPTS 2018

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 18	TOTAL FY18	MONTHLY FY 17	TOTAL FY17
December	\$2,288.40				\$2,288.40	\$2,288.40	\$3,044.28	\$3,044.28
January	\$5,753.00	\$50.00	\$6,717.13	\$0.00	\$12,520.13	\$14,808.53	\$3,791.34	\$6,835.62
February	\$5,304.40	\$545.00	\$2,188.27	\$0.00	\$8,037.67	\$22,846.20	\$10,989.52	\$17,825.14
March	\$10,993.18	\$897.50	\$7,424.10	\$2,000.00	\$21,314.78	\$44,160.98	\$8,130.89	\$25,956.03
April	\$6,636.96	\$2,770.00	\$1,364.53	\$1,000.00	\$11,771.49	\$55,932.47	\$7,598.93	\$33,554.96
May	\$6,337.60	\$540.00	\$110.00	\$1,000.00	\$7,987.60	\$63,920.07	\$16,086.31	\$49,641.27
June	\$7,279.28	\$95.00	\$11,851.77	\$0.00	\$19,226.05	\$83,146.12	\$14,174.98	\$63,816.25
July	\$6,443.68	\$3,530.00	\$3,163.48	\$1,000.00	\$14,137.16	\$97,283.28	\$21,087.73	\$84,903.98
August	\$5,998.80	\$100.00	\$992.51	\$0.00	\$7,091.31	\$104,374.59	\$25,401.68	\$110,305.66
September							\$36,883.57	\$147,189.23
October							\$18,678.40	\$165,867.63
November							\$14,088.97	\$179,956.60
TOTAL	\$57,035.30	\$8,527.50	\$33,811.79	\$5,000.00	\$104,374.59		\$179,956.60	