

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
AMENDED AGENDA (10/5/18)

Tuesday, October 9, 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 September 9, 2018 Meeting (Pages 4-29)

EXPENDITURE REPORT: Review of Expenditures from the Prior Month (Pages 30-31)

PUBLIC COMMENT:

PETITIONS:

1. **Amended Petition 17-28 – Kendall County Planning, Building and Zoning Committee and Letter to Brad Blocker (Pages 32-52)**

Request: Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Purpose: Amendments to Regulations of Outdoor Target Practice or Shooting Ranges for Non-Profit and For-Profit Shooting Ranges

2. **18 – 04 – Kendall County Regional Planning Commission (Pages 53-88)**

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 Township Future Land Use Map

3. **Amended Petition 18-07 – Kendall County Planning, Building and Zoning Committee – Committee Could Vote to Amend or Withdraw the Petition (Pages 89-104)**

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.

4. **18 – 25 – Paul Kovacevich on Behalf of Tri-Star Development, Inc. (Pages 105-114)**

Request: Map Amendment Rezoning the Subject Properties from A-1 Agricultural District to R-1 One Family Residential District

PINs: 09-15-300-014, 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, and 09-22-100-010

Location: Approximately 0.5 Miles West of Jughandle Road on the South Side of U.S. Route 52, Seward Township

Purpose: Petitioner wants to Rezone the Property in Order to Develop a Forty (40) Lot Single-Family Residential Subdivision

NEW BUSINESS:

1. Recommendation on 2019 Comprehensive Noxious Weed Work Plan (Pages 115-116)
2. Discussion of Discharging Firearms on Private Property (Pages 173-176)

OLD 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 (Pages 117-130)
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 117)
3. 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 (010-2-002-6363)

REVIEW VIOLATION REPORT (Pages 131-132):

1. Update on Violation of Zoning Ordinance at 790 Eldamain Road (Pages 133-136)
2. Update on 63 Old Post Road, Montgomery (Pages 137-145)

REVIEW NON-VIOLATION COMPLAINT REPORT (Page 146):

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

REVIEW PERMIT REPORT (Pages 147-166):

REVIEW REVENUE REPORT (Page 167):

CORRESPONDENCE:

1. September 20, 2018 Email from Molly Gerke Regarding Weed Regulations in Plattville (Page 168)
2. September 28, 2018 Letter to Planning, Building and Zoning Committee Regarding 5 Ottawa Court (Pages 169-172)

PUBLIC COMMENT:

COMMENTS FROM THE PRESS:

EXECUTIVE SESSION:

1. Review of Minutes of Meetings Lawfully Closed Under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21))

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 September 10, 2018 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Davidson at 6:34 p.m.

ROLL CALL

Committee Members Present: Bob Davidson (Chairman), Judy Gilmour, Scott Gryder, and Matt Kellogg (Vice Chairman)

Committee Members Absent: Lynn Cullick

Also Present: Matt Asselmeier (Senior Planner), Laura Hubbard, Boyd Ingemunson, Mark Caldwell, Jerry Callaghan, Linda Fosen, Kirk Friestad, Bob Friestad, Madison Friestad, Scott Friestad, Linette Halcomb, Kristen Friestad, Don Anderson, Jim Williams, Peter Pasteris, Gay Hoddy, and Paul Pope

APPROVAL OF AGENDA

Motion by Member Gilmour, seconded by Member Gryder, to amend the agenda by moving Petition 18-27 to the first item under Petitions. With a voice vote of four (4) ayes, the motion carried. Motion by Member Kellogg, seconded by Member Gryder, to approve the agenda as amended. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Kellogg, seconded by Member Gryder, to approve the minutes of the August 13, 2018 meeting. With a voice vote of four (4) ayes, the motion carried.

EXPENDITURE REPORT

The Committee reviewed the claims report. Member Gryder requested verification that adequate funds exist to pay the Plumbing Inspector; these costs are usually pass-throughs. Mr. Asselmeier will verify that information. Motion by Member Gryder, seconded by Member Gilmour, to forward the claims to the Finance Committee. With a voice vote of four (4) ayes, the motion carried.

Mr. Asselmeier noted that the Postage, Books/Subscriptions, Legal Publications, Plumbing Inspections, and Recording Expense Line Items were over one hundred percent (100%). The Plumbing Inspection and Recording Expense Line Items are pass-throughs.

Mr. Asselmeier stated that the Part-Time Office Assistant Zoning position is open because the person previously in that position resigned the previous week. The consensus of the Committee was to publicize and fill the vacancy.

PUBLIC COMMENT

Kirk Friestad, Chicago Road, stated his opposition to the proposed changes to the Future Land Use Map in Lisbon Township. He questioned why this proposal was under consideration because the area is a prime agricultural area.

Member Kellogg explained that the majority of the information in the proposal was contained in the Village of Lisbon's Comprehensive Plan from 2009.

Linda Fosen, Townhall Road, objected to the planning area to be one-half (1/2) mile on either side of Route 47. Chairman Davidson said that space was needed for frontage roads and commercial and industrial users. Ms. Fosen suggested a quarter (1/4) mile on either side of Route 47.

Kristin Friestad, Quarry Road, requested clarification if someone approached the County to make these changes. The changes were proposed because of the widening of Route 47 and to correspond to the Village of Lisbon's Comprehensive Plan. She requested that the map remain unchanged. She expressed concerns about the ability of the County to deny rezoning requests to mining if the proposal is adopted.

Jerry Callaghan, attorney for Green Organics, stated he was in attendance because of the proposed special use permit amendment. Chairman Davidson said that Mr. Callaghan could make his remarks when the special permit item came up during the meeting.

Madison Friestad, Quarry Road, provided handouts with aeriels showing the current land uses and proposed land uses. She also provided pictures of the area. She would like the plan revisited in a few years.

Bob Friestad, Whitewillow Road, expressed concerns regarding the loss of farmland. He would like to see his family continue to farm in the area. Chairman Davidson mentioned the development along Route 59 and Naperville.

Linette Halcomb, West Sherrill Road, provided a history of her family's farming activities in the area going back to the 1840s. She showed a picture of the farmstead from the 1800s. She requested the Committee to consider the need for food and provided statistics on hunger. She believed that quarries should ask permission if they wish to open or expand in Kendall County.

PETITIONS

Petition 18-27-Request from Laura Hubbard for a Conditional Use Permit to Hold a Seasonal Event on September 29, 2018 and September 30, 2018 at 7626 Ashley Road, Yorkville, Kendall Township

Mr. Asselmeier reported that Ms. Hubbard amended her request from earlier this year by expanding the September event to a two (2) day festival. She is rerouting traffic off of Route 126, but no other changes exist to her proposal. The Sheriff's Department expressed no concerns regarding this proposal. The Planning, Building and Zoning Department has not received any complaints from the Petitioner's previous events. The proposed dates are a Saturday and Sunday.

Motion by Member Gryder, seconded by Member Gilmour, to approve of the conditional use permit as requested.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried.

Petition 18-04- Kendall County Regional Planning Commission

Mr. Asselmeier summarized the request.

The Comprehensive Land Plan and Ordinance Committee suggested holding an informational meeting on November 28th at 5:00 p.m. and that every property owner within one (1) mile of an impacted property should be notified.

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.

The consensus of the Committee was to waive attorney/client privilege regarding the opinion of the State's Attorney's Office on notification. The opinion of the State's Attorney's Office was notification was not required in State law for updates to land resource management plans. Land resource management plans and the recommendations of planning commissions are advisory only. Nothing in State law prevented notification from occurring.

The Committee compared the proposal to the Village of Lisbon's Future Land Use Map.

Member Kellogg asked if the Village of Lisbon was considering changing their Future Land Use Map. Mr. Asselmeier was unsure if the Village of Lisbon had plans to update their map. Staff was unaware when the last time the Village of Lisbon reviewed their map.

Don Anderson, Ashley Road, suggested not making any changes because the Village of Lisbon already planned the area. The Village of Lisbon has more control than the County.

Motion by Member Gryder, seconded by Chairman Davidson, to forward the Petition 18-04 to the Committee of the Whole for their October meeting and to invite representatives from the Village of Lisbon and Village of Plattville to the October Planning, Building and Zoning meeting.

Member Gilmour expressed concerns about forwarding the proposal at this time due to lack of information.

Yeas (3): Davidson, Gryder, and Kellogg
Nays (1): Gilmour
Abstain (0): None
Absent (1): Cullick

The motion passed. This matter will return to the Planning, Building and Zoning Committee on October 9th and the Committee of the Whole on October 11th.

Amended Petition 18-07-Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

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.

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

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. 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 and 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 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.

Chairman Gryder reported that Oswego Township was in favor of the proposal.

There was a legal question raised regarding whether or not the proposal would apply to those townships that did not object. Chairman Davidson wanted the State's Attorney's Opinion on the formal objections of townships and the number of votes required at the County Board.

Member Kellogg expressed concerns regarding enforcing vague statements in special use permits or enforcing the noise regulations. This proposal will not help enforce noise regulations.

Chairman Davidson wanted the State's Attorney's opinion on the legality of the proposal. Member Kellogg did not want to waste the State's Attorney's time.

Motion by Member Gryder, seconded by Member Gilmour, to request the State's Attorney's opinion regarding the legality of the proposal and the whether or not eight (8) votes are required to adopt the proposal.

Yeas (3): Davidson, Gilmour, and Gryder
Nays (1): Kellogg
Abstain (0): None
Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office for review.

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

Mr. Asselmeier summarized the request.

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.
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.

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) months 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).

Member Gilmour asked about the definition of solar garden. Mr. Asselmeier read the definition.

Member Gilmour asked about Illinois Building Code. Mr. Asselmeier responded that the code in question does not exist.

Member Gryder discussed evaluating special uses on a case-by-case basis instead of a blanket ordinance.

Solar panels used to produce energy for onsite consumption are exempt from the proposal.

Chairman Davidson liked the Kendall County proposal regarding the timing for decommissioning and the keeping of a bond for the duration of a special use permit.

The consensus of the Committee was to make the bonding requirements mandatory instead of discretionary.

Motion by Member Kellogg, seconded by Member Gryder, to forward the proposal to the Committee of the Whole.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried. The proposal will go to the Committee of the Whole on September 13th.

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 (Tenant)

Mr. Asselmeier summarized the request.

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.

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

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

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 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.

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.

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 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.

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.

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

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.

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

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.

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.

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.

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

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.

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.

Member Kellogg requested information on the control board used at the Pasteris banquet facility to control noise. Peter Pasteris provided information about his system; every disc jockey is required to plug into the system. Boyd Ingemunson, attorney for the Petitioner, expressed concerns regarding the cost of installing a sound system.

The doors of the barn have rolling doors.

A tent will be used for larger events. The dance floor is in the barn.

Discussion occurred regarding regulating the capacity at the property.

The consensus of the Committee was to allow the Petitioner to use the loft in the barn if the occupancy permit is amended and the building code requirements are met.

Discussion occurred regarding allowing the Petitioner to have non-amplified music in the tent during dinner.

The consensus of the Committee was to have the special use permit run for the land.

Motion by Member Kellogg, seconded by Member Gilmour, to forward the proposal to the Committee of the Whole with the change to the loft requirement if used for events.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried. This matter will go to the Committee of the Whole on September 13th.

Petition 18-28-Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

The Kendall County State's Attorney's Office recently completed the proposed 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".

Discussion occurred regarding pro-active citations instead of complaint-based enforcement.

Member Gryder indicated that a possibility exists for an intergovernmental agreement with Oswego Township for code enforcement assistance from Oswego Township.

Discussion occurred about home-based business regulations.

Discussion occurred about the definition of inoperable in relation to having insurance and licensed.

Discussion occurred regarding the definition of storage.

Motion by Member Gryder, seconded by Member Kellogg, to forward the proposal to the Committee of the Whole with the amendment to Section 2 exempting any motorized equipment used in production of agriculture.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried. This matter will go to the Committee of the Whole on September 13th.

NEW BUSINESS

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

Mr. Asselmeier summarized the proposal.

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.

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 AIMA be forwarded 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 with the requirements that decommissioning take six (6) months and to have a bond run for the duration of the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office.

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

Mr. Asselmeier summarized the proposal.

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.

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) months 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 AIMA be forwarded 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 with the requirements that decommissioning take six (6) months and to have a bond run for the duration of the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried. The proposal will be forwarded to the State's Attorney's Office.

Request for Guidance Regarding a Special Use Permit for the Yarn Foundation at 71 Boulder Hill Pass (Ordinance 2012-10)

Mr. Asselmeier summarized the request.

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. were provided.

Staff requested guidance as to how to proceed.

Motion by Member Kellogg, seconded by Member Gryder, for Staff to send notification letters to the property and tenant revoking the special use permit.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

The motion carried.

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

Mr. Asselmeier summarized the issue.

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 a 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.

The consensus of the Committee was to keep the policy the same and continue redacting information allowed for redaction under the Freedom of Information Act and to make it voluntary for people to provide personal information at meetings.

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
Mr. Asselmeier summarized the issue.

The consensus of the Committee was to keep the policy the same and continue redacting information allowed for redaction under the Freedom of Information Act and to make it voluntary for people to provide personal information at meetings.

OLD BUSINESS

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

Mr. Asselmeier summarized the request.

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 was provided. 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, 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 was provided.

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.

Motion by Member Kellogg, seconded by Chairman Davidson, to withdraw Petition 18-03.

Yeas (4): Davidson, Gilmour, Gryder, and Kellogg
Nays (0): None
Abstain (0): None
Absent (1): Cullick

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.

Update on 21 Dawn Avenue

Mr. Asselmeier provided information. Discussion occurred regarding drainage tile law.

REVIEW VIOLATION REPORT

The Committee reviewed the violation report.

Update on Violation of Inoperable Vehicle at 93 Longbeach Road, Montgomery

Mr. Asselmeier stated the inoperable vehicles are still at the property and the case will be forwarded to the State's Attorney's Office on September 14th.

Update on Violation of Zoning Ordinance at 790 Eldamain Road

Mr. Asselmeier provided a letter from the attorney for the property owner. The consensus of the Committee was to give the property owner time to install the fence as outlined in the letter.

REVIEW NON-VIOLATION REPORT

The Committee reviewed the non-violation report.

UPDATE FOR HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission is planning a meeting with other historic preservation groups for February 13, 2019, at La Salle Manor.

REVIEW PERMIT REPORT

The Committee reviewed the permit report.

REVIEW REVENUE REPORT

The Committee reviewed the revenue report.

CORRESPONDENCE

None

PUBLIC COMMENT

Paul Pope, Village President of the Village of Lisbon, invited Committee members to attend their September 17th at 7:00 p.m. at 114 Canal Street in Lisbon.

Jim Williams, Boulder Hill, discussed a business operating out of a house across the street from his property.

COMMENTS FROM THE PRESS

None

EXECUTIVE SESSION

None

ADJOURNMENT

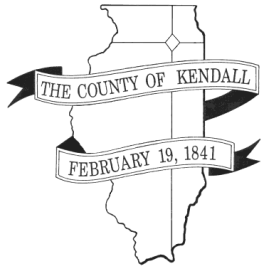
Motion by Member Kellogg, seconded by Member Gryder, to adjourn. With a voice vote of four (4) ayes the motion passed unanimously. Chairman Davidson adjourned the meeting at 9:35 p.m.

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

Encs.

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1 091223	IACZO - KRISTAL DEININGER, TRE	9/20/18	IACZO SEMINAR	09/04/18	01020026206	TRAINING	60.00*
2 220620	VERIZON	9813163164	CELL PHONE - CODE OF	09/04/18	01020026207	CELLULAR PHONE	55.39*
3 261005	RANDY ERICKSON	AUGUST 2018	AUGUST 2018 PLUMBING	09/04/18	01020026361	PLUMBING INSPECTIONS	1,120.00*
4 230933	WBK ENGINEERING, LLC	19384	REVIEW SERVICES	09/04/18	01020026363	CONSULTANTS	661.50*
5 120542	LEO'S	764	ENGRAVED NAME PLATE	09/04/18	01020026381	ZONING BOARD OF APPEALS	10.00*
6 120542	LEO'S	764-A	ENGRAVED NAME PLATE	09/04/18	01020026383	HISTORICAL PRESERVATION C	10.00*
Total BUILDING AND ZONING							1,916.89*
ENGINEERING/CONSULTING ESCROW ACCT							
7 230933	WBK ENGINEERING, LLC	19385	FOX METRO EXPANSION	09/04/18	59020000046	FOX METRO WATER REC DIST	556.50*
8 230933	WBK ENGINEERING, LLC	19386	NICOR - MINOOKA	09/04/18	59020000059	NICOR-AUX SABLE CREEK-CO	353.09*
Total ENGINEERING/CONSULTING ESCROW							909.59*
GRAND TOTAL							2,826.48**

Vendor #	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount
BUILDING AND ZONING							
1	110565 KENDALL PRINTING	18-09112	LETTERHEAD AND ENVEL	09/14/18	01020026200	OFFICE SUPPLIES	241.45
2	191522 SOURCE ONE OFFICE PRODUCTS	700605	OFFICE SUPPLIES	09/14/18	01020026200	OFFICE SUPPLIES	16.06
3	190816 SHAW MEDIA	10101009	ZONING MEETING NOTIC	09/14/18	01020026209	LEGAL PUBLICATIONS	257.51*
4	110531 KENDALL CO HIGHWAY DEPT	AUGUST 2018	AUGUST FUEL - PBZ TR	09/14/18	01020026217	VEHICLE MAINT/REPAIRS	164.30*
5	110545 KENDALL COUNTY RECORDER	954	ORDINANCE RECORDINGS	09/14/18	01020026370	RECORDING EXPENSE	135.74*
6	110545 KENDALL COUNTY RECORDER	955	ORDINANCE RECORDINGS	09/14/18	01020026370	RECORDING EXPENSE	102.00
							182.00
							284.00*
ENGINEERING/CONSULTING ESCROW ACCT							841.55*
7	230933 WBK ENGINEERING, LLC	19384	14905 HUGHES ROAD	09/14/18	59020000063	HARVEST MOON BARN AT 1490	189.00
8	230933 WBK ENGINEERING, LLC	19387	14905 HUGHES ROAD	09/14/18	59020000063	HARVEST MOON BARN AT 1490	189.00
Total ENGINEERING/CONSULTING ESCROW							378.00*
GRAND TOTAL							1,219.55**



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: September 27, 2018

Re: 17-28 Proposed Text Amendments to Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

The Kendall County Planning, Building and Zoning Committee has been researching outdoor target practice and shooting range regulations for the last several months. Using the regulations of several neighboring and nearby counties, the Planning, Building and Zoning Committee drafted a proposed amendment to the Kendall County Zoning Ordinance and approved initiating a text amendment at their meeting on September 11, 2017.

ZPAC reviewed this proposal at their meeting on October 3rd. A large amount of discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate. ZPAC voted three (3) in favor (Langston, Rybski, and Guritz), one (1) in opposition (Klaas), three (3) abstain (Andrews, Clayton, and Asselmeier), and three (3) absent (Holdiman, Chismark, and Davidson); the minutes of their meeting are attached.

The Kendall County Regional Planning Commission met on this proposal on October 25, 2017 and expressed the following concerns regarding the proposal:

1. The Kendall County Regional Planning Commission would like more background/scientific information to explain the proposed regulations; they would like to see expert opinion on the proposal. Commissioners would like a more specific frame of reference as to how the proposal matches or contradicts the National Rifle Association Standards.
2. The proposed text amendments contradict the National Rifle Association Standards.
3. The size and control requirement of the downrange safety area will make it very difficult for ranges to locate in the unincorporated areas.
4. The requirement that the ranges have restrooms facilities is redundant because the Kendall County Health Department regulations require such facilities.
5. The minimum parcel size is proposed to be forty (40) acres. The requirement that the firing line must be at least one thousand five hundred feet (1,500') from the property lines of adjoining properties means that a parcel would need to be larger than forty (40) acres to meet the firing line distance requirements.
6. The exemption of land owned by the Kendall County Forest Preserve District is unneeded if the Forest Preserve District is meeting State law and not desired if the Forest Preserve District must meet local zoning regulations.
7. The insurance requirements seem excessive.
8. Commissioners would like to see "license" be grouped with easement regarding access to public roads.

The Kendall County Planning, Building and Zoning Committee responded by spending the next several months refining the proposal. At their meeting on June 11, 2018, the Kendall County Planning, Building and Zoning Committee approved the proposal in its current format.

The Kendall County Regional Planning Commission reviewed the revised proposal at their meeting on June 27th and expressed the following concerns regarding the proposal. The Kendall County Planning, Building and Zoning Committee's responses are bolded:

1. The exemption for the Forest Preserve District and lands owned by the State of Illinois and used for parks should be removed. The public health, safety, and welfare issues that the proposal seeks to address are the same for publicly owned lands and privately owned lands. **The activities of the Forest Preserve District are exempt from zoning if the activity is a permissible use as defined by the Downstate Forest Preserve Act.**
2. The Commission would like the proposal divided into three (3) parts: shotgun, rifle, and pistol. The Commission believes that this division would resolve issues related to minimum lot size and distance to neighboring structures. In talking with PBZ Chairman Davidson, Staff believes that the resulting division would simply cause petitioners to request three (3) special use permits. **The Planning, Building and Zoning Committee concurred with PBZ Chairman Davidson that prospective gun ranges would seek multiple special use permits. The County can evaluate proposals on a case-by-case basis and place appropriate restrictions on special use permits.**
3. Commissioners were concerned regarding the removal of the five (5) acre minimum lot size requirement; ranges would simply have to meet the setbacks of the zoning district. PBZ Chairman Davidson would like the setbacks to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that a property would need to be of sufficient size to comply with the setback, berming, and noise requirements contained in the proposal.**
4. Commissioners were concerned regarding the removal of the one thousand foot (1,000') buffer between ranges and churches, schools, and neighboring houses. PBZ Chairman Davidson would like the distances to be determined on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**
5. Commissioners were concerned about the noise requirement. Unlike other noise regulations, the sixty-five (65) dBa requirement would be constant instead of lowering to fifty-five (55) dBa at 10:00 p.m. PBZ Chairman Davidson would like the noise regulations to be evaluated on a case-by-case basis. **The consensus of the Planning, Building and Zoning Committee was that proposals should be evaluated on a case-by-case basis with the neighboring land uses taken into consideration when evaluating the individual application.**

Accordingly, the Planning, Building and Zoning Committee made no changes to the proposal.

At their meeting on July 25, 2018, the Kendall County Regional Planning Commission unanimously recommended denial of the proposal.

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The following comments on the proposal were provided at the July 25th meeting:

Ms. Wilson looked into the downstate Downstate Forest Preserve Act and could not find exemptions that pertained to the special use permit applied to the Kendall County Forest Preserve. There are permits that can be granted to outside users. Ms. Wilson also questioned where the source of the proposal originated. Mr. Asselmeier noted the Planning, Building and Zoning Committee made the final call for what was put in the proposal. Ms. Wilson questioned what reason for the minimum of five (5) acre lot size. Mr. Asselmeier noted it was set at that requirement back in 2015. The Planning, Building and Zoning Committee wanted the dimensions to be based on the setbacks, berming requirements and type of firearm. All the other setbacks would have to be met, even if the five (5) acre requirement is not obtained.

Mr. Nelson stated that the decision of the County Board on this matter is not based on law. He questioned why the language should be put in if the Kendall County Forest Preserve is exempted. If the regulations are already in the law, there is no reason to put it in the ordinance. Mr. Nelson understood looking at petitions on a case-by-case basis, but did feel that greater direction was needed.

Mr. Shaw questioned the noise requirement and if shooting can last all night. Chairman Ashton responded that it depends on a case-by-case basis and that shooting could occur all night under the proposal. Chairman Ashton noted the Sheriff Department's range was approved years ago and the proposal does not apply to that range.

Discussion occurred regarding the Sheriff Department's range. Mr. Davidson responded that the special use allows lights. Chairman Ashton noted the special use permit did not allow lights. However, the special use permit should include lights if someone wants to put up lights. Mr. Nelson noted, if someone has a special use permit with no restrictions on hours of operation, it is reasonable for the individual to put up lights. Mr. Asselmeier noted the time for the range was 7 a.m. to 8 p.m. and that lighting shall meet the standards of the zoning order. Ms. Wilson agreed with Mr. Shaw. She stated she lives next to a shooting range and would not be okay with it going on after 10 p.m. She also advocated for a lower decimal level because noise can be disruptive and dangerous to the public.

Mark Perle, Old Ridge Road, expressed disappointment that none of the points were really discussed at the July 9th meeting. Mr. Perle would like to see commercial businesses to be subject to commercial gun range regulations. He would like to see a maximum number of shooters on private commercial property. Discussion occurred about shooting coming from one property and hitting nearby houses. There was no input taken from the citizens groups. He did not believe the general public will be receptive. The Planning, Building and Zoning Committee referred to David Lombardo as their expert. Mr. Nelson stated the Commission was an advisory board and provided all the information but the Planning, Building and Zoning Committee took a different approach.

Priscilla Gruber, Old Ridge Road, believed that the Planning, Building and Zoning Committee wanted to decide petitions on a case-by-case basis and she objected to that idea. She argued that the public has no guidelines and no one can plan or know what the neighborhood will be like. She argued that too much discretion lay with the people

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in office at that time, but County Board members change. She did not want to see the county adopt the policy. Mr. Nelson responded that Ms. Gruber should go to the County Board meeting. Ms. Wilson suggested that Ms. Gruber research the Downstate Forest Preserve Act.

Linda Wilkinson, Old Ridge Road, believed the County Board should take measures to enhance the quality of the residents. She argued that property values will decrease next to gun ranges. In her case, her property would be unsellable. She requested a negative recommendation.

These proposed changes do not apply to the Sheriff's Office Range or any outdoor gun range or outdoor gun club currently lawfully operating. None of the existing outdoor gun clubs or outdoor gun ranges would meet the requirements of this proposal.

ZPAC has not reviewed the proposal in its current form.

The Kendall County Zoning Board of Appeals held a public hearing on this proposal on August 27, 2018. The Zoning Board of Appeals voted to recommend denial of the proposal with two (2) members voting in favor and four (4) members voting against the proposal. Mr. LeCuyer stated the proposal needs to reference the qualifications for the range masters. Mr. Fox stated the overall issues with the proposal such as safety, qualifications for range master, and the hours of operation. Mr. Cherry stated the proposal has too many grey issues for him and the proposal needs to be reworked. Chairman Mohr stated his concerns are there should be a minimum standard and modified later with variances if needed. The range master qualifications needed to be fixed and minimum should be kept in the proposal.

The following comments were made at the Zoning Board of Appeals hearing:

Priscilla Gruber, Old Ridge Road, requested the current proposal be rejected. She did not believe it promotes the welfare of the citizens. Also, the current proposal removes any acreage requirement, allowing a gun range to be on any size lot, and distance requirement to property lines is another negative. She did not believe gun ranges were desirable next to churches or schools. She continued to state the proposal removed the requirement to have a qualified designated person to run the range. She argued the issue of dealing with proposals on a case-by-case basis produces uncertainty and confusion.

Mark Perle, Old Ridge Road, stated his concerns were with the private shooting ranges that should be defined as commercial shooting ranges. He stated this issue needs to be addressed if the rules are going to be changing. He argued there are currently businesses commercially providing shooting ranges on their private property. He did not believe someone can be a private shooting range and commercial. He continued to say people were abusing their special use permit but did not have a problem with residents shooting on their property. He recommended the County implement liability insurance for the gun ranges. He did not agree with removal of the range master, setbacks, one thousand foot (1,000') feet distance requirement, and five (5) acre rules. He referenced that commercial paint ball ranges are required to have a minimum of twenty (20) acres. Lastly, the National Rifle Association (NRA) is a private organization that can change their rules at any time. Kendall County should follow a federal agency's regulations.

Linda Wilkinson, Old Ridge Road, stated that she did not agree with the proposed changes and requested the Zoning Board of Appeals to deny the changes. She stated the proposed changes did not promote safety and regulate the noise properly. She referenced the National Rifle Association (NRA) certification for range master and she argued property next to shooting ranges suffer from loss of value. The three (3) main reasons for the lower value are noise, safety, and environmental factors. She agreed with the Environmental Protection Agency (EPA) standards that were under consideration. However, these regulations are very difficult to enforce.

Mr. Thompson questioned Ms. Wilkinson regarding the sources she used for the decibels of firing from rifles. Ms. Wilkinson responded she used multiple sites along with having the police department recording the decibels while shooting occurred. Mr. Thompson stated that, compared to jet engines, the dBa of the shooting seemed inflated. Also, he stated he has been around the shooting of rifles and did not believe it be that loud.

Becky Peterson, Church Road, stated she has concerns regarding the proposed changes and have been dealing with the issue of unauthorized gun ranges for the last three (3) years. She stated residents should be able to enjoy their property without the fear of bullets. The issues of downgrading the property size, lowering the acreage size, and noise regulation were problems. She argued there needed to be a concrete set of rules for gun ranges and not be handled on a case-by-case basis. She argued property value and the quality of life for other residents will diminish. She stated she believed no gun ranges should be allowed in agriculture zoned areas. She did not believe the proposal was conducted on a bipartisan level and did not include the residents.

Lane Abrell, Superintendent for Plainfield School District 202, stated that he believes the proposal is a bad idea; specifically deleting the acre (5) acre requirement and the requirement that ranges be at least one thousand feet (1,000') from a school. He stated residential growth within Kendall County will cause the school district to look for more properties in the future and gun ranges could be located next to these properties.

Margaret Sheehan, White Oak Drive, stated she that was concerned with the supervisor position because the proposed regulations make it unsafe for the participants at the range. She is an active shooter and believes it would be too dangerous. She was opposed to the idea that decisions could be made on a case-by-case basis.

Zack Barnwell, Thomas Court, stated that he is a member of the Barber Greene Hunting and Fishing Club and also an active shooter. Barber Greene has been a business in Kendall County since the 1960s and has not had a safety issue at their club. Also, there is another gun range located next to them. He stated the firing lines from the two gun ranges are over nine hundred feet (900') apart. He recommended the Zoning Board of Appeals vote yes for the proposal. He stated that the National Rifle Association (NRA) courses for ranger supervisors were vigorous, but not law. He recommended, if other residents were concerned with the noise of a fire arm, they should contact their state or local representatives.

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Scott Wallin, Ashley Road, stated he is the neighbor of a potential gun range site. He did not believe the County should be trying to police an issue such as outdoor gun ranges. He stated the idea that a gun range could be placed near his home does not appeal to him. Also, the rules of the proposal require policing from the County and he did not believe Kendall County had the personnel or finances for effective enforcement.

David Lombardo, SAFER USA Consulting Firm, stated many aspects in the proposal he had a part in drafting. He agreed with many issues concerning the instructor, but claimed it was a wording issue. He stated there should be flexibility for people who are professionals in fire arm operations.

Ms. Sheehan questioned how many of the experts that Mr. Lombardo mention were actually from Kendall County. Mr. Lombardo stated none of the people that he had trained are from Kendall County. He stated that limiting people to National Rifle Association (NRA) standards was not beneficial for the people who were knowledgeable of shooting.

Ms. Sheehan reiterated that she is more worried about the fact that anyone could be the supervisor of a gun range under the new proposal.

Mr. Lombardo stated he understood the issue of setbacks, but did not believe ranges would be next to schools and churches. He argued enforcing the noise regulation was equivalent to setbacks.

Martin Cann, Old Ridge Road, stated that the requirements for the shooting instructors for Boy Scouts were aligned with the National Rifle Association (NRA) standards. He was concerned that someone unskilled in firearms could teach his son. He requests the National Rifle Association (NRA) qualifications be included in the proposal.

Nate Howell, Church Road, stated he owns Howell Shooting Range. His problem lies with the one thousand foot (1,000') rule because it's a contradiction. He stated, under his family's trust, if he put his property in his name, under the new proposal, he would be too close to his sister's property to have his shooting range.

Joe Phillips, Whitewillow Road, stated he lives near the proposed gun range on Church Road that was proposed in 2017. He stated the value of his property would decrease by One Hundred Fifty Thousand Dollars (\$150,000) due to gun range. Also, the proposal will negatively affect the community and property taxes. From his understand, prior to 2014 gun ranges were not allowed in the agriculture zoning. He suggested putting the gun ranges in the mining and industrial districts and not in the agriculture zoned areas.

Priscilla Gruber stated that she agreed with Mr. Phillips and believed that gun ranges should be removed from agricultural and placed in the mining areas.

Deputy Commander Jason Langston, Kendall County Sheriff's Department, stated there are standards that the Sheriff's Department follows.

Brian Barnwell, Fields Drive, stated he purchased his home in Kendall County because he is close to the shooting ranges that he attends. He stated that he is a board member

PBZ Memo

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of Barber Greene. He hears gun shots at night where the police officers normally shoot. He stated there was self policing within the gun ranges and it was important to keep the neighborhood safe. Furthermore, there are gun ranges set up behind homes near his property. He stated he does not feel threaten by the gunshots; however he wants to ensure people are doing it on their property and within the law.

The complete record of the Zoning Board of Appeals hearing can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_17-28.pdf.

The townships have been informed of this proposal. On September 19, 2018, Na-Au-Say Township filed a formal objection. Their objection and reasons for objecting to the proposal are attached to this memo.

The existing gun ranges/shooting clubs provided comments to the Kendall County Planning, Building and Zoning Committee and the proposal was changed to reflect their concerns.

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

Thanks,

MHA

ENC: Proposed Text Amendment
Na-Au-Say Township Objection
Na-Au-Say Township's Reasons for Objecting.

Outdoor Target Practice or Shooting (not including private shooting ~~in your own yard on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State Parks~~) with the following conditions:

- a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book. **(See requirements b, c, and d of the proposal)**
- b. ~~Requires minimum parcel size of 5 acres, depending on the venue. Must meet setbacks of the zoning district. (See requirement k of the proposal)~~
- c. Must have a sign that lists allowed firearm types **based on the special use permit**, rules of operation; hearing and vision protection required. **(See requirement f of the proposal)**
- d. ~~State recognized, nationally recognized or NRA Certified range supervisor~~ **At least one (1) designated qualified person** must be present **at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules. (See requirement g of the proposal)**
- e. **At least one (1) R**range flag flown, a sign, **cone**, or red light lit at all times that firing is taking place. **(See requirement h of the proposal)**
- f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board. **(Unchanged-see requirement i of the proposal)**
- g. Access must be controlled by a **gated entrance lockable gate**. **The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing. (See requirement j of the proposal)**
- h. Hazardous waste plan addressing lead management required. **(See requirement a of the proposal)**
- i. No discharge of lead shot into wetland. **(See requirement o of the proposal)**.
- j. ~~Must be at least 1,000' from existing dwellings and property lines of schools, daycares, places of worship and airstrips.—Must meet setbacks of the zoning district. (See requirement k of the proposal)~~
- k. No alcohol allowed. **(Unchanged-see requirement l of the proposal)**
- l. No projectiles shall leave the boundaries of the site. **(Unchanged-see requirement m of the proposal)**
- m. All applicable Federal, State and **County local** rules and regulations shall be adhered to. **(See requirement o of the proposal)**
- n. Must meet all requirements of the Kendall County Health Department. **(See requirement o of the proposal)**

o. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office. **(See requirement a of the proposal)**

p. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance. **(See requirement o of the proposal)**

q. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. **(See requirement o of the proposal)**

r. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance **(Unchanged-see requirement p of the proposal)**

New regulations:

1. Safety area and range must be under the control of the operator of the range. **(Requirement e)**
2. Insurance requirement added. **(Requirement n)**
3. Noise requirement added; no distinction between day and night. **(Requirement q)**
4. New ordinance does not apply to existing ranges. **(Requirements r and s)**
5. New ranges open to the public are governed by this ordinance **(Requirements r and s)**
6. Easement provision contained in previous proposals was removed.

ORDINANCE # 2018-_____

TEXT AMENDMENT TO SECTIONS 7.01.D.32, 7.01.D.33 AND 10.03.B.4 OF THE KENDALL COUNTY ZONING ORDINANCE PERTAINING REGULATIONS OF OUTDOOR COMMERCIAL SPORTING ACTIVITIES AND OUTDOOR TARGET PRACTICE OR SHOOTING RANGES (NOT INCLUDING PRIVATE SHOOTING IN YOUR OWN YARD)

WHEREAS, 55 ILCS 5/5-12001 grants Kendall County the authority to regulate and restrict the location and use of structures and uses for the purpose of promoting the public health, safety, morals, comfort and general welfare throughout the unincorporated areas of the County; and

WHEREAS, gun clubs were a permitted use in the A-1 Agricultural District under the Kendall County Zoning Ordinance adopted January 16, 1940; and

WHEREAS, gun clubs were reclassified as a special use in the A-1 Agricultural District under the Kendall County Zoning Ordinances adopted in 1959 and July 9, 1974; and

WHEREAS, outdoor shooting ranges were classified as a similar use to gun clubs per the hearing of the Kendall County Zoning Board of Appeals on September 30, 1982 and were included as a special use in the A-1 Agricultural District by Ordinance 82-11 adopted November 9, 1982; and

WHEREAS, the restrictions governing target practice or shooting (not including private shooting in your own yard) in the A-1 Agricultural District and M-3 Earth Materials Extraction, Processing and Site Reclamation District were established through Ordinance 2013-14 adopted July 16, 2013; and

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, on or about September 11, 2017, the Kendall County Planning, Building and Zoning Committee, hereinafter be referred to as “Petitioner”, submitted a text amendment to the Kendall County Zoning Ordinance pertaining to outdoor target practice and shooting range zoning regulations; and

WHEREAS, on or about June 11, 2018, the Petitioner amended the proposed text amendment;

and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 9, 2018, 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 the Petitioner's representative presented evidence, testimony, and exhibits in support of the requested text amendment and four (4) members of the public testified in favor of the request and eleven (11) 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 August 27, 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 Township of Na-Au-Say did file a formal objection 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, the Kendall County Board hereby amends Sections 7.01.D.32, 7.01.D.33 and 10.03.B.4 of the Kendall County Zoning Ordinance as provided:

- I. Recitals: The recitals set forth above are incorporated as if fully set forth herein.
- II. Amended Text: The existing language of Section 7.01.D.32 is hereby deleted and replaced with the following:

“7.01.D.32 Outdoor Commercial Sporting Activities including but not limited to swimming facilities and motocross sports. Appropriate regulations for lighting noise and hours of

operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice (such exclusion extends to shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks), athletic fields with lights, paintball facilities and riding stables, including but not limited to polo clubs, and similar uses.”

III. Amended Text: The existing language of Section 7.01.D.33 is hereby deleted and replaced with the following:

“7.01.D.33 Outdoor Target Practice or Shooting (but not including private shooting on your own property or shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.
 1. The above referenced plans shall contain information as suggested by the National Rifle Association.
 2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
 3. The safety plan shall describe the duties and qualifications of range supervisor(s).
 4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.
 5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
- b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing

the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.

- c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
 1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
- d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
 1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles
 - a. Target placement not to exceed twenty feet (20') from the backstop.
 - b. Lateral not closer than thirty feet (30') from the firing line.
 3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
 4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from overshooting the berm.
- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.

- g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.
- h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.
- j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- k. Must meet existing setbacks of the zoning district.
- l. No alcohol allowed.
- m. No projectiles shall leave the boundaries of the site.
- n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.
- o. All applicable Federal, State and local rules and regulations shall be adhered to.
- p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.

- r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (October 16, 2018) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
- s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (October 16, 2018) must comply with the above regulations or secure applicable variance(s).”

IV. Amended Text: The existing language of Section 10.03.B.4 is hereby deleted and replaced with the following:

“10.03.B.4 Outdoor Target Practice or Shooting (not including private shooting on your own property and shooting ranges located on property owned by the Kendall County Forest Preserve District or the State of Illinois used for State parks) with the following conditions:

- a. At the time of application for a special use permit, petitioners desiring to operate an outdoor target practice or shooting ranges shall submit copies of all of the studies and plans suggested in the National Rifle Association’s Source Book including, but not limited to, a safety plan, a business plan, a public relations plan, a maintenance plan, a noise plan, an environmental stewardship plan, and a closure plan.
 - 1. The above referenced plans shall contain information as suggested by the National Rifle Association.
 - 2. Included in the above documents, the petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.
 - 3. The safety plan shall describe the duties and qualifications of range supervisor(s).
 - 4. In at least one (1) of the required studies or plans, a hazardous waste plan addressing lead management shall be included. The lead management plan shall conform to either the requirement of the National Rifle Association’s standards, the National Shooting Sports Foundation’s standards, or the United States Environmental Protection Agency’s best management practices standards.

5. In addition to the above requirements, the petitioner shall submit a water and drainage plan; this plan must be approved by the Kendall County Planning, Building and Zoning Office.
 6. Any changes to the above required studies and plans shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.
- b. Range layout requires conformity with National Rifle Association standards with regard to layout and dimensions. The petitioner shall submit a site capacity with a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100'). A licensed engineer or land surveyor shall prepare the documents.
 - c. The site plan for the proposed outdoor target practice or shooting range must show either sufficient berm height with sufficient downrange safety area or baffling that prevents projectiles from leaving the site.
 1. The safety area shall conform to National Rifle Association's standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.
 2. For the purposes of this regulation, the term "downrange safety area" shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.
 - d. Public ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top for ranges three hundred feet (300') in length, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. For every thirty feet (30') of firing line distance over twenty feet (20'), the berm height shall increase by ten feet (10') in height as an example. Berms shall be located as follows:
 1. Shotgun ranges – No berming required.
 2. Ranges for handguns and rifles
 - a. Target placement not to exceed twenty feet (20') from the backstop.
 - b. Lateral not closer than thirty feet (30') from the firing line.
 3. All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.
 4. In addition to berms, appropriate baffling may be installed over the firing line creating a "no blue sky" to prevent projectiles from

overshooting the berm.

- e. The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.
- f. The outdoor target practice or shooting range must have a sign that lists allowed firearm types based on the special use permit, rules of operation; hearing and vision protection required.
- g. At least one (1) designated qualified person must be present at all times when firing is taking place at for-profit outdoor target practice or shooting ranges. The qualified person shall be knowledgeable of the type of shooting being supervised, shall be approved by the owner of the range, and shall know and enforce all range rules.
- h. At least one (1) range flag flown, a sign, cone, or red light lit at all times that firing is taking place.
- i. Hours and days of operation shall be specified in the special use permit and determined by the County Board.
- j. Access must be controlled by a gated entrance. The range proper shall be gated and fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100') intervals warning members of the public of the danger. Berming may substitute for fencing.
- k. Must meet existing setbacks of the zoning district.
- l. No alcohol allowed.
- m. No projectiles shall leave the boundaries of the site.
- n. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; the insurance amount shall be at a level standard and customary for an outdoor target practice or shooting range. The insurance policy must be purchased from an A+ rated insurance company. An insurance policy meeting the above requirements must be maintained during the duration of the special use permit.
- o. All applicable Federal, State and local rules and regulations shall be adhered

to.

- p. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- q. No person shall cause or allow the emission of sound 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 residential property line of the complainant.
- r. Outdoor target practice and public or private shooting ranges in existence prior to the date of the adoption of this ordinance (October 16, 2018) shall be exempt from this sub-section of the Zoning Ordinance, but they shall follow the restrictions on their respective special use permits.
- s. Outdoor target practice and shooting ranges open to the public established after the date of the adoption of this ordinance (October 16, 2018) must comply with the above regulations or secure applicable variance(s).”

V. Any completed application submitted prior to the date of the adoption of this ordinance shall follow the application procedures, requirements and restrictions in effect on the date that the completed application was submitted.

IN WITNESS OF, this amendment to the Kendall County Zoning Ordinance has been enacted by a supermajority vote of the Kendall County Board this 16th day of October, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Matt Asselmeier

From: Brad Blocker [bblocker@gablocker.com]
Sent: Wednesday, September 19, 2018 4:08 PM
To: Matt Asselmeier
Subject: Amended Petition 17-28

Matt,

On September 17th 2018 the Na Au Say Township Plan Commission met to discuss and consider public comments and make a recommendation to the Na Au Say Township Board regarding Amended Petition 17-28 . After discussions a motion was made, and seconded , to approve support for the Amended Petition . Motion failed 3-0 .

On September 17th 2018 during the regular monthly meeting the Township Board discussed the recommendation from the Plan Commission and a motion was made , and seconded , to formally notify to the Kendall County Board that Na Au Say Township does NOT support the Amended Petition 17-28 .

Motion passed 5-0

Any question please feel free to contact me

Thank You,

Brad

Bradley A. Blocker

Supervisor

Na-Au-Say Township

"Headwaters of the aux-sable"

Office : 815-254-7708

Mobile : 630-417-2744

STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -

SEP 21 2018

Debbie M. Little COUNTY CLERK
KENDALL COUNTY

Matt Asselmeier

From: Brad Blocker [bblocker@gablocker.com]
Sent: Monday, September 24, 2018 11:44 AM
To: Matt Asselmeier
Cc: Scott Koepfel
Subject: RE: Amended Petition 17-28

Some of the concerns that were discussed were :

- Safety Area –Set backs and buffers too close and not well defined
- Fencing – should be fenced in and gate, berm should not be alternate
- Hours of operation – needs to be defined, no after dark
- Minimum land size –needs to be more, and defined
- Noise- negative impact for neighbors , not well defined
- Why is the County Board keeping this as Special Use and not Commercial ?
- Based on past experiences , there is general lack of confidence that County will properly regulate terms of Special Use permit .

These are just some bullet points of the concerns that were had. If you would like further explanation let me know ,feel free to call.

Thank You,

Brad

Bradley A. Blocker

Supervisor

Na-Au-Say Township

"Headwaters of the aux-sable"

Office : 815-254-7708

Mobile : 630-417-2744

From: Matt Asselmeier [<mailto:masselmeier@co.kendall.il.us>]

Sent: Monday, September 24, 2018 10:05 AM

To: Brad Blocker

Cc: Scott Koepfel

Subject: RE: Amended Petition 17-28

Brad:

Kendall County Planning, Building and Zoning Committee Chairman Davidson was wondering the reason(s) that Na-Au-Say Township was filing this formal objection. Could you let me know your concerns with the proposal?

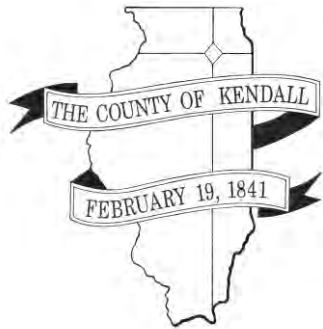
Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

October 10, 2018

Brad Blocker
Na-Au-Say Township
18 Stone Hill Road
Oswego, IL 60543

Dear Brad Blocker:

The Kendall County Planning, Building and Zoning Committee is in receipt of Na-Au-Say Township's formal objection to the proposed text amendment to the Kendall County Zoning Ordinance pertaining to outdoor shooting range regulations. The Committee would like to address the concerns listed the formal objection.

The areas zoned agricultural in Kendall County vary greatly from wide-open farmland to properties near residential subdivisions. It is our opinion that shooting ranges, under the proper conditions, are compatible uses with the majority of uses found in the A-1 Zoning District.

The proposed text amendment allows the County to evaluate applications for outdoor gun ranges on a case-by-case basis. Special uses allow for the placement of additional restrictions on given uses. The safety area, fencing, hours of operation, noise, and minimum lot size for the gun range can be evaluated based on the type of range proposed and the surrounding land uses in the neighborhood. We are aware that gun ranges will not be compatible on every piece of property zoned agricultural, which is the reason the Committee favored keeping gun ranges as a special use and requiring gun range owners/operators to complete the studies suggested in the National Rifle Association's Range Guide. Also, when a property is rezoned, all of the uses allowed in the new zoning classification have to be allowed on the subject property.

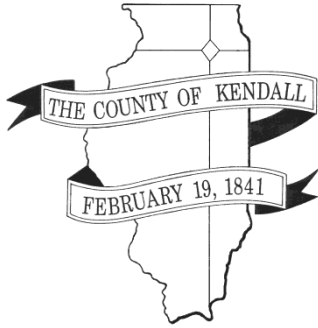
If you have any questions regarding this letter, please contact Matt Asselmeier at 630-553-4139 or masselmeier@co.kendall.il.us.

Sincerely,

THE COUNTY OF KENDALL

Matthew H. Asselmeier, AICP
Senior Planner

Robert Davidson, Chairman
Planning, Building and Zoning Committee



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

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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 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. 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.

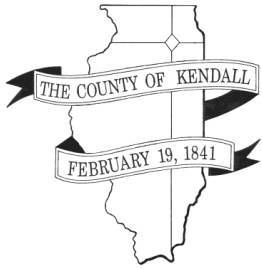
Copies of the proposed Future Land Use Map in Lisbon Township and the existing Future Land Use Map from the Village of Lisbon will be presented at the September 10th meeting and are included in the packet.

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)

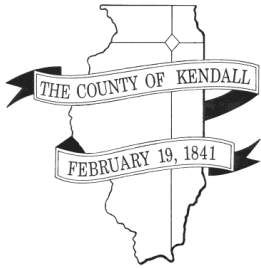
Absent – Bledsoe (1)

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

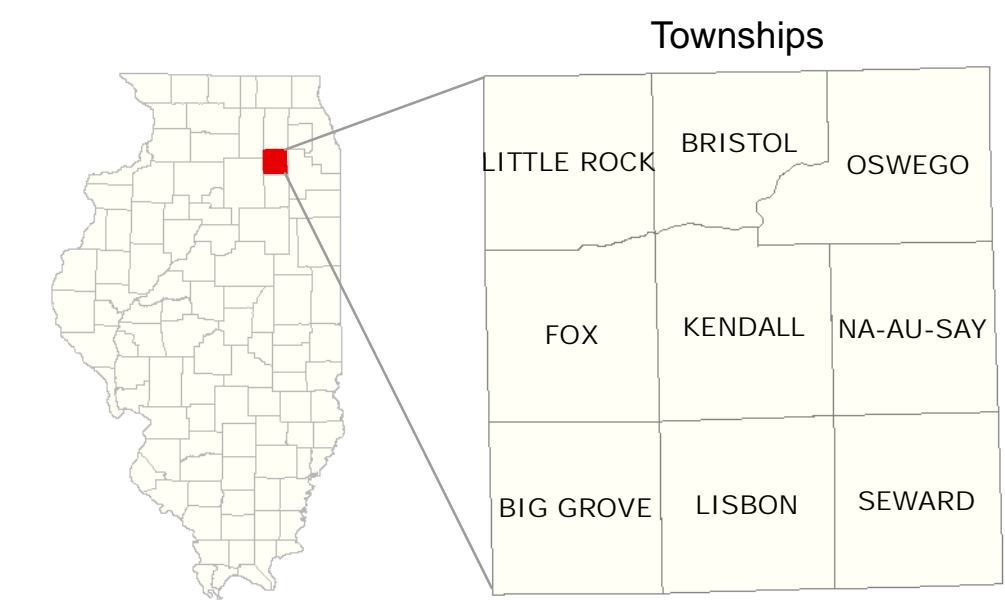
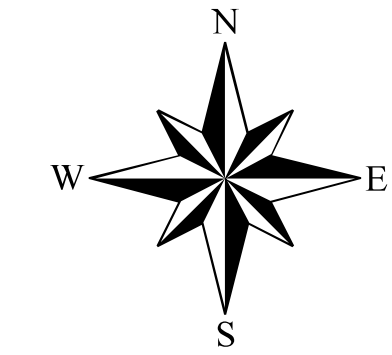
Matthew H. Asselmeier, AICP
Senior Planner

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

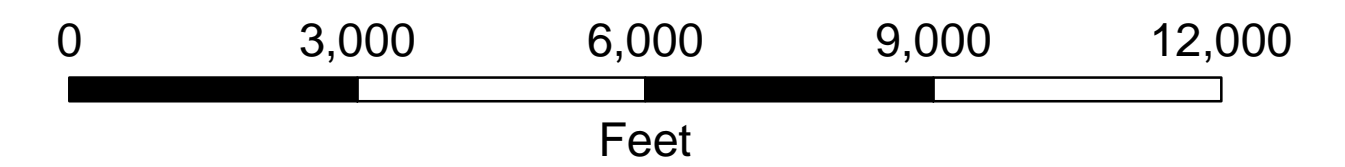
Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



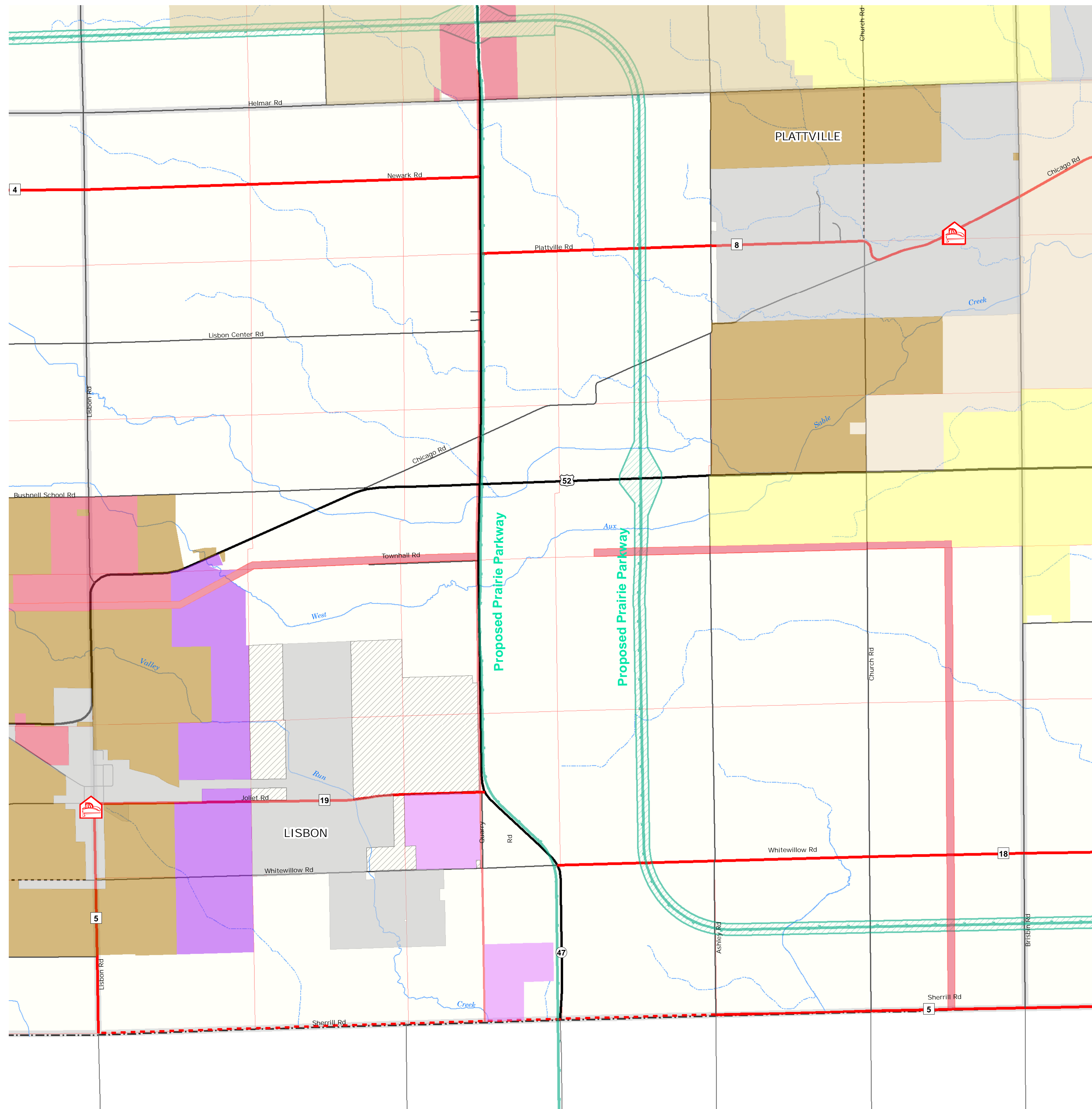
Scale: 1 in = 2,000 feet



Legend

Future Land Use

- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Residential 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

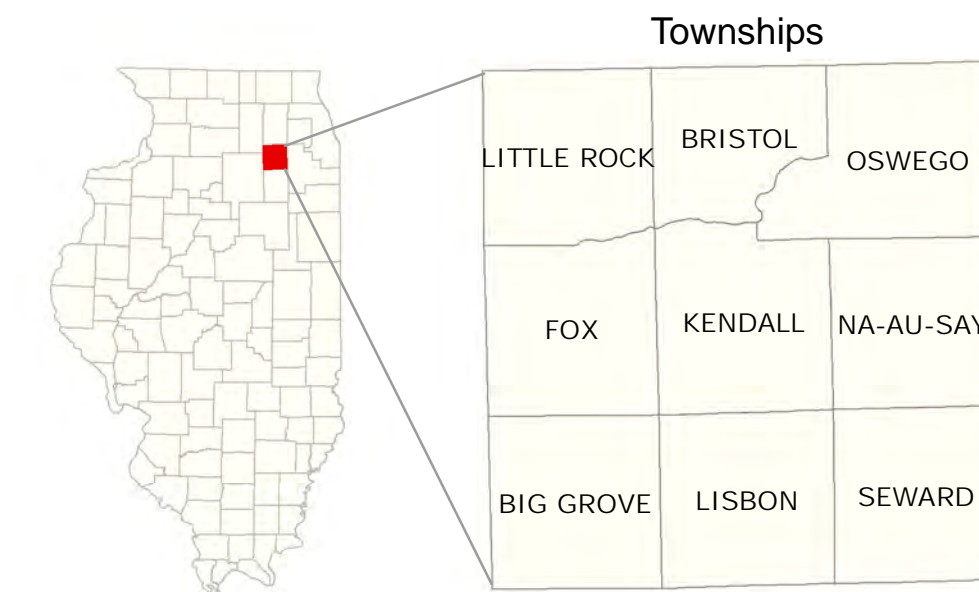
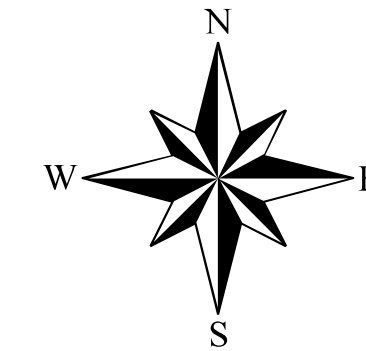


Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

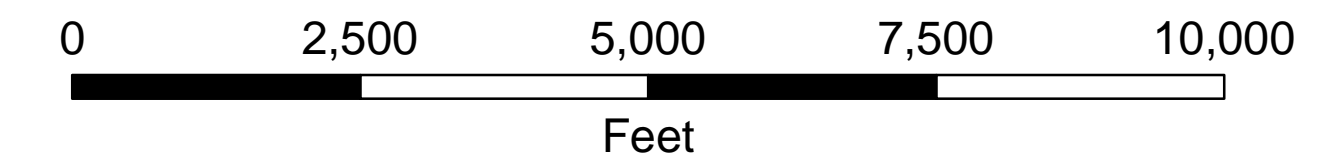
DRAFT Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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



Scale: 1 in = 1,667 feet



Legend

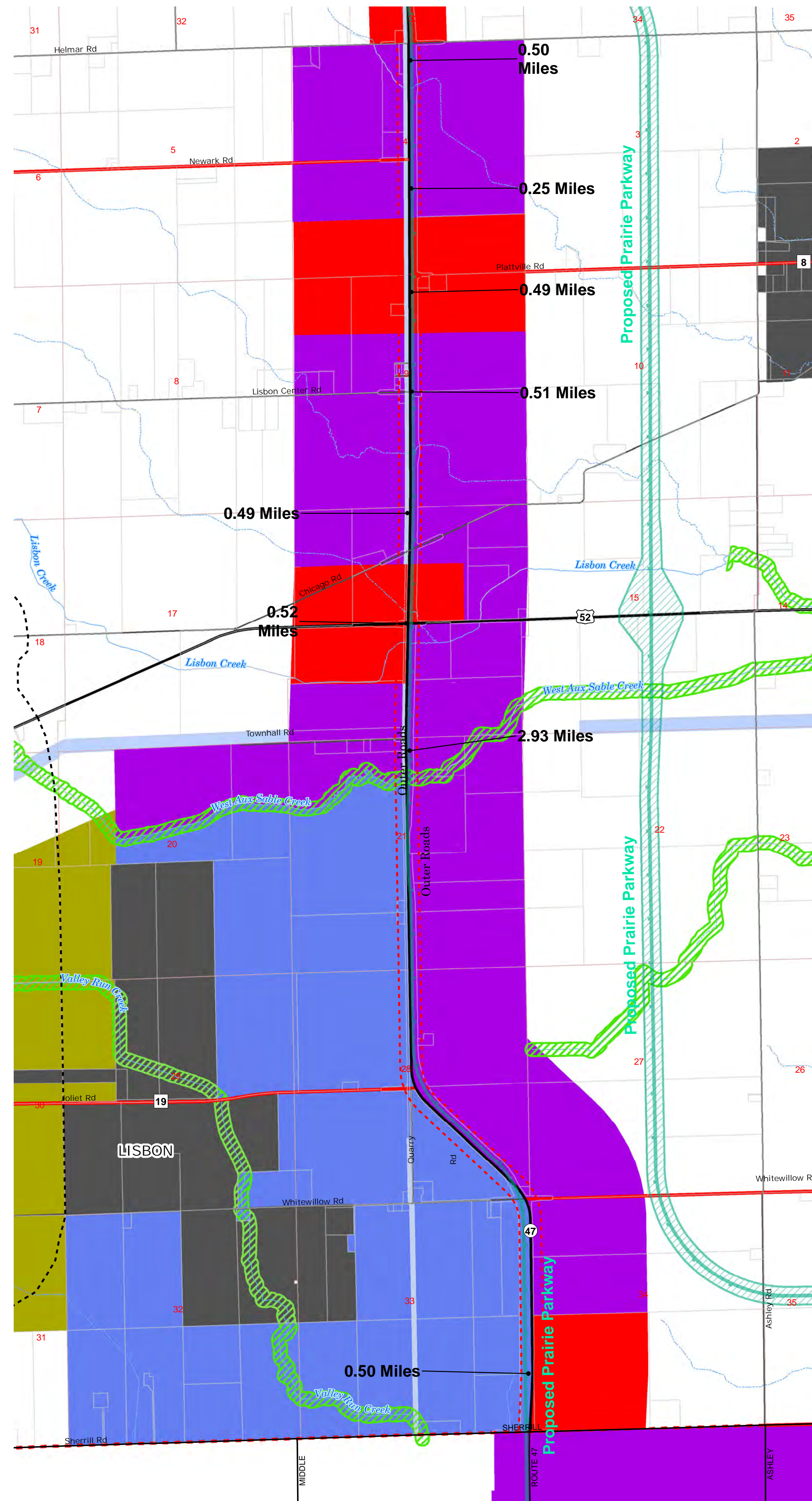
--- Outer Roads

--- Proposed Roadways

Future LRMP

Abbreviation

- Natural 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

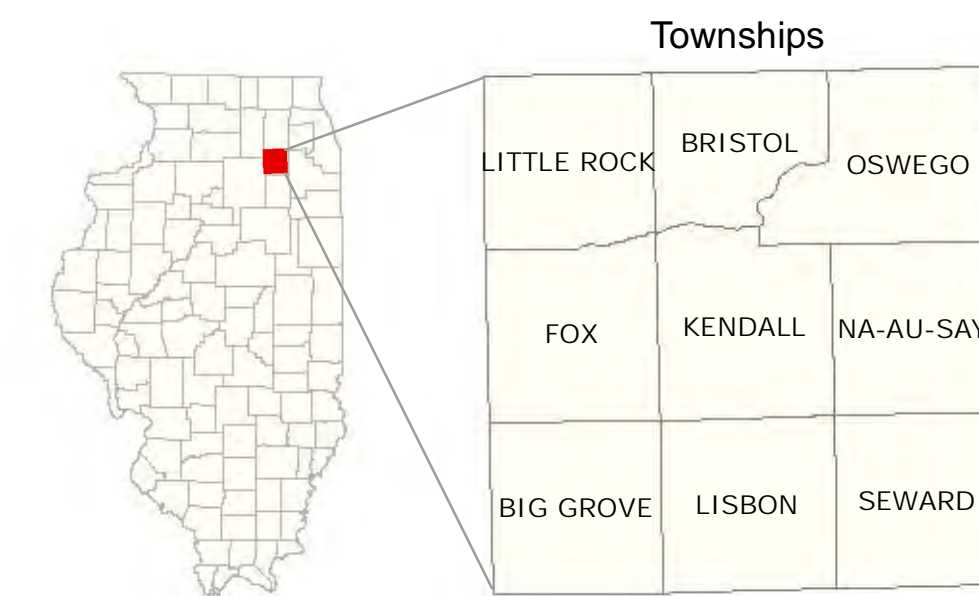
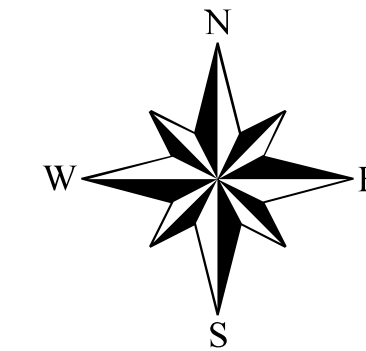


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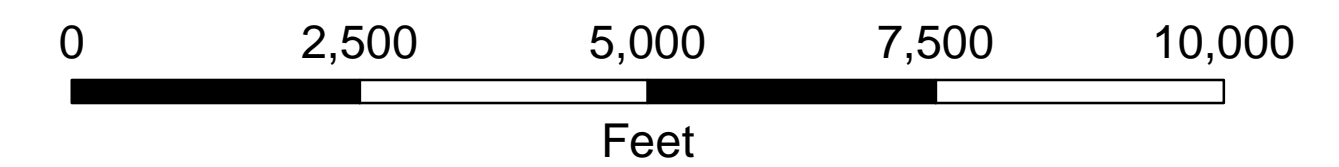
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- 2018 -

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Scale: 1 in = 1,667 feet



Legend

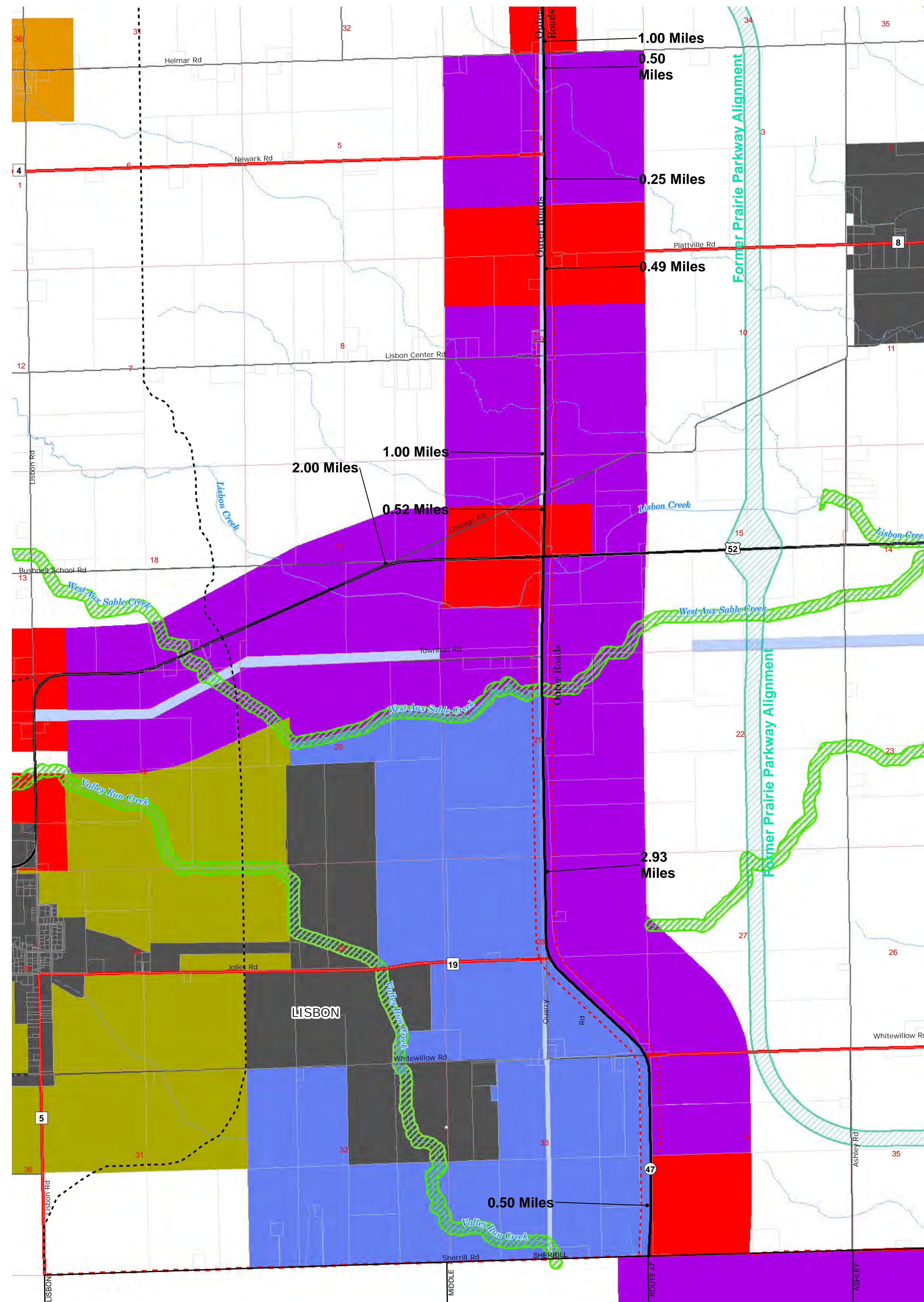
--- Outer Roads

--- Proposed Roadways

Future LRMP

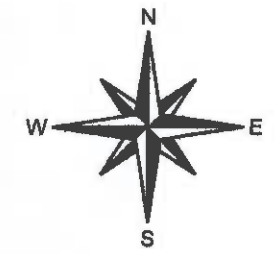
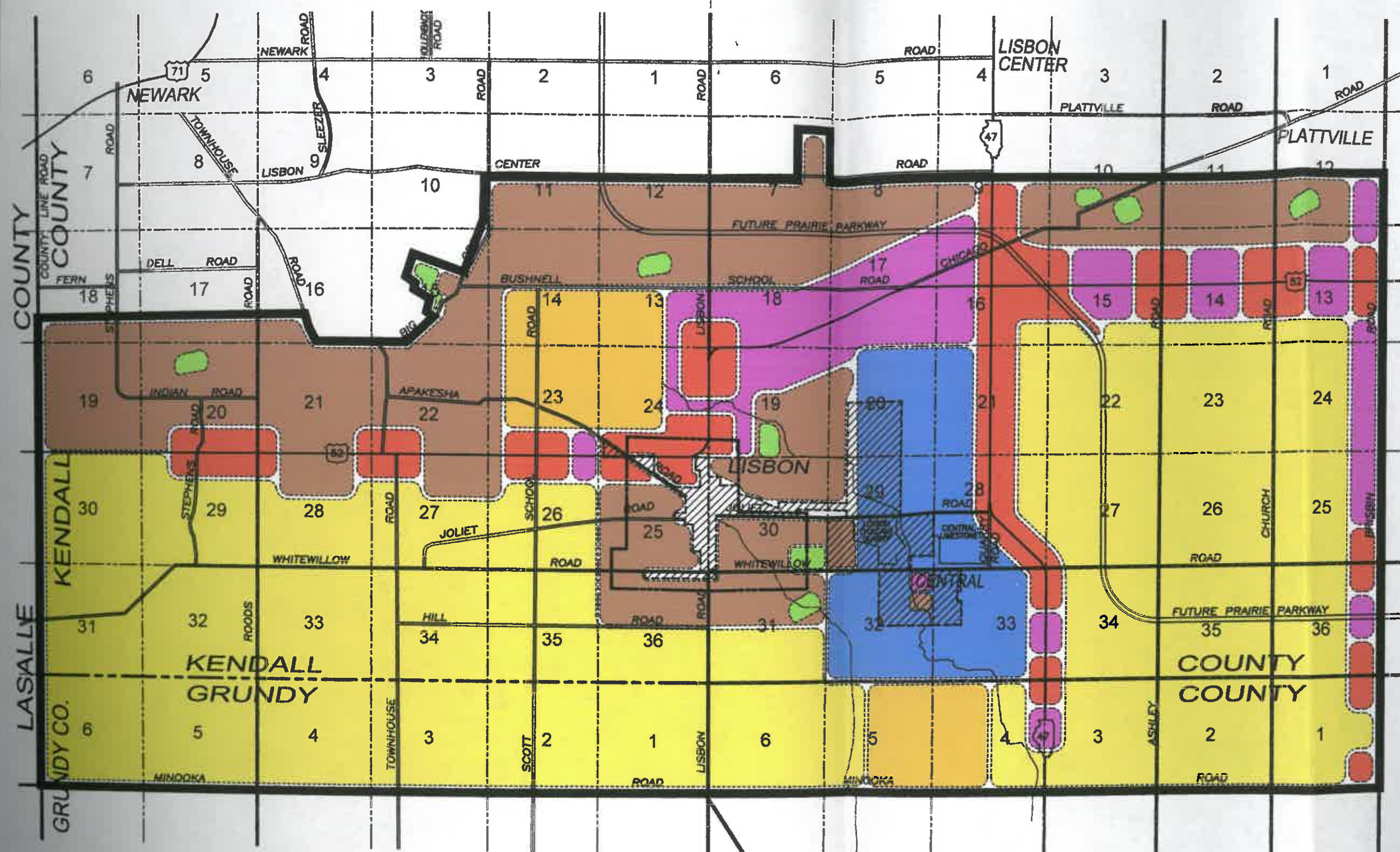
Abbreviation

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



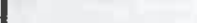









Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

RANGE 6 EAST RANGE 7 EAST



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

RANGE 6 EAST RANGE 7 EAST

DRAWN BY: MAR	DATE: 8/14/07
CHECKED BY: GRC	

REVISIONS	
DATE	BY
10/25/06	MM
11/13/06	MM
11/20/06	MM

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, 

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:

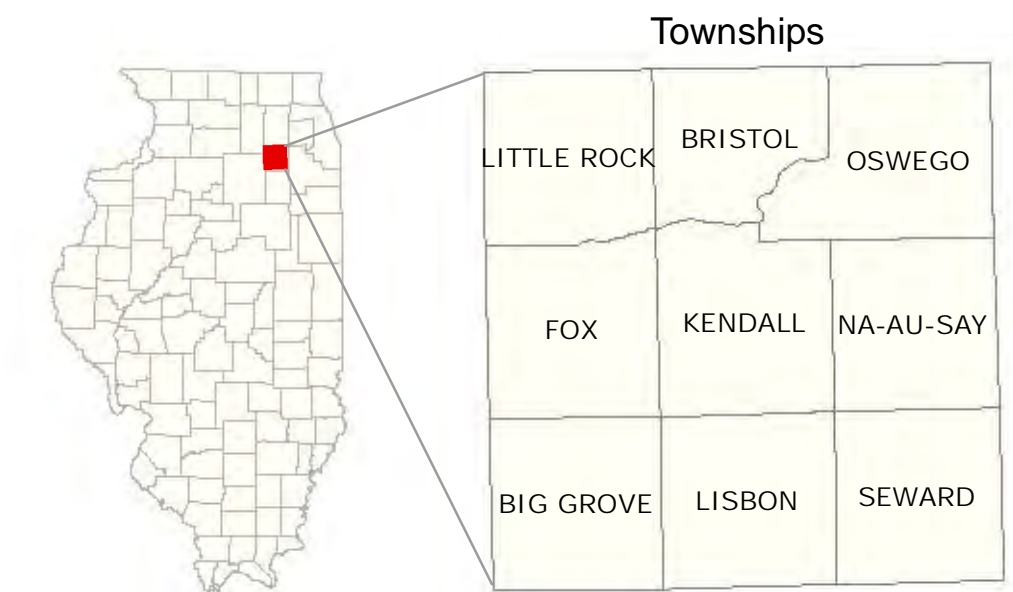
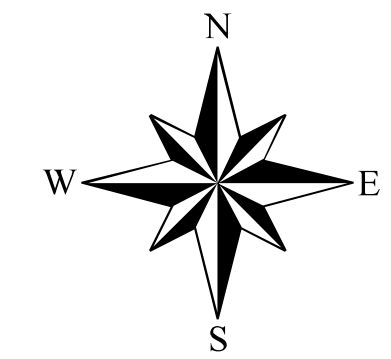
Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

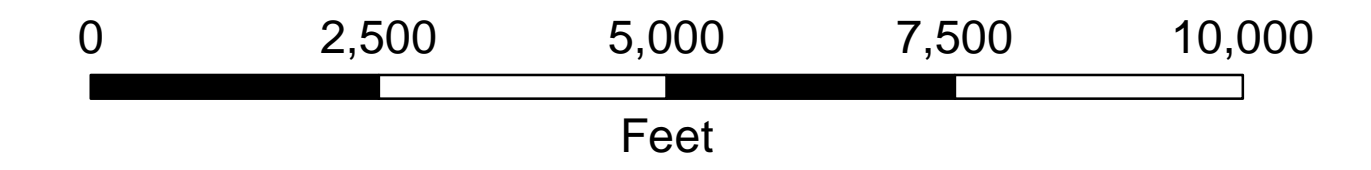
Lisbon Future LRMP Helmar Rd to Sherrill Rd KENDALL COUNTY

- 2018 -

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

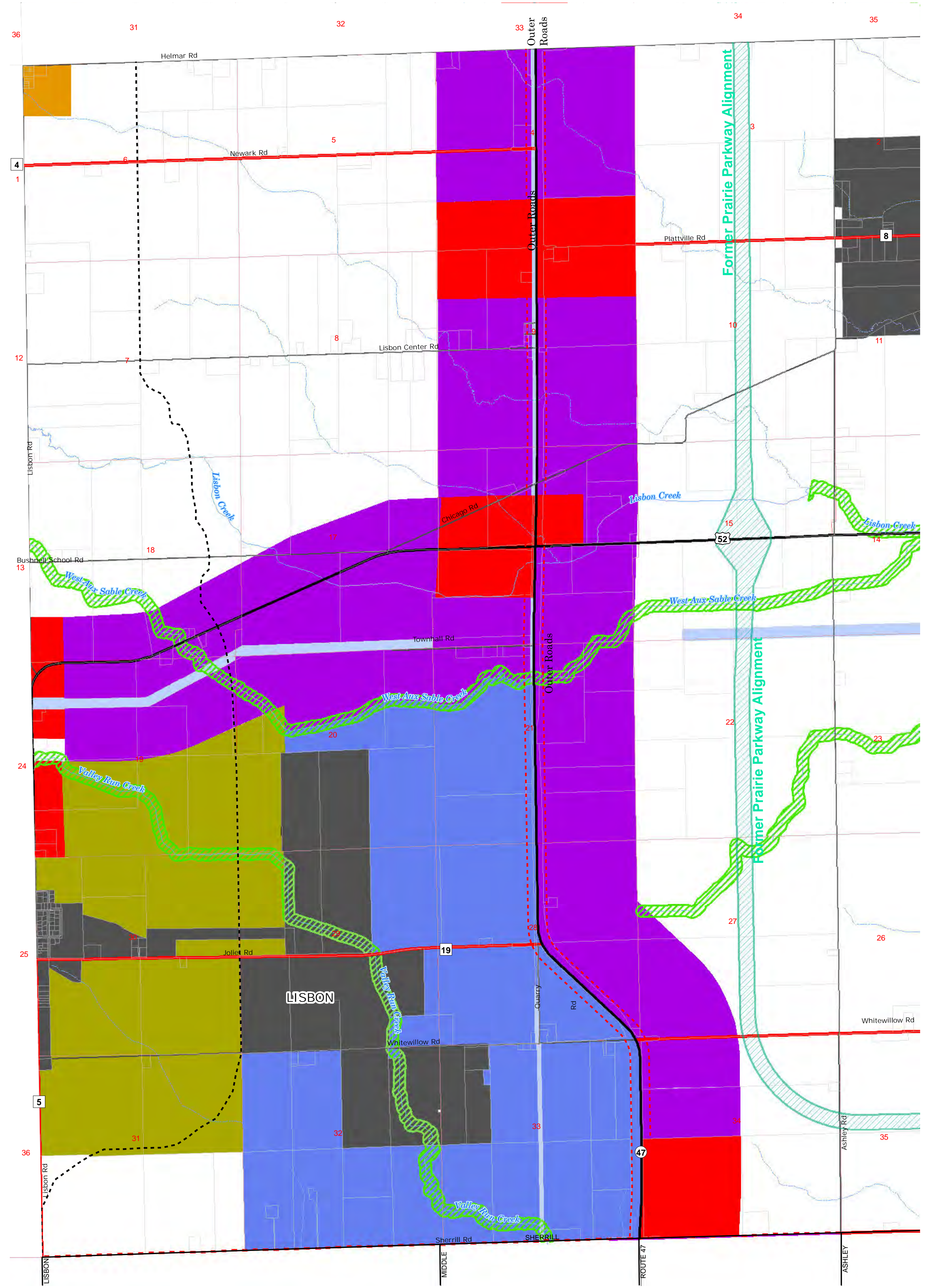


Scale: 1 in = 1,667 feet

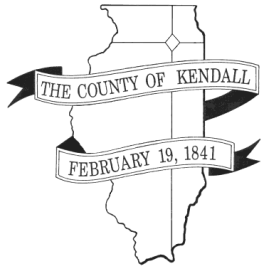


Legend

- - - 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
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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 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 use 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

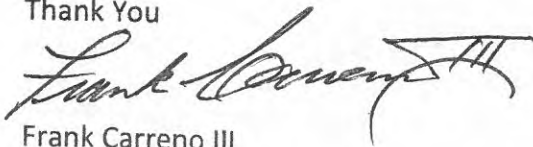
Angie Carreno
Clerk
(630-552-3315)

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



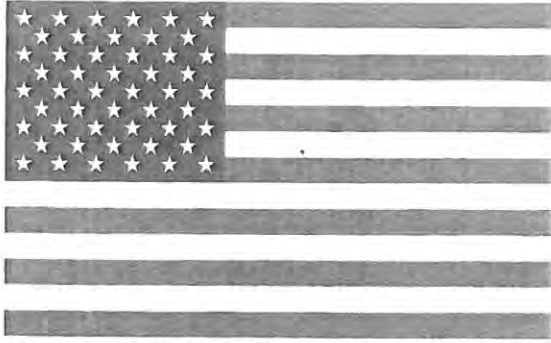
Frank Carreno III

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

Debbie Mallette COUNTY CLERK
KENDALL COUNTY

KENDALL TOWNSHIP 9925 RT. 47
STEVE GENGLER, SUPERVISOR

YORKVILLE, IL. 60560
630-553-7133

August 25, 2018

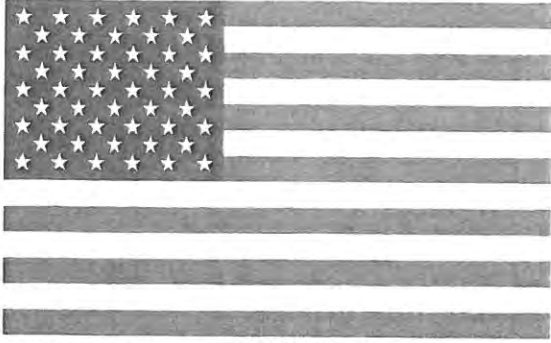
Matthew H. Asselmeier
Kendall County Senior Planner
111 W. Fox Street
Yorkville, Illinois 60560

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~~

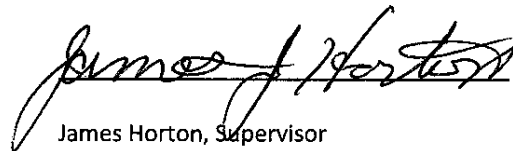
Legal Objection

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>	—	—



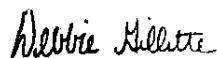
Darlene Ashton, Clerk



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
Jean Homerding
Supervisor

Sharleen Smith
Attest: Sharleen Smith
Clerk

STATE OF ILLINOIS
COUNTY OF KENDALL
- FILED -
AUG 20 2018

Nebbie Hellette 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} Plan Commission voted 4-0 to
file an objection to the Petition 18-07-

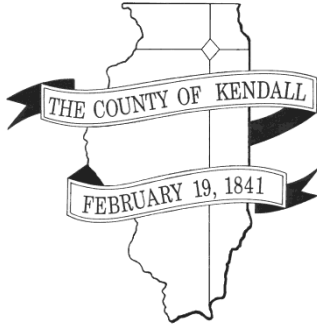
Kendall County Planning, Building and Zoning
Pertaining to the Renewal, Amendment,
and Revision of Special Use Permits

Suzanne Caley


Jessica Nielsen

Ekande Burt

August 13, 2018



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 18-25

**Paul Kovacevich on Behalf of Tri-Star Development, Inc.
Map Amendment Rezoning Property from A-1 to R-1**

INTRODUCTION

Paul Kovacevich, on behalf of Tri-Star Development, Inc., is requesting a map amendment rezoning the subject property from A-1 to R-1 in order to be able to build a forty (40) lot single-family residential subdivision. The Petitioner would like to have the zoning in place prior to going through the subdivision process.

At their meeting on October 10, 2017, the Planning, Building and Zoning Committee received general information from the Petitioner and his attorney about this proposed development. The Planning, Building and Zoning Committee was open to allowing the Petitioner to submit an application for a traditional subdivision instead of a Residential Planned Development.

RECOMMENDATION

Staff recommends approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan. Specific concerns related to the development of the site into a residential subdivision should be addressed during the approval process for the preliminary and final plats.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on July 31, 2018. Seward Township did not file a formal objection on this request.

CITY OF JOLIET

The subject property is within one point five (1.5) miles of the City of Joliet. The City of Joliet submitted comments on July 27, 2018. They encouraged development to follow the Aux Sable Creek Watershed Plan.

VILLAGE OF SHOREWOOD

The Village of Shorewood expressed no opposition to the proposal.

MINOOKA FIRE PROTECTION DISTRICT

Petition Information was sent to the Minooka Fire Protection District on July 31, 2018.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Chief Tim Wallace spoke at the August 22, 2018, Kendall County Regional Planning Commission meeting. He asked if retention would be installed. He asked about the setbacks for the houses in the development. He expressed concerns regarding the single access point to Route 52. There are no cul-de-sacs in the existing proposed subdivision. Accessory buildings would be allowed in the development as long as they followed the Kendall County Zoning Ordinance. The issues raised by the Chief would be addressed as part of the subdivision process.

ZPAC

ZPAC reviewed the request at their meeting on August 7, 2018. Ms. Andrews stated that a couple potential wetlands were located on the property. She requested that the Petitioner work with a wetland delineation specialist to identify these areas. The Petitioner said that the area was wet because of plugged drain tile. Ms. Andrews noted that three (3) lots were in floodway and six (6) lots were in the floodplain as shown on the current version of the preliminary plat. Soils ranged from

poorly drained to somewhat poorly drained. Some building limitations exist because of the soils. A secondary septic field will be needed. Ms. Andrews expressed concerns about draw-down of the aquifer. Mr. Rybski expressed concerns about the difficulty of placing conventional septic systems on the proposed lots. The septic systems will have ongoing maintenance requirements. Many of the technologies are newer and they are still working out some of the issues with new technologies. Mr. Klaas asked if the Petitioner had any contact with the Illinois Department of Transportation regarding access off of Route 52. The response was they contacted the Illinois Department of Transportation, but have not received comments to date. The Petitioner stated a development like this does not exist in Kendall County and the covenants and restrictions are very restrictive. The clientele the Petitioner is targeting should not have difficulty maintaining the system. ZPAC unanimously recommended approval of the requested map amendment.

The Forest Preserve District did not have a representative at the ZPAC meeting. Following the meeting, they expressed concerns regarding the point of access for the lot that was proposed to be Forest Preserve property. The Forest Preserve District did not have any objections to the map amendment request.

KCRPC

The Kendall County Regional Planning Commission reviewed this request at their meeting on August 22, 2018. Mr. Asselmeier read an email from Dan Roberts, Seward Township Trustee, expressing his concerns about stormwater and public safety; this email is included with the minutes of the Kendall County Regional Planning Commission meeting. Discussion occurred regarding allowing horses in the development; horses would be addressed in the covenants and restrictions of the subdivision. The Petitioner was advised that the zoning does not guarantee the development of the subdivision will occur as currently presented. Jaime Torres expressed concerns regarding flooding and stormwater issue on Bell and Jughandle Roads and increased traffic. Discussion occurred regarding have the development inside the jurisdiction of one (1) fire protection district instead of two (2) fire protection districts. This issue will be discussed further during the subdivision process. Matt Ewert expressed concerns regarding access on Route 52 and the speed that drivers travel on Route 52; discussion occurred regarding having a turn lane into the property from Route 52. Jim Martin, Seward Township Trustee, stated that, to date, Seward Township has yet to issue either a positive or negative recommendation regarding the proposal. He expressed concerns regarding traffic in the area. Mr. Martin would like the proposal to be reviewed by the Seward Township Planning Commission. The Petitioner was encouraged to take the concerns expressed by everyone under advisement as they move forward with the platting process. The Kendall County Regional Planning Commission recommended approval of the request with six (6) Commissioners voting in favor and two (2) Commissioners voting in opposition. Chairman Ashton voted no because of the LESA Score.

ZBA

The Kendall County Zoning Board of Appeals held a public hearing on this request on August 27, 2018. The Zoning Board of Appeals recommended approval of the request with four (4) members voting in favor of the request and two (2) members voting in opposition to the request. Mr. Thompson stated he knows the area is hard to drain. Chairman Mohr stated he voted against the proposal because of the high LESA score. The complete record of the hearing, including minutes from all prior meetings, can be found at https://www.co.kendall.il.us/wp-content/uploads/Petition_18-25.pdf.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are zoned A-1 and are used for agricultural purposes with farmsteads located within the general area. A forest preserve is also located within the general area.

The Zoning classification of property within the general area of the property in question. All of the adjoining properties are zoned A-1. One (1) R-1 PUD subdivision is located within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. With proper design and taking into

account the proximity of the Aux Sable Creek, R-1 related uses could also occur on the subject property.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area has been static due to the economic downturn. However, a residentially zoned subdivision is located within one half (1/2) mile of the subject property.

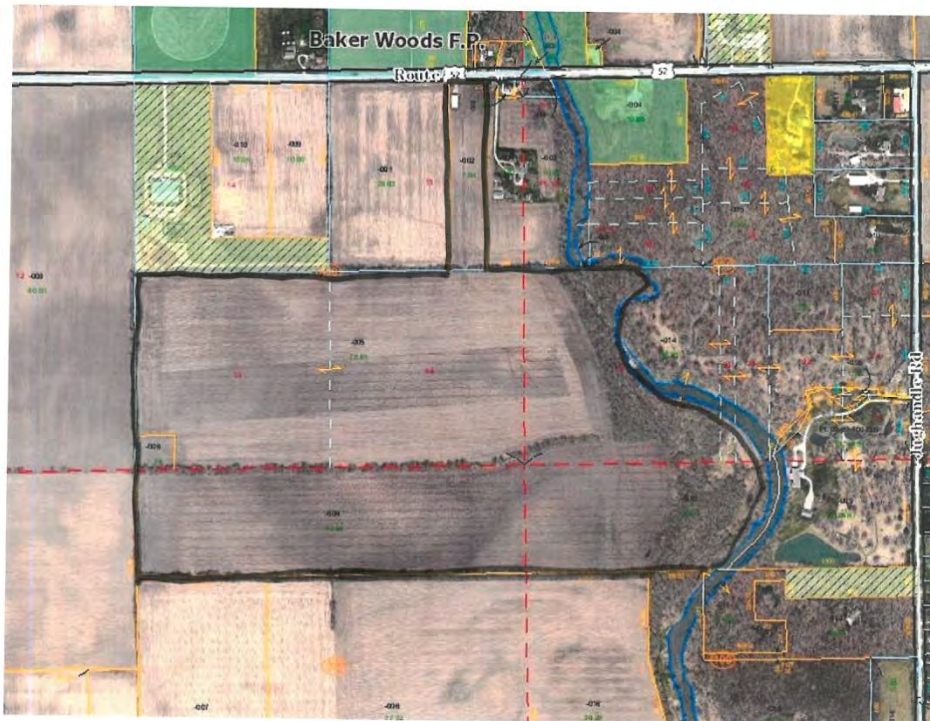
Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

SITE INFORMATION

PETITIONER: Paul Kovacevich on Behalf of Tri-Star Development, Inc.

ADDRESS: Across Route 52 from 3045 Route 52, Minooka

LOCATION: Approximately 0.5 Miles West of Jughandle Road on the South Side of U.S. Route 52



TOWNSHIP: Seward

PARCEL #s: 09-15-300-014, 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, and 09-22-100-010

LOT SIZE: 183 +/- Acres

EXISTING LAND USE: Agricultural

ZONING: A-1 Agricultural District

LRMP: Future Land Use	Rural Residential (Max 0.65 DU/Acre)
Roads	U.S. 52 is a State Maintained Highway.
Trails	Joliet has trails planned along Route 52 and Minooka has trails planned along the Aux Sable Creek.
Floodplain/Wetlands	There is a floodplain on the east side of the property along Aux Sable Creek and there are wetlands along the Aux Sable Creek and in the woods on the east side of the property.

REQUESTED ACTION: Map Amendment Rezoning Property from A-1 to R-1

APPLICABLE REGULATIONS: Section 13.07 – Map Amendment Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family Residential and Forest Preserve	A-1	Forest Preserve and Rural Residential	A-1
South	Agricultural	A-1	Rural Residential	A-1
East	Single-Family Residential and Wooded	A-1	Rural Residential	A-1, A-1 SU, and R-1 PUD
West	Agricultural and Horse Related A-1 SU	A-1 and A-1 SU	Rural Residential	A-1 and A-1 SU

The A-1 special use permit located to the east of the property is for agricultural product sales.

There is currently one (1) pole building located on the property which will be demolished.

There are six (6) houses located on Route 52 within one thousand feet (1,000') of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted and consultation was terminated.

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on July 5, 2018. The NRI report was completed on August 6, 2018. The LESA Score was 230 indicating a high level of protection. The NRI Report also noted concerns about soil suitability for certain uses.

GENERAL INFORMATION

The Petitioner desires the map amendment in order to construct a forty (40) lot single-family residential subdivision in the future. The Petitioner would like to secure the applicable zoning before submitting preliminary and final plats. One (1) of the forty (40) lots will be transferred to the Forest Preserve District.

Lots 29 through 39 have an "A" designated lot attached to the primary lot. The "A" lot is floodplain and cannot have structures. The primary lot and the associated "A" lot is considered one (1) zoning lot under Kendall County's Zoning Ordinance. Lot 40 will be transferred to the Forest Preserve District.

Because zoning cannot be conditioned under Illinois law, any of the requirements associated with development (i.e. construction of trails, restricting the sale of "A" lots from their primary lot, etc.) cannot occur until the subdivisions plats are submitted.

The Land Resource Management Plan calls for this area to be Rural Residential in the future. This classification has a maximum zero point six-five (0.65) density units per acre. If the zoning is approved, the maximum number of lots that could be developed is sixty-one (61); (183 acres/2.99 acres). This figure does not take into consideration the undevelopable lands (i.e. wetlands, roads, etc.). The Petitioner is proposing fewer than the maximum number of lots. However, if the Petitioner did create a subdivision with R-1 zoning and the maximum number of lots permitted, the density units per acre would still be below zero point six-five (0.65).

Because the Land Resource Management Plan calls for this area to be Rural Residential in the future, Staff does not believe that the approval of this request would constitute spot zoning.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes. Building related matters for a subdivision would be addressed during the subdivision process.

ACCESS

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment. The Illinois Department of Transportation submitted a letter outlining conditions for accessing Route 52. Access related issues for a subdivision would be addressed during the subdivision process.

ODORS

No new odors are foreseen. Odor related issues for a subdivision would be addressed during the subdivision process.

LIGHTING

Any new lighting would be for residential use only. Lighting related issues for a subdivision would be addressed during the subdivision process.

SCREENING

No fencing or buffer is presently planned for the property. Screening related issues for a subdivision would be addressed during the subdivision process.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance. WBK submitted comments on the proposal. Stormwater related issues for a subdivision would be addressed during the subdivision process.

UTILITIES

Electricity is onsite. New well and septic information would have to be evaluated as part of the subdivision or building permit processes.

ATTACHMENT

1. Proposed Ordinance

ORDINANCE NUMBER 2018-_____

MAP AMENDMENT FOR 183 ACRE +/- PARCELS LOCATED ON THE SOUTH SIDE OF ROUTE 52 APPROXIMATELY 0.5 MILES WEST OF JUGHANDLE ROAD AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 09-15-300-014 (PART), 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, AND 09-22-100-010 IN SEWARD TOWNSHIP

Rezone from A-1 to R-1

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; 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 183 acres located approximately 0.5 miles west of Jughandle Road on the south side of Route 52 (PINs: 09-15-300-014 (PART), 09-16-400-002, 09-16-400-005, 09-16-400-006, 09-21-200-004, and 09-22-100-010), in Seward 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 Tri-Star Development, Inc. and is represented by Paul Kovacevich and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 24, 2018, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to R-1 One Family Residential District in order to have the zoning in place prior to submitting preliminary and final plats for a residential subdivision; 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 presented evidence, testimony, and exhibits in support of the requested map amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; 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 Map Amendment 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 Map Amendment; 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

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 Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. All ordinances and variances that are in conflict with this ordinance are hereby repealed.
4. 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 Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of October, 2018.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

**TRI-STAR DEVELOPMENT (GJN07251)
LEGAL DESCRIPTION
SUBDIVISION AREA**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND THAT PART OF THE SOUTHEAST QUARTER OF SECTION 16, AND THAT PART OF THE NORTHEAST QUARTER OF SECTION 21 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTHEAST QUARTER OF AFORESAID SECTION 16; THENCE SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 250.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 252.27 FEET A POINT ON THE WEST LINE OF THE EAST 502.26 FEET OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREES 03 MINUTES 18 SECONDS EAST ALONG SAID WEST LINE, 1327.14 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 88 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID NORTH LINE, 2145.80 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 56 SECONDS EAST ALONG THE SAID WEST LINE, 1326.79 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF AFORESAID SECTION 21; THENCE SOUTH 01 DEGREES 44 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 717.77 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF SAID NORTHEAST QUARTER; THENCE NORTH 88 DEGREES 35 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 2648.65 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF AFORESAID SECTION 22; THENCE NORTH 01 DEGREES 39 MINUTES 32 SECONDS WEST ALONG SAID WEST LINE, 0.37 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 22 MINUTES 13 SECONDS EAST ALONG SAID SOUTH LINE, 1260.00 FEET TO A POINT ON A LINE 65.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY LINE OF LANDS CONVEYED BY TRUSTEE'S DEED, RECORDED ON AUGUST 27, 2014 AS DOCUMENT NUMBER 201400011624; THENCE NORTH 41 DEGREES 53 MINUTES 22 SECONDS EAST ALONG SAID PARALLEL LINE, 466.06 FEET; THENCE NORTH 15 DEGREES 32 MINUTES 56 SECONDS EAST ALONG SAID PARALLEL LINE, 137.09 FEET; THENCE NORTH 02 DEGREES 02 MINUTES 06 SECONDS EAST ALONG SAID PARALLEL LINE, 146.02 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 04 SECONDS WEST ALONG SAID PARALLEL LINE, 100.91 FEET; THENCE NORTH 39 DEGREES 37 MINUTES 14 SECONDS WEST 404.44 FEET; THENCE NORTH 71 DEGREES 00 MINUTES 39 SECONDS WEST 639.95 FEET; THENCE NORTH 32 DEGREES 13 MINUTES 58 SECONDS WEST 687.26 FEET; THENCE NORTH 14 DEGREES 16 MINUTES 23 SECONDS WEST 199.05 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15, SAID POINT BEING LOCATED IN THE CENTERLINE OF AUX SABLE CREEK AND 363.50 FEET (AS MEASURED ALONG SAID NORTH LINE) EAST OF THE WEST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 55 SECONDS WEST ALONG SAID NORTH LINE, 363.50 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 16; THENCE SOUTH 88 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID NORTH LINE, 250.00 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHEAST QUARTER; THENCE NORTH 01 DEGREES 03 MINUTES 18 SECONDS WEST ALONG SAID WEST LINE, 1327.19 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. Containing 183.165 acres more or less.

Exhibit B
FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are zoned A-1 and are used for agricultural purposes with farmsteads located within the general area. A forest preserve is also located within the general area.

The Zoning classification of property within the general area of the property in question. All of the adjoining properties are zoned A-1. One (1) R-1 PUD subdivision is located within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. With proper design and taking into account the proximity of the Aux Sable Creek, R-1 related uses could also occur on the subject property.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area has been static due to the economic downturn. However, a residentially zoned subdivision is located within one half (1/2) mile of the subject property.

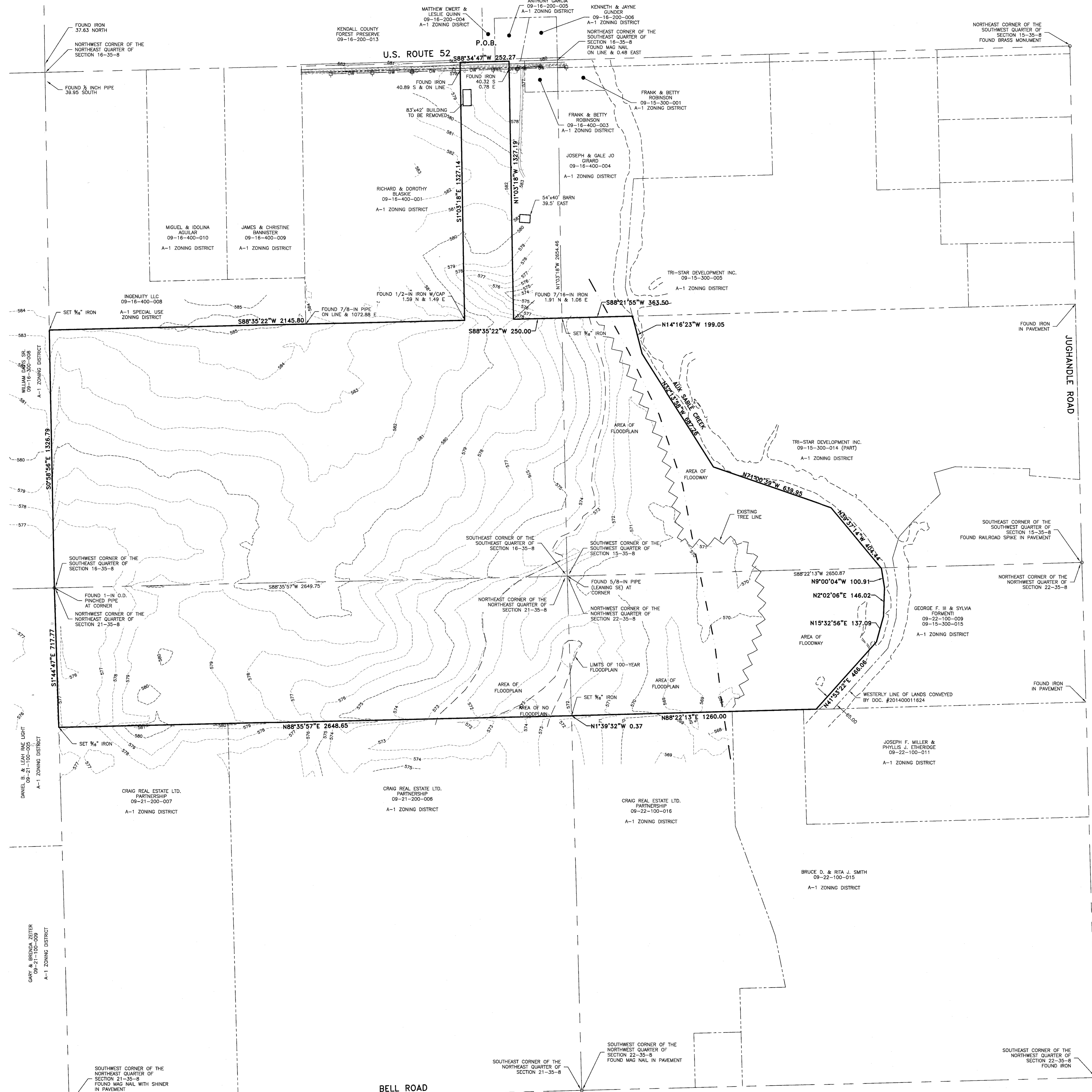
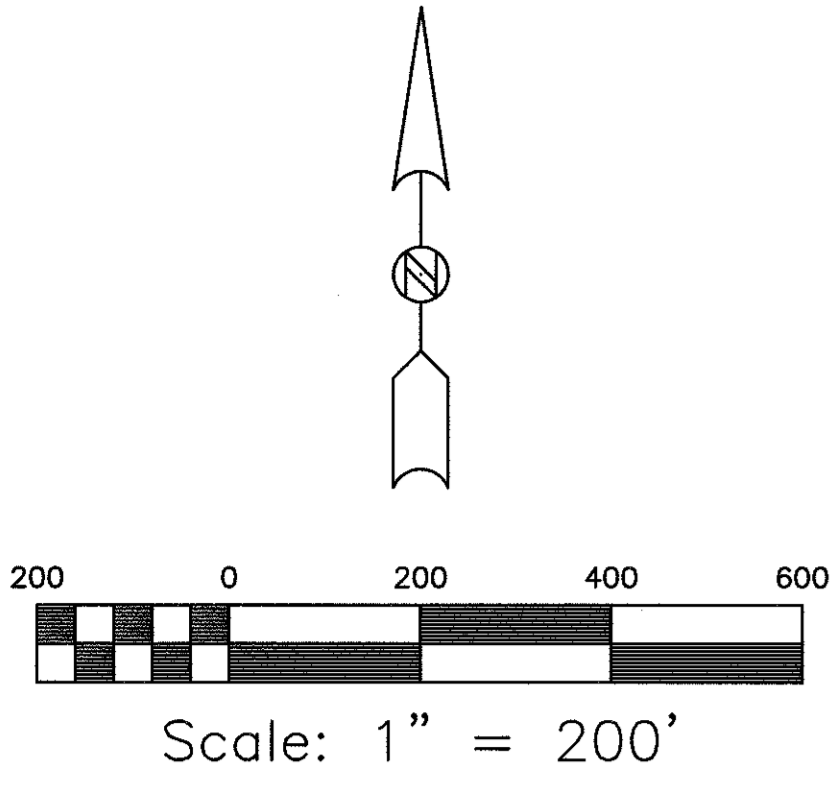
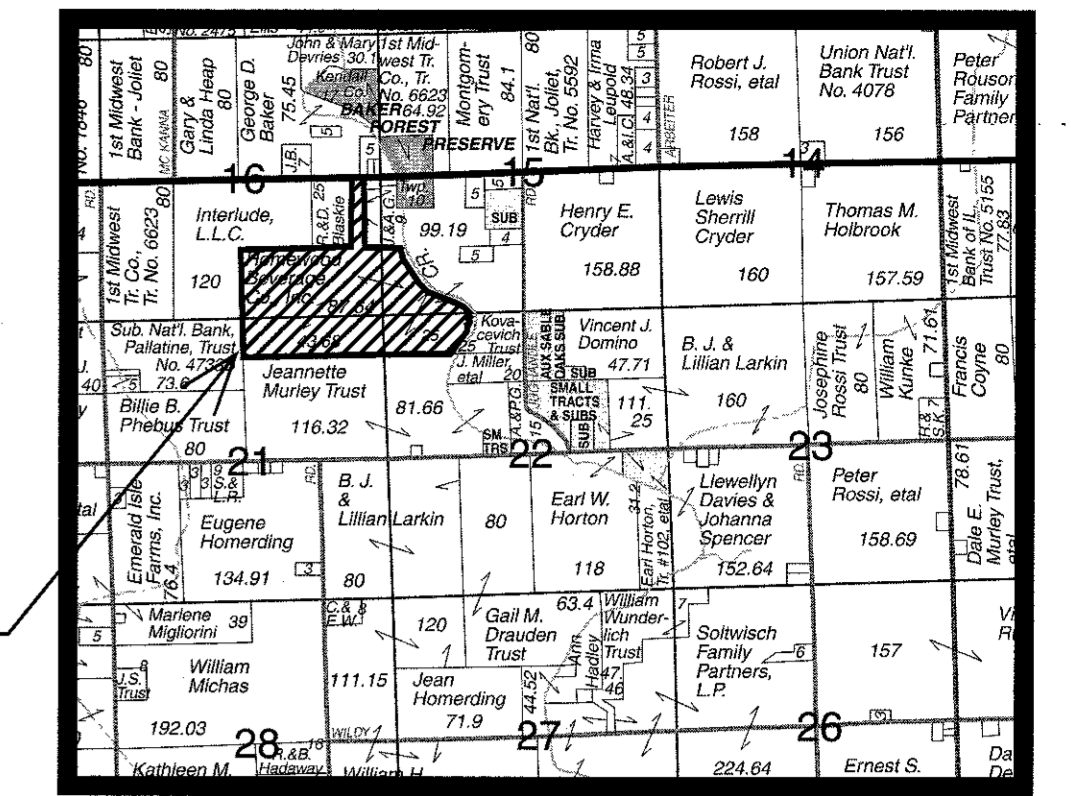
Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

PLAT OF SURVEY

LOCATION MAP

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 16, AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 22, ALL IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SOUTHWEST QUARTER OF AFORESAID SECTION 16; THENCE SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 250.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHWEST QUARTER; THENCE CONTINUING SOUTH 88 DEGREES 34 MINUTES 47 SECONDS WEST ALONG SAID NORTH LINE, 252.27 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREES 03 MINUTES 18 SECONDS EAST ALONG SAID WEST LINE, 1327.14 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 35 MINUTES 22 SECONDS WEST ALONG SAID NORTH LINE, 2145.80 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 58 MINUTES 56 SECONDS EAST ALONG THE SAID WEST LINE, 1326.79 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF AFORESAID SECTION 21; THENCE SOUTH 01 DEGREES 44 MINUTES 47 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 717.77 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 43.65 ACRES OF SAID NORTHWEST QUARTER; THENCE NORTH 88 DEGREES 35 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 1260.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER OF AFORESAID SECTION 21; THENCE NORTH 88 DEGREES 35 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 1260.00 FEET TO A POINT ON A LINE 65.00 FEET WEST OF AND PARALLEL WITH THE WESTERLY LINE OF LANDS CONVEYED BY TRUSTEE'S DEED, RECORDED ON AUGUST 27, 2014 AS DOCUMENT NUMBER 201400011624; THENCE NORTH 41 DEGREES 53 MINUTES 22 SECONDS EAST ALONG SAID PARALLEL LINE, 486.06 FEET; THENCE NORTH 15 DEGREES 32 MINUTES 56 SECONDS EAST ALONG SAID PARALLEL LINE, 137.09 FEET; THENCE NORTH 02 DEGREES 02 MINUTES 06 SECONDS EAST ALONG SAID PARALLEL LINE, 146.02 FEET; THENCE NORTH 09 DEGREES 00 MINUTES 04 SECONDS WEST ALONG SAID PARALLEL LINE, 100.91 FEET; THENCE NORTH 39 DEGREES 37 MINUTES 14 SECONDS WEST 404.44 FEET; THENCE NORTH 71 DEGREES 00 MINUTES 39 SECONDS WEST 639.95 FEET; THENCE NORTH 32 DEGREES 13 MINUTES 58 SECONDS WEST 687.26 FEET; THENCE NORTH 14 DEGREES 16 MINUTES 23 SECONDS WEST 199.05 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15, SAID POINT BEING LOCATED IN THE CENTERLINE OF AUX SABLE CREEK AND 363.50 FEET (AS MEASURED ALONG SAID NORTH LINE) EAST OF THE WEST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 55 SECONDS WEST ALONG SAID NORTH LINE, 363.50 FEET TO A POINT ON THE WEST LINE OF THE EAST 250.00 FEET OF SAID SOUTHWEST QUARTER; THENCE NORTH 01 DEGREES 03 MINUTES 18 SECONDS WEST ALONG SAID WEST LINE, 1327.19 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. Containing 183.165 acres more or less.



P.I.N. 09-15-300-014 (PART)
 09-16-400-002
 09-16-400-005
 09-16-400-006
 09-21-200-004
 09-22-100-010

SCOPE OF DEVELOPMENT
 TOTAL AREA = 183.165 ACRES
 CURRENT ZONING = COUNTY 1 ZONING
 PROPOSED ZONING = R-1 ONE FAMILY ESTATE RESIDENCE DISTRICT

EXISTING SYMBOLS LEGEND

- SURVEY MONUMENT
- ⊙ SURVEY MONUMENT - R.O.W. MARKER
- UTILITY POLE GUY WIRE
- ⊕ UTILITY POLE
- ⊗ STREET LIGHT
- ⊞ SIGN
- ⊞ UTILITY HAND HOLE
- ⊞ UTILITY DOUBLE HAND HOLE
- ⊞ UTILITY HEAVY RUBY HAND HOLE
- ⊞ UTILITY JUNCTION BOX
- ⊞ UTILITY SPLICE BOX - GENERAL
- ⊞ UTILITY SPLICE BOX - TELEPHONE
- ⊞ STORM SEWER CATCH BASIN
- ⊞ STORM SEWER FLARED END SECTION (FES)
- ⊞ STORM SEWER MANHOLE
- ⊞ STORM SEWER INLET

GENERAL NOTES

1. THE BASIS OF BEARING AND MEASUREMENT FOR THIS DEVELOPMENT, AS SHOWN, IS THE STATE PLANE OF ILLINOIS-EAST, ZONE EAST DATUM.
2. ANY IMPROVEMENTS SHOWN HEREON, WERE LOCATED USING A COMBINATION OF GLOBAL POSITIONING SYSTEMS (GPS) AND CONVENTIONAL SURVEYING METHODS BY GEOTECH, INC., COMPLETED IN THE SPRING OF 2018. THE LOCATION OF THE AUX SABLE CREEK WAS TAKEN FROM AERIAL PHOTOS.
3. ELEVATIONS UTILIZED FOR THE GRADIES AS SHOWN, WERE TAKEN FROM NGS CONTROL POINTS, NAVD 88 DATUM, FIRST POINT BEING POINT DESIGNATION: W1222, POINT ID: DP5483, ELEVATION: 576.45 MEAS. LOCATED NEAR THE NORTHEAST CORNER OF U.S. ROUTE 52 AND JUGHANDLE ROAD. SECOND POINT BEING POINT DESIGNATION: WR 029, POINT ID: DP5484, ELEVATION: 576.78 MEAS. LOCATED APPROXIMATELY ONE-HALF MILE WEST OF JUGHANDLE ROAD ALONG THE NORTH SIDE OF U.S. ROUTE 52.
4. THE SUBJECT PROPERTY IS CURRENTLY VACANT FARM LAND.
5. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
6. FOR THIS SURVEY TO BE CONSIDERED AN ORIGINAL DOCUMENT, THE SURVEYOR'S SEAL MUST EITHER BE EMBOSSED OR A RUBBER STAMP IN THE COLOR RED.
7. GEOTECH INCORPORATED PROFESSIONAL DESIGN FIRM NUMBER 184-000165.
8. A PORTION OF THIS PROPERTY IS DETERMINED TO BE LOCATED WITHIN ZONE AS (REGULATORY FLOODWAY AND FLOODPLAIN WITH BASE FLOOD ELEVATION) AND ZONE X, PURSUANT TO FEMA FLOOD INSURANCE RATE MAPS (FIRM) MAP NUMBERS 170800140H AND 170800145H, BOTH WITH AN EFFECTIVE DATE OF 01-08-2014. BASE FLOOD ELEVATION NEAR THE SOUTHERN END OF THE DEVELOPED PROPERTY IS 572.5; THE BASE FLOOD ELEVATION NEAR THE NORTHERN END OF THE MAIN BODY OF THE PROPOSED DEVELOPMENT IS APPROXIMATELY 573.5; AND THE BASE FLOOD ELEVATION ALONG THE SOUTH SIDE OF U.S. ROUTE 52 IS 574.0.
9. ACCORDING TO THE NATIONAL WETLANDS INVENTORY MAPS, ALL EXISTING WETLANDS WITHIN THIS SURVEYED PARCEL ARE LOCATED WITHIN THE LIMITS OF AUX SABLE CREEK AND THE FLOODWAY AREA.
10. THE NORTH, WEST AND SOUTHERN LIMITS OF THE MAIN BODY OF THE SURVEYED PARCEL HAVE SUBSTANTIAL TREE LINES ALONG THE FIELD LINES. ALL EFFORTS WILL BE MADE TO SAVE THESE TREE LINES TO CREATE A NATURAL BUFFER TO THE ADJACENT PROPERTIES IN THESE LOCATIONS.
11. THERE IS A TREE LINE THAT RUNS IN AN EAST-WEST DIRECTION ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16. THIS TREE LINE IS SUBJECT TO REMOVAL FOR ANY PROPOSED DEVELOPMENTS, BUT EFFORTS WILL BE MADE TO RETAIN THE REMAINDER OF THE TREES NOT LOCATED WITHIN THE AREAS OF FUTURE IMPROVEMENTS.
12. THE EXISTING TREE LINE AND FOREST AREA TO THE WEST SIDE OF AUX SABLE CREEK WILL REMAIN IN ITS ENTIRETY AS LOCATED.
13. THERE ARE NO KNOWN EASEMENTS LOCATED WITHIN THE LIMITS OF THE SURVEYED PARCEL.

OWNER/DEVELOPER **ENGINEER**
 TRI-STAR DEVELOPMENT, INC. GEOTECH, INC.
 C/O CHRISTOPHER M. PAFESH C/O CHRISTOPHER M. PAFESH
 CHANNAHON, IL 60410 1207 CEDARWOOD DRIVE
 C/O PAUL KOVACEVICH CREST HILL, IL 60403
 (815) 482-9848 (815) 730-1010

STATE OF ILLINOIS
 COUNTY OF WILL SS

I, CHRISTOPHER M. PAFESH, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE SURVEYED, STAKED, AND LOCATED THE IMPROVEMENTS ON AND PLATTED THE LAND DESCRIBED IN THE FOREGOING AND SHOWN IN THIS PLAT, AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF, DATED AT CREST HILL, ILLINOIS THIS

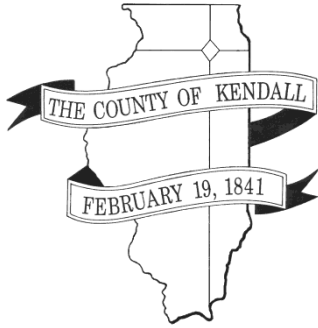
 CHRISTOPHER M. PAFESH
 CREST HILL, ILLINOIS
 LICENSE PROFESSIONAL LAND SURVEYOR NO. 3369
 LICENSE EXPIRATION DATE 11/30/2018

May 2018, A.D.

GEOTECH INC.
 CONSULTING ENGINEERS - LAND SURVEYORS
 1207 CEDARWOOD DRIVE CREST HILL, ILLINOIS 60403 815/730-1010

PROJECT: TRI-STAR DEVELOPMENT FIELD BOOK #:
 DRAWN BY: C.P. DATE: 04/27/18 SCALE: 1"=200' JOB NO. 07251

COMPARE THIS PLAT WITH YOUR RECORDS AND IMMEDIATELY REPORT ANY DISCREPANCIES



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

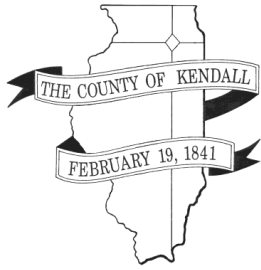
To: Kendall County Planning, Building and Zoning Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: September 17, 2018
Re: Proposed 2019 Noxious Weed Comprehensive Work Plan

Kendall County is required by Illinois law to submit an annual Noxious Weed Comprehensive Work Plan to the State by November 1st of each year. Attached please find the proposed 2019 Kendall County Noxious Weed Comprehensive Work Plan. This proposal is the same as the 2018 Noxious Weed Comprehensive Work Plan.

If you have any questions, please let me know.

MHA

Enc: Proposed 2019 Kendall County Noxious Comprehensive Work Plan



**KENDALL COUNTY
COMPREHENSIVE NOXIOUS WEED WORK PLAN
2019**

As required by the Illinois Noxious Weed Law (505 ILCS 100), the County of Kendall submits the following Comprehensive Work Plan for calendar year 2019.

Kendall County shall engage in the following activities:

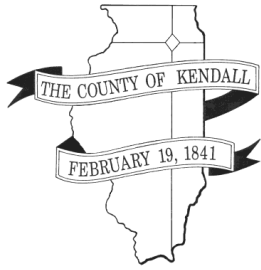
1. Continuously work with residents, property owners, municipalities, townships, other counties, and Federal and State agencies to identify, investigate, control and eliminate noxious weeds found within the County.
2. In the event that the location of a noxious weed is reported on private property or property not owned by Kendall County, the County shall forward the complaint to the local municipality and/or township. The local municipality and/or township shall be the lead agency for investigating and resolving the issue. The municipality or township shall follow applicable laws to resolve the issue.
3. Monitor County owned properties and rights-of-way as part of general property maintenance. If noxious weeds are found on County owned property, the County shall take steps to eradicate the weeds and include the information in its annual noxious weed report to the State.
4. Work with local municipalities and townships to track and report noxious weed allegations and incidents for inclusion in the annual noxious weed report to the State. The County will ask each municipality and township for a summary of activities related to the eradication of noxious weeds for inclusion in the annual noxious weed report to the State.
5. Publish the General Notice at least one time annually in a newspaper of general circulation in Kendall County. The General Notice shall be published in the first quarter of the year upon approval of the County Board.
6. Advise persons responsible for controlling and eradicating noxious weeds of the best and most practical methods for noxious weed control and eradication.
7. Complete applicable reports as required by State law.

This Comprehensive Work Plan was approved by the Kendall County Board on October 16, 2018.

Respectively Submitted,

Scott R. Gryder
Kendall County Board Chairman

Date



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: October 1, 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.

At their meeting in September, the Planning, Building and Zoning Committee approved forwarding the proposed agreement to the State's Attorney's Office for review. Planning, Building and Zoning Committee Chairman Davidson instructed Staff to include the proposal with the State's Attorney's Office's comments with this memo.

As noted in the cover email, the State's Attorney Office believes that an AIMA should be between the County and the operation. The ordinance approving the special use for solar panels required an agreement between the County and property owner as well as the operator.

The State's Attorney's Office offered the following recommendations:

1. Deleting the first sentence in the third paragraph of the proposal to address the concern that the State may no longer require AIMAs in the next four (4) years.
2. Condition A on page 2 was clarified that the AIMA was in addition to the requirements imposed by the special use permit.
3. Restoration of sub-surface drainage contained in requirement 6.D was changed to six (6) months to correspond to the requirements for decommission contained in the special use permit ordinance.
4. To answer the question in 17.C, a decommissioning plan was submitted as part of the special use permit application and the decommissioning plan's timeline was approved by the County Board as part of the special use permit ordinance.
5. Language regarding the decommissioning and Financial Assurance was added or altered in 17.D and 17.E.

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

Thanks,

MHA

ENC: Proposed AIMA with Borrego with State's Attorney's Office Comments

Matt Asselmeier

From: James Webb
Sent: Wednesday, September 19, 2018 11:36 AM
To: Scott Koeppel
Cc: Eric Weis; Leslie Johnson; Matt Asselmeier
Subject: RE: Request for Reviews-Agricultural Impact Mitigation Agreements
Attachments: AIMA Borrego Amended redline 9-19-18.docx

Scott:

Here is the AIMA with my revisions. I only included the AIMA for Borrego to sign. Given the terms and structure of the state's AIMA (the AIMA generally places duties and obligations on the company, not on the landowner), the AIMA is not intended for the landowner to sign. Also, according to paragraph G on page 2, the AIMA will be incorporated into the underlying lease. Therefore, only Borrego needs to execute the AIMA. Please let me know if there are any questions or concerns.

James A. Webb
Assistant State's Attorney
Kendall County, Illinois
807 W. John Street
Yorkville, Illinois 60560
630-553-4157

This e-mail message, including any attachments, contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. This message is intended to be conveyed only to the designated recipients. If you are not the intended recipient of this message, do not read it; please immediately notify the sender that you have received this message in error and delete this message. Unauthorized use, disclosure, dissemination, distribution or reproduction of this message or the information contained in this message or the taking of any action in reliance on it is strictly prohibited and may be unlawful. Thank you for your cooperation.

From: Leslie Johnson
Sent: Wednesday, September 12, 2018 9:49 AM
To: James Webb <jwebb@co.kendall.il.us>
Cc: Scott Koeppel <skoeppel@co.kendall.il.us>; Matt Asselmeier <masselmeier@co.kendall.il.us>; Eric Weis <EWeis@co.kendall.il.us>
Subject: FW: Request for Reviews-Agricultural Impact Mitigation Agreements

Jim,

Could you please review this for PBZ Committee, too?

Leslie J. Johnson
Assistant State's Attorney
Kendall County, Illinois
807 W. John St.
Yorkville, IL 60560
Phone: (630) 553-4157
Fax: (630) 553-4204

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's Standard Agricultural Impact Mitigation Agreement that existed on August 21, 2018. It is the intent of the County that the terms of this Agricultural Impact Mitigation Agreement (AIMA) shall continue in force even if the State of Illinois's standard agreement is amended or repealed.

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 (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 Illinois Department of Agriculture'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.

Comment [JW1]: PBZ may wish to delete this language if the concern is the state may, at some point, no longer require AIMA, though I would think the chance of that happening in the next 4 years is remote.

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 additional County or other local requirements, including but not limited to the terms of a special use permit. 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.

Comment [JW2]: We want to be clear the terms of this AIMA are in addition to the requirements of the special use.

- 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 42-6 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.
-------------	--

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	<p>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:</p> <p>(1) the estimated Deconstruction cost, in current dollars at the time of filing, for the Facility, considering among other things:</p> <ul style="list-style-type: none"> 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 <p>(2) a comprehensive detailed description of how the Facility Owner plans to pay for the Deconstruction of the Facility.</p>
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 42-6 months after the end of the useful life of the Facility

Comment [JW3]: I changed this because, as I understand it, the board wants everything finished within 6 months.

- 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 six (6) months after the end of the useful life of the Facility.
- C. ~~During the County permit process, or if none, then p~~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 full estimated costs of Deconstruction of the Facility as determined in the Deconstruction Plan. The Facility Owner shall obtain the Financial Assurance prior to the commencement of Construction of the Facility.

Comment [JW4]: I assume this plan was not submitted as part of the special use process?

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 amount 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 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____

2018 VIOLATIONS

Violation	Name	Parcel #	Address	Subdivision	Description	Opened	Follow up	PBZ	SAO	Closed
V18-001	Blek/Deviavanko	01-34-300-008	14824 Millhurst Rd		Storage Containers	12/12/2017	10/1/2018			
V18-002	Romeno/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	5/1/2018			3/1/2018
V18-004	Hutchings	03-04-380-002	20 Saugatuck Rd	Boulder Hill	Inoperable Vehicle	12/19/2017	6/15/2018			4/26/2018
V18-005	Hornbaker	03-04-377-018	31 Saugatuck Rd	Boulder Hill	Prohibited Parking	12/19/2017	1/15/2018			1/15/2018
V18-006	Gonzalez	03-09-152-019	14 Ridgerfield	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				2/13/2018
V18-011	Ring	06-02-177-007	1551 Cherry Rd	Oswego Plains	Landscaping Bus in R3 Zoning	2/15/2018	5/11/2018		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 Summer Ct	Est. of Millbrook	Stormwater Violation	2/20/2018			Matt	5/30/2018
V18-015	Schleining	02-06-300-010-005	790 Eldmain Rd	Nelson Quinsey	Fence Violation	3/19/2018	4/18/2018		8/17/2018	
V18-016	Cusimano, Kesselring	02-34-151-003	90 Quinsey Rd	Nelson Quinsey	Junk & Debris	3/26/2018	4/27/2018			5/4/2018
V18-017	Hart	03-09-155-012	7 Circle Ct	Boulder Hill	Inoperable Vehicle & Junk & Debris	3/27/2018	5/31/2018			6/19/2018
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			4/26/2018
V18-019	Schanz	03-04-454-017	67 Saugatuck	Boulder Hill	Prohibited Parking of Truck	3/27/2018	5/31/2018			6/19/2018
V18-020	Biever	03-09-102-003	204 Boulder Hill Pass	Boulder Hill	Prohibited Parking of Trailer	3/27/2018				5/2/2018
V18-021	Beyer	03-09-108-007	140 Circle Dr-E	Boulder Hill	Prohibited parking of Trailer	3/27/2018	5/1/2018			4/26/2018
V18-022	VOID									
V18-023	Yarra	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	Alkhatzaji	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	Fahrie	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	Warigo	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	Shactay	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	British Rd		Landscaping Bus IN A1/ Junk & Debris	4/30/2018	9/24/2018			
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 Ashlawn	Boulder Hill	Prohibited parking of trailer	5/3/2018	5/17/2018			5/21/2018
V18-036	Guddendorf	03-04-303-010	2 Marnel Rd	Boulder Hill	Inoperable Vehicle	5/3/2018	5/17/2018			5/21/2018
V18-037	Baustian	05-03-200-005	8310 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	Cargile	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	Sulphin	03-09-105-004	118 Circle Dr. East	Boulder Hill	Inoperable Vehicle	5/31/2018	6/15/2018			6/19/2018
V18-043	Amwaz	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			9/4/2018
V18-047	US Bank Trust Ntl 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 Turna Rd	Kenny	Junk & Debris	7/9/2018	7/23/2018		7/25/2018
V18-054	Velazquez	01-20-352-018	84 Woodland Dr	Sugatbrook	Stormwater Violation	7/10/2018	9/15/2018		
V18-055	Elliott	04-16-128-001	8055 Whitfield Rd	VII 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	9/21/2018		
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		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		Prohibited 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		
V18-065	Machado	03-04-329-012	31 Whitney Way	Boulder Hill	Multiple Violations	7/26/2018	8/9/2018		8/22/2018
V18-066	Nunez	02-24-300-003	6725 Route 71		Business w/o Proper Zoning	7/30/2018	8/13/2018		
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 Wvyntham Dr	Boulder Hill	Junk & Debris	8/1/2018	9/28/2018		
V18-069	Nanninga	03-03-351-009	135 Saugatuck	Boulder Hill	Inoperable Vehicle	8/14/2018	9/17/2018		9/17/2018
V18-070	Eipers	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		9/6/2018
V18-072	Coonley	03-04-428-001	162 Heathgate Rd	Boulder Hill	Multiple Violations	8/23/2018	9/20/2018		
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		9/17/2018
V18-075	Navarro	03-12-100-009	1026 Harvey Rd.		Multiple Violations	9/4/2018	9/29/2018		
V18-076	Com Ed	03-12-100-001			Multiple Violations(V18-075)	9/4/2018	9/29/2018		
V18-077	Martinez	03-12-100-004	1038 Harvey Rd.		Zoning Violation	9/6/2018	9/29/2018		Matt
V18-078	American Elm	03-04-277-022	2 Pendleton Pl	Boulder Hill	Multiple Violations	9/11/2018	9/25/2018		
V18-079	DUVall & Paulette	03-04-277-042	40 Afton Dr.	Boulder Hill	Inoperable Vehicle	9/11/2018	10/1/2018		
V18-080	Hughes	03-04-277-041	38 Afton Dr	Boulder Hill	Inoperable Vehicle	9/11/2018	9/25/2018		
V18-081	Saleem Mohammed	03-07-230-007	3 Dolphin Ct	Marina Terrace	Junk & Debris	9/13/2018	9/27/2018		9/27/2018
V18-082	BLEDI SULO LLC	05-21-300-006	9513 Walker Rd		Inoperable Vehicle & Pkg Non apprvd surface	9/13/2018	9/27/2018		
V18-083	Anderson	06-13-176-003	508 W. Rt. 126		Stormwater Violation	10/2/2018	11/1/2018		Matt

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

KELLY A. HELLAND

D.J. KRAMER

FAX COVER SHEET

DATE: September 10, 2018

TO: Matt Asselmcier

RE: Jet's Towing

NO: 630-553-4179

FROM: Kelly A. Helland

NUMBER OF PAGES (INCLUDING THIS PAGE): 2

COMMENTS:

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FOR YOUR CONVENIENCE IN TRANSMITTING TO US, OUR FAX NUMBER IS: (630) 553-5764

Law Offices
of
Daniel J. Kramer

1107A S. Bridge Street
Yorkville, Illinois 60560
630-553-9500
Fax: 630-553-5764

Daniel J. Kramer

Kelly A. Helland
D.J. Kramer

September 10, 2018

Matthew H. Asselmcier
Kendall County Planning, Building & Zoning

Via Fax & Email

RE: Jets Towing

Dear Mr. Asselmcier:

Please be advise that I did speak to my client who indicated that the fence has been ordered and is in, they are going this week to pick it up. My clients plan on installing the fence 50 ft. back from the property line in the front yard in accordance with the setback requirements, and along the property line on the Northside of the property.

The Petitioners were inquiring as to whether the County would require the fence to be installed enclosing the pasture area which is not being used as anything at this time. The Petitioners are in agreement that if industrial storage or use occurs in that area fencing will be required.

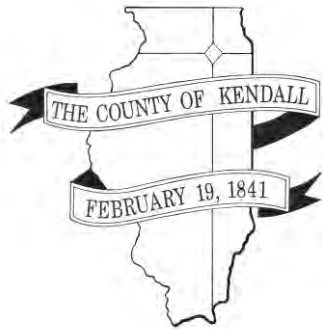
The chain link fence will have blackout matting so that you cannot see through it.

Very truly yours,

Kelly A. Helland

Attorney at Law

KAK:rg



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

September 12, 2018

Kelly Helland
Law Offices of Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560

Dear Kelly Helland:

The Kendall County Planning, Building and Zoning Department is in receipt of your letter dated September 10, 2018, regarding a violation to the Kendall County Zoning Ordinance at 790 Eldamain Road, Plano, IL (P.I.N. #: 02-06-300-010 and 02-06-300-009).

In particular, Section 10.01.A.2 of the Kendall County 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.”

As stated in your September 10, 2018, letter, your client has ordered the fence and will be picking up the fence the week of September 10, 2018.

The Kendall County Planning, Building and Zoning Committee received copies of this letter and agreed to give your client an additional month to complete installation of the fence.

Accordingly, the Planning, Building and Zoning Department agrees to grant your client until **October 10, 2018**, to complete the installation of the fence. **Failure to comply will result in the Planning, Building and Zoning Department’s continued work with the Kendall County State’s Attorney’s Office to bring about compliance of the Kendall County Zoning Ordinance in this case.**

Based on my interpretation of the above section of the Kendall County Zoning Ordinance, only the areas used for manufacturing uses must be fenced. The pasture area does not need to be fenced unless the area is converted to part of the industrial use.

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

CC: Anne K. Knight

RECEIVED

JUL 31 2018



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**HOME OCCUPATION AFFIDAVIT
FOR RESIDENTIALLY ZONED PROPERTY**


I, Yolanda Orta, being first being duly sworn upon oath, deposes and says:

1. That this affiant is the owner of record of the following described or identified real estate, to wit: Parcel Identification Number and/or address: 03-09-104-009 6301d Post Rd Montgomery IL
2. That the following describes the type of home occupation to be operated at the above address/PIN: Torres Window Cleaning

That I agree to conduct a Home Occupation in a residentially zoned district in accordance with the Kendall County Zoning Ordinance, as specified:

- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
- d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.
- i. Salons shall be limited to one chair or nail table, commonly referred to as a station.

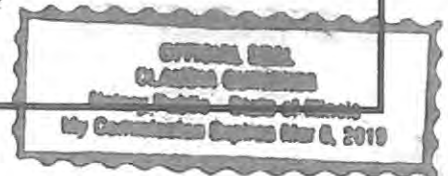
Subscribed and sworn to before me
this 25TH day of July, 2018



Signature of Owner



Notary Public





PLANNING, BUILDING & ZONING DEPARTMENT
111 WEST FOX STREET - ROOM 310 - YORKVILLE, ILLINOIS 60560-1498
630/553-4141 • FAX 630/553-4179

June 12, 2018

Yolanda & Isidro Ortiz



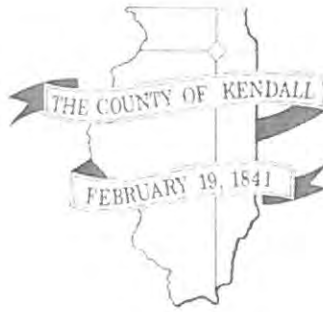
Re: PIN# 03-09-104-009
63 Old Post Rd
Montgomery, IL. 60538

Please contact my office at your earliest convenience to arrange a day and time to meet and inspect your property for possible Building Code Violation(s):

POSSIBLE HOME BUSINESS

Respectfully,

Brian Holdiman
Kendall County Code Official
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL. 60560-1498
P) 630-553-4141



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Date 6/7/18 Violation # _____
Address of Violation: 163 Old Post Rd
City & Zip: Montgomery 60538
Subdivision: Boulder Hill Unit 25 Lot 19
Parcel Number: 03-09-104-009 Zoning: R-6
Owner or Tenant: Ortiz, Yolanda & Isideo

Description of Complaint:

Possible home business

Complainant's Name: _____

Contact Info: see R/H

Inspector BLH

Date 6/12/18

Field Notes Tocco's Window Cleaning (630) 999-7380

Plates of vehicles on site _____

Photos Taken?

Yes

No

Section of Applicable Code _____

NOTES: Letter Requests on Inspection 6/19/18 Met with Yolanda _____
Advised her of home occupation standards - she agreed to comply - schedule for F/U 7/9/18

DATE CLOSED: 8/17/18 BLH



PLANNING, BUILDING & ZONING DEPARTMENT

111 WEST FOX STREET - ROOM 316 YORKVILLE, ILLINOIS 60560 1498

630/553-4141 • FAX 630/553-4179

July 18, 2018

Yolanda and Isidro Ortiz



Re: Home Occupation

It has come to our attention that Torres Window Cleaning business is being operated out of your home. Please read, sign, notarize and return the affidavit confirming you will comply with the Home Occupation Affidavit.

If you have questions, please contact the office.

Brian Holdiman
Kendall County Code Official
Planning, Building & Zoning



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**HOME OCCUPATION AFFIDAVIT
FOR RESIDENTIALLY ZONED PROPERTY**

I, _____, being first being duly sworn upon oath, deposes and says:

1. That this affiant is the owner of record of the following described or identified real estate, to wit: Parcel Identification Number and/or address: 03-09-104-009 63 old Post Rd Montgomery IL
2. That the following describes the type of home occupation to be operated at the above address/PIN: Torres window cleaning

That I agree to conduct a Home Occupation in a residentially zoned district in accordance with the Kendall County Zoning Ordinance, as specified:

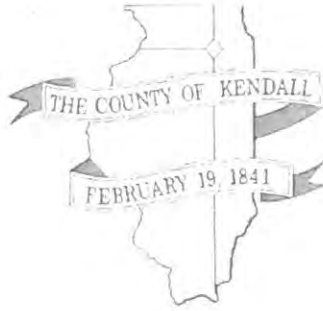
- a. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence.
- b. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
- c. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
- d. No more than ten (10) vehicle trips by either customers, delivery persons or employees may be made throughout a day to and from the home occupation.
- e. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
- f. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
- g. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines.
- h. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. To exceed this limit requires a variance.
- i. Salons shall be limited to one chair or nail table, commonly referred to as a station.

Subscribed and sworn to before me

this _____ day of _____, 20____

Signature of Owner

Notary Public



CODE ENFORCEMENT INVESTIGATION REPORT
DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Date 7/18/18 Violation # _____
Address of Violation: 63 Old Post Rd
City & Zip: Montgomery 60538
Subdivision: Boulder Hill Unit 25 Lot 19
Parcel Number: 03-09-104-009 Zoning: R-6
Owner or Tenant: Ortiz, Yolanda + Isideo ~~Islando~~

Description of Complaint: Home occupation - window cleaning business

Complainant's Name: ~~_____~~

Contact Info: _____

Inspector BLH Date 7/17/18

Field Notes Terras window cleaning (website)

Photos Taken? Yes No

Section of Applicable Code Home occupation affidavit

NOTES: send notice ask them to sign and notarize Affidavit and return and comply with affidavit

DATE CLOSED: _____

Pam Herber

From: Brian Holdiman
Sent: Tuesday, July 17, 2018 9:24 AM
To: Pam Herber
Subject: 63 Old Post

Please pull any letters or notices sent to this address.

Get [Outlook for iOS](#)

~~Please create a file~~

Please fill out an investigation report and place in my basket

Kendall County Planning, Building and Zoning

Request For Compliance

Violation #

0034

REQUEST DATE: 07/09/2010

Parcel #

03-09-104-009

PROPERTY INFORMATION

63 OLD POST RD
MONTGOMERY, IL 60538 -

MAILING INFORMATION

WOODS THOMAS P & PATRICIA R


VIOLATION DESCRIPTION

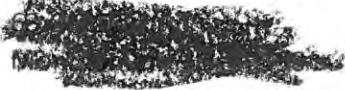
Inoperable Vehicle

Date of First Inspection:	7/13/2010	Red Tag Issued? N
First Inspector:	BH	Red Tag Date:
Picture Taken?	N	Complainant: Neighbor

COMMENTS

June 12, 2018

Yolanda & Isidro Ortiz



Re: PIN# 03-09-104-009
63 Old Post Rd
Montgomery, IL. 60538

Please contact my office at your earliest convenience to arrange a day and time to meet and inspect your property for possible Building Code Violation(s):

POSSIBLE HOME BUSINESS

Respectfully,

Brian Holdiman
Kendall County Code Official
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL. 60560-1498
P) 630-553-4141

NON VIOLATION COMPLAINTS

Date	Name	Address	Subdivision	Pin #	Description	Date Inspected	Violation Y/N
12/17/2017	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	ConEd/Electrical box exposed wires	1/31/2018	N
2/7/2018	Ruiz	132 Saugatuk 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/Tall 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	Teofilo	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	Bellus	1549 Jones Rd		09-11-100-003	Poss Occupied Trailers	6/12/2018	N
5/18/2018	Hornbaker, Ed & Nicole	31 Saugatuk 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	Y
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	Lambs on property	5/24/2018	N
5/31/2018	Paravola	21 Tomahawk Trl	Marina Terrace	03-31-478-006	Possible pool business in R3 Zoning	7/23/2018	N
6/1/2018	Davison	31 Anchor West		03-07-231-007	Esement 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		03-27-427-011	Weeds	6/27/2018	N
6/19/2018	Hide A Way Lakes/Tanner	8045 Van Emmon Rd			Mobile Home Fire	6/26/2018	N
6/20/2018	Tostovarsnik	1394 Route 31	Ricketts	03-08-154-014	Possible drain tile installation	7/12/2018	N
7/11/2018	Quitroz	4080 Van Dyke Rd		09-05-400-018	Poss Occupied Trailer/Junk&Debris	8/17/2018	N
7/17/2018	Utility Dynamics Corporation	23 Commerce Dr	Willowbrook	03-07-227-002	Stormwater issue-fill	8/17/2018	N
7/19/2018	Gonzalez	47 E. Larspur		02-11-103-006	Chickens in R3 Zoning	8/15/2018	N
7/23/2018	Castro	8433 Immanuel Rd	Boulder Hill	05-17-100-017	Tires disposed of on property	8/15/2018	N
7/24/2018	Velazquez, Haydee	11 Hunter Drive		03-04-256-001	Prohibited trailer parking	7/30/2018	N
8/1/2018	Trushheim	7622 Madeline Dr	FOFC	02-35-380-013	Prohibited trailer parking	8/15/2018	N
8/2/2018	Harrison, Russel	25 Longbeach Rd.	Boulder Hill	03-04-376-029	Junk & Debris	9/4/2018	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
8/9/2018	Porter	72 Blackhawk Springs Dr.	Blackhawk	01-35-430-001	Water discharge onto adj property	9/4/2018	N
8/21/2018	Hardesty	34 Countyview Dr		02-26-300-014	Excavating Bus. / possible gun range	9/11/2018	N
8/23/2018	Skilinn	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
8/31/2018	Wallace	109 Dolores St	Shore Heights	03-08-303-005	Farm Animal not permitted	9/7/2018	N
9/4/2018	Anderson Tree Farm	508 W. Rt. 126		06-13-176-003	Possible road creation S/end Viking	9/5/2018	N
9/13/2018	Malgorzata	25 Whitney Way	Boulder Hill	03-04-329-009	Junk & Debris	9/17/2018	N
9/17/2018	Paravola, John & Angela	21 Tomahawk Trl	Arrowhead Hills	03-31-478-006	Running a Pool Business in R-3 zoning	9/26/2018	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	17	1	2	1	1	3	2	1	4	2	0	0	0
Garage	19	0	1	3	2	1	3	2	5	2	0	0	0
Accessory Buildings	30	0	0	2	8	5	3	6	2	3	1	0	0
Additions	14	1	1	1	1	0	1	3	2	2	2	0	0
Remodeling	9	1	2	1	2	0	0	0	1	2	0	0	0
Commercial - M Zone	3	2	0	0	0	0	0	0	0	1	0	0	0
Barns/Farm Buildings	20	3	0	4	2	3	3	1	1	3	0	0	0
Signs	1	0	0	0	0	0	0	0	1	0	0	0	0
Swimming Pools	22	0	0	5	1	2	7	3	3	1	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	7	0	0	0	1	1	1	1	2	0	1	0	0
Generator	4	0	1	1	0	1	0	1	0	0	0	0	0
	180	12	10	22	22	24	26	19	25	16	4	0	0

*2017 - 31 House
- 196 Permits*

*Sep + 2017 - 4 Houses
21 Permits*

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	2	\$860,000	\$8,555	\$6,605
Garage	2	\$90,000	\$379	\$0
Accessory Buildings	3	\$24,500	\$600	\$0
Additions	2	\$20,500	\$224	\$0
Remodeling	2	\$168,000	\$1,214	\$0
Commercial - M Zone	1	\$130,475	\$0	\$0
Barns/Farm Buildings	3	\$363,600	\$50	\$0
Swimming Pools	1	\$2,500	\$200	\$0
	16	\$1,659,575	\$11,222	\$6,605

Permit Approval Date Report

Kendall County

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.
8/24/2018	012018173	01 House	05122227004	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 0607228010	4215 CHERRY RD OSWEGO, IL 60543-	HENNEBERRY WOODS UNIT 1	SAME
6/26/2018	012018132	01 House	0607228010	SCHWARTZ MICHAEL & MICHELE	7464 FAIRWAY DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	CLARE CASTLE CUTOM HOMES
7/11/2018	012018144	01 House	04221102014	JEFFERS STEVE	16002 WHIPPLE PL NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	SAME
5/31/2018	012018105	01 House	0108400005	DAGHFAL STEVEN ANDREW	1790 CREEK RD PLANO, IL 60545-	OTTOS SECOND SUB	
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
3/8/2018	012018036	01 House	0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK ROAD PLANO, IL. 60545	DEER RIDGE PUD	SAME
9/6/2018	012018182	01 House	0508353007	HILL LANKFORD KRISTOFER & MEGAN	7962 WILSON CT YORKVILLE, IL 60560-		HILL LANKFORD KRISTOFER & MEGAN
8/31/2018	012018169	01 House	04221102013	OSTREKO LUKE A & MEGHAN	16003 STONEWALL DRIVE NEWARK, IL. 60541	ESTATES OF MILLBROOK UNIT 4	BART HOMES

Permit Approval Date Report

Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
6/26/2018	012018131	01 House	0128254002	BALTIERREZ, LUIS & URBINA, EMMA	1201 W. JONES ST PLANO, IL. 60545	CAQUELINS SUB	RMT PROPERTIES LLC
8/23/2018	012018164	01 House	0508351007	GREYER, TIM AND ALYSSA	10887 BRANDENBURG WAY YORKVILLE, IL. 60560	TANGLEWOOD TRAILS	TIM GREYER BUILDERS, INC.
10/1/2018	012018185	01 House	0720100003	JOHNSON JEREMY & BOBBIE JEAN	16501 INDIAN RD NEWARK, IL. 60541		
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.
3/14/2018	012018044	01 House	0512220004	FERRI JOHN & LUZ	6349 VALLEYVIEW CT YORKVILLE, IL 60560-	WHITETAIL RIDGE	CL Design-Build, Inc.
3/13/2018	012018037	01 House	0512220008	C L DESIGN-BUILD INC	7341 CLUBHOUSE DR YORKVILLE, IL 60560-	WHITETAIL RIDGE	SAME
8/14/2018	022018161	02 Garage	0332327004	PEC GREGORY W & RILEY C	15 CRESTVIEW DR OSWEGO, IL 60543-	CRESTVIEW WOODS	BLUE SKY BUILDERS
8/6/2018	022018157	02 Garage	0213476017	MITCHELL RYAN P & KATHLEEN E	22 PLEASANTVIEW DR OSWEGO, IL 60543-	RIVERVIEW HEIGHTS	Laukeman Construction
6/21/2018	022018114	02 Garage	0804100006	HIPSMAN JOHN & JENNIFER	9858 HELMAR RD NEWARK, IL 60541-		
4/18/2018	022018076	02 Garage	0531300002	HELMAR LUTHERAN CONGREGATION	11951 LISBON RD NEWARK, IL 60541-		
6/5/2018	022018112	02 Garage	0913300002	CARGLE KENNETH A	920 ROUTE 52 MINOOKA, IL 60447-		Homeowner

Permit Approval Date Report
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
6/25/2018	022018124	02 Garage	0517200002	BJORK ANNE & MARTY	10021 AMENT RD YORKVILLE, IL 60560-		SELF
7/26/2018	022018140	02 Garage	0312201004	MATHEY WILLIAM M & LYNNE	21 COUNCIL AVE AURORA, IL 60503-		
8/2/2018	022018156	02 Garage	0417300002	DICKSON VALLEY MINISTRIES	8250 FINNIE RD NEWARK, IL 60541-		DANLEY'S GARAGE WORLD
3/21/2018	022018049	02 Garage	0529400001	GENGLER STEVE & LINDA	10510 IMMANUEL RD YORKVILLE, IL 60560-		Artisan Enterprises Inc
3/21/2018	022018048	02 Garage	0226101006	LAMANNA, ANDREW & SIWAK, PAULINA	58 KINGMOOR LN YORKVILLE, IL 60560-		Owner
4/18/2018	022018077	02 Garage	0119378001	LITTLEFAIR KEVIN & DENISE	14 FRAZIER CT SANDWICH, IL 60548-	HOLLIS PARK UNIT 2	
4/11/2018	022018050	02 Garage	0103353010	KLINKER BRYAN	35 EARL ST PLANO, IL 60545-	STAINFIELD SUB	
9/4/2018	022018180	02 Garage	0715400003	RUTKAS MICHAEL & JENNIFER	14633 BIG GROVE RD NEWARK, IL 60541-		DANLEY'S GARAGE WORLD
9/4/2018	022018179	02 Garage	0211126007	SHANNON GARY J & JACKIE K	51 N CYPRESS DR BRISTOL, IL 60512-	WILLOWBROOK UNIT 2 AMNDED PLAT	DANLEY'S GARAGE WORLD
8/29/2018	022018175	02 Garage	0811100029	AUSTIN NANCY	13090 ASHLEY RD NEWARK, IL 60541-		HOMEOWNER
9/11/2018	022018188	02 Garage	0129351008	ORTEGA JAMES	16859 GRISWOLD SPRINGS RD PLANO, IL 60545-	BILLY R WILLIAMS SUB	

Permit Approval Date Report
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
2/1/2018	022018031	02 Garage	0430200003	DIPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		
5/3/2018	022018090	02 Garage	0430200003	DIPOLD JEREMY & SAMANTHA	10135 FOX RIVER DR NEWARK, IL 60541-		
8/23/2018	032018166	03 Accessory Buildings	0116402004	SCHIMANDLE JOSHUA M	29 MEYER RD PLANO, IL 60545-	MEYERBROOK UNIT 4	ROBERT THOMAS
8/17/2018	032018167	03 Accessory Buildings	0833126002	SMITH ROBERT	9570 WHITEWILLOW RD MORRIS, IL 60450-		
7/24/2018	032018150	03 Accessory Buildings	0529200006	BRETTHAUER STAN & JANET	10180 WALKER RD YORKVILLE, IL 60560-		
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
9/13/2018	032018194	03 Accessory Buildings	0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK RD PLANO, IL 60545-	DEER RIDGE PUD	
7/5/2018	032018138	03 Accessory Buildings	0332133001	SIGWERTH LISA L & DARRELL R	5400 HALF ROUND RD OSWEGO, IL 60543-	OLD RESERVATION HILLS UNIT 1	TUFF SHED
9/13/2018	032018195	03 Accessory Buildings	0223101005	USILTON PHILIP	64 PARKWAY DR YORKVILLE, IL 60560-	RIVER RIDGE UNIT 2	
6/13/2018	032018121	03 Accessory Buildings	0136200009	MALACINA RICHARD DEC TR & MALACINA LAVONE REG TR	12300 RIVER RD PLANO, IL 60545-	RIVER GLEN SUB	ROBERT E LEE
5/4/2018	032018087	03 Accessory Buildings	0221251004	VELEZ HAROLD A & VIVIAN H	12 E LEXINGTON CIR YORKVILLE, IL 60560-	BLACKBERRY CREEK	REINERT STRUCTURES

Permit Approval Date Report
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
5/7/2018	032018092	03 Accessory Buildings	0309107018	MANTZKE RODNEY W & JAMIE L	147 CIRCLE DR MONTGOMERY, IL 60538-		
5/3/2018	032018089	03 Accessory Buildings	0421104002	HALEY CURTIS	9272 LEE HILL RD NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 4	RONALD LARABEE
6/12/2018	032018117	03 Accessory Buildings	0606226006	OLIN RICHARD & BEVERLY	27 NORTHWEST PASS OSWEGO, IL 60543-	ARROWHEAD HILLS UNIT 2	ROBERT E. LEE
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	
4/30/2018	032018081	03 Accessory Buildings	0304155009	HILLIARD PHILLIP & LAURA	14 PEMBROOKE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	TUFF SHED
4/18/2018	032018075	03 Accessory Buildings	0917100002	HEAP GARY & LINDA	4819 ROUTE 52 MINOOKA, IL 60447-		MORTON BUILDINGS, INC.
6/15/2018	032018126	03 Accessory Buildings	0105128001	MACDONALD ANDREW J & JOAN M	16670 GALENA RD PLANO, IL 60545-		N.L. MORTON BUILDINGS, LTD
5/8/2018	032018097	03 Accessory Buildings	0222126005	HATCH BRENT R & LEIGH A	18 LAKEVIEW DR YORKVILLE, IL 60560-	BRISTOL LAKE SUB	
4/11/2018	032018067	03 Accessory Buildings	0417251003	JURCA JOHN & MARLENE CARY	8124 D FINNIE RD NEWARK, IL 60541-	WEST MILLBROOK PHASE 2	
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
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	

Permit Approval Date Report
Kendall County

Issue Date	Permit ID	Permit Category	Parcel Number	Owner Name	Property Address	Subdivision	Contractor Name
7/18/2018	042018148	04 Additions	0136100023	MCELROY JOSHUAL & ANNIE JOY	12881 RIVER RD PLANO, IL 60545-		
7/16/2018	042018146	04 Additions	0226300007	PIERCE STEPHEN	7535 ROUTE 71 YORKVILLE, IL 60560-		
7/9/2018	042018141	04 Additions	0811400005	KING MICHAEL D & DIANE L	13567 CHURCH RD MINOOKA, IL 60447-		
5/11/2018	042018065	04 Additions	09333100002	WILSON JOSEPH C & HITE BREANNE	3851 HOLT RD MINOOKA, IL 60447-		Thomas Builders
6/8/2018	042018113	04 Additions	0415200019	SEEGO VINCENT & KARA	14103 BUDD RD YORKVILLE, IL 60560-		
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
9/6/2018	042018187	04 Additions	0518203007	LEWANDOWSKI RICHARD & ELISA	38 MAPLE RIDGE CT YORKVILLE, IL 60560-	MAPLE GROVE	ARTISAN ENTERPRISES INC
1/30/2018	042018029	04 Additions	0908300002	GRAHAM PAUL W & JANET K	13870 GROVE RD MINOOKA, IL 60447-		
10/1/2018	052018191	05 Remodeling	0216227005	MERRI C. ENOCH-ROGERS	58 WEST ST BRISTOL, IL 60512-	GLAD-ELL SUB	USA BUILDERS LT.,
9/10/2018	052018190	05 Remodeling	0704300001	JURICIC JOSEPH	15990 NEWARK RD NEWARK, IL 60541-		

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8/15/2018	052018178	05 Remodeling	0126300008	SALGADO SOCORRO	4729 NEEDHAM RD PLANO, IL 60545-		MARCELO AGUILAR
4/13/2018	052018069	05 Remodeling	0307430010	NONNIE, CHRISTOPHER L & CHRISTOPHER A	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
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	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
2/1/2018	062018025	06 Commercial - M Zone	0405300001	ANR PIPELINE CO	6650 SANDY BLUFF RD SANDWICH, IL 60548-		
9/11/2018	082018192	08 Barns/Farm Buildings	0602400007	VOSECEK JEFFREY S	1310 CHERRY RD OSWEGO, IL 60543-		
9/5/2018	082018184	08 Barns/Farm Buildings	0707400003	HARVEY MICHAEL E & CHERYL A	17410 LISBON CENTER RD NEWARK, IL 60541-		

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9/4/2018	082018181	08 Barns/Farm Buildings	0136100023	MCELROY JOSHUA L & ANNIE JOY	12881 RIVER RD PLANO, IL 60545-		
6/29/2018	082018137	08 Barns/Farm Buildings	0713400002	SCAMAN RICHARD A H & DANIELLE	14585 LISBON RD NEWARK, IL 60541-		
6/19/2018	082018130	08 Barns/Farm Buildings	0416253001	WINDING CREEK NURSERY & GARDEN CENTER INC	8241 MILLBROOK RD MILLBROOK, IL 60536-		
6/13/2018	082018125	08 Barns/Farm Buildings	0803400006	ANZELC THOMAS J & CATHLEEN M	8025 PLATTVILLE RD NEWARK, IL 60541-		
5/14/2018	082018101	08 Barns/Farm Buildings	0709200012	ERICKSON ROGER & SHANNON	15147 LISBON CENTER RD NEWARK, IL 60541-		
5/10/2018	082018098	08 Barns/Farm Buildings	0610200005	CHICAGO TITLE	2500 JOHNSON RD OSWEGO, IL 60543-		
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)	

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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		
7/11/2018	082018143	08 Barns/Farm Buildings	0121100005	LP NELSON TRUST	16000 FRAZIER RD PLANO, IL 60545-		
1/24/2018	082018023	08 Barns/Farm Buildings	0921100008	JIMENEZ, LINDA	3579 BELL RD MINOOKA, IL 60447-		
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-		
9/24/2018	082018197	08 Barns/Farm Buildings	0123100005	HAMMAN DONALD J & CAROL S	13355 FAXON ROAD PLANO, IL. 60545		
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-		
7/30/2018	122018154	12 Swimming Pools	0517121009	DARNELL SHANE P & TRACY E	102 ETHEL CT YORKVILLE, IL RONHILL ESTATES UNIT 2 60560-		
7/23/2018	122018149	12 Swimming Pools	0125454007	LASKOWSKI BRIAN & MICHELLE	12462 ANDREW ST PLANO, IL 60545-		SCHAEFER WOODS NORTH SWIM SHACK UNIT 3

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7/16/2018	122018145	12 Swimming Pools	0506352001	STRZELECKI BRIAN	7 CHALLY DR YORKVILLE, IL 60560-	PAVILLION HEIGHTS UNIT 4	Cheyenne Pools
6/26/2018	122018134	12 Swimming Pools	0215157004	LACOURSIERS LARRY L & DEBRA A	16 GROVE ST BRISTOL, IL 60512-		
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	
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 & ADAM	12342 MITCHELL DR PLANO, IL 60545-	SCHAEFER WOODS SOUTH UNIT 2	AMERICAN SALE
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
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 CAROLA	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

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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	
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
8/8/2018	122018159	12 Swimming Pools	0211176011	REUTER, STACY L & WHEATON, JOHN W	7535 GALENA RD BRISTOL, IL 60512-	PURCELLS 3RD SUB	
3/14/2018	122018047	12 Swimming Pools	0324100021	PETSCHKE NICHOLAS A & KERI M	3401 STEWART RD OSWEGO, IL 60543-		
9/10/2018	122018186	12 Swimming Pools	0309103002	PEREZ JONATHAN	22 CAYMAN DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 20	
8/29/2018	122018177	12 Swimming Pools	0129151008	EIPERS BENJAMIN	4350 SANDY BLUFF RD PLANO, IL -		
8/20/2018	122018168	12 Swimming Pools	0518201002	HOBBS VINETTA & DEE E	7 TIMBERCREEK PL YORKVILLE, IL 60560-	TIMBER CREEK 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

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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	ZARCONE CHRISTOPHER S & MARGARET	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	DOBRIKH 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
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
6/15/2018	142018127	14 Demolitions	01033400001	PLANO FARMS LLC % MURRAY WISE ASSOC.	13961 SEARS RD PLANO, IL 60545-		
6/13/2018	142018118	14 Demolitions	0327401004	SIMPKINS CHARLES JR & PATRICIA	4704 DOUGLAS RD OSWEGO, IL 60543-		

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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	BRETTHAUER STAN & JANET	10206 WALKER RD YORKVILLE, IL 60560-		
1/22/2018	142018021	14 Demolitions	0515100002	COOPER LARRY R LTD PARTNERSHIP	8641 AMENT RD YORKVILLE, IL 60560-		
3/26/2018	142017204	14 Demolitions	0219400009	LASALLE NATIONAL BANL % DREW PARRIS C	11443 ROUTE 34 YORKVILLE, IL 60560-		
8/22/2018	152018170	15 Electrical Upgrades	0201200005	LENDELEASE	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
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 & COMMONWEALTH EDISON	12260 FAXON RD PLANO, IL 60545		Advanced Probuild Solutions (#82-1571485)
1/30/2018	162018028	16 Towers (Comm.)	0311100001	COMMONWEALTH EDISON	1726 ROUTE 34 OSWEGO, IL 60543-		

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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 MIGUELA & ARLETTE CUSSIN	5753 DANIELLE LN YORKVILLE, IL 60560-	FIELDS OF FARM COLONY UNIT 2	PAUL DAVIS
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 ASSOCIATION	2500 #101 LIGHT RD OSWEGO, IL 60543-		ILLINI SUBURBAN ASPHALT, INC.

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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	LECHUGA LORENZO & 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	TUFF SHED
4/30/2018	202018082	20 Patio	0304155009	HILLIARD PHILLIP & LAURA	14 PEMBROOKE RD MONTGOMERY, IL 60538-	BOULDER HILL UNIT 29	NEWKIRK ELECTRIC & ASSOCIATES
7/26/2018	232018153	23 Generator	0221301013	AMERICAN TOWER CORPORATION	3531 ROUTE 47 YORKVILLE, IL 60560-		LEE LEGLER
5/3/2018	232018088	23 Generator	0416378004	MCCORMICK JANE	15753 SUMNER CT NEWARK, IL 60541-	ESTATES OF MILLBROOK UNIT 1	Lee Legler Construction & Electric Inc
3/6/2018	232018043	23 Generator	0506226004	MCLAUGHLIN ROGER T & MCLAUGHLIN PATRICIA M	13 W BIRCH CT YORKVILLE, IL 60560-	FOXLAWN UNIT 1	LEE LEGLER CONSTRUCTION & ELECTRIC, INC
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 & ELECTRIC, INC

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9/6/2018	012018182	01 House	0508353007	HILL LANKFORD KRISTOFER & MEGAN	7962 WILSON CT YORKVILLE, IL 60560-		HILL LANKFORD KRISTOFER & MEGAN
9/4/2018	022018179	02 Garage	0211126007	SHANNON GARY J & JACKIE K	51 N CYPRESS DR BRISTOL, IL 60512-	WILLOWBROOK UNIT 2 AMNDED PLAT	DANLEY'S GARAGE WORLD
9/4/2018	022018180	02 Garage	0715400003	RUTKAS MICHAEL & JENNIFER	14633 BIG GROVE RD NEWARK, IL 60541-		DANLEY'S GARAGE WORLD
9/11/2018	022018188	02 Garage	0129351008	ORTEGA JAMES	16859 GRISWOLD SPRINGS RD PLANO, IL 60545-	BILLY R WILLIAMS SUB	
9/13/2018	032018195	03 Accessory Buildings	0223101005	USILTON PHILIP	64 PARKWAY DR YORKVILLE, IL 60560-	RIVER RIDGE UNIT 2	
9/13/2018	032018196	03 Accessory Buildings	0408200026	FRIEDERS MARK & TRACY	7425 OAKBROOK RD. NEWARK, IL. 60541		
9/13/2018	032018194	03 Accessory Buildings	0133101002	CIAGLIA RONALD S & DEBRA	15919 BURR OAK RD PLANO, IL 60545-	DEER RIDGE PUD	
9/6/2018	042018187	04 Additions	0518203007	LEWANDOWSKI RICHARD & ELISA	38 MAPLE RIDGE CT YORKVILLE, IL 60560-	MAPLE GROVE	ARTISAN ENTERPRISES INC
9/10/2018	052018190	05 Remodeling	0704300001	JURICIC JOSEPH	15990 NEWARK RD NEWARK, IL 60541-		
9/24/2018	082018197	08 Barns/Farm Buildings	0123100005	HAMMAN DONALD J & CAROL S	13355 FAXON ROAD PLANO, IL. 60545		
9/11/2018	082018192	08 Barns/Farm Buildings	0602400007	VOSECEK JEFFREY S	1310 CHERRY RD OSWEGO, IL 60543-		

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9/5/2018	082018184	08 Barns/Farm Buildings	0707400003	HARVEY MICHAEL E & CHERYL A	17410 LISBON CENTER RD NEWARK, IL 60541-		
9/4/2018	082018181	08 Barns/Farm Buildings	0136100023	MCELROY JOSHUA L & ANNIE JOY	12881 RIVER RD PLANO, IL 60545-		
9/10/2018	122018186	12 Swimming Pools	0309103002	PEREZ JONATHAN	22 CAYMAN DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 20	

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	\$9,182.20	\$190.00	\$9,490.53	\$1,000.00	\$19,862.73	\$124,237.32	\$36,883.57	\$147,189.23
October							\$18,678.40	\$165,867.63
November							\$14,088.97	\$179,956.60
TOTAL	\$66,217.50	\$8,717.50	\$43,302.32	\$6,000.00	\$124,237.32		\$179,956.60	

Matt Asselmeier

From: Molly Gerke [emgerke13@gmail.com]
Sent: Thursday, September 20, 2018 12:48 PM
To: Matt Asselmeier
Subject: Village Concerns

Hello Matt,

On behalf of the Village of Plattville, I am reaching out to get some information on the weeds ordinance for Kendall County. We have a property within the village limits that has been sitting vacant for quite a few years now and is not being taken care of. We follow all Kendall County ordinances and rely on the county for support. Who should we work with to understand the ordinances and how to manage them within the village. We have many upset residents that want to see this taken care of so any help or direction you can provide would be greatly appreciated.

Thank you,
Molly Gerke
Village of Plattville Trustee

September 28, 2018

To: Kendall County Planning, Building and Zoning
Committee

Attached is a photo of 5 Ottawa Court, Oswego IL. This house is in NaAuSay Woods.

This eyesore is always there. These trailers are sitting permanently in front of this house on the driveway.
(For a couple years already).

There is no longer a homeowners association in this subdivision.

We saw the attached article in the Ledger and decided to bring this issue to your department.

These people have a lot of nerve putting these trailers in public sight to the annoyance of many neighbors. These trailers should be in a trailer rental lot not parked on a neighborhood driveway.

Everyone else is diligent about keeping their property maintained but not these people.

We kindly request that you investigate this issue and enforce the removal of this illegal parking.

We wish our identity to be anonymous because of possible retaliation.

Thank you.



County inspector gets OK to cite junk cars

Officials say change is in reaction to complaints in Boulder Hill subdivision

By TONY SCOTT
tscofi@shawmedia.com

Kendall County's building code official now will have the authority to cite property owners in unincorporated areas of the county, such as Boulder Hill, for inoperable vehicles without needing a complaint by a neighbor first.

The Kendall County Board unanimously approved a change to the county's zoning ordinance Tuesday, Sept. 18, after a lengthy discussion during which two board members questioned the need for the change.

Board members Tony Giles, Elizabeth Flowers, and Lynn Cullick were absent from Tuesday's meeting.

The village of Oswego's ordinance prohibits property owners displaying inoperable vehicles, which it defines as "a vehicle that is not equipped with all parts that are required to legally and safely operate on public streets and/or cannot be driven under its own power." It is a class 1 offense - the lowest of those listed in the ordinance - according to village documents. The village fines violators \$55 for a first offense, \$75 for a second offense, \$100 for a third offense and \$750 for a fourth offense.

The village of Montgomery's ordinance states that "any inoperable motor vehicle or any inoperable nonmotorized vehicle on public or private property, except when housed in a fully enclosed building and not visible from any point outside said building, is declared a public nuisance." The village ordinance states that no one "shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the village."

Anytime after seven days following the notice of violation, the police can tow and impound the vehicle, according to the ordinance. Those who violate the ordinance are subject to a \$25 fine if they pay within seven days of being cited. If they don't pay within seven days, the fine increases to \$50, according to the village's ordinance.

The county's ordinance defines an "inoperable motor vehicle" as "any motor vehicle from which, for a period of at least seven 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."

The county's ordinance currently allows both code enforcement officers and sheriff's deputies to cite violators. If cited, the property owner has up to 10 days to repair the vehicle, according to the draft ordinance.

A violation is punishable by a fine of up to \$200, and each day following the 10-day period is counted as a separate offense, according to the draft ordinance.

Board members John Purcell and Audra Hendrix voiced opposition during a lengthy discussion on the change at Tuesday's board meeting.

Purcell questioned the need of the change, noting that officials could not tell him exactly how many properties they are having this problem with currently, and foresaw county officials citing property owners frequently for such violations.

"Is the idea that we're just gonna have our zoning person just drive around today or any day and just write tickets arbitrarily or whenever they feel like, hey, I'm having a bad day, I'm gonna write tickets?" he asked. "[Are they] going to go around the whole county, write farmers tickets? Because it's not just Boulder Hill."

Hendrix said Boulder Hill should "organize into their own association that has their own rules and fines."

"I'm inclined to see that this is an issue of self-governance within that area," she said.

Matt Asselmeier, the county's senior planner, pointed out later in the meeting that the county is responsible for governing Boulder Hill as it is not within a municipality.

Board member Matt Kellogg, a member of the board's Planning, Building, and Zoning Committee, said that the committee sees cases of neighbors not wanting to turn in neighbors over violations like inoperable vehicles.

"If there are obvious eyesores within the community that the PBZ code enforcer can follow up on without that conflict, I'm in favor of that," Kellogg said.

Board Chairman Scott Gryder said the issue "comes up a lot" and that he hears about it from residents on "almost a weekly basis right now." Gryder said Brian Holdiman, the county's code enforcement officer, does not have the authority to cite violations when he's out in the field.

"Brian doesn't feel empowered to be able to cite violations that he sees when he's already out in the field doing inspections, so by doing this we give him now the authority to be able to go and cite a violation," Gryder said.

Kendall County State's Attorney Eric Weis said the current system of not only property maintenance violations but other code enforcement issues requires "an enormous amount of time" from staff in his office and other county staff.

"We spend more time on a vehicle or a camper parked in the wrong spot than we do on serious crimes," he said.

Weis also said Holdiman is one of the county's "better employees" and would not arbitrarily issue tickets on a frequent basis.

"I don't see him going out and being ticket happy, just writing citations because he feels like it," Weis said.

"I don't think he has the time to just drive around all day and look for violations."



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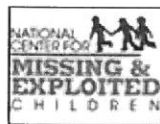
(55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117)
Sec. 5-1117. Discharge of firearms.

(a) The county board of any county may, by ordinance, regulate or prohibit within unincorporated areas the discharge of firearms in any residential area where such discharge is likely to subject residents or passersby to the risk of injury. However, such an ordinance shall not limit the right to discharge a firearm for the lawful defense of persons or property, or in the course of making a lawful arrest, when such use of force is justified under Article 7 of the Criminal Code of 2012.

(b) For the purposes of this Section, a "residential area" is any area within 300 yards of at least 3 single or multi-family residential structures.

(Source: P.A. 97-1150, eff. 1-25-13.)

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McHenry County Firearms Discharge Ordinance

Preamble

WHEREAS, pursuant to 55 ILCS 5/5-1117 counties may by ordinance, regulate or prohibit within unincorporated areas the discharge of firearms in any residential area where such discharge is likely to subject residents or passersby to the risk of injury; and

WHEREAS, this County Board finds that the discharge of firearms within residential areas subjects residents and passersby to the risk of injury and tends to have a detrimental effect on the health, safety and welfare of the residents of McHenry County; and

WHEREAS, this County Board desires to prevent the discharge of firearms in a manner that would endanger the public, while maintaining the rights of the citizens of McHenry County.

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

Article 1 - General

Section 1. Title. This Ordinance shall be known as the McHenry County Firearms Discharge Ordinance, hereinafter referred to as the "Ordinance."

Section 2. Purpose. The purposes of this Ordinance are to: 1) regulate the discharge of firearms in unincorporated McHenry County in order to promote the health, safety, and welfare of the citizens of McHenry County; 2) prevent the discharge of firearms in a manner that would endanger others; and 3) to maintain the rights of the citizens of McHenry County.

Section 3. Jurisdiction and Applicability. The provisions of this Ordinance shall apply to unincorporated areas (those areas which are *not* located within the corporate limits of any city, village, or incorporated town) of McHenry County, Illinois.

Section 4. Definitions.

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding,

1. Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;
2. Any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;
3. Any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
4. Any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

“Residential Area” means any area within 300 yards of at least 3 single or multi-family residential structures including any single or multi-family residential structures located on the same lot or parcel of land as the firearm discharge.

Article 2 – Regulation

Section 1. Discharge of Firearms. The discharge of firearms in any residential area where such discharge is likely to subject residents or passersby to the risk of injury is prohibited within unincorporated areas of McHenry County, unless such discharge of firearms complies with the following standards:

- a. The shooting area shall be arranged and provide a safety area and lateral and backstop berms in accordance with National Rifle Association standards.
- b. The discharge of firearms shall occur only between sunrise and sunset.
- c. ~~The discharge of firearms on any property shall be limited to not more than two (2) hours per day. Day shall mean a twenty four hour period extending from 12:00 AM to 11:59 PM.~~
- d. ~~The discharge of firearms on any property shall be limited to not more than six (6) hours per week. Week shall mean a seven (7) day period extending from Monday at 12:00 AM through Sunday at 11:59 PM.~~
- e. ~~The discharge of firearms shall not occur in conjunction with any business or commercial activity conducted on or off the property.~~

Section 2. Exclusions. This ordinance shall not prohibit the discharge of firearms for the following purposes:

- a. For the lawful defense of persons or property.
- b. In the course of making a lawful arrest, when such use of force is justified by law.
- c. Legal hunting in accordance with the Illinois Wildlife Code.
- d. Shooting on property zoned and approved for the operation of a commercial outdoor shooting range when such discharge occurs within the parameters specified for such approved use.

Article 3 – Enforcement and Penalties

Section 1. Enforcement Agencies. This Ordinance may be enforced by the McHenry County Sheriff’s Office.

Section 2. Complaints. Any property owner, property occupant, public agency, or other person impacted by the discharge of firearms as regulated by this Ordinance may file a complaint with the McHenry County Sheriff’s Office. The Sheriff’s Office may investigate the complaint to determine the validity of the complaint and identify the responsible party.

Section 3. Burden of Proof.

- a. The burden of proof for all affirmative defenses under this ordinance shall be on the defendant. Affirmative defenses include but are not limited to proving an exception to the definition of “firearm” as listed in Article 1, Section 4 of this ordinance or proving that the discharge of a firearm was in accordance with Article 2, Section 1 of this ordinance or

proving that the discharge of a firearm was not prohibited under Article 2, Section 2 of this ordinance.

- b. For all other elements of the violation, McHenry County shall have the burden of proof.
- c. The standard for proving all elements of affirmative defenses to the violation shall be proof by a preponderance of the evidence.

Section 4. Assessment of Fines. Any individual who is convicted by a court of competent jurisdiction of violating this Ordinance shall be subjected to a fine of \$50 to \$1,000 per offense. The fine shall be determined by the level to which the conduct of the violator has caused a risk of injury to others. Each instance of the discharge of a firearm in violation of this ordinance may be considered a separate offense and any fine or fines for these separate offenses shall be assessed in accordance with applicable State of Illinois statutes.

Section 5. Injunctive or Equitable Relief. This ordinance may serve as the basis for injunctive or other equitable relief. Nothing in this ordinance shall serve to limit the relief that may otherwise be attained at law.

Article 4 - Interpretation and Conflict

Section 1. Interpretation. The language set forth in the text of this Ordinance is interpreted in accordance with the following rules of construction:

- A. The singular number includes the plural, and the plural the singular.
- B. The present tense includes the past and future tenses, and the future tense includes the present.
- C. The words “must” and “shall” are mandatory. The term “may” is permissive.
- D. The terms “must not,” “shall not” and “may not” are prohibiting.
- E. The masculine gender includes the feminine and neuter.
- F. Whenever a defined word or term appears in the text of this Ordinance, its meaning is construed as set forth in the definition. Words not defined are interpreted in accordance with the definitions considered to be normal dictionary usage.

Section 2. Separability, Partial Invalidity. The provisions of this Ordinance shall be separable. In the event any section, clause or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance not specifically included in said decision, it being the intent of this County Board that this Ordinance would have been approved without such invalid provisions, clauses or sections.

Section 3. Conflict. If the provisions of this Ordinance conflict with provisions found in any other adopted ordinance(s) or regulation(s) of the county, or with any federal or State of Illinois law, the more restrictive provision of ordinance or law will control. The inclusion of provisions in this Ordinance that are also contained in other McHenry County ordinances or regulations does not negate the ability of the County to enforce the provisions under the terms and authority of these other ordinances or regulations.

Section 4. Effective Date. This Ordinance shall be in full force and effect ~~immediately upon its~~ ninety (90) days following adoption by the McHenry County Board.