

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Meeting Minutes of April 25, 2018

Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, John Shaw, Claire Wilson, Budd Wormley, and Angela Zubko (arrived at 7:04 p.m.)

Members Absent: Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson

APPROVAL OF AGENDA

Mr. Bledsoe made a motion, seconded by Ms. Wilson, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Bledsoe made a motion, seconded by Mr. Casey, to approve the March 28, 2018, Kendall County Regional Planning Commission meeting minutes as presented. With a voice vote of all ayes, the motion carried.

PETITION

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

Mr. Asselmeier summarized the request.

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

Ms. Zubko arrived at this time (7:04 p.m.).

Earlier in 2018, the Planning, Building and Zoning Committee instructed Staff to study the solar panel regulations of several counties. The comparison table was presented to Commissioners.

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

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

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

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

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

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

There is an open application for a special use permit for solar panels in Big Grove Township.

Chairman Ashton asked if the proposal had to be finalized and approved by May. Mr. Asselmeier responded that the proposed text amendment would not apply to the proposed solar operation in Big Grove Township because the Big Grove Township project was submitted prior to the adoption of the proposed solar panel regulations.

The Commission reviewed the comparison table.

Discussion occurred regarding DeKalb County’s requirement for impervious surface. Gravel and compacted soils were considered impervious surfaces. Discussion occurred regarding the rain water runoff.

Discussion occurred regarding decommissioning. Mr. Davidson did not foresee any problems with cleaning up a solar farm site because the panels are easy to remove.

Ms. Zubko expressed concerns regarding the airport language in the proposal. Mr. Davidson suggested keeping the language in the proposal.

Ms. Zubko requested clarification on permit fees.

Chairman Ashton expressed that drainage tiles should be fixed if damaged as a result of the solar panel operations.

Proposed setbacks would be one hundred feet (100’) at the front, fifty feet (50’) from adjoining property lines and one hundred feet (100’) from residential property lines. The road district and neighbors could approve waivers lowering the setback to fifty feet (50’).

Mr. Nelson asked about NEPA requirements. Mr. Asselmeier responded that proposed solar panel operations must follow all applicable federal, state, and local laws.

The regulations for roof mounted and freestanding solar systems should be clarified to expressly state they are for accessory use and that the energy produced will be used onsite.

Discussion occurred about the licensing of solar panel installers. Chairman Ashton will bring an advertisement he received about solar panel installers to a future meeting.

Mr. Wormley asked about berming and fencing. There was no berming requirement and fences were not required, but, if installed, fences had to be a maximum eight feet (8') in height. Chairman Ashton stated that fencing should be required.

Ms. Wilson suggested additional study of the subject.

Chairman Ashton asked to have the County's solar consultant to attend a future meeting and submit comments on the proposal. Mr. Davidson said that he would ask Chris Childress to review the proposal and attend a meeting.

Ms. Zubko suggested examining Fulton County's and Shelby County's regulations. Ms. Wilson suggested that Mr. Asselmeier contact the county's studied to see if they have had issues with implementing their regulations.

Ms. Zubko requested a copy Yorkville's solar panel regulations.

Mr. Nelson made a motion to layover this petition until the next meeting and to have the County's consultant provide comments on the proposal, seconded by Ms. Zubko.

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

No – None (0)

Absent – Rodriguez (1)

The motion passed. This proposal will return to the Planning Commission in May.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

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

Mr. Asselmeier reported on the changes proposed by the Comprehensive Land Plan and Ordinance Committee.

In paragraph 1, "or if" shall be replaced with "because". The County Board would only be able to amend or revoke special use permits if a special use permit holder were found guilty through the courts or administrative adjudication.

Paragraph 2 would be deleted in its entirety.

Paragraph 3 would remain unchanged.

In paragraph 4, the first sentence would be changed to read, “This Sub-Section shall apply to any special use permit issued after the date of adoption of this ordinance (insert date) requiring renewal.”

Mr. Bledsoe expressed concerns about the “previous owner” language.

Ms. Wilson suggested clarifying the language to focus on “on-going” violations; she suggested adding “unabated” to the first paragraph. She also suggested adding revocation to the first paragraph.

Ms. Zubko advised that the Planning, Building and Zoning Committee discuss the existing revocation language in the Zoning Ordinance.

Ms. Wilson asked why the option of amending a special use permit was included in paragraph 1. Mr. Asselmeier responded that a situation could arise where neither renewing a special use permit nor revoking a special permit are the appropriate options.

Discussion occurred regarding when the County Board could initiate revocation; specifically could the County Board initiate revocations immediately upon the guilty verdict of a special use permit holder?

The consensus of the Commission was to send the proposal back to the Planning, Building and Zoning Committee with the Commission’s suggestions. The Planning, Building and Zoning Committee will meet on this matter on May 7th meeting.

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

Mr. Asselmeier noted the change made to the proposal. A mixed use business area will be added along U.S. Route 52 down to the Village of Lisbon to correspond to the Village of Lisbon’s Comprehensive Plan.

This proposal will go to the May 7th Planning, Building and Zoning Committee for comments. The Commission could schedule a public hearing at the May 23rd meeting.

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

Mr. Asselmeier stated that the Planning, Building and Zoning Committee met on April 9th and are reviewing comments from the State’s Attorney’s Office.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-29 increasing the notification distance requirements for A-1 special uses passed at the County Board. The new distance requirement is seven hundred fifty feet (750’). Only adjoining property owners have to be notified for non-A-1 special use applications. The notification distance remains five hundred feet (500’) for map amendments and variances.

OTHER BUSINESS/ANNOUNCEMENTS

Update on Petition 18-03 Pertaining to the Powers and Duties of ZPAC and the Kendall County Regional Planning Commission

Mr. Nelson distributed a draft message that he will send to the Planning, Building and Zoning Committee outlining the importance of the Planning Commission in evaluating map amendments, text amendments, and special use related applications, see enclosed. He felt that the Planning, Building and Zoning Committee did

not have an adequate history of how the process evolved. Either Mr. Asselmeier or Mr. Davidson will request that the Zoning Board of Appeals layover the hearing until after the Planning, Building and Zoning Committee has an opportunity to review the Commission's comments. Mr. Nelson will email the draft message to everyone.

Ms. Zubko requested that the years of experience in planning be noted in the message to the Planning, Building and Zoning Committee and to identify the longest serving member of the Commission.

ADJOURNMENT

Mr. Nelson made a motion, seconded by Mr. Wormley, to adjourn. With a voice vote of all ayes, the motion passed unanimously. The Kendall County Regional Plan Commission meeting adjourned at 8:35 p.m.

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

Enc.

Larry.nelson

From: "Larry Nelson" <larry.nelson@krcrpc.com>
To: "Larry Nelson Multimedia" <larry.nelson@krcrpc.com>
Sent: Wednesday, April 25, 2018 3:39 PM
Attach: KCRPC changes 2-28-18 by PBZ.docx
Subject: Fw: KCRPC Duties
Draft

To: Kendall County building and zoning committee

The Kendall County Regional Planning Commission has had an opportunity to review the committee's idea of eliminating the Kendall County Regional Planning Commission from a number of crucial zoning actions in the County Kendall County. The Regional Planning Commission was established over 30 years ago as an advisory Commission for the County Board to oversee the Kendall County Comprehensive Land Plan and review of zoning applications, and how zoning applications impact the Comp Plan. When the regional Planning Commission was formed our bylaws proved that it's made up of one representative from each of the 9 Township and one at large, appointed to a 4 year term on a staggered basis.

Many of the Plan Commission members have been with the Kendall County Regional Planning Commission through the development of our current Land Plan which was a involved process including hearings in each Township and at a county wide level. The KCRPC serves as an advisory body to the Kendall ZBA, Kendall P B & Z.

The Commission when a new request comes in for a new or revised text Amendment has in most cases taken the first pass at formulating the text along with the Kendall County Professional staff to make sure the language change or new text Amendment reflect the rights of landowners, land use, and the Comp Plan.

Special uses are not a simple matter in Kendall County as there is a great diversity in Kendall County in land use from Oswego Twp to Big Grove Township. One size doesn't fit all, the Plan Commission with one member from each Township is very knowledgeable collectively of the needs and interest across the County. Map amendments, special uses and text amendments that come out of the plan Commission provide an insight to the Kendall County Planning Building and Zoning Committee for their ultimate decision on how the zoning should be decided.

Below is a number of comments from Plan Commission Members on the specific items proposed to be eliminated from the Plan Commissions review.

1) proposed map amendments.

Claire Wilson <claire.wilson@krcrpc.com>

From my time on the Kendall County Regional Plan Commission, I have observed how the open frank exchange of thoughts and ideas from people from different walks of life, many of whom have great background in the

4/25/2018

County is so helpful to analysis of all of these items. These commissioners all have the citizens' best interests in mind. The deliberative process that this group can provide has often yielded very helpful and beneficial background for the decision makers on all of these functions. In particular, for all of the listed functions, the Plan Commission has the ability to "flush out" the opinions of the local citizens as well as give them open and honest answers to their questions. To me it is good government to be able to interact on that level with the people our County's actions impact the most.

Roger Bledsoe <[REDACTED]>
PROPOSED MAP AMMENDMENTS

To assure a proposal is within the "planned development" of said area and meets criteria of "best possible use".

Angela Zubko <[REDACTED]>

To verify it is compliance with the LRMP which the Plan Commission holds a yearly meeting on regarding proposed modifications.

2) special use permits and major amendments to special use permits

Claire Wilson <[REDACTED]>

Regarding Special Use Permits and Major Amendments to them, the Plan commission historically has deeply explored and attempted to determine to the greatest degree possible the impact of the uses/proposed uses on surrounding parcels. We try to project the long range implications, compatibility of the use with surrounding uses, and of great importance, the impact of the proposed use on the purpose and intent of the County long range plan.

Roger Bledsoe <[REDACTED]>
SPECIAL USE PERMITS

Verify requested use would not violate county ordinances, impinge on neighboring property use, meet "planned development" guidelines and meet criteria of "best possible use". on MAJOR AMMENDMENTS TO SPECIAL USE PERMITS
Verify that the County and the special use recipient receive fair and just treatment by such amendment keeping in mind the spirit of the original special use.

Angela Zubko <[REDACTED]>

Special Uses typically have conditions added to them or conditions that need to be verified. The Plan Commission would also verify the Special use fits into the LRMP

3) text amendments

Claire Wilson <[REDACTED]>

Regarding text amendments, we have the ability to thoroughly analyze the proposed wording and how this could unfairly negatively impact or positively impact legal pre-existing uses. In a recently proposed text amendment, we clearly saw how the changes could have caused significant negative and unfair economic harm to existing businesses. The wording of that proposal as presented to us was quite disturbing to say the least.

Roger Bledsoe <[REDACTED]>
TEXT AMMENDMENTS

To assure such amendments enhances and does not degrade or nullify the intent of the text in question.

Angela Zubko <[REDACTED]>

Most amendments modify language that the Plan Commission is checking during Rezoning, Special Uses, etc. From personal experience the Plan Commission typically gives the most input on text amendments and verifies they are 'practical' to uphold and enforceable.

4) **KCRPC over all benfite to Land Use In county**

Richard Wormley

The feedback I have received from several board members is that our review of these matters saves them time and gives a different perspective on pending issues.

Taking all the above into consideration the plan Commission makes a recommendation to the PBZ committee **not** to remove the proposed review by the KCRPC of map amendments, special use permits, major SU amendments and text amendments.

sincerely,

Larry Nelson
Secretary Kendall County Regional Planning Commission

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