

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

AGENDA

Monday, March 13, 2017 – 6:30 p.m.

CALL TO ORDER

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

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of Minutes from the February 14, 2017 Meeting

EXPENDITURE REPORT: Recommend Approval of claims to the Finance Committee in the amount of \$8095.87

PUBLIC COMMENT:

PETITIONS:

1. Update on Petitions

NEW BUSINESS:

1. Approval of an Intergovernmental Agreement Between the Village of Millbrook and Kendall County
2. Approval of an Intergovernmental Agreement Between the Village of Plattville and Kendall County
3. Approval of a Resolution to Accept and Execute a Flood Plain Storage Easement Grant from the Fox Metro Water Reclamation District
4. Follow-Up to Kendall County Planning Commission Annual Meeting

OLD BUSINESS:

1. 9111 Ashley Road Special Use Update
2. Noise Update

UPDATE FOR HISTORIC PRESERVATION COMMISSION:

REVIEW PERMIT REPORT:

REVIEW REVENUE REPORT:

CORRESPONDENCE:

1. Kearney Glen Stormwater Issue from February 28, 2017, Storms

PUBLIC COMMENT:

EXECUTIVE SESSION:

ADJOURNMENT:

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 February 14, 2017 – Unofficial until approved

CALL TO ORDER

The meeting was called to order by Chairman Bob Davidson at 6:30 p.m.

ROLL CALL

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

Committee Members Absent: Lynn Cullick and Matt Kellogg (Vice Chairman)

Also Present: Jeff Wilkins, County Administrator; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

Motion by Member Gryder, second by Member Gilmour, to approve the agenda as written. With a voice vote of three ayes, the motion carried.

APPROVAL OF MINUTES

Motion by Member Gilmour, second by Member Gryder, to approve the minutes from the January 9, 2017 meeting. With a voice vote of three ayes, the motion carried.

EXPENDITURE REPORT

Committee reviewed the claims report. Motion by Member Gryder, second by Member Gilmour to recommend approval of claims to the County Board in the amount of \$12,053.42. By roll call vote, motion carried 3-0.

PUBLIC COMMENT

None

PETITIONS

Petition 17-01, Laura Hubbard requested a conditional use permit to hold a seasonal festival on June 24, 2017, at 7626 Ashley Road, Yorkville (PIN: 05-11-300-002 in Kendall Township). Ms. Hubbard held two (2) similar events at the same property last year; this event will be similar in size and duration. Chairman Davidson asked if the petitioner had any concerns with the time restrictions contained in the conditional use permit. Ms. Hubbard stated that she had no concerns regarding the time restrictions. Member Gryder asked if the petitioner planned to hold another event later in the year. Ms. Hubbard replied that she was considering holding a second event, but she had not determined a date. The Zoning Ordinance allows the PBZ Committee the ability to approve conditional use permits or PBZ Staff may administratively approve conditional use permits. Motion by Member Gryder, second by Member Gilmour to approve the conditional use permit subject to the terms of the affidavit and authorizing Staff to approve a second conditional use permit if the petitioner decides to hold a second event in 2017. By roll call vote, motion carried 3-0.

NEW BUSINESS

Staff presented a request for a building permit refund for Rick Montemayor, 60 Eastfield Road, Montgomery. The refund request is for \$50.00. Mr. Montemayor did not build the shed associated with the building permit and the PBZ department did not spend any time or funds reviewing the building permit. Motion by Member Gryder, second by Member Gilmour to recommend approval of the issuance of a building permit refund in the amount of \$50.00 to Rick Montemayor. By roll call vote motion carried 3-0.

Staff presented a resolution approving an intergovernmental agreement for reciprocal building inspection services between Kendall County and the United City of Yorkville. Mr. Wilkins reported that this is annual agreement and the only change from the previous year were the dates. PBZ conducted 8 inspections for Yorkville and Yorkville conducted 4 inspections for Kendall County during the previous year. Motion by Member Gilmour, second by Member Gryder to recommend approval of the intergovernmental agreement as presented. By roll call, vote motion carried 3-0.

Staff presented an update on petitions submitted since the January meeting. Petitioner 17-01, Mike and Cherie Bond are requesting a variance to the front yard setback at 232 Creek Drive, Plano. The proposal would reduce the front yard setback from 150 feet to 119.14 feet. The subject property is zoned A-1. The petitioners desire to construct a horse barn which will encroach into the setback without a variance. The public hearing before the ZBA is February 27th.

Staff presented the announcement of the Kendall County Regional Planning Commission's Annual Meeting. The meeting will be February 25th at 9:00 a.m.

OLD BUSINESS

Jet's Towing, located at 790 Eldamain Road, requested a rezoning from A-1 to M-1 and variances related to fencing (landscaping), side yard setbacks and parking surface. The petitioner did publish the legal notices before the deadline of the January RPC meeting. This proposal goes before the RPC on February 22nd and the ZBA on February 27th.

Robert Delaney, 1502 Church Road, requested a special use permit to operate an outdoor shooting range on property zoned A-1. The Special Use Hearing Officer will hear this proposal on April 3rd. This is unchanged from the January meeting.

John and Sharon Pagel, 2380 Douglas Road, requested a zoning map amendment to rezone their property from R-1 to R-3 in order to split the parcel and construct another home on the eastern half of the property. At their January 30th meeting, the RPC unanimously recommended denial of this proposal because drainage concerns and concerns over the impact of the development on the neighborhood. The petitioner requested that ZBA postpone the public hearing until May 1st.

Staff reported that IDOT will submit a variance request in order to relocate Kingmoor Drive. Kingmoor Drive is a private road connecting U.S. 34 to several houses along the Fox River. The Illinois Department of Transportation plans to construct a detention basin as part of the U.S.

34 widening project; IDOT worked with the local property owner to relocate Kingmoor Drive for this widening project.

Staff presented a memo on wineries. Discussion occurred whether or not to amend the restrictions placed on wineries in the Zoning Ordinance. The Committee would like the Zoning Ad-Hoc Committee to discuss this matter at their March meeting.

Mr. Asselmeier reported that he is finalizing the memos regarding noise and gun ranges. He is in the process of scheduling a meeting with the Sheriff's Department to see if the dosimeters measure sounds in the dBC range. Mr. Asselmeier will have more information at the next Committee meeting.

Chairman Davidson reported that he is trying to schedule a meeting with Mr. Walker and Attorney Dan Kramer regarding the berm and trees at 9111 Ashley Road. Chairman Davidson said that he will do noise tests on his property and that he will report back to the Committee the results of the meeting with Mr. Walker and Attorney Dan Kramer.

UPDATE FOR HISTORIC PRESERVATION

Motion by Member Gryder, second by Member Gilmour, to recommend approval of petition 17-02 an Ordinance Amending the Kendall County Historic Preservation Ordinance: Article II "Organization" by Reducing the Number of Commission Members to Five, Removing the Professional Credential Requirements, and Other Changes Caused by the Reduction in Size of the Commission. By roll call vote, motion carried 3-0.

REVIEW PERMIT REPORT

Committee reviewed the permit report. Motion by Member Gryder, second by Member Gilmour to approve the permit report. By roll call vote, motion carried 3-0.

REVIEW REVENUE REPORT

Committee reviewed the revenue report. Motion by Member Gryder, second by Member Gilmour to approve the revenue report. By roll call vote, motion carried 3-0.

CORRESPONDANCE

Staff reported that the Planning Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6th, at 7:00 p.m., at Plano City Hall.

PUBLIC COMMENT

None

EXECUTIVE SESSION

None

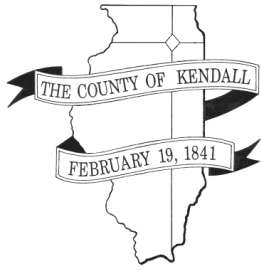
ADJOURNMENT

Member Gryder motioned to adjourn, second by Member Gilmour. With a voice vote of three ayes, Chairman Davidson adjourned the meeting at 7:35 p.m.

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

Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist	Amount
BUILDING AND ZONING								
1	191522	SOURCE ONE OFFICE PRODUCTS	527659	OFFICE SUPPLIES	02/16/17	01020026200	OFFICE SUPPLIES	33.21 33.21*
2	020541	BUILDING & ZONING PETTY CASH	FEB	POSTAGE - MACHINE WA	02/16/17	01020026201	POSTAGE	7.32 7.32*
3	020541	BUILDING & ZONING PETTY CASH	FEBRUARY	INTERN SEMINAR	02/16/17	01020026204	CONFERENCES	40.50 40.50*
4	160189	PARADISE CAR WASH	223390	TRUCK WASH	02/16/17	01020026217	VEHICLE MAINT/REPAIRS	7.00 7.00*
5	261005	RANDY ERICKSON	JANUARY 2017	JANUARY 2017 PLUMBIN	02/16/17	01020026361	PLUMBING INSPECTIONS	560.00 560.00*
6	120542	LEO'S	2/1/17	2 NAME PLATES FOR ME	02/16/17	01020026380	REGIONAL PLAN COMMISSION	18.00 18.00*
7	120542	LEO'S	2/1/17	2 NAME PLATES FOR ME	02/16/17	01020026383	HISTORICAL PRESERVATION C	18.00 18.00*
8	131377	RICK MONTEMAYOR	2/14/17	RICK MONTEMAYOR - PE	02/16/17	01020026385	REFUNDS	50.00 50.00*
							Total BUILDING AND ZONING	734.03*
							GRAND TOTAL	734.03**

frmPrtClaim	Kendall County	Claims Listing				02/07/17	10:53:02 AM	Page 001
Vendor#	Name	Invoice #	Description	Date	Budget #	Account Description	Dist Amount	
BUILDING AND ZONING								
1 011918	MATT ASSELMEIER	JANUARY	STORMWATER MEETING 1	02/07/17	01020026205	MILEAGE	31.14 31.14*	
2 090304	ICC CERTIFICATION & TESTING DE	3114429	ICC CLASS - FEBRUARY	02/07/17	01020026206	TRAINING	240.00 240.00*	
3 012018	AT & T MOBILITY	01282017	12/22 - 1/21/17 CELL	02/07/17	01020026207	CELLULAR PHONE	74.09 74.09*	
4 190816	SHAW MEDIA	10098704	KCRPC PUBLIC NOTICE	02/07/17	01020026209	LEGAL PUBLICATIONS	115.80 115.80*	
5 110531	KENDALL CO HIGHWAY DEPT	JANUARY	JANUARY GASOLINE 201	02/07/17	01020026217	VEHICLE MAINT/REPAIRS	165.49 165.49*	
6 200580	TESKA ASSOCIATES INC	7454	TESKA - DECEMBER PBZ	02/07/17	01020026363	CONSULTANTS	2,660.00	
7 230933	WBK ENGINEERING, LLC	17455	KINGMOOR, IDOT, HACK	02/07/17	01020026363	CONSULTANTS	780.13 3,440.13*	
Total BUILDING AND ZONING							4,066.65*	
ENGINEERING/CONSULTING ESCROW ACCT								
8 230933	WBK ENGINEERING, LLC	17456	FOX METRO EXPANSION	02/07/17	59020000046	FOX METRO WATER REC DIST	2,827.19 2,827.19*	
9 230933	WBK ENGINEERING, LLC	17457	ANTOS REVIEW 1/2 -	02/07/17	59020000047	ANTOS BRIDGE SD 15-06	468.00 468.00*	
Total ENGINEERING/CONSULTING ESCROW							3,295.19*	
GRAND TOTAL							7,361.84**	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 10, 2017
Re: Project & Petition Status Report

Petition Updates

Petition 16-14

Robert Delaney

1502 Church Road – Lisbon Township

A-1 Special Use Request to Operate an Outdoor Shooting Range

Status: *Special Use Hearing Officer 4.3.17 (Delayed at Applicant's Request)*

Petition 16-22

JA Schleining LLC d/b/a Jet's Towing Service

790 Eldamain Road – Bristol Township

Zoning Map Amendment from A-1 to M-1 and Variances for Fencing (Landscaping) and Parking Surface

Status: *RPC 2.22.17-Laid Over at Applicant's Request to Finalize Landscaping
Bristol Township 3.1.17-Laid Over until RPC and ZBA Vote on the Petition.
On agenda for RPC 3.22.17 and ZBA 4.3.17*

Petition 16-26

John and Sharon Pagel Living Trust

2380 Douglas Road – Oswego Township

Zoning Map Amendment from R-1 to R-3 to Split a Parcel

Status: *ZBA 5.1.17 (Delayed at Applicant's Request)
RPC unanimously issued a denial recommendation over concerns of setting a precedent of allowing R-3 zoning on the east side of Douglas Road (which was inconsistent with the development of the area) and concerns about stormwater drainage.*

Petition 17-01

Mike and Cherie Bond

232 Creek Road, Plano – Little Rock Township

Variance Reducing the Front Yard Setback from 150 feet to 119.14 feet; Property is Zoned A-1
Petitioners desire to construct a three stall horse barn (1152 square feet in size)

Status: *ZBA Unanimously Approved Variance on 2.27.17
Little Rock Township has until 3.14.17 to Issue Objection*

Petition 17-05

DKR Group, Inc. (Prospective Buyer) and Keith and Kathleen Warpinski (Current Owners)

Request: Special Use Permit to Operate a Landscaping Business

Location: 0.31 Miles East of Route 47 on the North Side of Walker Road, Kendall Township

Purpose: Prospective Buyer Desires to Operate a Landscaping Business at the Subject Property

Status: *Petitioner was unaware of the weight restriction on Walker Road east of 47 between February 15 and April 30th. Petitioner also desired to construct a home on the property, which does not have an allocation. The petitioner is considering withdrawing the application*
The Yorkville PZC met on 3.8.17 and expressed no objections regarding this proposal.
RPC 3.22.17 and SUHO 4.3.17
Yorkville City Council 3.28.17

Kingmoor Private Drive Relocation

The County received a complaint from John Golkosky expressing concerns regarding the construction of a detention basin at the intersection of Kingmoor Drive and U.S. 34. The Illinois Department of Transportation is constructing the detention facility as part of the widening of U.S. 34. In addition to constructing the basin, IDOT is relocating Kingmoor Drive to the east. Kingmoor Drive is a private drive that connects approximately eight (8) homes near the Fox River with U.S. 34. Per Ordinance 98-5, private roads must be a maximum of 500 feet in length; the relocated road will be approximately 1200 feet in length. Because this is an IDOT funded project, the stormwater component of the project is exempt from the County's Stormwater Ordinance.

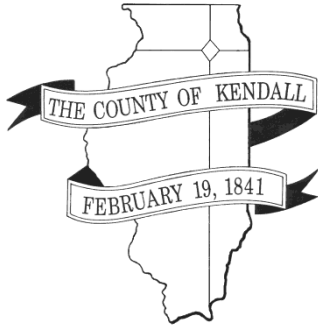
Status: *Received email on 2.28.17 stating that the property owner is working on the application and hoped to submit the application by 3.3.17. Received a call from petitioner on 3.9.17 attempting to correct the parcel ID numbers with the hope of having the application submitted by the middle of March.*

Special Use Project

In an effort to better regulate special uses, PBZ Intern Michael Goers started researching the number, location, and restrictions on each special use permit. Special use permits were not issued under the original 1940 Zoning Ordinance; they were established as part of the 1959 (adopted in 1960) Zoning Update. There are approximately 280 special use permit related ordinances on file in the County.

Once all of the special use permits have been identified, Staff will examine which special use permits are still active and which ones have expired. If any special use permit has expired or if the property owner no longer desires the special use permit, Staff will take the necessary steps to correct the zoning map and parcel information. Staff will also create a method to track compliance with the restrictions placed on individual special use permits.

After completion of this project, Staff will conduct similar research on variances and RPDs.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 9, 2017
Re: Proposed Intergovernmental Agreements Between Kendall County and the Villages of Plattville and Millbrook

The Intergovernmental Agreements between Kendall County and the Village of Plattville for building, zoning, and stormwater review services expired in January 2017. A similar Intergovernmental Agreement between Kendall County and the Village of Millbrook expired in Fall 2016.

New Intergovernmental Agreements between Kendall County and each Village have been prepared. The only change from the previous version of the agreement is in Item 4, the County shall provide a cost estimate for individual investigations. The respective Village must approve the cost estimate prior to the County conducting investigations. The County will then bill the respective Village to conduct the necessary work.

As with previous Intergovernmental Agreements, the proposed Intergovernmental Agreements are for 1 year.

Copies of the redlined and clean versions of the proposals are attached.

If the Committee desires to move forward with these proposals, Staff recommends that the proposals be forwarded to the State's Attorney's Office and the respective Village for review and approval prior to action by the County Board

Enc: Plattville IGA Redlined
Plattville IGA
Millbrook IGA Redlined
Millbrook IGA

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this ~~20th~~ day of ~~March~~~~October~~, 201~~7~~~~5~~ by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time to time shall be adopted and incorporated by the Village of Millbrook as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.

4) The Village of Millbrook shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Management Ordinance for cases within the boundaries of the Village of Millbrook. At the written request of the Village of Millbrook, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Millbrook, Kendall County will conduct the necessary investigation and bill the Village of Millbrook accordingly. ~~That the Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein. The Village of Millbrook will not be required to reimburse the County of Kendall for employee salaries or bene~~

5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto including, but not limited to, attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary

date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days' written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Millbrook each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Millbrook
PO Box 51
Millbrook, Illinois 60536

VILLAGE OF MILLBROOK

COUNTY OF KENDALL

BY: _____
Village President- Jackie Lemmerhirt

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk

Exhibit A

Procedure for Processing Zoning & Subdivision Cases For The Village Of Millbrook Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for

Exhibit A

- filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
 - e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
 - g.) The County shall post copies of the agenda as required per County policies.
 - h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
 - j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
 - m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

Exhibit A

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

4. Review and Processing of Preliminary and Final Subdivision Plats:

Exhibit A

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance **shall NOT be forwarded** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board **until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.**
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

Exhibit A

- m.) Following action by the Village Board, a the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

5. Review and Processing of Zoning Variance:

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MILLBROOK
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this ___ day of March, 2017 by and between the VILLAGE OF MILLBROOK, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic, WITNESSETH:

WHEREAS, the Village of Millbrook was incorporated by act of the voters on November 5th, 2002, and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves, and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement, and

WHEREAS, the Village of Millbrook adopted a Comprehensive Plan on August 22, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Millbrook have been heretofore subject to the building and zoning codes of the County of Kendall, and to the County Flood Plain, Soil Erosion and Stormwater Management Ordinances, and

WHEREAS, the parties desire to continue that relationship,

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Millbrook has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans as may be adopted by Kendall County from time to time shall be adopted and incorporated by the Village of Millbrook as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Millbrook as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Millbrook, and apply them to all properties located within the municipal boundaries of the Village of Millbrook.

4) The Village of Millbrook shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Management Ordinance for cases within the boundaries of the Village of Millbrook. At the written request of the Village of Millbrook, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Millbrook, Kendall County will conduct the necessary investigation and bill the Village of Millbrook accordingly. The Village of Millbrook shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Millbrook as provided herein.

5) The Village of Millbrook shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, and expenses and costs relating thereto including, but not limited to, attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Millbrook shall secure, pay for and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees, arising out of the County's performance or alleged failure to perform its obligations pursuant to this Agreement. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days' written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Millbrook each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Millbrook
PO Box 51
Millbrook, Illinois 60536

VILLAGE OF MILLBROOK

COUNTY OF KENDALL

BY: _____
Village President- Jackie Lemmerhirt

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk

Exhibit A

Procedure for Processing Zoning & Subdivision Cases For The Village Of Millbrook Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Millbrook and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for

Exhibit A

- filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
 - e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
 - g.) The County shall post copies of the agenda as required per County policies.
 - h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
 - j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
 - m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

Exhibit A

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

4. Review and Processing of Preliminary and Final Subdivision Plats:

Exhibit A

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance **shall NOT be forwarded** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board **until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.**
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

Exhibit A

- m.) Following action by the Village Board, a the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

5. Review and Processing of Zoning Variance:

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF PLATTVILLE
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this 19th-day of ~~March~~January, 2017~~6~~ by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic; WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21st, 2006; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves; and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement; and

WHEREAS; the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the Countywide Stormwater Management Ordinances; and

WHEREAS, the parties desire to continue that relationship.

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans, as may be adopted by Kendall County from time to time, shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Plattville, and apply them to all properties located within the municipal boundaries of the Village of Plattville.

4) The Village of Plattville shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Ordinance for cases within the boundaries of the Village of Plattville. At the written request of the Village of Plattville, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Plattville, Kendall County will conduct the necessary investigation and bill the Village of Plattville accordingly. ~~That the Village of Plattville shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Plattville as provided herein. The Village of Plattville will not be required to reimburse the County of Kendall for employee salaries or benefits.~~

5) The Village of Plattville shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses, and costs relating thereto including but not limited to attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Plattville shall secure, pay for, and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary

date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Plattville
P.O. Box 1173
Yorkville, Illinois 60560

VILLAGE OF PLATTVILLE

COUNTY OF KENDALL

BY: _____
Village President

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk

Exhibit A

Procedure for Processing Zoning & Subdivision Cases For The Village Of Plattville Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Plattville and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for

Exhibit A

- filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
 - e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
 - g.) The County shall post copies of the agenda as required per County policies.
 - h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
 - j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
 - m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

Exhibit A

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

4. Review and Processing of Preliminary and Final Subdivision Plats:

Exhibit A

- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance ***shall NOT be forwarded*** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board ***until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.***
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

Exhibit A

- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

5. Review and Processing of Zoning Variance:

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF PLATTVILLE
AND THE COUNTY OF KENDALL

THIS AGREEMENT, made this day ____ of March, 2017 by and between the VILLAGE OF PLATTVILLE, a body corporate and politic, and the COUNTY OF KENDALL, a body corporate and politic; WITNESSETH:

WHEREAS, the Village of Plattville was incorporated by act of the voters on March 21st, 2006; and

WHEREAS, Article VII, Section 10 of the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) permits units of local government to obtain or share services and to jointly contract, combine or transfer any power, privilege, function or authority among themselves; and

WHEREAS, the Local Land Resource Management Planning Act (50 ILCS 805/6) provides that a municipality and a County may enter into intergovernmental agreements for joint or compatible planning, local land resource management administration and zoning ordinance enforcement; and

WHEREAS; the Village of Plattville adopted a Comprehensive Plan on July 27, 2009, and

WHEREAS, all the property located within the described boundaries of the Village of Plattville have been heretofore subject to the building and zoning codes of the County of Kendall, and to the Countywide Stormwater Management Ordinances; and

WHEREAS, the parties desire to continue that relationship.

NOW, THEREFORE, it is hereby agreed as follows:

- 1) The above recitals are incorporated by reference as if fully set forth herein.
- 2) That the Village of Plattville has by ordinance duly adopted the Zoning Ordinance of the County of Kendall, the Building Code of the County of Kendall, the Comprehensive Plan of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, the Countywide Stormwater Management Ordinances as its own and further agrees that any subsequent text amendments to said ordinances and plans, as may be adopted by Kendall County from time to time, shall be adopted and incorporated by the Village of Plattville as its own.

3) That for the consideration of \$1 the receipt and sufficiency of which is hereby acknowledged, the County of Kendall agrees to continue administering the County Ordinances for the Village of Plattville as described in Paragraph (2) above and in accordance with the procedures attached hereto as Exhibit A and incorporated herein by reference all of which have been duly adopted by the Village of Plattville, and apply them to all properties located within the municipal boundaries of the Village of Plattville.

4) The Village of Plattville shall be responsible for all costs associated with the enforcement of the Zoning Ordinance of the County of Kendall, the Subdivision Control Ordinance of the County of Kendall, and the Countywide Stormwater Ordinance for cases within the boundaries of the Village of Plattville. At the written request of the Village of Plattville, Kendall County shall provide an estimated cost for investigating individual alleged violations. Upon approval of the cost estimate by the Village of Plattville, Kendall County will conduct the necessary investigation and bill the Village of Plattville accordingly. The Village of Plattville shall reimburse the County of Kendall for any actual costs incurred acting on behalf of the Village of Plattville as provided herein.

5) The Village of Plattville shall defend with counsel of the County's own choosing, indemnify and hold harmless the County of Kendall, its past, present, and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses, and costs relating thereto including but not limited to attorney's fees and other legal expenses which the County, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the County's performance or alleged failure to perform its obligations pursuant to the Agreement.

6) That the Village of Plattville shall secure, pay for, and maintain throughout the period during which services are provided under this Agreement, auto liability and general liability insurance with minimum limits of coverage equal to or greater than those limits maintained by the Village on the date of the execution of this agreement attached hereto as Ex. B and incorporated herein by reference. The Village's auto liability and general liability coverage shall be primary coverage in circumstances of alleged or proved errors or negligence by the County or the County's employees. The Village's coverage shall name the County of Kendall as an additional insured, with its members, representatives, officers, agents and employees. A certificate of insurance evidencing the required coverage and the appropriate additional insurer's endorsement shall be furnished to the County upon execution of this Agreement. Such insurance shall be modifiable or cancelable only upon written notice by registered mail, mailed to the County at least ninety (90) days in advance of such modification or cancellation. The Village shall furnish a copy of its insurance policies for examination by the County at any time upon demand of the County.

7) That this Agreement shall be for a term of one (1) year, commencing on the date of execution hereof, subject to annual renewal by the parties at least 30 days before the anniversary date each year, said renewal to be in writing.

8) This Agreement may be terminated by either party upon 30 days written notice to the other party.

9) This Agreement represents the entire Agreement between the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties and may not be modified except in writing acknowledged by both parties.

10) This Agreement may be executed in counterparts (including facsimile signatures), each of which shall be deemed to be an original and both of which shall constitute one and the same Agreement.

11) The County of Kendall and the Village of Plattville each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

12) This Agreement shall be construed in accordance with the law and Constitution of the State of Illinois and if any provision is invalid for any reason such invalidations shall not render invalid other provisions which can be given effect without the invalid provision.

13) Any notice from either party to the other party hereto shall be in writing and shall be deemed served if mailed by prepaid certified mail addressed as follows:

Kendall County Administrator
111 West Fox Street
Yorkville, Illinois 60560

Village of Plattville
P.O. Box 1173
Yorkville, Illinois 60560

VILLAGE OF PLATTVILLE

COUNTY OF KENDALL

BY: _____
Village President

BY: _____
Chairman of Kendall County Board

ATTEST: _____
Village Clerk

ATTEST: _____
Kendall County Clerk

Exhibit A

Procedure for Processing Zoning & Subdivision Cases For The Village Of Plattville Under County/Municipal Intergovernmental Agreement

Under the terms of the intergovernmental Agreements executed between the Village of Plattville and Kendall County, the County PBZ staff as well as the Kendall County ZPAC, Concept Review Committee, Regional Planning Commission, Zoning Board of Appeals, and Hearing Officer will serve as the municipal staff and the municipal recommending bodies in providing the Village Board with recommendations on applications for zoning map amendments, Special Uses, subdivision plat approvals and zoning variance requests involving properties within the corporate boundaries or proposed for annexation into the corporate boundaries of these two municipalities. In each instance, the Village Board of the municipality shall be responsible for acting on the recommendations supplied and adopting any related ordinances approving such requests. The following outline shall be followed when filing and processing such applications:

1. Pre-Application Meeting:

Prior to the submission of any applications, the petitioner shall schedule a joint “pre-application” meeting with County staff and representatives of the affected municipality to review the proposed request and provide preliminary feedback as well as guidance regarding the steps involved in the processing of the application.

2. Filing of an Application:

- a.) Using the applicable application forms and handouts provided by the County, the petitioner will submit the requisite number of copies of application and supporting documents and plans along with all required fees to the Kendall County Planning Building and Zoning Department (PBZ).
- b.) Simultaneous to that filing, the applicant shall forward an original copy of the application forms along with a copy of all related plans and supporting documents to the Village Clerk of the affected municipality for creation of the Village’s Official file on the matter.

3. Review and Processing of Zoning Map Amendments and Special Uses:

- a.) Zoning Map Amendments and Special Uses, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County’s ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the affected Village Clerk for

Exhibit A

- filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
 - e.) All notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - f.) The County shall forward copies of the agenda, staff report and minutes of the ZPAC meeting to KCRPC as well as the Clerk of the affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
 - g.) The County shall post copies of the agenda as required per County policies.
 - h.) The Village Clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - i.) Following review and recommendation by the Regional Plan Commission, petitions involving a zoning map amendment shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the zoning matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action..
 - j.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
 - k.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
 - l.) The County shall forward copies of the agenda, staff report and copy of the minutes of the KCRPC meeting to the ZBA as well as to the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
 - m.) The County shall post copies of the ZBA agenda as required per County policies. The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
 - n.) If the application involves a request for a Special Use, the petition shall be forwarded to the next available meeting of the Kendall County

Exhibit A

Special Use Hearing Officer (SU/HO) for the conduct of the formal Public Hearing on the Special Use as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.

- o.) All required notices required per State Statute and the County Zoning Ordinance shall be mailed and posted prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- p.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- q.) The County shall forward copies of the agenda, staff report and minutes of the KCRPC meeting to SU/HO as well as the Clerk of affected municipality for filing along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- r.) The County shall post copies of the agenda as required per County policies.
- s.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- t.) Following review and recommendation by the ZBA and/or the SU/HO, PBZ staff will forward to the appropriate Village Board a report summarizing all of the recommendations and actions taken by each of the review and recommending bodies along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- u.) Along with the report, PBZ staff will prepare a draft ordinance approving the requested map amendment or Special Use for action by the Village Board. The summary report and draft ordinance in addition to a copy of the minutes of the ZBA and/or SU/HO meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- v.) In the event a related annexation hearing is required, the Clerk shall coordinate with the applicant to insure proper notice has been supplied and shall be responsible for the preparation and posting of Board's Agenda.
- w.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- x.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

4. Review and Processing of Preliminary and Final Subdivision Plats:

Exhibit A

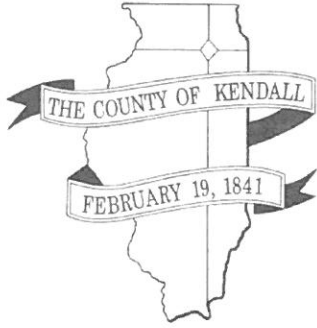
- a.) Preliminary and/or Final Plats, shall first be forwarded to the Zoning and Platting Advisory Committee (ZPAC) for review and recommendation. In addition to the regular attendees of the County's ZPAC Committee, representatives from the affected municipality will be invited to participate as sitting members of the committee.
- b.) The PBZ staff will prepare a preliminary staff report and schedule the matter for review at the next available ZPAC meeting.
- c.) The County will prepare and post the required agendas and will forward a copy of the agenda and staff report to the ZPAC members and the affected Village Clerk for filing of the report and posting of the agenda in an approved municipal location.
- d.) After review by ZPAC, their recommendation shall be forwarded to the next available meeting of the Kendall County Regional Plan Commission (KCRPC) for conduct of a public meeting, review and recommendation.
- e.) All required notices required per the Kendall County Zoning Ordinance and Plan Commission By-Laws shall be mailed and published prior to the meeting by the petitioner.
- f.) The County shall forward copies of the agenda, staff report and a copy of the minutes of the ZPAC meeting to the KCRPC as well as the Clerk of affected municipality along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application for inclusion the Official Village file.
- g.) The County shall post copies of the agenda as required per County policies.
- h.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- i.) Following review and recommendation by the KCRPC, PBZ staff will prepare a report to the appropriate Village Board summarizing all of the recommendations and actions taken by each of the review and recommending bodies.
- j.) In addition to the summary the report, PBZ staff will prepare a draft ordinance approving the requested Preliminary and/or Final Plat for action by the Village Board. The summary report and draft ordinance ***shall NOT be forwarded*** to the appropriate Village Clerk for scheduling of the matter for action by the Village Board ***until such time as formal approval of the related preliminary and/or final engineering plans and or other supporting documents or agreements has been granted.***
- k.) Once these approvals are received, PBZ staff will forward the summary report and draft ordinance in addition to a copy of the minutes of the KCRPC meeting to the appropriate Village Clerk along with copies of any revised plans, documents or supporting information submitted by the petitioner in support of the application.
- l.) The Village Clerk shall then schedule the matter for action by the Village Board and prepare the related agendas for posting.

Exhibit A

- m.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- n.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.

5. Review and Processing of Zoning Variance:

- a.) Zoning Variances shall be forwarded to the next available meeting of the Kendall County Zoning Board of Appeals (ZBA) for the conduct of the formal Public Hearing on the matter as well as a review of the findings of fact and development of a recommendation to be submitted to the Village Board for their consideration and action.
- b.) All notices required per State Statute, the County Zoning Ordinance and ZBA By-Laws shall be mailed and published prior to the meeting by the petitioner. Copies of the notices shall be supplied by the petitioner to both the county and affected municipality for inclusion in the related case files.
- c.) The County shall be responsible for posting of the hearing sign on the affected property at least 15 days prior to the hearing.
- d.) The County shall prepare and forward copies of the agenda and staff report to the ZBA as well as the Clerk of affected municipality for filing along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application.
- e.) The County shall post copies of the agenda as required per County policies.
- f.) The Village clerk shall also be responsible for posting of the agenda in an approved municipal location.
- g.) Following review and recommendation by the ZBA, the PBZ staff will forward a report summarizing the findings and recommendations made by ZBA along with copies of any related plans, documents or supporting information submitted to the county by the petitioner in support of the application. Along with the report, PBZ staff will prepare a draft ordinance approving the variance for action by the Village Board.
- h.) The summary report, draft ordinance and minutes of the ZBA meeting shall be forwarded to the appropriate Village Clerk for filing and scheduling of the matter for action by the Village Board at the next available Board meeting.
- i.) The Village Clerk shall be responsible for the preparation and posting of Board's Agenda.
- j.) Following action by the Village Board, the Village Clerk shall submit certified copies of any ordinances adopted by the Board in approving the request, to the County Clerk for recording.
- k.) The Village Clerk shall also submit a copy of the ordinance(s) to the PBZ office for inclusion in the related case file.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 9, 2017
Re: Resolution to Accept and Execute the Floodplain Storage Easement from Fox Metro

On the March 9, 2017, PBZ meeting agenda, an item exists for the County to accept and execute a floodplain storage easement grant from Fox Metro.

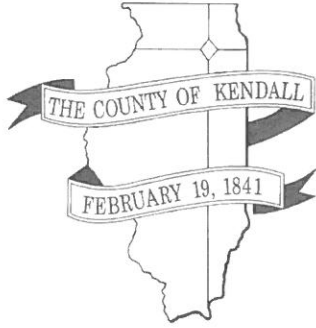
Fox Metro is filling in floodplain at their plant site and excavating at their Orchard Road site. Per the Kendall County Stormwater Ordinance, Fox Metro is required to create this easement because they are creating new floodplain. The amount of land included in the easement fulfills the requirements of the Stormwater Ordinance.

The easement plat, legal description, and provisions are accurate. Fox Metro's resolution is inaccurate because they show Kendall County as the "Owner" and Fox Metro as the receiver of the proposed easement. This inaccuracy does not impact the easement because Fox Metro's resolution is not recorded with the easement. Staff notified Fox Metro of this error; the letter to Fox Metro is attached. Fox Metro is aware of the situation and they were asked to send a letter specifically stating that the error existed.

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

MHA

Enc: 3.9.17 Letter to Tom Muth



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

March 9, 2017

Tom Muth
Fox Metro Water Reclamation District
682 State Route 31
Oswego, IL 60543

RE: Floodplain Storage Easement

Dear Tom Muth:

The Kendall County Planning, Building and Zoning Department received the resolution and plat of conservation easement at your Orchard Road property. The easement fulfilled a requirement of the Kendall County Stormwater Management Ordinance because new floodplain was created as part of the work at the Orchard Road site.

Upon review of the resolution, we noticed an error in the second “Whereas” listing Kendall County as the “Owner” and the Fox Metro Water Reclamation District as the receiver of the proposed easement. The easement description is accurate and meets the requirements of the Stormwater Management Ordinance. Accordingly, we will propose to the County’s Planning, Building and Zoning Committee that the easement be approved and recorded, but that the resolution is incorrect.

For our records, we request that you send a letter to us acknowledging the discrepancy.

If you have any questions, feel free to contact me at 630-553-4139 or at masselmeier@co.kendall.il.us.

Sincerely,

Matthew H. Asselmeier, AICP
Senior Planner

KENDALL COUNTY
Resolution No. _____

*Resolution to Accept and Execute the Flood Plain Storage Easement Grant from
the Fox Metro Water Reclamation District*

WHEREAS, the Grantor, Fox Metro Water Reclamation District, a body corporate and politic within Kendall County, Illinois (hereinafter “District”) has granted the Flood Plain Storage Easement described in the attached Group Exhibit A to Grantee Kendall County, a body corporate and politic of the State of Illinois; and,

WHEREAS, the District granted said Flood Plain Storage Easement (hereinafter “Subject Easement”) pursuant to Fox Metro Water Reclamation District Resolution No. 945 on February 22, 2017; and,

WHEREAS, the Kendall County Board has determined that the public interests will be served by accepting the Subject Easement along with the terms and conditions stipulated within; and,

THEREFORE, BE IT RESOLVED, that the foregoing recitals are hereby incorporated into this section as if fully reinstated herein and the Kendall County Board hereby accepts the Flood Plain Storage Easement depicted in the attached Group Exhibit A; and,

BE IT FURTHER RESOLVED, that pursuant to authority given by Illinois law, the Kendall County Board and by virtue of this Resolution, Kendall County accepts the Subject Easement in consideration for the mutual promises and covenants described therein, and authorizes the County Board Chairman and County Clerk to execute the attached Grant of Easement.

ADOPTED and APPROVED this ___th Day of March, 2017.

Scott Gryder, County Board Chairman

STATE OF ILLINOIS)
) SS
COUNTY OF KENDALL)

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a Resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _____ day of _____, A.D. 2017.

Debbie Gillette – County Clerk

(Seal)

RESOLUTION NO. 945

FOX METRO WATER RECLAMATION DISTRICT
KANE, KENDALL, DU PAGE AND WILL COUNTIES, ILLINOIS

WHEREAS, the Grantor, FOX METRO WATER RECLAMATION DISTRICT, a body corporate and politic, of Oswego Township, Kendall County, Illinois, hereinafter referred to as "District", has negotiated with the Grantee, KENDALL COUNTY, a body corporate and politic, of Kendall County, Illinois, for a flood plain storage easement, over, along, upon and across, together with reasonable access thereto, the area of real estate legally described on Exhibit "A" attached hereto and made a part hereof.

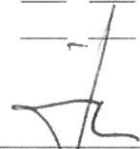
WHEREAS, said KENDALL COUNTY, Owner, has executed and delivered to the District the proposed easements,

NOW, THEREFORE, BE IT RESOLVED that the District shall and does hereby accept the said easement and the President and the Clerk of the District are authorized and directed to affix their signatures accepting said easement.


BE IT FURTHER RESOLVED that the Clerk and the attorney for the District are hereby authorized and directed to take such steps to have said easement filed with the County Clerk of Kane County and recorded with the Recorder of said Kendall County according to the law in such case made and provided.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 22nd day of February, 2017, by a roll call vote as follows:

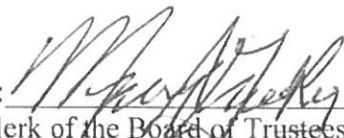
	Aye	Nay	Absent	Abstain
James K. Detzler	X	—	—	—
Judith S. Sotir	X	—	—	—
Michael C. Funkey	X	—	—	—
Albert E. Heriaud	—	—	X	—
Christopher Childress	X	—	—	—



 President of the Board of Trustees of Fox
 Metro Water Reclamation District



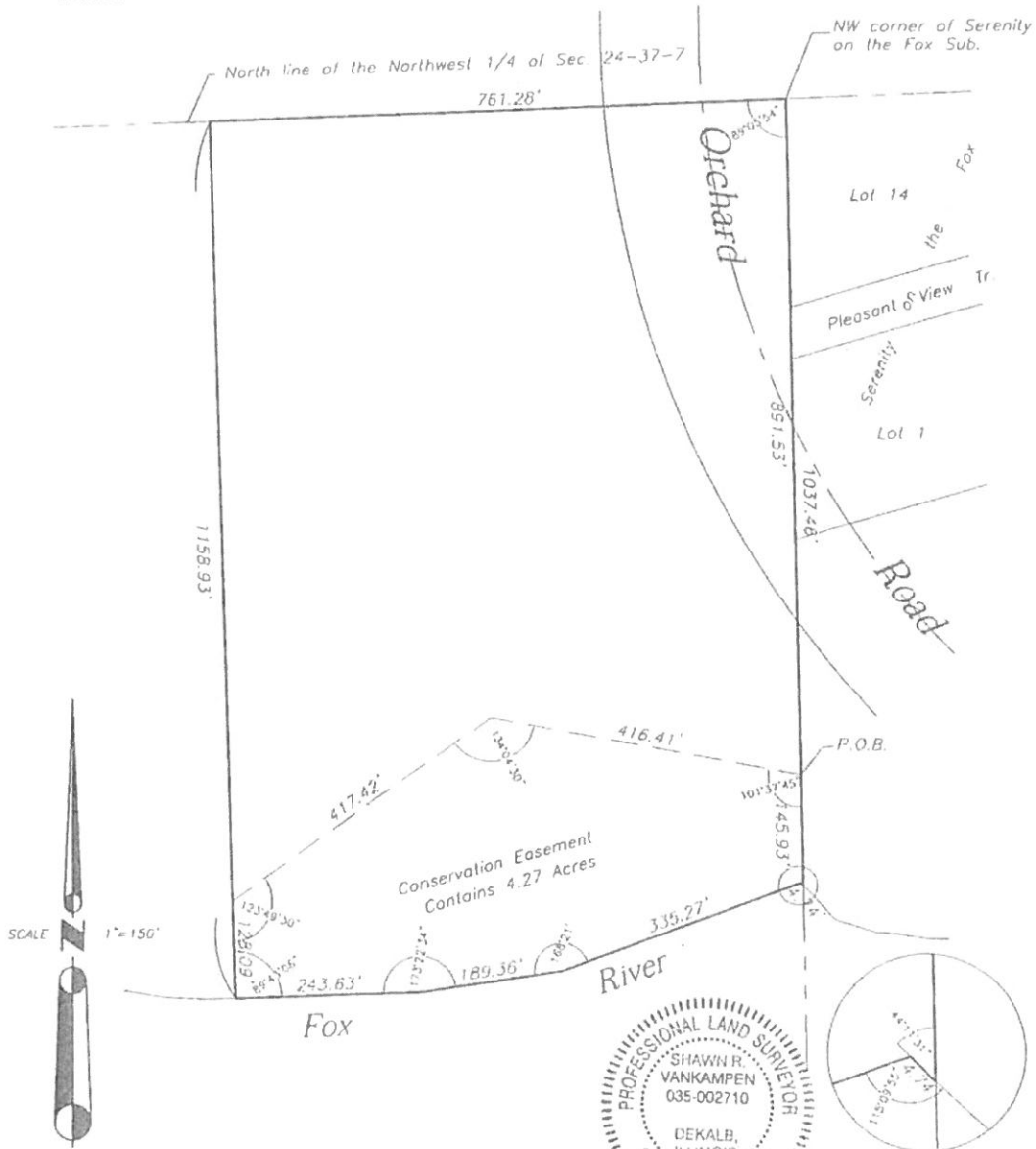
 Clerk of the Board of Trustees of
 Fox Metro Water Reclamation District

ATTEST: 
Clerk of the Board of Trustees of
Fox Metro Water Reclamation District



CONSERVATION EASEMENT

DESCRIPTION OF CONSERVATION EASEMENT:
 THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SERENITY ON THE FOX SUBDIVISION; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SUBDIVISION AND SAID WEST LINE EXTENDED, 891.53 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY, ALONG THE LAST DESCRIBED COURSE, 145.93 FEET TO THE NORTHERLY BANK OF THE FOX RIVER; THENCE NORTHWESTERLY, AT AN ANGLE OF 44°11'31", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 4.74 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 115°09'55", MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTHERLY BANK, 335.27 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 168°21', MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTHERLY BANK, 189.36 FEET; THENCE WESTERLY, AT AN ANGLE OF 173°22'34", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTHERLY BANK, 243.63 FEET; THENCE NORTHERLY, AT AN ANGLE OF 89°43'06", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 128.09 FEET; THENCE NORTHEASTERLY, AT AN ANGLE OF 123°49'30", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 417.42 FEET; THENCE SOUTHEASTERLY, 134°04'30", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 416.41 FEET TO THE POINT OF BEGINNING, ALL IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



DATE PREPARED: JUNE 30TH, 2016.

Shawn R. Vankampen
 SHAWN R. VANKAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO 2710
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

Prepared by:
 William E. Hanna Surveyors
 508 Pine Street
 DeKalb, Illinois 60115
 (815) 756-2189
 Fax 748-2532
 info@hannasurveyors.com
 License # 1842807

FOR: W.E. DEUCHLER & ASSOC.
 JOB NO. WES 13700

EXHIBIT _____

Exhibit "A"

**GRANT OF EASEMENT
TO KENDALL COUNTY, ILLINOIS
PLAT OF EASEMENT TO ACCOMPANY EASEMENT EXHIBIT
AS PREPARED BY WILLIAM E. HANNA SURVEYORS AND
ATTACHED HEREWITH AS EXHIBIT A:**

THE GRANTOR, FOX METRO WATER RECLAMATION DISTRICT, a body corporate and politic, of Oswego Township, Kendall County, Illinois, for and in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, in hand paid, receipt whereof is hereby acknowledged, do hereby grant and convey to GRANTEE, KENDALL COUNTY, a body corporate and politic, of Kendall County, Illinois, a conservation easement over, along, upon and across, together with reasonable access thereto, the area of real estate legally described on Exhibit A attached hereto and made a part hereof. Said conservation easement shall be described herein as floodplain storage easement and shall be for the purposes of providing adequate floodplain storage and stormwater drainage control and providing a water management and "natural" area with native vegetation. Said floodplain storage easement shall be perpetual and shall run with the land and shall be binding upon the grantor, its successors, heirs, executors and assigns.

The Grantor makes the grant of the aforesaid rights and easements to the Grantee as and from the date hereof subject to the following terms and conditions:

FLOODPLAIN STORAGE EASEMENT PROVISIONS

1. To ensure the integrity of the floodplain storage and stormwater facilities and "natural" areas, no obstruction shall be placed, nor alterations made, including alterations in the final topographical grading plan, which in any manner impede or diminish floodplain storage, stormwater drainage in, over, under, through or upon said easement areas. In the event such obstruction or alterations are found to exist, or if the property owner otherwise fails to properly maintain the stormwater facilities within the floodplain storage easement or change the character of the proposed native vegetation, Kendall County shall, upon seventy-two (72) hours prior notice to the property owner, have the right, but not the duty, to perform, or have performed on its behalf, any maintenance work to or upon the floodplain storage, stormwater facilities and/or "natural" areas on floodplain storage easements or to remove said obstruction or alterations or to perform other maintenance, repair, alteration or replacement as may reasonably be necessary to ensure that adequate floodplain storage, stormwater storage, storm drainage, "natural" areas and appurtenances thereto remain fully operational and that the condition of said easement area complies with all applicable Kendall County codes and requirements. In the event of an emergency situation, as determined by Kendall County, the seventy-two (72) hours prior notice requirement set forth above shall not apply and Kendall County shall have the right, but not the duty, to proceed without notice to the property owner.
2. In the event Kendall County shall be required to perform, or have performed on its behalf any maintenance work to or upon the floodplain storage, stormwater facilities and/or

“natural” areas on easement areas as set forth in the declaration, or any removal or alteration as aforesaid, the cost of such work shall, upon recordation of Notice of Lien with the Recorder of Deeds of Kendall County, Illinois, constitute a lien against the assets of the property owner. In addition, the area disturbed by the said maintenance operations, shall be re-planted with the same plantings as proposed in the plans approved by Kendall County under the original stormwater permit.

3. The cost of the work incurred by Kendall County shall include all expenses and costs associated with the performance of such work including, but not limited to, reasonable engineering, consulting and attorneys’ fees related to the planning and actual performance of the work.
4. If it is determined by the property owner that alterations to the floodplain storage, stormwater facilities and/or “natural” areas within the easement area are necessary to properly maintain the integrity of the floodplain storage, stormwater facilities and/or “natural” areas, Kendall County shall be notified by the property owner of said proposed alteration. No such alteration shall take place without the prior approval of Kendall County. Kendall County may, in its discretion, require the submittal of plans and specifications for approval before said alteration may take place.
5. The grant of easement is made and executed by the Grantor subject to any and all existing easements and covenants, conditions and restrictions of record.
6. The laws of the State of Illinois shall govern the validity, performance and enforcement of this agreement. Enforcement shall be by an appropriate action or actions to secure the specific performance of this agreement, or to secure any and all other remedies available at law or in equity in connection with the covenants, agreement, conditions, and obligations contained herein. Venue for any action is in the Circuit Court of Kendall County, Illinois.
7. The failure of the parties to insist upon the strict and prompt performance of the terms, covenants, agreements, and conditions herein contained, or any of them, upon any other party imposed shall not constitute or be construed as a waiver or relinquishment of any party’s right thereafter to enforce any such term, covenant, agreement, or condition, but the same shall continue in full force and effect.
8. This agreement supersedes all prior agreement and negotiations between the parties and sets forth all promises, inducements, agreements, conditions, and understanding between and among the parties relative to the subject matter hereof. There are no promises, agreements, conditions, or understanding, either oral or written, expressed or implied, between or among them, other than are herein set forth.
9. Except as herein otherwise provided, no subsequent alteration, amendment, change, or addition to this agreement shall be binding upon the parties unless reduced to writing and signed by them or their successor in interest or their assigns.

10. Should any provision of this agreement or application thereof to any party or circumstance be held invalid and such invalidity does not affect other provisions or applications of this agreement which can be given effect without the invalid application or provision, then all remaining provisions shall remain in full force and effect.
11. All notices, elections and other communications between the parties hereto shall be in writing and shall be mailed by certified mail, return receipt requested, postage prepaid, or delivered personally, to the parties at the following addresses, or at such other address as the parties may, by notice, designate:

If to the Grantee:

Kendall County
111 West Fox Street
Yorkville, IL 60560

If to the Grantor:

Fox Metro Water Reclamation District
682 Route 31
Oswego, IL 60543

Notices shall be deemed received on the third business day following deposit in the U.S. Mail, if given by certified mail as aforesaid, and upon receipt, if personally delivered.

12. This agreement, including all the covenants and conditions herein contained, shall be construed as creating a right of way and easement appurtenant to property owned by the Grantor, and shall extend to, be binding upon and inure to the benefit of the heirs, executors, administrators, successors in title, agents and assigns of the Grantor and Grantee respectively. Upon any sale, assignment or transfer of any real estate encumbered by this Easement in favor of Grantee, the transferor of the real estate shall be relieved of all duties and obligations from and after such transfer and the transferee of such real estate shall upon completion of such transfer be subject to the terms and provisions of this Agreement and shall be responsible for all duties and obligations hereunder.

By execution of this instrument through its authorized representatives the Grantor and Grantee acknowledge and accept the grant of easement for the purposes and on the terms and conditions set forth in this instrument.

IN WITNESS WHEREOF, the undersigned have executed this agreement the 22nd day of February 2017.

GRANTOR:

FOX METRO WATER RECLAMATION DISTRICT

[Signature]
President

ATTEST: [Signature]
Clerk

(SEAL)

ACKNOWLEDGMENT

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

I, Norma Rodriguez, a notary public in and for said County in the State aforesaid, DO HEREBY CERTIFY THAT James Detzler, President of FOX METRO WATER RECLAMATION DISTRICT, and Michael Funky, Clerk of FOX METRO WATER RECLAMATION DISTRICT, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such President and Clerk appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act as such President and Clerk for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 22nd day of February, 2017

[Signature]
Notary Public



GRANTEE:

KENDALL COUNTY

By: _____

Title: _____

Attest: _____

Title: _____

(SEAL)

ACKNOWLEDGMENT

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

I, _____, a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY that _____, and _____, personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

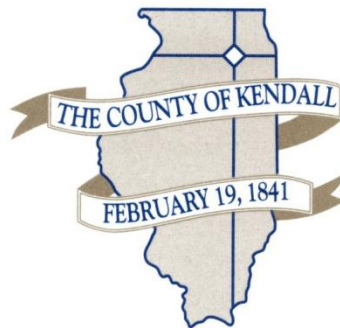
GIVEN under my hand and notarial seal this _____ day of _____, 2017

Notary Public

Kendall County Regional Plan Commission

2017 Annual Workshop Meeting

February 25, 2017



**Prepared by
Planning, Building, and Zoning Department**

2016 Summary

News and Noteworthy Items

- Departure of senior planner in September 2016 after 11 months with Kendall County
- New senior planner started in January 2017
- 26 Petitions Filed in 2016 (13 Petitions in 2015)

Items for 2017

- Renew Intergovernmental Agreement between the County and the United City of Yorkville for reciprocal building inspection services
- Propose changes to the Historic Preservation Ordinance to allow Historic Preservation Commission to obtain quorums at their meetings
- Explore adding variance information to GIS maps
- Explore adding historical zoning information to GIS maps
- Explore strategies for improving communication between PBZ and the townships and municipalities on zoning related matters
- Explore strategies for improving communication between PBZ, the public, and allied organizations on stormwater related issues per the requirements of Kendall County's NPDES Permit
- Explore methods to better track conditions and compliance for special use permits and variances
- Continue working with the Northwest Water Planning Alliance
- Participate with planning of CMAP's 'Next Plan' for the Chicago Region
- Review Future Land Use Plan for any areas that are best options for economic opportunities
- Continue reviewing and addressing potential changes in the Zoning Ordinance and application review processes for increased efficiency

Zoning Petitions

Special Uses – 8 approved in 2016

1. Kevin Calder: Landscaping Operation (Kendall Township) (Applied in 2015; Approved in 2016)
2. Peter and Mary Bielby d/b/a Mary's Pooch Pad, Inc: Special Use for Operation of a Kennel (Fox Township)
3. Bradley and Treva Mathre d/b/a Mathre 1916 LLC: Banquet Hall Facility and Variance-Location on a Non-Arterial and Non-Collector Roadway (Fox Township)
4. Joe Gomoll d/b/a Gomoll Farm: Production and Sale of Items Grown On- and Off-site (Fox Township)
5. Whitetail Ridge Golf Club LLC: Banquet Hall Facility (Kendall Township)
6. Chris and Megan Jensen: Landscaping Operation (Kendall Township)
7. Stor Mor: Outdoor Storage (Oswego Township)
8. The Bluffs Inc., d/b/a Cider Creek: Nano-Brewery, Distillery, and Banquet Hall (Little Rock Township)

Major Special Use Amendments – 0 approved in 2016

Minor Special Use Amendments – 1 approved in 2016

1. Sports Dome: Replace Dome (Oswego Township)

Rezoning – 2 approved in 2016

1. Stor Mor: Rezoning from B-1 to B-2 (Oswego Township)
2. High Grove Rezoning from RPD-2 to R-2 (Seward Township)

Variances – 6 approved in 2016

1. Bradley and Treva Mathre d/b/a Mathre 1916 LLC: Variance to Allow a Banquet Facility on a Non-Arterial and Non-Collector Roadway (Fox Township)
2. Harvest New Beginnings Church: Free-standing ground mounted sign surface area (Oswego Township)
3. Julie Gengler: Front Yard Setback (Seward Township)
4. Wheeler: Front Yard Setback (Na-Au-Say Township)
5. Eric Johansen: Front Yard Setback (Lisbon Township)
6. Chad Miller: Garage Height (Oswego Township)

Site Plan Review – 0 approved in 2016

Conditional Use Permits – 3 approved in 2016

1. Laura Hubbard: Seasonal Festival (Kendall Township)
2. Amy Krentz: Bee Keeping (Little Rock Township)
3. Laura Hubbard: Seasonal Festival (Kendall Township)

Amendments

Text Amendments – 0 approved in 2016

Land Use Plan Amendments – 1 approved in 2016

1. Reclassify NW Corner of Route 31 and Light Road from Residential to Commercial (Oswego Township)

Historic Preservation

Landmarks – 0 approved in 2016

Meetings

ZPAC – 6 meetings in 2016

RPC – 9 meetings in 2016 (including annual meeting)

SUHO – 6 meetings in 2016

ZBA – 4 meetings in 2016

HPC – 3 meetings in 2016

Stormwater Planning Committee – 0 meetings in 2016

Ad-Hoc Zoning – 1 meeting in 2016

PBZ – 11 meetings in 2016

Construction Activity

Single-Family Dwelling Units – 19 approved in 2016

New Homes by Township

Kendall Township – 3

Bristol Township – 1

Na-Au-Say Township – 6

Fox Township – 2

Little Rock Township – 2

Oswego Township – 3

Lisbon Township – 1

Seward Township – 1

New Homes by Subdivision (Approximate Number of Vacant/Total Lots)

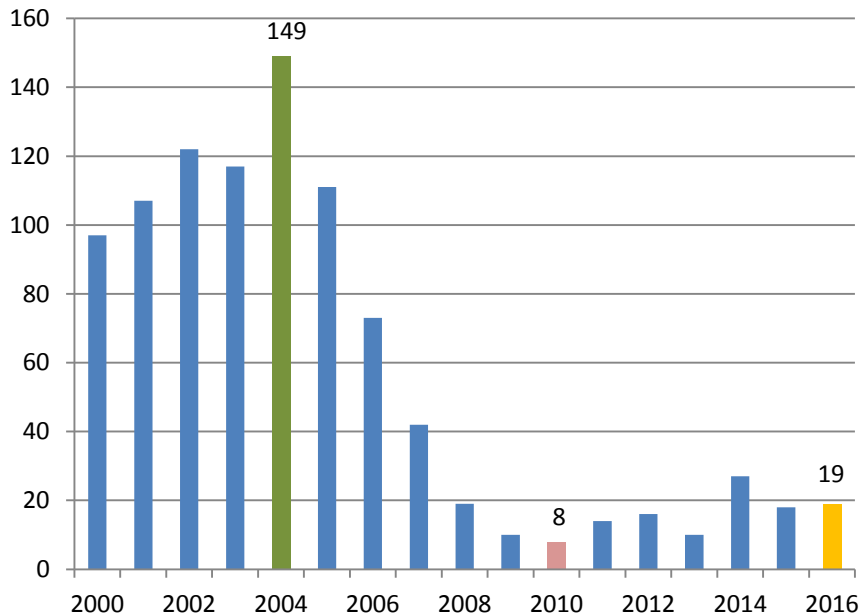
Whitetail Ridge – 3 (223/244) Fields of Farm Colony – 3 (24/159) Estates of Millbrook – 1 (85/175)

Ronhill Estates – 1 (3/40) Tanglewood Trails – 1 (33/38) Henneberry Woods – 1 (78/352)

Other – 9 (N/A)

Single Family Construction Comparison: 2000 – 2016

Single Family Homes 2000-2016



Available Lots in RPD Subdivisions (Total Platted Lots)

- Deere Crossing – 15 (18)
 - Whitetail Ridge – 223 (244)
 - Brighton Oaks – 11 (20)
 - Equestrian Estates – 9 (16)
 - Grove Estates – 46 (50)
 - Henneberry Woods – 78 (352)
 - Rosehill – 10 (57)
 - *Schaefer Glen – 6 (6)
 - Tanglewood Trails – 33 (38)
 - *Highpoint Meadows – 23 (23)
- Total Platted RPD Lots – 824 Total Available RPD Lots – 454 Total Developed RPD Lots - 370**
**Open Subdivisions*

Available Lots in other Subdivisions (Total Platted Lots)

- Estates of Millbrook – 85 (175)
 - Shadow Creek – 19 (29)
 - *Matlock – 12 (12)
 - Fields of Farm Colony – 24 (159)
- Total Platted Lots – 375 Total Available Lots – 140 Total Developed Lots - 235**
**Open Subdivisions*

Important to Note: There are currently a total of 594 residentially subdivided available lots in Unincorporated Kendall County.

Fiscal Year 2016 Detailed Inspection Report

Site Visit	141
Footing	63
Backfill	12
Wall	6
Slab	34
Electric Service	10
Frame/Wire	57
Insulation	19
Final	128
Red Tag	1
Hearing Signs	25
Meetings in Field	124
Violation Investigations	90
NPDES	0

Total Field Visits and Investigations: 723

Total Permit Reviewed and Issued: 247

Contracted Plumbing Inspections: 89

Inspections for Yorkville per IGA: 4

2017 Goals of Code Official

1. Obtain one additional ICC certification
2. Fulfill all continuing education requirements for certification renewals
3. Implement changes to improve or maintain ISO score
4. Research and discuss county nuisance ordinances and enforcement alternatives with PBZ committee
5. Review 2015 and 2018 Code Series

KENDALL COUNTY REGIONAL PLANNING COMMISSION

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

Meeting Minutes of February 25, 2017- Annual Meeting

Call to Order: Chairman Bill Ashton called the meeting to order at 9:00 a.m.

KCRPC Roll Call

Members Present: Chairman Bill Ashton, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley (Vice-Chair), Angela Zubko, and one vacancy (Big Grove Township)

Members Absent: Roger Bledsoe

Others present: Matt Asselmeier, Senior Planner

Members in the Audience: Jack Westphal, Paul Kovacevich, Doug Westphal, Paul Medgyesi, Jason Enberg, Jeff Wilkins, Mike Hoffman, Krysti Noble, Dave Matlock, Jake Melrose, Jonathan Proulx, Robert Davidson, and Andrew Bogada

Welcoming Remarks

Bill Ashton welcomed thanked everyone for attending the annual meeting. There would be no business transacted at this meeting.

Approval of Agenda

Mr. Shaw made a motion to approve the agenda as written. Ms. Zubko seconded the motion. All were in favor and the agenda was approved.

REQUEST FOR PLAN AMENDMENTS

None

2016 PBZ Project Summary & 2017 Future Projects/Goals

Mr. Asselmeier provided a written report that included a summary of activities from 2016 within the Planning, Building, and Zoning Department including:

- Departure of senior planner in September 2016 after 11 months with Kendall County
- New senior planner started in January 2017
- 26 Petitions Filed in 2016 (13 Petitions in 2015)

Mr. Asselmeier explained some upcoming goals and objectives for 2017, including:

- Renew Intergovernmental Agreement between the County and the United City of Yorkville for reciprocal building inspection services

- Propose changes to the Historic Preservation Ordinance to allow Historic Preservation Commission to obtain quorums at their meetings
- Explore adding variance information to GIS maps
- Explore adding historical zoning information to GIS maps
- Explore strategies for improving communication between PBZ and the townships and municipalities on zoning related matters
- Explore strategies for improving communication between PBZ, the public, and allied organizations on stormwater related issues per the requirements of Kendall County's NPDES Permit
- Explore methods to better track conditions and compliance for special use permits and variances
- Continue working with the Northwest Water Planning Alliance
- Participate with planning of CMAP's 'Next Plan' for the Chicago Region
- Review Future Land Use Plan for any areas that are best options for economic opportunities
- Continue reviewing and addressing potential changes in the Zoning Ordinance and application review processes for increased efficiency

Mr. Asselmeier also provided information on the zoning petitions from 2016 and the construction activity that took place during the previous year.

Chairman Ashton opened the floor to reports from attendees.

Krysti Noble, Community Development Director for the United City of Yorkville, discussed the update on the City's Comprehensive Plan. She stated that 152 building permits were issued in Yorkville in 2016. She discussed a Built-To-Honor Permit, Yorkville waived the fees for home paid for by veteran that won a contest. She stated that Cedarhurst Living, a senior apartment complex for people 55 and older, will be under construction this spring.

Ms. Wilson asked why Yorkville reclassified Eldamain Road as Estate Residential in their updated Comprehensive Plan. Ms. Noble replied that Yorkville is focusing on development closer to and inside the present city limits. The Estate Residential classification is meant as a "holder" until development gets closer to that area. The new plan has a 10 year horizon.

Mr. Nelson expressed concerns about the potential conflicts between residential and commercial/industrial uses. He asked why the plan did not leave the area classified as agricultural. Ms. Noble said the plan could be amended in the future.

Mr. Shaw asked if Ms. Noble was aware that Eldamain Road was constructed for semis. Ms. Noble said that she was aware of this information.

Mr. Wormley stated that Meadowvale left Yorkville because of high costs and the company could not find space; perhaps they would have stayed if additional land was classified for industrial uses. Ms. Noble responded that this company looked at expanding to adjacent land but could not reach a financing agreement with the neighbor.

Ms. Wilson requested Yorkville to reexamine the Estate Residential classification on Eldamain Road. Ms. Noble responded that Yorkville spent 2 years working on this update and had civic engagement during that time, including with Kendall County representatives. The Lakota Group was Yorkville's consultant on the plan. Mr. Nelson asked Administrator Jeff Wilkins about the meeting. Mr. Wilkins responded that the meeting was for general thoughts and no discussion on specifics occurred.

Mr. Nelson requested that the Commissioners' email addresses be forwarded to Krysti in order to improve communication. Ms. Noble stated that the Yorkville Comprehensive Plan Information was online at www.yorkvilleplan.org.

Ms. Zubko stated the lack of staff at the County could have negatively impacted communication.

Ms. Wilson asked about a grocery store on the south side of Yorkville. Ms. Noble said that one store is interested and that they hope to have information available soon.

Mike Hoffman, of Teska Associates, provided an update on Plano's Comprehensive Plan update. The website for the update is planplano.wordpress.com. The public hearing on the proposal is March 6, 2017, at 7:00 P.M., at Plano City Hall.

County Board Member Robert Davidson discussed his concerns about regulations for septic systems. The mass moving of dirt is no longer allowed. The new regulations for septic systems increased the costs of septic systems greatly. Member Davidson urged Commissioners to make sure ponds are large enough to accommodate water. He suggested that the Commission explore raising the minimum lot requirement to 1 acre in the unincorporated areas because there is not enough land on small lots to accommodate in-ground swimming pools and the area needed for septic fields.

Jonathan Proulx, Planning Director for the Village of Plainfield, provided an update on activity in Plainfield. Mr. Proulx reported that Plainfield issued 160 building permits, about 1/4 of these were in Kendall County. There was a lot of activity in the Grand Park Subdivision east of Ridge Road. The apartment component of Grand Park has moved forward and the age restriction for another development has been removed. Plainfield also approved a special use permit for Parkland Prep Academy, a school for special needs children. The developer for Vista Point, at Walker and Ridge (east of Ridge) is asking for residential development instead of a school site within the development.

Jack Westphall introduced himself as the new Plan Commission Chairman for Kendall Township.

Ms. Wilson expressed a desire for a noise ordinance within the agricultural areas of the County. She expressed concern about increased noise caused by banquet facilities and gun ranges in the unincorporated areas. She also expressed frustration that the Forest Preserve District allows a banquet center at Ellis and a daycare center at Hoover without the necessary special use permits. Member Davidson asked the Commission to send a letter to the Forest Preserve and Forest Preserve Board outlining their concerns. Mr. Asselmeier will draft the letter and place it on the next Planning Commission agenda for consideration. Member Davidson will bring up this concern at the next Forest Preserve meeting.

Mr. Nelson requested that the Ad-Hoc Committee meet in March to discuss the following: Plano's Comprehensive Plan, Yorkville's Comprehensive Plan, Gun Range Ordinance and Possible Moratorium on Special Uses for Gun Outdoor Gun Ranges, and Amending the Stormwater Ordinance to Address Plano's Concerns for their Project at Foli Park.

Ms. Wilson suggested that the Commission review the plans of all of the municipalities.

Old Business

None

New Business

None

Other Business

There was no other business.

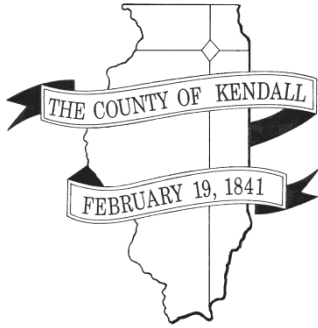
Public Comment

There was no public comment.

Adjournment

Mr. Wormley made a motion, seconded by Mr. Shaw, to adjourn the meeting. With a voice vote of all ayes, the motion carried. At 10:15 a.m. the Regional Plan Commission adjourned.

Submitted by,
Matthew H. Asselmeier, AICP
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 9, 2017
Re: Dosimeter Research

Per the direction of the PBZ Committee Chairman, Staff conducting research on dosimeters that could alert property owners when dBA levels reached certain levels.

Staff discovered a dosimeter sold by NoiseMeters, Inc. that provides warning lights when dBA levels reach pre-programmed levels. A description of the device from the company's website is attached. The website for the company is <http://www.noisemeters.com>.

The company is still finalizing plans for waterproof dosimeters; these will probably cost around \$2,000 per unit. The devices also will require electricity.

While the dosimeters can detect and track dBA levels, they cannot identify the source of the noise.

MHA

Enc: Dosimeter Description

SoundEar 3 Advanced Industrial Noise Warning Sign

Overview



Industrial Noise Warning Sign

Overview

The SoundEar 3 is the top of the *Industrial* range of noise warning signs, with advanced display configuration, measurement storage and outputs to integrating with other monitoring systems.

- Individual noise trigger levels for red, yellow and green
- Digital display of sound level in dB
- Data logging with download to USB stick
- Output via 4-20mA current loop or 0-10V DC

This version of the SoundEar Industrial is ideal for carrying out long term noise checks but also giving an instant and clear warning of high noise levels.

- Factories
- Industrial sites
- Hearing protection - time to act
- Intermittent Noise - warn when it gets high

Instant Warning

The SoundEar 3 *Industrial* is usually set up to let people know that the sound levels are getting high, with the red light coming on when action needs to be taken - either reduce the levels or use hearing protection. There are many ways to configure this version of the noise sign. Please visit the [Displays](#) page for more information.

Each of the lights (green, yellow, red) can be configured to come on at different levels, and they can flash for better visibility. A common setting would be to have the green light on the time, to remind people that the sound levels are being monitored, the yellow light could be set to light up when the surrounding noise is 80dB(A) and the red light flashing when it exceeds 85dB(A).



See the [Installation](#) page for more information about setting up.

Data Logging and Software

The SoundEar 3 *Industrial* has a large internal memory that stores the sound level every second. When downloaded to a computer this gives a detailed graph of the noise throughout the day. A USB memory stick is the easiest way to transfer the noise measurements from the SoundEar to a computer. [More information...](#)

External Microphone

The SoundEar 3 *Industrial* has a plug-in microphone. It connects at the bottom of the sign and remains out of sight and out of harm's way. If you need to mount the microphone away from the sign then you can use a microphone extension cable, which should be ordered separately, order code SE3EXT.

Outputs and System Integration

The SoundEar 3 Industrial can output the sound level in two different forms, making it suitable for integration with other monitoring and control systems. Using the software supplied you can configure the outputs to be either **DC 0 to 10V** or **current loop 4-20mA**. Two outputs are available and can be set to different noise parameters.

SE3IND

\$1235.00

SoundEar 3 Noise Sign - Data Logging - Protection Symbol

SE3IND-5

\$5992.00

Five Industrial Noise Warning Signs and one Noise Meter

Permit Approval Date Report Kendall County

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
2/16/2017	022016192 02 Garage	0304479042 TERRAZAS JUAN	72 SONORA DR MONTGOMERY, IL 60538-	BOULDER HILL UNIT 23	Self
2/28/2017	032017020 03 Accessory Buildings	0105176005 BOND MICHAEL E & CHERIE L	232 CREEK RD PLANO, IL 60545-		Cleary Building Corp.
2/8/2017	032017018 03 Accessory Buildings	0926400007 LUNDQUIST ROBERT & CAROL	16801 RIDGE RD MINOOKA, IL 60447-		
2/9/2017	032017023 03 Accessory Buildings	0116402010 MIESZALA RONALD	40 S LINDEN DR PLANO, IL 60545-	MEYERBROOK UNIT 4	
2/9/2017	032017022 03 Accessory Buildings	0214426006 ENTILE MATTHEW R	86 W RICKARD DR OSWEGO, IL 60543-	LYNWOOD EXTENSION 5	
2/21/2017	032017025 03 Accessory Buildings	0105251002 PETITJEAN LEONARD E JR TR & PETITJEAN ANITA	16318 GALENA ROAD PLANO, IL. 60545		sELF
2/16/2017	052017026 05 Remodeling	0722400009 ZUIDEMA SCOTT	14313 ROUTE 52 NEWARK, IL 60541-		
2/27/2017	052017030 05 Remodeling	0508102001 MESSERSMITH JEREMY & CHRISTINA	7250 E HIGHPOINT RD YORKVILLE, IL 60560-		Homeowner
2/27/2017	082017029 08 Barns/Farm Buildings	0819100008 GONZALEZ RAUL A	15390 ROUTE 52 NEWARK, IL 60541-		
2/8/2017	082017021 08 Barns/Farm Buildings	0914100009 BALTZ ROBERT	1925 Route 52 Minooka, IL 60447		
2/8/2017	092017017 09 Signs	0318403015 MERCHANTS NATIONAL BANK	5375 ROUTE 34 OSWEGO, IL 60543-		

**Permit Approval Date Report
Kendall County**

Issue Date	Permit ID Permit Category	Parcel Number Owner Name	Property Address	Subdivision	Contractor Name
2/16/2017	152017019 15 Electrical Upgrades	0219100003 CAMACHO MIGUEL & SANDRA E	11728 FAXON RD PLANO, IL 60545-		
2/27/2017	212017031 21 Wind Turbine	0610200006 KELLER FRANK	7426 SCHLAPP RD OSWEGO, IL 60543-		

**Permit Summary by Category by Month
Kendall County**

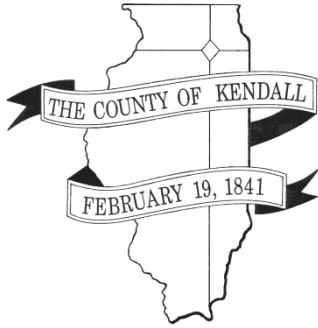
Permit Category	Total	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
House	4	1	2	1	0	0	0	0	0	0	0	0	0
Accessory Buildings	8	0	8	0	0	0	0	0	0	0	0	0	0
Remodeling	2	0	2	0	0	0	0	0	0	0	0	0	0
Barns/Farm Buildings	2	0	2	0	0	0	0	0	0	0	0	0	0
Signs	1	1	0	0	0	0	0	0	0	0	0	0	0
Decks	1	1	0	0	0	0	0	0	0	0	0	0	0
Demolitions	2	1	1	0	0	0	0	0	0	0	0	0	0
Electrical Upgrades	1	0	1	0	0	0	0	0	0	0	0	0	0
Fire Restoration	1	1	0	0	0	0	0	0	0	0	0	0	0
Wind Turbine	1	0	1	0	0	0	0	0	0	0	0	0	0
	23	5	17	1	0	0	0	0	0	0	0	0	0

**Permit Summary by Category
Kendall County**

Permit Category	Count	Estimated Cost	Permit Fees	Land Cash
House	2	\$1,020,000	\$4,338	\$2,438
Accessory Buildings	8	\$318,000	\$1,169	\$0
Remodeling	2	\$33,500	\$826	\$0
Barns/Farm Buildings	2	\$167,845	\$0	\$0
Demolitions	1	\$0	\$0	\$0
Electrical Upgrades	1	\$3,200	\$200	\$0
Wind Turbine	1	\$40,000	\$0	\$0
	17	\$1,582,545	\$6,533	\$2,438

PLANNING BUILDING & ZONING RECEIPTS 2017

DATE	BUILDING FEES	ZONING FEES	LAND-CASH	OFFSITE ROADWAY	MONTHLY FY 17	TOTAL FY17	MONTHLY FY 16	TOTAL FY16
December	\$2,119.28	\$925.00	\$0.00	\$0.00	\$3,044.28	\$3,044.28	\$3,516.58	\$3,516.58
January	\$1,977.24	\$100.00	\$1,814.10	\$0.00	\$3,791.34	\$6,835.62	\$7,881.78	\$11,398.36
February	\$3,151.44	\$1,425.00	\$6,413.08	\$0.00	\$10,989.52	\$17,825.14	\$6,108.07	\$17,506.43
March	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$17,363.99	\$34,870.42
April	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$13,956.06	\$48,826.48
May	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,876.24	\$53,702.72
June	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$22,581.26	\$76,283.98
July	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$9,472.64	\$85,756.62
August	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,083.93	\$95,840.55
September	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$8,846.29	\$104,686.84
October	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,856.91	\$128,543.75
November	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$20,553.25	\$149,097.00
TOTAL	\$7,247.96	\$2,450.00	\$8,227.18	\$0.00	\$17,825.14	\$17,825.14	\$149,097.00	



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 316

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: PBZ Committee
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: March 9, 2017
Re: Kearney Glen Stormwater Issue from February 28, 2017, Storms

Following the February 28th storms, Staff received emails from 3 residents of the Kearney Glen Subdivision regarding stormwater filling up their yards. Kearney Glen is located inside Joliet along Black Road.

Upon investigating the matter, Staff from Joliet discovered a blocked stormwater inlet along Black Road. The City of Joliet has identified this area as a watch area in large storms; they will monitor the storm sewer inlet during future heavy rains.

Emails and pictures of the event are included as attachments.

MHA

Enc: Storm Emails and Pictures

-----Original Message-----


From: Jennifer Gross [mailto:
Sent: Wednesday, March 1, 2017 9:45 AM
To: Jeff Wilkins <JWilkins@co.kendall.il.us>
Subject: Kearney Glen, Joliet

Hi,

My name is Jennifer Gross and I am a resident in the Kearney Glen neighborhood. Our home backs up to Black Road (where it dead ends past County Line). It was abruptly brought to our attention that the farmer across the street built a trench/aqueduct leading into Black Road. It flooded our backyard (which we had literally fenced in yesterday) and the entire street. All of our neighbors yards were flooded in about 2-3ft of flowing water. It continued to our neighborhood retention pond flooding that as well. We have pictures and videos of the problems it caused. We would like some type of solution to this before the spring rains come in. We have no way of contacting the farmer, but we are working a way to do so. Please respond asap with a way to fix this problem.

Thanks,
Jennifer Gross

-----Original Message-----

From: Brett T. Lewis [mailto:
Sent: Wednesday, March 1, 2017 2:22 PM
To: Jeff Wilkins <JWilkins@co.kendall.il.us>
Subject: Kearney Glen Flooding Issues

Good afternoon,

I live in Kearney Glen in Joliet, which is technically a part of Kendall county. I've lived here for almost two years, and while I am in a border house and back up to a farm field, I have rarely seen more than a small amount of water in my swale during a strong storm. Additionally, any water quickly disappears.

However, last night was a much different story. We've had several storms of a similar magnitude to last night, but never the issues we had last night. The swale had water that I guess was nearly three feet deep, filled with debris, and probably filled with chemicals. It damaged the yards of everyone along the farm field, which means the houses that face south and west. Fences were torn down, the subdivision pond was rising at a rate of one foot per hour (never had this issue before), the gazebo at the pond was inundated with water, and I am fairly certain residents had water in their basements. Again, even with similar or worse storms in the past, the results were never this bad. We had lakes in some areas, and by my house, we literally had a rushing river.

Many residents seem to think we know the cause of these never before seen issues- man made modifications to the water table on the farm to the south and also west of Kearney glen. I've attached some pictures our residents took, and these

pictures show man made trenches or aqueducts that essentially kept the farm dry but flooded black road and overwhelmed the swale. We often wondered what these mounds of dirt and trenches were. Now we know.

This needs to be addressed. We cannot and will not accept "it's just how it is." The land owner modified the water table and drainage. I was told when I built that I could not modify the swale area due to drainage requirements. Let's all play by the same rules. No landowner should be able to build an aggressive and one sided drainage system.

Again, this must be addressed. It damaged a ton of property and is a health and safety hazard. This cannot continue. The drainage was wonderful prior to this. We will not deal with the health and safety issues of standing water, especially when we have big storms.

I appreciate your time and hope you share my concerns. I look forward to your reply and proposed resolution.

Brett

From: Blair Stanojlovic [mailto:
Sent: Wednesday, March 1, 2017 6:42 PM
To: Jeff Wilkins <JWilkins@co.kendall.il.us>
Subject: Kearney Glen Flooding Damage

Hi,

I have lived in the Kearney Glen subdivision for almost 2.5 years. We have seen some major storms in that time. Last night was a bad storm but something was terribly wrong. I live in a perimeter home with a drainage swale in the back of my property. My property backs up to a farm field. I am no expert at these things, but something was very different about the water flow last night.

My yard quickly filled with water and it was flowing fast and hard out of my yard. The current was so strong that it broke through my fence. It seemed that the sewer that is in my yard was actually adding to the problem. It seemed that water was being pumped into my yard rather than out from the sewer.

There is significant damage to my fence as well as my grass. My yard is a complete wreck. I have attached pictures.

I don't know exactly what happened to cause this but it needs to be looked at and fixed asap. The amount of water and the strong flow would have been extremely dangerous, deadly even, to my 3 small children that play in our yard often.

Thank you for your time and attention to this matter.

Blair Stanojlovic






















02.28.2017 21:30



02.28.2017 21:30



02.28.2017 21:31



02.28.2017 21:31



02.28.2017 21:32



02.28.2017 21:32



02.28.2017 21:32



02.28.2017 21:32



02.28.2017 21:32

-----Original Message-----

From: Andrews, Megan - NRCS-CD, Yorkville, IL

[mailto:██]

Sent: Thursday, March 02, 2017 9:48 AM

To: Matt Asselmeier

Subject: FW: Kearney Glen, Joliet

Matt,

Unfortunately, this type of situation does come up from time to time especially at the suburban/rural interface. When a large volume of water falls within a short period of time as happened in this area during the storm event, I believe there was upward of 4" of rainfall, drainage issues can be common. Additionally, in the southeastern portion of the county, the soils and topography can amplify a drainage issue. This part of the county is very flat and a considerable acreage drains across the landscape.

Over the years there have been several issues in that part of the county especially related to flooding. As I know you are familiar, as an area develops increasing the impervious surface, rain events can cause or amplify existing flooding issues. It looks from the pictures that the subdivision drains toward the farm field (please correct me if I am wrong; plus, if the farm field drains into the subdivision I believe the same comments would still apply). It appears that the farmer has a drainage way through their farm where water has historically flowed. At this juncture, farmers will install tile or even conservation practices such as a grassed waterway to convey water through their farm in a manner that doesn't cause erosion. Like we know, landowners have to let water drain onto and off of their land in the way it historically has drained over the time; this cannot be impeded with a berm or dam. Based on the pictures you showed, it clearly appears that the farmer hasn't restricted flow onto or off of their farm as there is a clear line of water drainage through the farm. If an impediment was in place preventing drainage, then Illinois Drainage Law could be looked to as a resource; but, again, this is not the case.

It appears that what was pointed out in the complaint seems to refer to a measure the farmer has implemented in their field to convey and promote drainage. This would indicate that drainage problems are a concern at this location, before the rain event Tuesday evening. My experience in the past when working with agricultural landowners is that practices are installed on a farm and are not meant to cause flooding or impede drainage issues but usually are on the landscape for a reason, such as an area where drainage is a concern, where they are needed. With the volume of rainfall, a significant drainage area and a very flat landscape, water has nowhere to go and as a result flooding occurs. Based on the pictures you shared, I'm wondering if the stormwater measures, for the subdivision, roadway and farm field, were overburdened by the storm event. On Tuesday evening, the amount of rainfall was significant in the southeastern portion of the county. Flash flood and flood warnings were issued to the amount of rainfall. Like we both know, stormwater structures are designed for storm events; when the event is more than the design, these structures/facilities can be overwhelmed, including a farming conservation measure.

I believe Kearney Glen is a Joliet subdivision. It might be helpful for the residents to contact the City of Joliet to see if there is a drainage easement on the lots in this location (would be a sign that this area was anticipated to be a flooding concern). Additionally, all of the engineering plans would be on file with the City; this information could help the residents look into how stormwater has been designed for their location on the landscape and if flooding was considered during the planning and approval of the subdivision.

Looking at the landscape, I'm sure not only the residents of the subdivision but also the adjacent farmer are being negatively impacted by flooding. Our office with the assistance from USDA-NRCS can provide technical assistance to the adjacent agricultural landowner if they are interested in conservation practices to address resource concerns. Unfortunately, the SWCD or NRCS cannot mandate that a landowner implement a practice, as assistance and any implementation of conservation measures is voluntary. Not having any regularity or statutory authority, we cannot ask or require anything to be done in this situation of the landowners involved. I am thinking that this is a situation where stormwater/drainage engineering expertise can be helpful such and contacting the City of Joliet might be beneficial.

For the subdivision, I'm uncertain that there is an easy fix and the answer is just as simple as the adjacent farm; their location on a flat landscape with soils that may not drain well along with a being in an area developing with impervious surfaces such as roadways and roofs, which causes additional runoff, contributes to an overall stormwater issue. This might be one to bring to the attention to Joliet, if that is the correct jurisdiction for the subdivision. Additionally, you could also get your stormwater consultant, Greg Chismark, to take a quick look to see if he has any comments that might be helpful.

Best,
Megan

Megan Andrews
Resource Conservationist

Kendall County Soil & Water
Conservation District



-----Original Message-----

From: Matt Asselmeier

Sent: Thursday, March 02, 2017 2:03 PM

To: Jeff Wilkins

Subject: RE: Kearney Glen, Joliet

Jeff:

Scott Gapsevich, the Engineering Supervisor for Joliet, said that he should be the point of contact for stormwater issues. His email address is sgapsevich@jolietcity.org.

In the case of Kearney Glen, Joliet received many of the same complaints that we received. There is a stormsewer drain located on the south side of Black Road that got plugged up and prevented the water from draining the area properly. Joliet is aware of this issue and they have added this stormsewer inlet to their list of priority inlet locations when a storm occurs.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: 630-553-4139

Fax: 630-553-4179