

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, October 25, 2017 – 7:00 p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from August 23, 2017 Meeting (Pages 3-7)

PETITIONS

1. **17-28 – Kendall County Planning, Building and Zoning Committee (Pages 8-17)**
Request: Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

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

2. **17-30 – Kendall County Planning, Building and Zoning Committee (Pages 18-30)**
Request: Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County’s Medical Cannabis Related Regulations

Purpose: Text Amendment Changes the Expiration Deadline For the County’s Medical Cannabis Related Regulations from January 1, 2018 to July 1, 2020 to Corresponds to the Expiration Date of the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.)

OLD BUSINESS

1. Land Resource Management Plan Amendments for Properties Along Route 47 in Kendall and Lisbon Townships (Page 31-65)
 - a. Approval of Amendment Timetable (Page 31)
 - b. Approval of Draft Map (Page 36)
 - c. Approval to Authorize the Kendall County Regional Planning Commission Chairman to Call a Special Meeting of the Kendall County Regional Planning Commission in Lisbon Township for the Purpose of Obtaining Feedback from the Community Impacted by the Proposed Changes to the Future Land Use Map (Specific Location, Date and Time of Meeting Shall be Determined by the Chairman) (Page 46)

NEW BUSINESS

1. Approval to Initiate Text Amendments to Section 3.02 and Section 13.09 of the Kendall County Zoning Ordinance Pertaining to Code Hearing Unit Regulations (Page 67-86)

2. Correspondence-August 16, 2017 Letter from Anna R. Kuperstein to Matthew Asselmeier RE: Sandwich Compressor (ANR Pipeline and Special Use Permit at 6650 Sandy Bluff Road (Ordinance 2002-06)) (Page 87-91)

3. Approval of Fiscal Year 2017-2018 Meeting Calendar (Page 92)

4. Recommendation of Ad-Hoc Zoning Ordinance Committee Members

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

17-16 – Kendall County Zoning Board of Appeals

17-19 – Pulte Group Representing Dave Hamman

17-21 – Tom McNelis

17-22 – Stor Mor, Inc.

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, November 29, 2017

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

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved Meeting Minutes of August 23, 2017

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

ROLL CALL

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

Members Absent: Angela Zubko

Staff Present: Matthew H. Asselmeier, Senior Planner

In the Audience: Robert Davidson, Patrick Cook, Tom McNelis, Janet Seego, Karla Stodter, Robert Schneider, Alzlisa Torre, Erika Dickens and Vicki Schnabel

APPROVAL OF AGENDA

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

Claire Wilson arrived at this time.

APPROVAL OF MINUTES

Mr. Wormley made a motion, seconded by Mr. Shaw, to approve the July 26, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-19 Pulte Group Representing Dave Hamman

Mr. Asselmeier summarized the request. The Pulte Group would like to renew the special use permit for a billboard at the property identified by parcel identification number 03-01-127-006 and revoke the special use permit for a billboard on the property identified by parcel identification number 03-01-127-004. This proposal applies to the sign advertising the Pulte Development. The proposal does not include the big billboard on the property 03-01-127-004. Staff is still searching for the ordinance that allowed that billboard. The existing special use permit required the sign to be renewed every three (3) years. The sign was moved to get into compliance with the Kendall County signage regulations; the Pulte Group is required to get a building permit because the sign was relocated.

Oswego Township expressed no opposition to this proposal. The City of Aurora has not submitted comments on this proposal. ZPAC unanimously recommended approval of the proposal provided that the placement requirements of the Zoning Ordinance were met.

Patrick Cook, representing Pulte Group, stated that he was in attendance to answer questions.

Ms. Wilson asked if the Planning, Building and Zoning Department received any feedback or objections. Mr. Asselmeier stated that they received general questions, but no objections to the proposal.

Chairman Ashton asked Mr. Cook if he agreed with the restrictions proposed by Staff. Mr. Cook said that he agreed with the proposed restrictions.

Mr. Nelson made a motion to recommend approval of the petition as presented with the restrictions proposed by Staff, seconded by Mr. Wormley.

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

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

17-21 Tom McNelis

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal.

Mr. Nelson suggested that the property obtain a conditional use permit because the lot is irregularly shaped and not farmable instead of rezoning the property to R-1. All of the adjoining properties are zoned A-1. Mr. McNelis said that he did not have a preference to the zoning; he liked the A-1 zoning. He wanted the ability to construct a house on the property. No Commissioner expressed opposition to the construction of a house on the property. Staff will work with the petitioner to determine the next steps in the process.

Janet Seego, Oswego, asked if the property sold, would the new owner have the same rights to construct a house. Chairman Ashton responded yes. No timeframe would be placed on the construction of the home.

Karla Stoedter, Budd Road, asked if more than one (1) home could be built on the property. Mr. Asselmeier responded that it was virtually impossible to construct another home on the property. If an additional home was proposed, the proposal would require review by various boards before approval.

Mr. Nelson made a motion to recommend that a conditional use permit be awarded for the construction of house instead of rezoning the property to R-1, seconded by Mr. Bledsoe.

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

No – None (0)

Absent – Zubko (1)

The motion passed. Mr. Asselmeier said that he would inform Mr. McNelis of the next steps. If the proposal requires a public hearing, this public hearing will be at the Zoning Board of Appeals on August 28, 2017 at 7:00 p.m.

17-22 Stor Mor, Inc.

Mr. Asselmeier summarized the request. Stor Mor, Inc., represented by Robert Schneider, requested four (4) amendments to their special use permit. The petitioner would like to construct one (1) 1,650 square foot

building, one (1) 4,300 square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed 4,300 square foot building. In addition the restrictions listed in the proposal, Staff requested that a condition be added to the special use permit revoking the special use permit portion of Ordinance 76-6 which granted a special use permit for storage on the northern portion of the property.

Oswego Township had no objections to the proposal. The Village of Montgomery has not submitted any comments on the proposal. ZPAC requested that the petitioner confirm with the Oswego Fire Protection District that sprinklers would not be required in the new building; ZPAC unanimously recommended approval of the proposal.

Robert Schneider, petitioner, stated he constructed the new building proposed in 2016. He would like to substitute some of the RV parking spots in favor of the new, proposed buildings. The building proposed in 2016 was constructed. Mr. Schneider considered the rear of the proposed new building to be screening.

Mr. Nelson asked if the new building constructed in 2016 was constructed without sprinklers. Mr. Schneider said that the new building did not have sprinklers and no utilities run to the building.

Mr. Wormley asked if the retention pond was wet or dry. Mr. Schneider responded that the retention pond is in existence and it is dry.

Ms. Wilson asked for clarification regarding the screening requirement. Mr. Asselmeier said that the restriction was listed as amended because the petitioner is proposing a landscaping plan that differs from the landscaping plan approved in 2016.

Mr. Schneider stated that residential uses were located on three (3) sides of the property.

Ms. Wilson asked if residents or neighbors submitted objections to the proposal. Mr. Asselmeier said that he received general questions about the proposal, but no objections.

Alzisa Torre, Oswego, requested to see the aerial of the property and how the proposal will impact her property. Mr. Schneider showed Ms. Torre the aerial of the property and explained the proposed structures and vegetation locations in relation to her property. Ms. Torre's property is located north of the proposal and none of the proposed buildings, vegetation or lights will impact her property because they are located on the opposite of the property. The property will be fenced.

Mr. Schneider indicated that he did not plan to make additional changes to the site plan in the near future.

Erika Dickens, Oswego, asked about the vegetation on the north side of the property. Mr. Schneider said that he might trim vegetation, but all of the proposed buildings and vegetation work will be on the opposite side of the property.

Mr. Schneider said that his office is located on the property and invited neighbors to come in and discuss any concerns they may have.

Mr. Schneider hopes to start work this fall.

Ms. Wilson asked if an onsite manager was available twenty-four (24) hours a day. Mr. Schneider said that an onsite manager lived in an apartment on the property.

Ms. Wilson made a motion to recommend approval of the petition as presented including the conditions recommended by Staff, seconded by Mr. Bledsoe.

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

No – None (0)

Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

OLD BUSINESS

None

NEW BUSINESS

Discussion of Special Uses within the A-1 Zoning District

Mr. Asselmeier read his memo on the subject. He provided a map of the A-1 zoned properties in Kendall County and the list of special uses currently listed in the A-1 zoning district.

Mr. Davidson suggested the uses listed in the A-1 district should be evaluated. He believed that the land along the major highways should be evaluated for different uses. In particular, he believed that the land along Route 47 in Lisbon Township should be reclassified as commercial because of the widening of Route 47.

Mr. Shaw advised that the widening of Route 47 throughout all of Kendall County will not occur in the near future due to the State's financial situation.

Mr. Nelson agreed that the maps should be updated.

Discussion occurred regarding stakeholder meetings. Chairman Ashton advised having meetings with Lisbon Township, the Village of Lisbon and the Village of Plattville. Draft maps should be prepared and taken to stakeholder meetings.

The consensus of the Commission was that the issue of land use along Route 47 in southern Kendall County should be examined.

Discussion of Amending the Future Land Use Map for Properties Located Along Route 47 in Kendall and Lisbon Townships

Mr. Asselmeier read his memo on the subject.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 17-14 failed at the County Board. Petitions 17-15 and 17-20 both passed at the County Board. Petition 17-16 was tabled at the Planning, Building and Zoning Committee.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

Vicki Schnabel, Yorkville, stated that her family is moving because of the banquet facility located across the street from her property. She favored distance requirements between businesses and residences in the A-1 district. She also expressed concerns about the noise restrictions placed on the banquet facility; the restrictions were too weak. Her family hears people talking next door, the music from next door and the bass from music.

Chairman Ashton asked if they received decibel readings at the property. Ms. Schnabel said that her family has not called the Sheriff's Department.

Ms. Schnabel said that the berm and trees were inadequate to protect neighbors from noise and lights arising

from the banquet facility or to preserve their privacy. Mr. Davidson explained that the height and width of the berm were not defined. Also, the type, number and location of trees were also not defined in the special use permit for the banquet facility across from her property.

Chairman Ashton asked if Ms. Schnabel had any suggestions for the noise ordinance.

Chairman Ashton asked about the procedure for handling noise complaints. Mr. Asselmeier responded that the Sheriff's Department would prepare a report outlining the violation. The report would be forwarded to the Planning, Building and Zoning Committee to see if the Committee wanted to forward the complaint to the State's Attorney's Office. If a special use permit holder was guilty of violating the noise provisions in their special use permit, the County Board could revoke the special use permit.

Discussion occurred regarding having lower decibel requirements on future special use permits.

Mr. Davidson reported that the Planning, Building and Zoning Department researched machines for recording for decibels. Mr. Asselmeier stated that the company with the technology has not developed a waterproof device. The devices also did not have battery backup; there were electricity access issues.

Chairman Ashton gave Ms. Schnabel his phone number and the information from the Ad-Hoc Zoning Ordinance Committee regarding the noise regulations.

Chairman Ashton discussed the process of creating mining regulations.

OTHER BUSINESS/ANNOUNCEMENTS

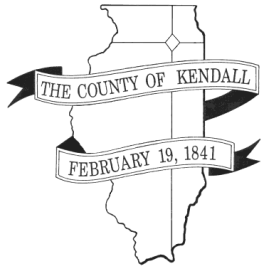
Mr. Asselmeier reminded Commissioners that he emailed Plan Commission training information to them. This training is offered through the Illinois Chapter of the American Planning Association. If they would like to participate, they should contact the Planning, Building and Zoning Department.

Discussion occurred regarding the State's Attorney's opinion regarding forest preserve districts and zoning regulations. Ms. Wilson said she would do additional research on the topic.

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:46 p.m.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: October 4, 2017

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

The Kendall County Planning, Building and Zoning Committee has been researching outdoor target practice and shooting range regulations for the last several months. Using the regulations of several neighboring and nearby counties, the Planning, Building and Zoning Committee has drafted the enclosed proposed regulations. The Committee approved initiating this proposal at their meeting on September 11th. Proposed changes are shown in red and are bolded.

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

ZPAC reviewed this proposal at their meeting on October 3rd. A large amount of discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate. ZPAC unanimously recommended approval of the proposal; the minutes of their meeting are attached.

This proposal was mailed to each township, each existing outdoor shooting range and Robert Delaney's attorney on September 25th. To date, no comments have been received from any of these entities.

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

Thanks,

MHA

ENC: Proposed Text Amendment
10.3.17 ZPAC Minutes

Amendment to 7.01.D.32 (Special Uses in A-1)

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

Amendment to 7.01.D.33 (Special Uses in A-1) and 10.03.B.4 (Special Uses in M-3)

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

- a. **Range layout** ~~Rr~~ requires conformity with **National Rifle Association** standards with regard to layout and dimensions. ~~;~~ ~~provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such as berming shall generally be consistent with standards established in the NRA Source Book.~~ The petitioner shall submit a site capacity a calculation and a detailed site plan showing the layout and design of the proposed shooting range, including all required setbacks and landscaping and the existing and proposed structures, their floor areas and impervious surfaces. The scale of the site plan shall be no greater than one inch equals one hundred feet (1"=100').
- b. **Ranges designed for the use of handguns and rifles shall provide berms at least twenty feet (20') high and six feet (6') thick at the top, made of soft earth or other material that is unlikely to cause ricochets, and containing no large rocks. Berms shall be located as follows:**
 1. **Shotgun ranges – No berming required.**
 2. **Ranges for handguns and rifles with the same or less power than .22 long rifle**
 - a. **Backstop at least one hundred fifty feet (150') from the firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line.**
 3. **Ranges for rifles with more power than a .22 long rifle**
 - a. **Backstop at least three hundred feet (300') from the firing line.**
 - b. **Lateral not closer than thirty feet (30') from the firing line.**
 4. **All required berms shall be constructed prior to the commencement of operations and shall be maintained for the duration of the special use permit.**
 5. **In addition to berms, appropriate baffling shall be installed over the targets to prevent projectiles from overshooting the berm for hand gun and rifle ranges.**
- c. **Ranges shall be located on a site where an uninhabited downrange safety area is available. The required length of the safety area shall be as follows:**
 1. **Shotgun ranges – one thousand five hundred feet (1500'), provided that shot size is limited to #4 or smaller.**
 2. **Ranges for handguns and rifles not more powerful than .22 long rifle – seven thousand feet (7,000').**
 3. **Ranges for rifles more or equal power than a .22 long rifle – thirteen thousand five hundred feet (13,500').**

4. **The downrange safety area requirement for handgun, rifle and archery ranges may be waived by the County Board if the firing line is provided with overhead baffling meeting the standards of the National Rifle Association.**
 5. **The safety area shall conform to National Rifle Association standards for the shape and width. The safety area shall have signs posted at intervals stated in the special use permit warning of the potential danger from stray bullets.**
 6. **For the purposes of this regulation, the term “downrange safety area” shall mean the area away from the launching site towards the target. In cases of shooting ranges where targets are not stationary, appropriate baffling shall be provided.**
- d. Requires minimum parcel size of **5 forty (40) acres for firearms.**
 - e. **The range, including the safety area, must be under the control of the operator of the range, by ownership or lease.**
 - f. **The petitioner shall submit a detailed written narrative describing the proposed use. This narrative shall, at minimum, describe the type of range (i.e. public, private, or government), the type(s) of firearms and targets expected to be used and the proposed days and hours of operation.**
 - g. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
 - h. **At least one (1) State recognized, nationally recognized or National Rifle Association Certified range supervisor must be present at all times when firing is taking place. The supervisor shall be certified for the type of shooting being supervised and shall know and enforce all range rules.**
 - i. **At least one (1) Range flag flown, a sign or red light lit at all times that firing is taking place. If a range flag is used, the flagpole shall be at least eighteen feet (18’) high and the flag shall be bright red forty inches (40”) long and twenty inches (20”) inches wide at the pole and six inches (6”) wide at the free end.**
 - j. Hours and days of operation ~~as specified in the Special Use Permit to be determined by the County Board~~ shall be as follows: **No range shall open prior to 9:00 am any day of the week. No range shall remain open after 5:00 6:00 pm Mondays through Fridays, 3:00 5:00 pm on Saturdays and ranges shall be closed 3:00 pm on Sundays.**
 - k. Access must be controlled by a lockable gate. **The range proper shall be fenced in a manner so to prohibit entrance on the property by members of the public and shall have signs posted at one hundred foot (100’) intervals warning members of the public of the danger.**
 - l. Hazardous waste plan addressing lead management required **at the time of application for a special use permit. Any changes to the hazardous waste plan addressing lead management shall be promptly forwarded to the Kendall County Planning, Building and Zoning Department.**
 - m. No discharge of lead shot into wetland.

- n. Must be at least **one thousand five hundred feet (1,500')** from the firing line to the ~~existing dwellings and~~ property lines of ~~schools, daycares, places of worship and airstrips~~ adjoining properties. **The required distance is both parallel and perpendicular to the firing line.**
- o. No alcohol allowed.
- p. No projectiles shall leave the boundaries of the site.
- q. The range shall provide restroom facilities to employees and patrons.**
- r. Everyone on the firing line is required to wear hearing protection and safety glasses.**
- s. The outdoor target practice or shooting range allowed by this special use permit shall provide the Kendall County Planning, Building and Zoning Department proof of accident and liability insurance prior to the commencement of operations; sufficient accident and liability insurance in the amount of Ten Million Dollars (\$10,000,000) for outdoor target practice or shooting ranges must be maintained during the duration of the special use permit.**
- t. All applicable Federal, State and County rules and regulations shall be adhered to.
- u. Must meet all requirements of the Kendall County Health Department.
- v. Water and drainage plans must be approved by the Kendall County Planning, Building and Zoning Office.
- w. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.
- x. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance. (Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future nonresidential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011))

- y. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance (Not more than sixty percent (60%) of the area of the lot may be covered by buildings or structures, including accessory buildings).
- z. Ranges must have direct access to a public road. For the purposes of this restriction “direct access” shall mean frontage; “direct access” shall not mean access via easement across property not owned by the range owner.**
- aa. Noise generated by the business allowed by this special use shall comply with the following:**
 - 1. Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 2. Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the residential property line of the complainant.**
 - 3. EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.**
- bb. Outdoor target practice and shooting ranges in existence prior to the date of the adoption of this ordinance shall follow the restrictions on their respective special use permits.**

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 3, 2017 – Unapproved Meeting Minutes**

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

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

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

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes: Langston, Rybski and Guritz (3)
Nays: Klaas (1)
Abstain: Andrews, Clayton and Asselmeier (3)
Absent: Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

ADJOURNMENT

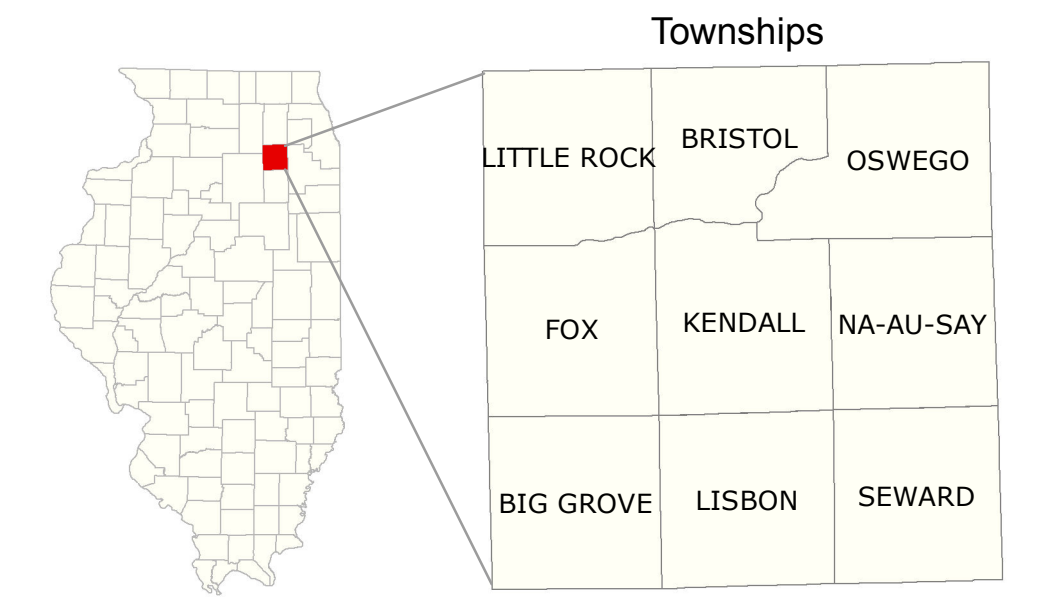
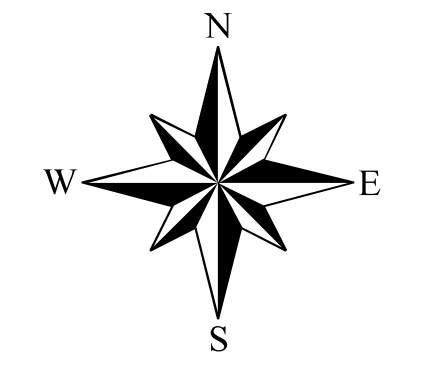
Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

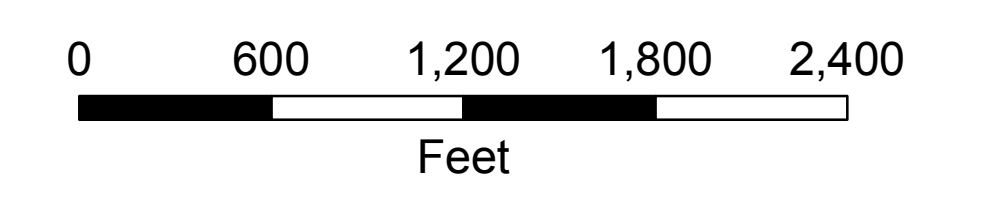
**Buffer Scenario
500ft vs 2600 ft
Oswego Twp
KENDALL COUNTY**

- 2017 -

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

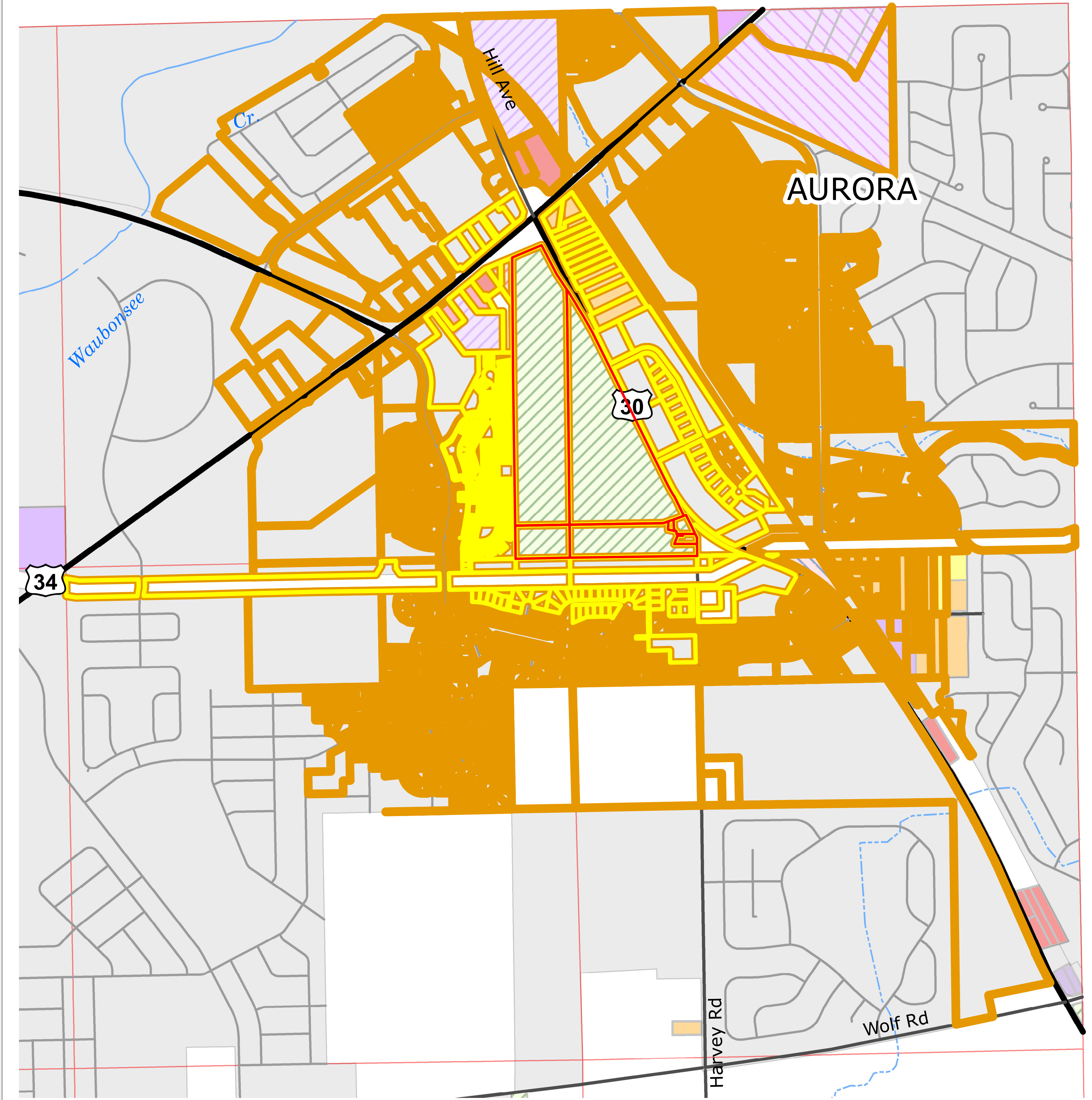


Scale: 1 in = 600 feet



Legend

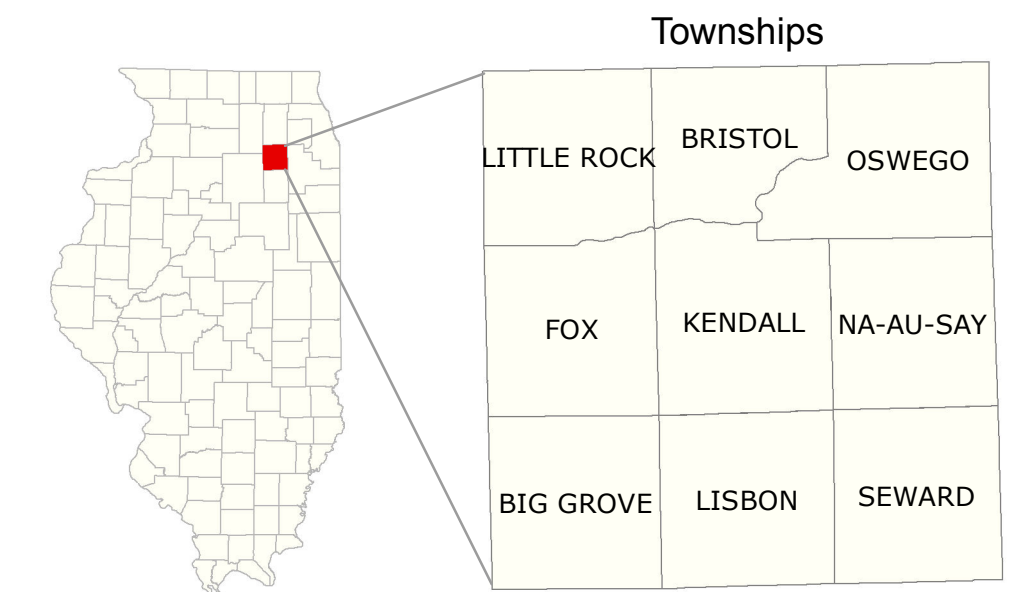
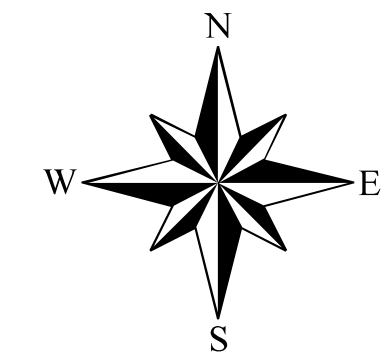
- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property



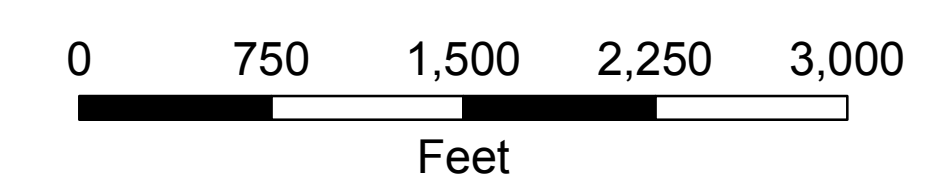
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

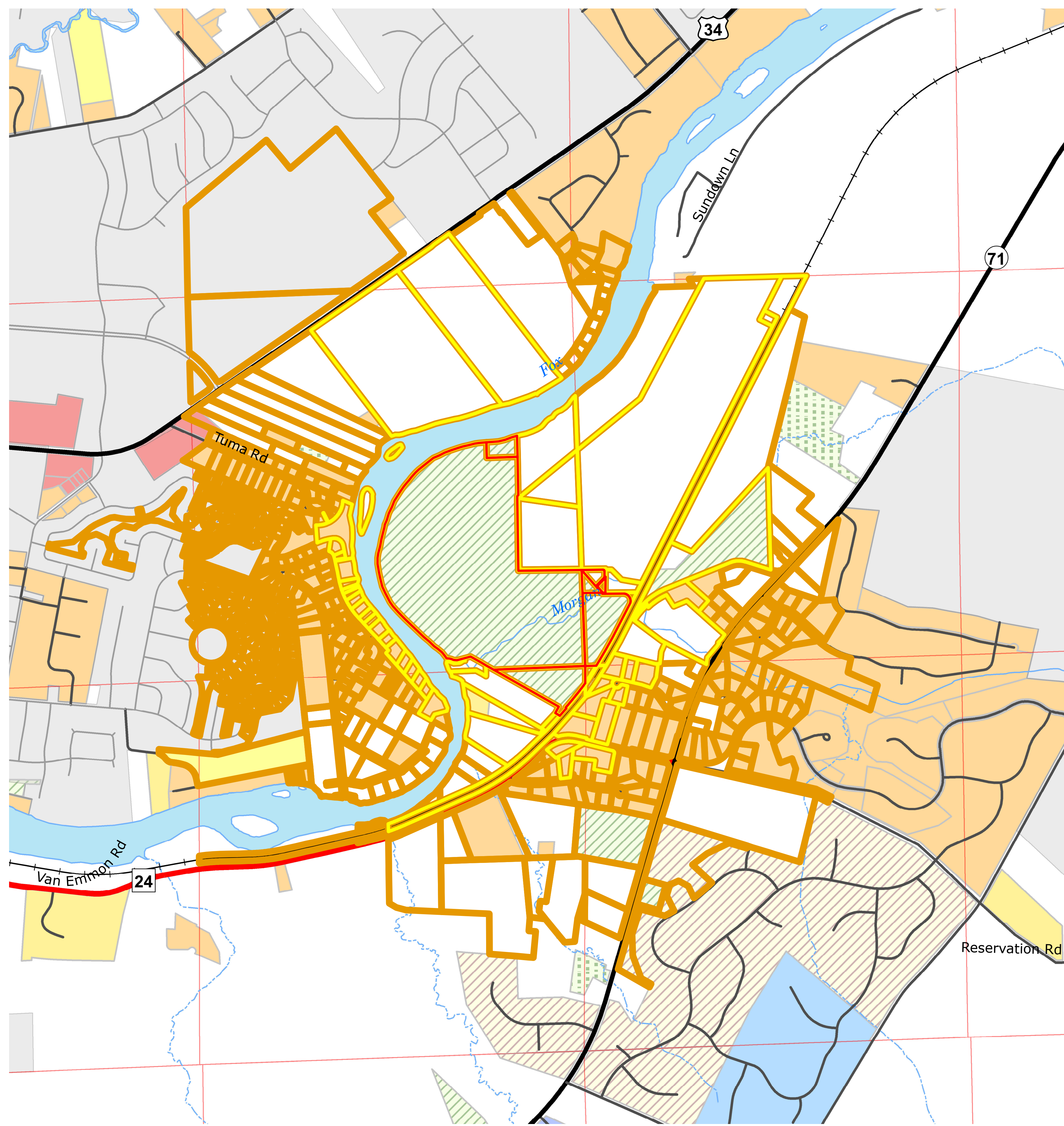


Scale: 1 in = 750 feet

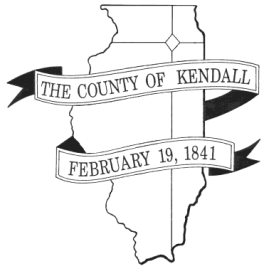


Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property



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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: October 4, 2017

Re: 17-30 Proposed Text Amendments to Sections 3.02 (Definitions), Section 10.01.C.10 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) and Section 10.01.C.11 (Special Uses in M-1 Limited Manufacturing District and M-2 Heavy Industrial District) Pertaining to Extending the Expiration Deadline of Kendall County's Medical Cannabis Regulations from January 1, 2018 to July 1, 2020

At their meeting on September 11, 2017, the Kendall County Planning, Building and Zoning Committee approved initiating a text amendment to the Kendall County Zoning Ordinance extending the expiration deadline for the County's medical cannabis regulations. When the County adopted medical cannabis regulations in 2014 (by Ordinances 2014-28 and 2014-31) the expiration date was set at January 1, 2018. The Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) expires on July 1, 2020. A copy of the proposed language is enclosed. Proposed changes are shown in red and are bolded.

This proposed amendment does not change any language, other than the expiration date, contained within the Zoning Ordinance on this topic.

ZPAC reviewed this proposal at their meeting on October 3rd and unanimously recommended approval of the proposed text amendments. The minutes of the meeting are attached.

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

Thanks,

MHA

ENC: Proposed Text Amendments
10.3.17 ZPAC Minutes

Amendments to Section 3.02 Definitions

MEDICAL CANNABIS CULTIVATION CENTER or CULTIVATION CENTER. A facility operated by an organization or business that is registered by the Illinois Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

ENCLOSED, LOCKED FACILITY. A room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by a Cultivation Center's agents or a Dispensing Organization's agent working for the registered Cultivation Center or the registered Dispensing Organization to cultivate, store, and distribute cannabis for registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

MEDICAL CANNABIS DISPENSING ORGANIZATION or DISPENSING ORGANIZATION or DISPENSARY. A facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire medical cannabis from a registered Cultivation Center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

MEDICAL CANNABIS INFUSED PRODUCT. Food, oils, ointments, or other products containing usable cannabis that are not smoked. This definition is intended to remain consistent with the definition provided in 410 ILCS 130/10, as amended. In the event of a conflict between this definition and the statute, the statutory definition shall govern. (To be repealed on ~~4-1-18~~ **7.1.20**)

Amendment to Section 10.01.C.10

10. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on ~~January 1, 2018~~ **July 1, 2020**)

a. **Definitions:** All terms not defined in section 3.02 of this Zoning Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.), as amended

b. **Preliminary Requirements.** All Medical Cannabis Cultivation Center special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act ("Act") (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Registration.* Applicants must be registered with the Illinois Department of Agriculture

iii. *Location.* A Cultivation Center must be located more than 2,500 feet from the

property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, as required pursuant to 410 ILCS 130/105.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Cultivation Centers must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/105, as amended.

c. Required Permit Information. Upon applying for a Cultivation Center special use permit, the applicant must provide the following information:

i. A Security Plan that has been reviewed and approved by the Illinois State Police and is compliant with 410 ILCS 130/105, as amended, in addition to the rules set forth by the Illinois Department of Agriculture at 8 Ill. Admin. Code 1000 et seq.

ii. Evidence demonstrating the location of the enclosed, secure area or loading/unloading dock is or will be out of public sight for the loading/unloading of medical cannabis in the transport motor vehicle.

iii. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

iv. A location map demonstrating the property meets location conditions identified in 410 ILCS 130/105, as amended, and

v. Proof that applicant is registered with the Illinois Department of Agriculture.

d. Operational and Facility Requirements:

i. *Enclosed, Locked Facility.* All cultivation of cannabis for distribution to a registered Dispensing Organization shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Cultivation Centers.

iii. *Edibles.* Any area within the Cultivation Center where cannabis will be manufactured into an edible form shall comply with the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620 et. seq., the Illinois Sanitary Food Preparation Act, 410 ILCS 650 et. seq., the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 650 et. seq., and section 80 of the Act, 410 ILCS 130/80.

iv. *Waste.* Cannabis waste shall be stored, secured, locked and managed in accordance with State regulations for the disposal of medical cannabis with the requirements set forth in 410 ILCS 130/180 and 8 Ill. Admin. Code. 1000.460, as amended respectively.

- v. *Signs.* All signage shall comply with Section 12 of the Kendall County Zoning Ordinance. Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis. Electronic message boards and temporary signs are not permitted in connection with a Cultivation Center.
- vi. *Other Products.* It shall be prohibited to cultivate, manufacture, process or package any product, other than medical cannabis and cannabis infused products at a Cultivation Center.
- vii. *Fence.* All Cultivation Centers must be surrounded by a fence a minimum of eight (8) feet tall with barbed wire on top.
- viii. *Registration:* The owner or operator of a Cultivation Center must submit annual documentation of registration with the Illinois Department of Agriculture within thirty days of becoming registered or renewing its registration.

e. Legal Protections.

- i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Cultivation Center, the Cultivation Center's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Cultivation Center's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.
- ii. *Indemnification.* The permitted Cultivation Center, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and future board members, elected officials and agents, through counsel of their own choosing, based upon illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.
- iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation: Any special use permit granted under this Zoning Ordinance may be revoked for failure to comply with the terms of this Zoning Ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Zoning Ordinance.

Amendment to Section 10.01.C.11

11. Medical Cannabis Cultivation Centers- Temporary (will be automatically repealed on **January 1, 2018 July 1, 2020**)

a. **Definitions:** All terms not defined in section 3.02 of this Ordinance shall carry the meaning set forth in the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.), as amended.

b. **Preliminary Requirements.** All Medical Cannabis Dispensing Organization special use permit applicants shall comply with the following requirements before applying for a special use permit and shall maintain compliance at all times thereafter.

i. *State laws.* Applicants must comply with the Compassionate Use of Medical Cannabis Pilot Program Act (“Act”) (410 ILCS 130/1 et seq.) and all rules and regulations adopted in accordance thereto including the following sections of the Illinois Administrative Code: 8 Ill. Admin. Code 1000, 68 Ill. Admin. Code 1290, 77 Ill. Admin. Code 946 and 86 Ill. Admin. Code 130, and as amended.

ii. *Location.* A Dispensing Organization may not be located within 1,000 feet of the property line of any pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility. A registered dispensing organization may not be located in a house, apartment, condominium, or an area zoned for residential use, as required pursuant to 410 ILCS 130/130 and Section 1290.50 of the Department of Financial and Professional Regulation rules.

iii. *Images.* No dispensary shall be maintained or operated in a manner that causes, creates or allows the public viewing of medical cannabis, medical cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right-of-way or any property other than the lot on which the dispensary is located. No portion of the exterior of the dispensary shall utilize or contain any flashing lights, search lights or spot lights of any similar lighting system.

iv. *Security Measures.* Applicants must establish and maintain all required security measures, in accordance with the Act and all applicable regulations, to deter and prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

v. *Code Compliance.* Dispensing Organizations must meet all federal, State and local building, zoning and fire codes and all local ordinance requirements.

vi. *Other Requirements:* Applicants, their agents and employees must comply with all other requirements identified in 410 ILCS 130/130, as amended.

c. **Required Permit Information.** Upon applying for a Dispensing Organization special use permit, the applicant must provide the following information:

i. A scale drawing of the front, rear, or side of the building or structure showing dimensions and architectural details (Building Elevations); and

ii. A location map demonstrating the property meets location conditions identified in 410

ILCS 130/130 & Section 1290.50.19, as amended.

d. Operational and Facility Requirements:

i. *Enclosed, Loading/unloading bay.* All medical cannabis deliveries shall take place in an Enclosed, Locked Facility.

ii. *Storage.* No outdoor storage of any kind will be permitted at Dispensing Organizations.

iii. *Advertisement/Signs.*

1) All signage shall comply with Section 12 of the Kendall County Zoning Ordinance.

2) Signs shall not contain cannabis imagery such as cannabis leaves, plants, smoke, paraphernalia, or cartoonish imagery oriented towards youth or language referencing cannabis.

3) Electronic message boards and temporary signs are not permitted in connection with a Dispensing Organization.

4) Any additional merchandise packaging provided by a dispensary, such as bags, sacks, totes or boxes, shall be opaque and identify the name of the dispensing organization.

5) No Advertisements shall be placed or maintained within 1,000 feet of the perimeter of a school grounds, playground, recreation center or facility, child care center, public park or library, or any game arcade admission to which is not restricted to persons age 21 or older.

6) No advertisement shall be posted on publicly-owned or -operated property.

7) If the dispensing organization sells edible cannabis infused products, it must display a placard that states the following:

“Edible cannabis infused products were produced in a kitchen not subject to public health inspections that may also process common food allergens.” The placard shall be no smaller than 24” tall by 36” wide, with typed letters no smaller than 2”. The placard shall be clearly visible and readable by customers and shall be written in English.

iv. *Other Prohibitions.* A dispensing organization shall not:

1) produce or manufacture cannabis;

2) allow consumption of cannabis at the dispensary;

3) sell cannabis unless it is pre-packaged and labeled in accordance with Part, 8 Ill. Adm. Code 1000 and 77 Ill. Adm. Code 946;

- 4) sell cannabis or cannabis-infused products to consumer unless the consumer presents an active registered qualifying patient or designated caregiver card issued by DPH;
- 5) enter into an exclusive agreement with any cultivation center;
- 6) operate drive through windows;
- 7) transport cannabis to residences of registered qualifying patients or designated caregivers;
- 8) operate if video surveillance equipment is inoperative;
- 9) operate if the point of sale equipment is inoperative;
- 10) operate if the State's medical cannabis electronic verification system is inoperative; or,
- 11) have fewer than two people working at any time while the dispensary is open.

v. *Landscaping.* All dispensing organizations shall ensure that trees, bushes and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight.

vi. *Lighting.* All dispensing organizations shall ensure the outside perimeter of the dispensary premises is sufficiently lit to facilitate surveillance.

vii. *Hours of operation:* A dispensary may operate between 6 a.m. and 8 p.m. local time.

e. Legal Protections.

i. *Limitation of Liability.* Kendall County Shall not be liable to the permitted Dispensing Organization, the Dispensing Organization's owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests for any damage, injury, accident, loss, compensation or claim, based on, arising out of, or resulting from the permitted, Dispensing Organization's participation in the Compassionate Use of Medical Cannabis Pilot Program, including, but not limited to, the following: arrest, seizure of persons or property, prosecution pursuant to State or federal laws by State or federal prosecutors, any fire, robbery, theft, mysterious disappearance or any other casualty; or the action of any other permittees, registrants, or persons. This Limitation of Liability provision shall survive expiration or the early termination of the permit.

ii. *Indemnification.* The permitted Dispensing Organization, its owners, employees, board members, producer backers, vendors, visitors, heirs, assigns, agents, family members or guests shall hold harmless and indemnify Kendall County, its officials, officers and employees, including past, present, and future board members, elected officials and agents against any civil action or criminal penalty commenced against Kendall County and/or its officials, officers and employees, including past, present, and

future board members, elected officials and agents, through counsel of the County's own choosing, due in whole or in part to the Dispensing Organization's acts or omissions and/or for any illness or death as a result of the possession, cultivation, transportation or other use of medical cannabis ingested in any way authorized under the provision of the Act. Pursuant to Illinois law 55 ILCS 5/3-9005, any attorney representing Kendall County, shall be approved by the Kendall County State's Attorney and shall be appointed a Special Assistant State's Attorney.

iii. *Violations of the Law.* The Act and any mandated zoning does not authorize any permittee to violate federal or state laws.

f. Revocation:

i. Any special use permit granted under this ordinance may be revoked for failure to comply with the terms of this ordinance. The decision to revoke a special use permit is subject to the review procedure identified in section 13 of the Kendall County Zoning Ordinance.

ii. Applicants must be registered with the Illinois Department of Financial and Professional Regulation prior to commencing operations and shall remain registered at all times of operation. The Dispensing Organization must notify Kendall County within ten (10) days of its registration being suspended or revoked. Failure to register or timely notify Kendall County of the suspension or revocation will result in immediate revocation of the special use.

g. Repeal. This amendment to the Zoning Ordinance is automatically repealed, in its entirety, on ~~January 1, 2018~~ **July 1, 2020**.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
October 3, 2017 – Unapproved Meeting Minutes**

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

Present:

Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Don Clayton – GIS (Arrived at 9:01 a.m.)
Fran Klaas – Highway Department
Matt Asselmeier – PBZ Department

Absent:

Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair
Brian Holdiman – PBZ Department

Audience:

None

AGENDA

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

Mr. Clayton arrived at this time (9:01 a.m.).

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 1, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-28 Kendall County Planning, Building and Zoning Committee – Text Amendments to Sections 7.01.D.32 (Specials Uses in A-1 Agricultural District), 7.01.D.33 (Special Uses in A-1 Agricultural District) and 10.03.B.4 (Special Uses in M-3 Aggregate Materials Extraction, Processing and Site Reclamation District) of the Kendall County Zoning Ordinance Pertaining to Regulations of Outdoor Target Practice or Shooting Ranges (Not Including Private Shooting in Your Own Yard)

Mr. Asselmeier provided a summary of this proposed text amendment. Staff mailed this proposal to each existing outdoor gun range and all townships on September 25th. The existing outdoor gun ranges would be grandfathered and governed by their applicable special use permits or the regulations in place the date they commenced operations. No existing outdoor gun range complies with this proposed text amendment. The proposed regulations would not apply to properties owned by the Kendall County Forest Preserve or the State of Illinois on land used for parks. The proposed regulations addressed berming, baffling, downrange safety area, the minimum acreage of the property, narrative description of the range use, role of range supervisors, regulation of range flags, hours of operation, fencing, the timing of the submittal of a lead management plan, distance from adjoining properties, restroom facilities, hearing and vision protection, insurance, access to public roads and noise.

Mr. Guritz asked about the handling of lead management plan documents. Mr. Asselmeier stated that he was unsure how lead management plan documents were handled previously. The existing ranges were governed by their special use permit. If a Federal or State law existed that superseded the local law, then the gun range would have to follow those requirements.

Mr. Klaas asked how many outdoor gun ranges existed in Kendall County. The answer was five (5) not counting the State park.

Discussion occurred regarding the size of the downrange safety area and the control of the downrange safety area. The consensus was that, in an urbanizing county, the downrange regulations were appropriate.

Indoor shooting range regulations already exist in the Zoning Ordinance.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

17-29 Kendall County Planning, Building and Zoning Committee – Text Amendment to Section 13.08.H of the Kendall County Zoning Ordinance by Increasing the Notification Requirements for Applications for Special Use Permits on A-1 Agricultural Zoned Property and Clarifying Notification Requirements for Special Use Permits on Properties not Zoned A-1 Agricultural

Mr. Asselmeier provided a summary of this proposed text amendment. The amendment would increase the notification requirement from five hundred feet (500') to two thousand six hundred feet (2,600') for applications for special use permits on properties zoned A-1 and clarifying that only adjoining properties must be notified on special use permit applications for properties not zoned A-1.

Mr. Clayton presented two (2) scenarios. One (1) property near Aurora would have to mail three hundred ninety-two (392) notices under the current rules and would have to mail notices to one thousand nine hundred one (1,901) parcels if the text amendment was approved. In the case of Hideaway Lakes, sixty-three (63) parcels would have to be notified presently. If the proposal was approved, five hundred thirty-seven (537) parcels would need to be notified.

The cost for return receipt is Two Dollars and Seventy-Five Cents (\$2.75). This cost is paid by the petitioner.

Will, LaSalle and Kane Counties notify adjacent property owners only. Grundy County notifies up to five hundred feet (500'). DeKalb County notifies up to two hundred fifty feet (250'). DuPage County notifies up to three hundred feet (300').

Neighbors beyond five hundred feet (500') express concerns that they were not notified when odor or noise impacts their property.

Several Committee members felt that the two thousand six hundred foot (2,600') requirement was arbitrary.

Mr. Asselmeier explained the application process. When someone submits an application for a special use permit on A-1 zoned property, the GIS Department prepares a list of addresses that need to be notified. Any applicable municipality and township are added to the list. Staff then checks off the address list when the applicant presents green cards.

Discussion occurred about having different distance requirements for different special uses. Mr. Asselmeier stated that Staff does not know when an application is submitted if that application will be controversial. The more specificity in the Ordinance, the less likely the decision of who received notification and who did not receive notification could be viewed as arbitrary.

Mr. Guritz made a motion, seconded by Mr. Langston, to request that the Planning, Building and Zoning Committee leave the notification requirement at five hundred feet (500').

Ayes: Langston, Rybski and Guritz (3)
Nays: Klaas (1)
Abstain: Andrews, Clayton and Asselmeier (3)
Absent: Chismark, Holdiman and Davidson (3)

The reasons members voted yes were because of the added expense to the petitioner, the added time for the applicant to mail the notices, added review time for Staff to process the green cards, the proposed regulations were

larger than the notification requirements of other Counties and regardless of the distance requirement no method exists to notify everyone that thinks they should be notified. Mr. Klaas stated that he would like the notification requirement to be set at one thousand feet (1,000') maximum. Several Committee members concurred with Mr. Klaas, but felt that one thousand feet (1,000') was arbitrary.

Mr. Asselmeier will inform the Planning, Building and Zoning Committee of ZPAC's request.

17-30 Kendall County Planning, Building and Zoning Committee – Text Amendments to Section 3.02 (Definitions), Section 10.01.C.10 and Section 10.01.C.11 (Special Uses in the M-1 Limited Manufacturing District and M-2 Heavy Industrial District) of the Kendall County Zoning Ordinance By Extending the Expiration Deadline from January 1, 2018 to July 1, 2020 for the County's Medical Cannabis Related Regulations

Mr. Asselmeier provided a summary of this proposed text amendment. The proposal changes the expiration date only and does not change any other portion of the medical cannabis related zoning regulations. July 1, 2020 is the expiration date for the Compassionate Use of Medical Cannabis Pilot Program Act.

Mr. Klaas made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

With a voice vote of all ayes, the motion passed. This matter will go before the Kendall County Regional Planning Commission on October 25th.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Petitions 17-16, 17-19, 17-21 and 17-22 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

Mr. Asselmeier presented a letter dated August 16, 2017 from Anna R. Kuperstein to Matt Asselmeier regarding the Sandwich Compressor at 6650 Sandy Bluff. The property has a special use permit for a pipeline. TransCanada is expanding their facility at that location. The letter argues that they should be exempt from local zoning regulations because of federal energy regulations. The Planning, Building and Zoning Committee and State's Attorney's Office concurred with this opinion; no amendment to the special use permit will be required for any work governed by the Federal Energy Regulatory Commission.

Mr. Asselmeier presented the fiscal year 2017-2018 meeting calendar.

Mr. Guritz made a motion, seconded by Mr. Clayton, to approve the meeting calendar. With a voice vote of all ayes the motion carried.

PUBLIC COMMENT

None

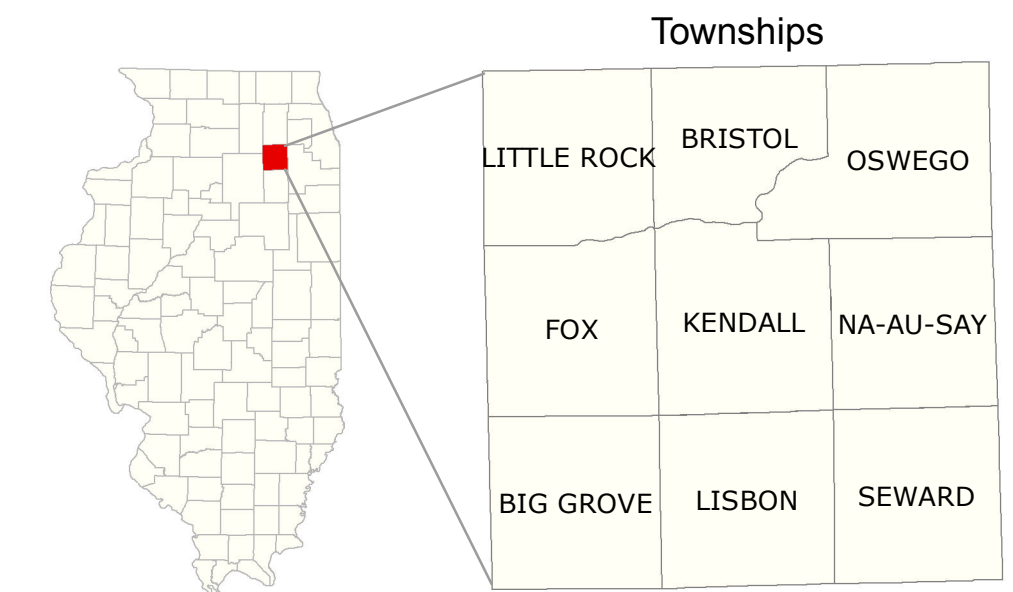
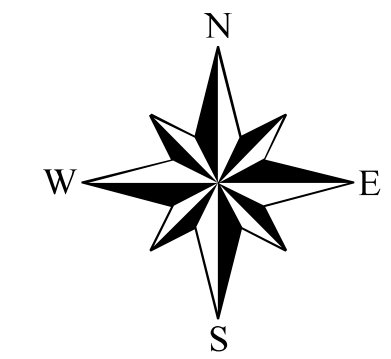
ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Klaas, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 10:08 a.m., adjourned.

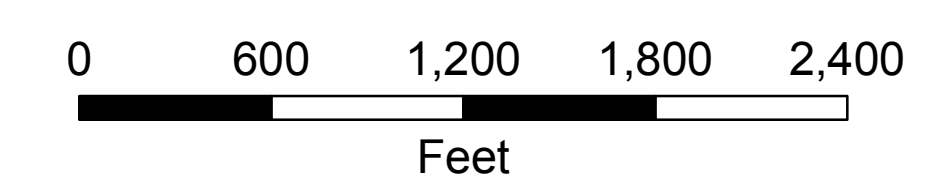
Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner

**Buffer Scenario
500ft vs 2600 ft
Oswego Twp
KENDALL COUNTY
- 2017 -**

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

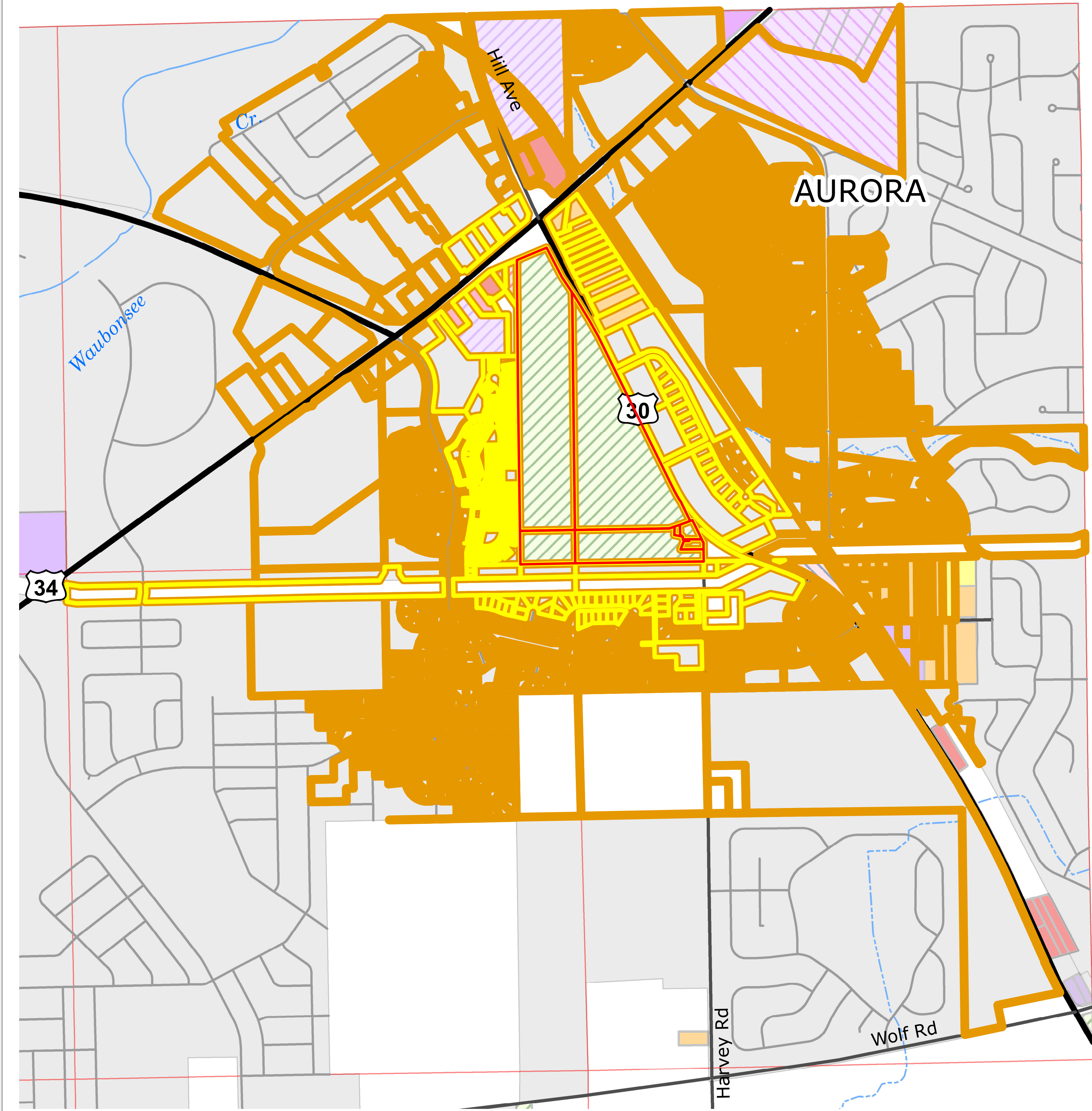


Scale: 1 in = 600 feet



Legend

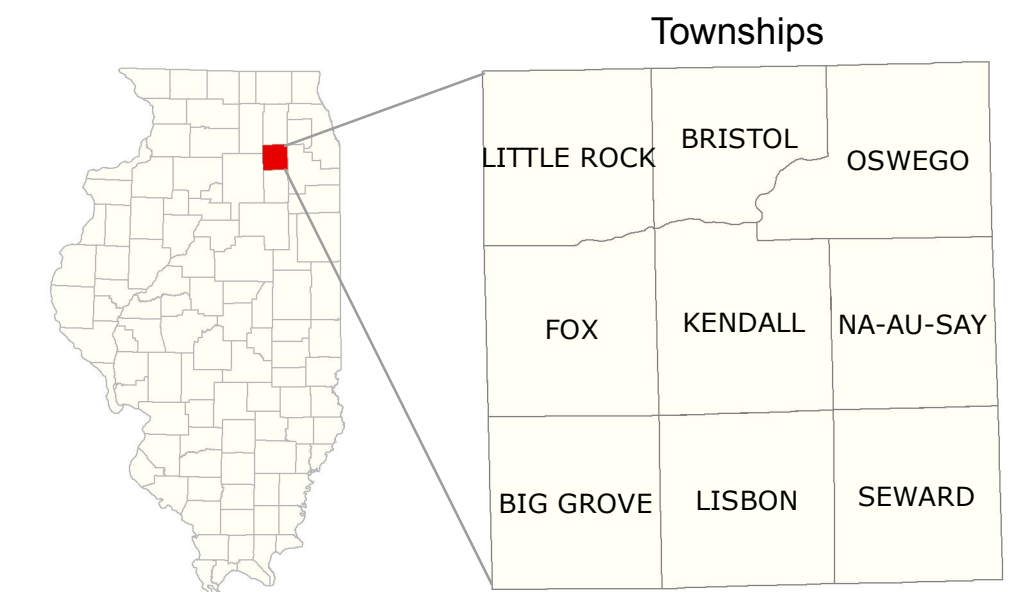
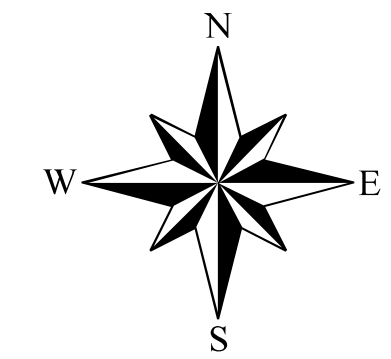
- 500 ft Buffer - 388 Parcels
- 2600 ft Buffer - 1892 Parcels
- Subject Property



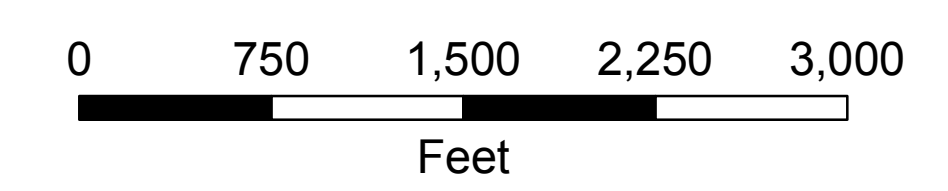
Kendall County GIS
111 West Fox Street - Room 308
Yorkville, Illinois 60560-1498
630.553.4030

Buffer Scenario 500ft vs 2600 ft Oswego Twp KENDALL COUNTY - 2017 -

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

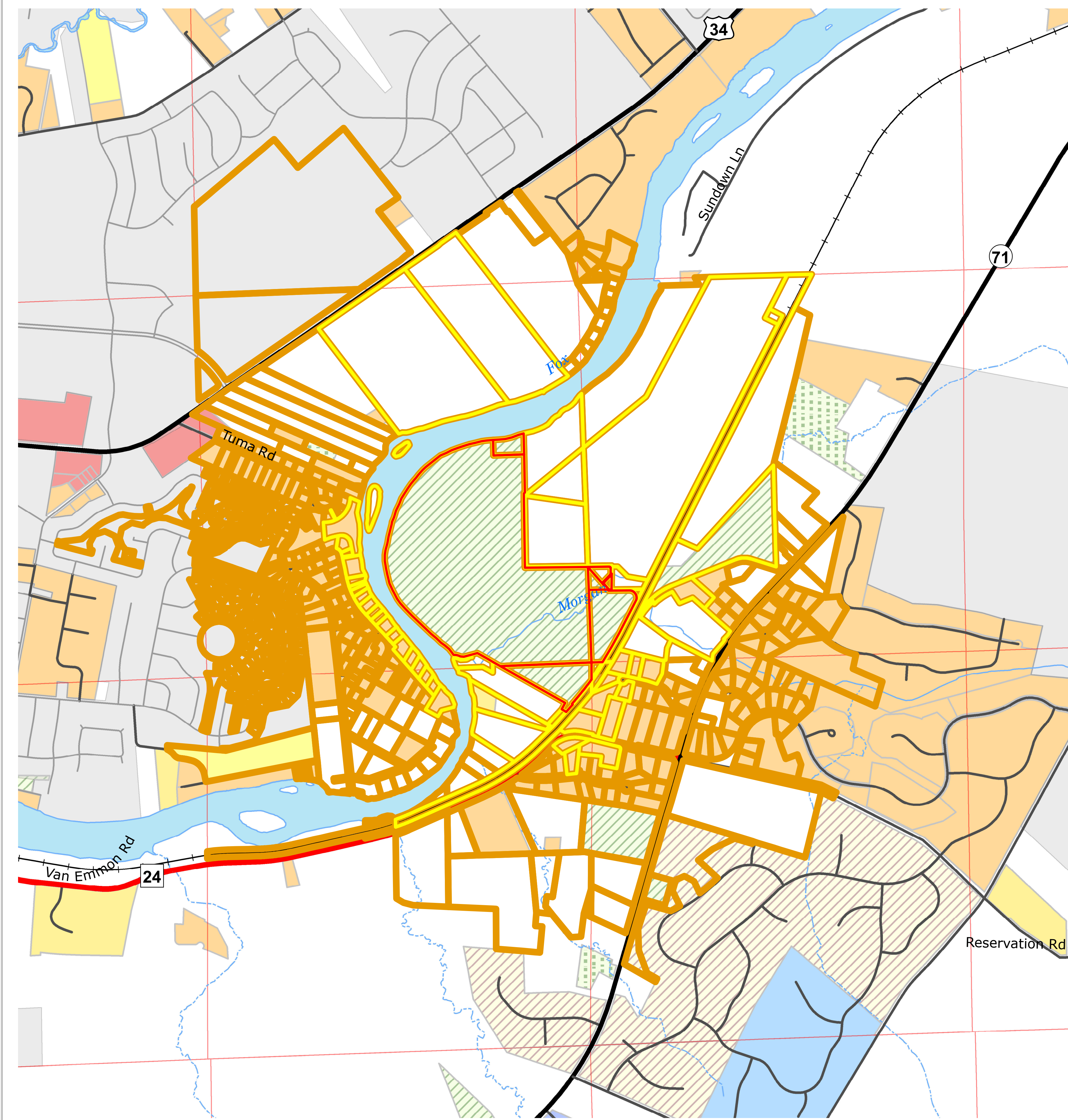


Scale: 1 in = 750 feet

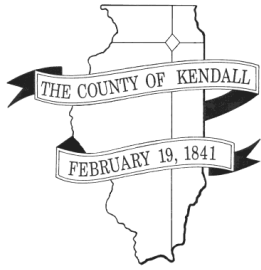


Legend

- 500 ft Buffer - 59 Parcels
- 2600 ft Buffer - 533 Parcels
- Subject Property



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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: October 19, 2017
Re: Future Land Use Along Illinois Route 47 in Lisbon Township

For the past several months, the Commission has been discussing changing the land uses shown on the Future Land Use Map in Lisbon Township. The existing Future Land Use Map for this area, the Future Land Use Map for the Village of Lisbon, the list of Permitted and Special Uses in the B-6, M-1, M-2 and M-3 Zoning Districts and a draft Future Land Use Map for this area are attached.

According to the existing Future Land Use Map in the Land Resource Management Plan, land south of Helmar Road along Route 47, with the exception of Lisbon Center and the mining land near the County line, is Agricultural.

According to the Land Resource Management Plan, the Mixed Use Business District allows uses in the B-6 and all Manufacturing Districts.

The Village of Lisbon, in their 2009 Comprehensive Plan, called for the land adjacent to Illinois Route 47 south of Lisbon Center Road to almost the County line to be either commercial or mixed use business.

If it is the desire of the Kendall County Regional Planning Commission to change the future land uses south of Helmar Road, Staff recommends the Commission approve a draft future land use map for the area, a timeline for approving changes and scheduling a meeting in Lisbon Township to obtain input from residents and property owners.

Staff offers the following timeline for adoption:

- Month 1 Approval of Draft Map(s) and Approval of Public Input Meeting in Lisbon Township
 - Month 2 Holding of Public Meeting in Lisbon Township (Draft Agenda Included)
 - Month 3 Review of Comments from Public Meeting in Lisbon Township and Scheduling Public Hearing for Amendment
 - Month 4 Public Hearing on Amendment and Recommendation to the County Board
- Depending on amount of comments and date of public meeting in Lisbon Township this proposed timeline could be altered.

The Illinois Department of Transportation's striping plan for Route 47 is also included. Staff would like to note that the Illinois Department of Transportation is in the process of reviewing the centerline of the Prairie Parkway; this review may be completed in the fourth quarter of 2017.

MHA

ENC: Existing Future Land Resource Map, Land Resource Management Plan
Future Land Use Map, Village of Lisbon

RPC Memo

October 19, 2017

Draft Future Land Use Map

B-6 and Manufacturing District Permitted and Special Uses

Draft Agenda for Public Input Meeting in Lisbon Township

IDOT Striping Plan

KENDALL COUNTY RESOURCE MANAGEMENT CONCEPT PLAN

LITTLE ROCK	BRISTOL	OSWEGO
FOX	KENDALL	NA-AU-SAY
BIG GROVE	LISBON	SEWARD

LEGEND

- URBANIZED AREAS (INCORPORATED)
- CONTIGUOUS GROWTH AREAS/ SUBURBAN RESIDENTIAL (MIXED USE PER MUNICIPAL PLAN, MAX.RES.DENSITY OF 1.00 DU/ACRE)
- RURAL RESIDENTIAL (MAXIMUM DENSITY OF 0.65 DU/ACRE) *
- RURAL ESTATE RESIDENTIAL (MAXIMUM DENSITY OF 0.45 DU/ACRE)
- COUNTRYSIDE RESIDENTIAL (MAXIMUM DENSITY OF 0.33 DU/ACRE)
- COMMERCIAL
- MIXED USE BUSINESS
- MINING
- TRANSPORTATION CORRIDORS
- PUBLIC/INSTITUTIONAL
- RURAL SETTLEMENTS
- AGRICULTURAL
- OPEN SPACE
- NATURAL RESOURCE AREAS

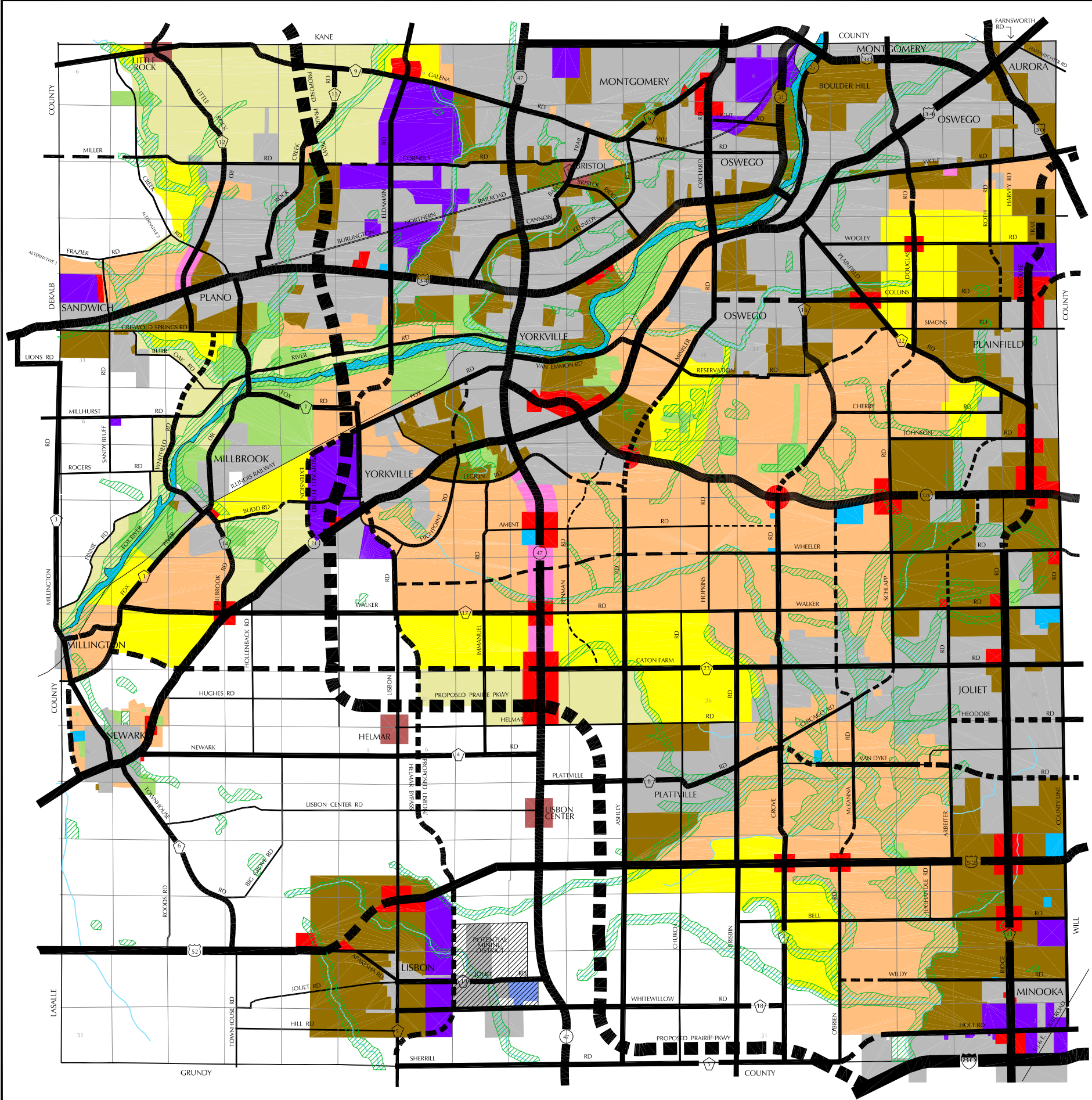
* NOTE: ADDITIONAL DENSITY BONUSES UP TO 0.85 DU/AC MAY BE APPLICABLE; REFER TO INDIVIDUAL TOWNSHIP SUMMARIES FOR EXPLANATION OF DENSITY BONUSES

REVISIONS

RESOLUTION	DATE	CHANGE
2001-06	04/17/2001	MODIFIED CATEGORIES TO COORDINATE WITH PLANNED DEVELOPMENT ZONING; ADDED COMMERCIAL NODES AND UPDATE OF SEWARD AND NA-AU-SAY TOWNSHIPS
2002-11	06/2002	ADDED RURAL RESIDENTIAL AND COMMERCIAL AREAS AROUND NEWARK AND LISBON TO REFLECT THE ADOPTED FUTURE LAND USE RECOMMENDATIONS FOR BIG GROVE TOWNSHIP
2003-14	06/17/2003	MODIFIED CATEGORIES TO COORDINATE WITH THE FUTURE LAND USE PLAN FOR THE NORTHERN THREE TOWNSHIPS
		ADDED FUTURE LAND USE AREAS IN LITTLE ROCK, BRISTOL, AND OSWEGO TOWNSHIPS TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NORTHERN THREE TOWNSHIPS AND REFLECT RECENT MUNICIPAL ANNEXATIONS BY JOLIET AND MINOOKA
2004-04	03/16/2004	ADDED FUTURE LAND USE AREAS IN NA-AU-SAY TOWNSHIP TO REFLECT THE ADOPTED LAND USE RECOMMENDATIONS FOR THE NA-AU-SAY TOWNSHIP/EAST ROUTE 126 CORRIDOR PLAN
2005-08	03/15/2005	ADDED FUTURE LAND USE AREAS IN FOX AND KENDALL TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
2005-25	12/20/2005	ADDED & UPDATED FUTURE LAND USE AREAS IN LISBON, SEWARD, AND SOUTHERN NA-AU-SAY TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS
-	08/22/2007	UPDATED PRAIRIE PARISWAY ALIGNMENT (PREFERRED ALTERNATIVE B5 ALIGNMENT ANNOUNCED BY IDOT ON 06/01/07)
2008-24 2008-25	06/2008	UPDATED FUTURE LAND USE AREAS IN FOX, KENDALL, AND BIG GROVE TOWNSHIPS TO REFLECT ADOPTED LAND USE RECOMMENDATIONS FROM TOWNSHIP LRMP UPDATES AND THE FOX RIVER CORRIDOR PLAN
2009-03	01/20/2009	UPDATED COUNTY AND TOWNSHIP LRMP MAPS BASED ON THE LAND USE MAP FOR THE ROUTE 126/MINKLER ROAD AREA

NOTE: SEE INDIVIDUAL TOWNSHIP PLANS FOR ADDITIONAL DETAIL

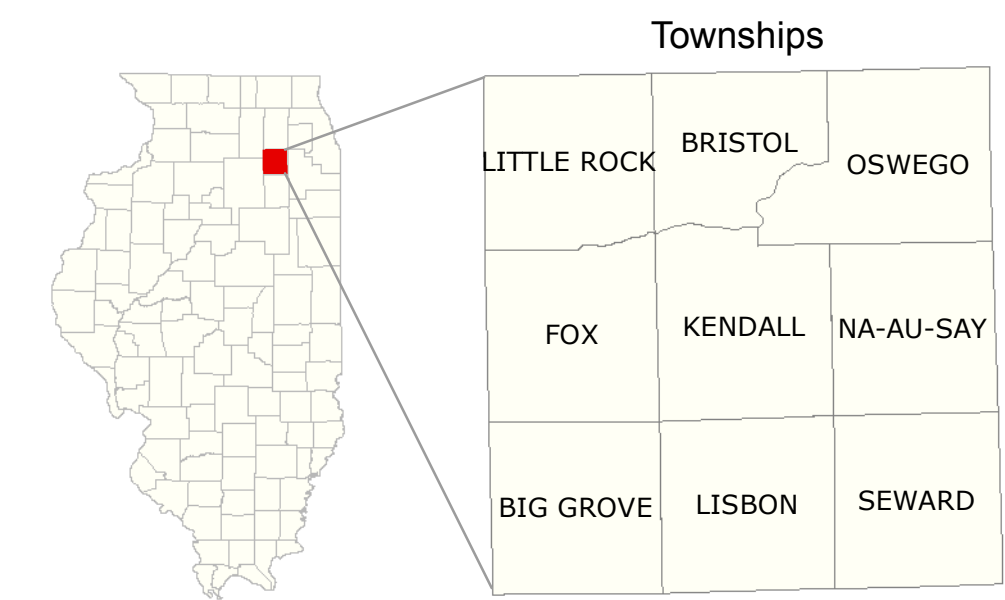
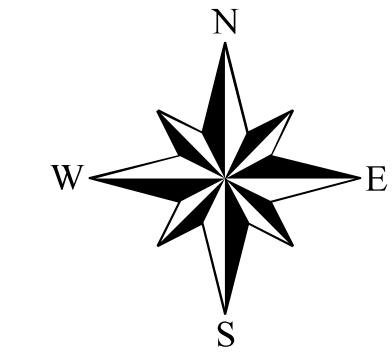
ORIGINAL ADOPTION - MARCH 1994 LAST REVISED - MAY 2009



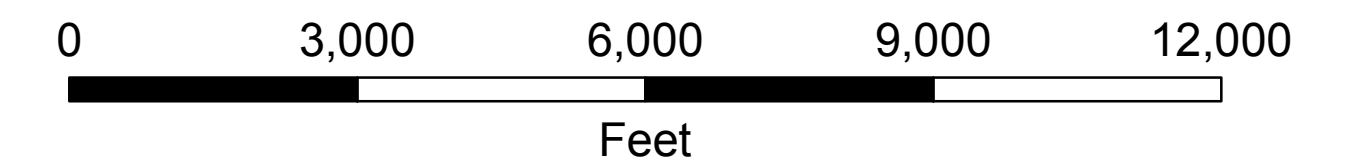
Future Land Use Lisbon Township KENDALL COUNTY

- 2017 -

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



Scale: 1 in = 2,000 feet

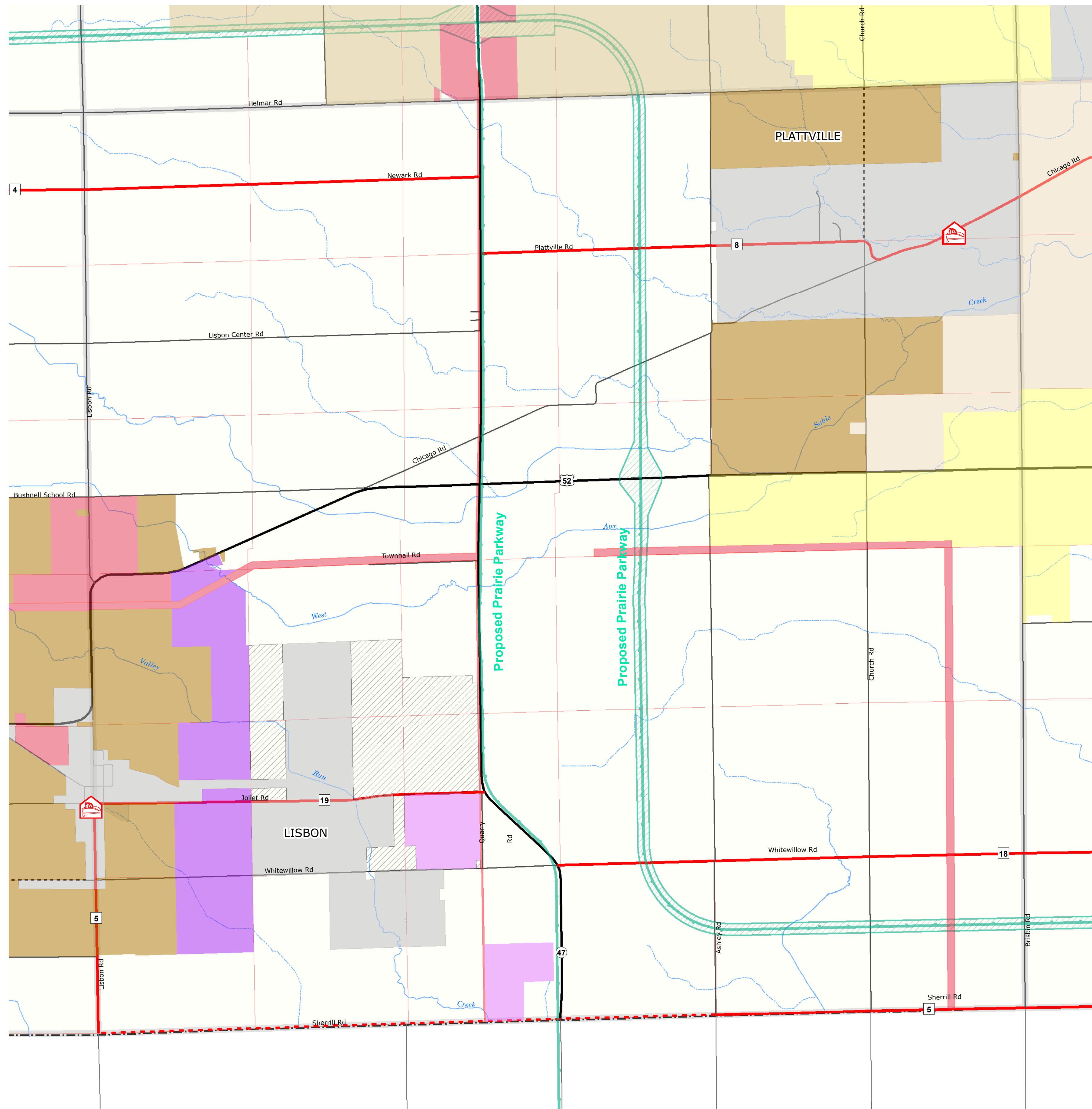


Legend

Future Land Use

Land Use Type

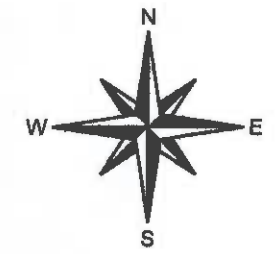
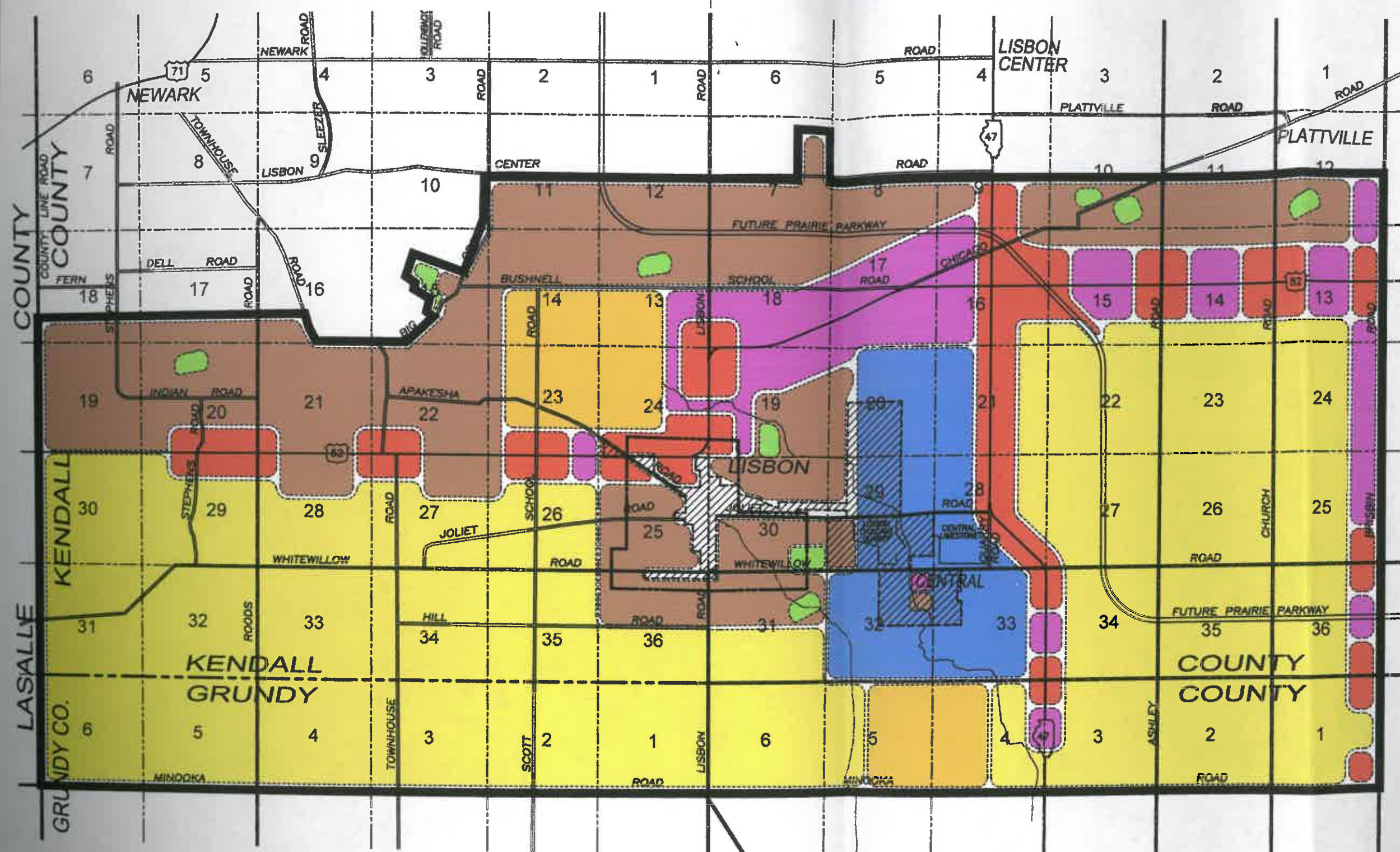
- Urban Areas - Incorporated
- Suburban Residential - Max Density 1.00 DU Acres
- Rural Residential Max Density 0.65 DU Acres
- Rural Estate Residential Max Density 0.45 DU Acre
- Countryside Residential Max Density 0.33 DU Acre
- Commercial
- Commonwealth Edison
- Mixed Use Business
- Transportation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





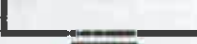







Kendall County GIS

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

RANGE 6 EAST RANGE 7 EAST



LEGEND

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

TOWNSHIP 34 NORTH
TOWNSHIP 33 NORTH

RANGE 6 EAST RANGE 7 EAST

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

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

CHAMLIN ASSOCIATES
PERU MORRIS ILLINOIS

COMPREHENSIVE PLANNING MAP
VILLAGE OF LISBON, KENDALL COUNTY, ILLINOIS

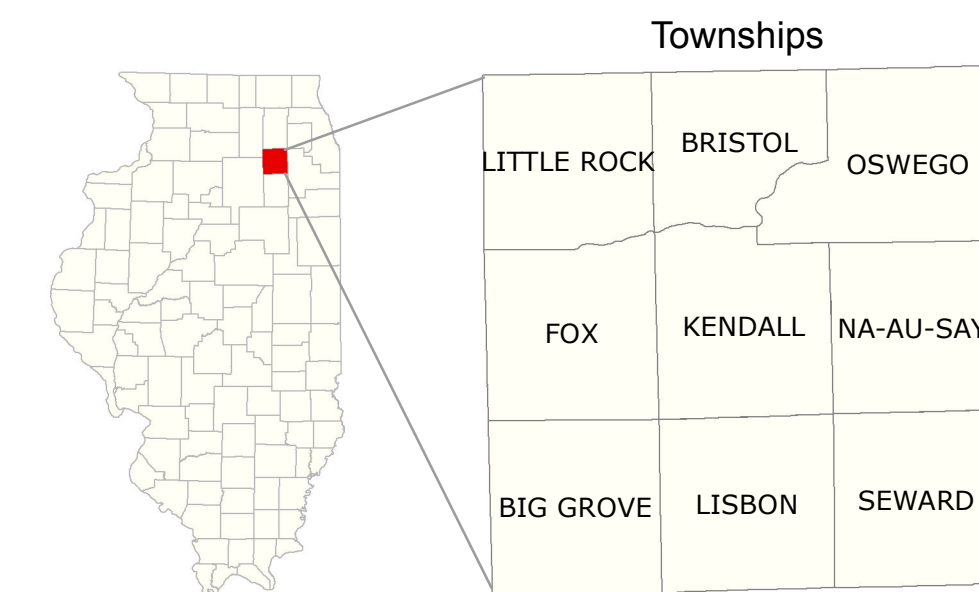
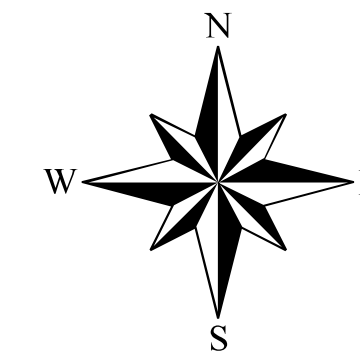
PLANNING AREAS

SCALE: 1 = 1700	SHEET
FILE NO.:	OF

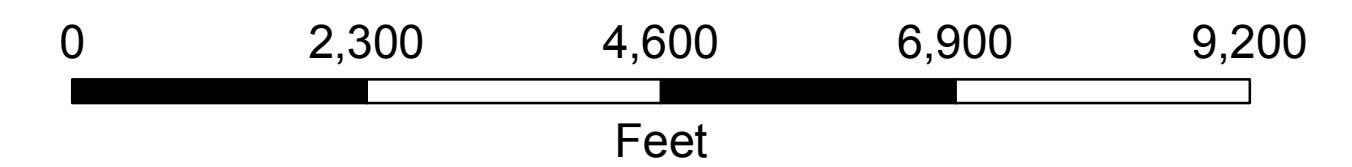
Lisbon LRMP Lisbon Center Rd to Minooka Rd KENDALL COUNTY

- 2017 -

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



Scale: 1 in = 1,500 feet



Legend

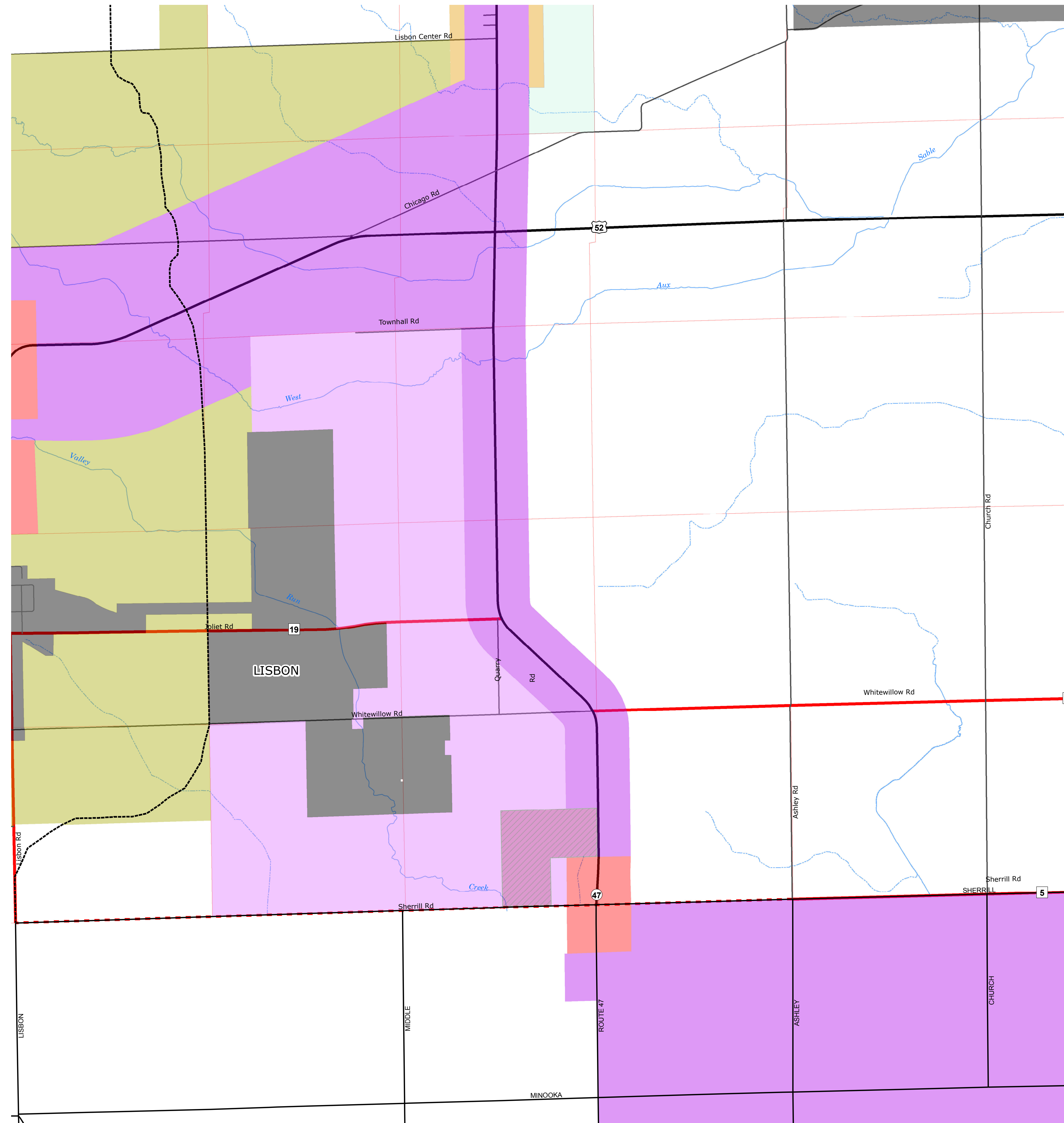
----- Proposed Roadways

LandResourceManagementPlan

<all other values>

Abbreviation

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



Kendall County GIS

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

B-6
Permitted Uses

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

B-6
Special Uses

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

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

M-1
Permitted Uses

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

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

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

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

House trailer, manufacture.
Ice, dry and natural.
Ink mixing and packaging and inked ribbons.
Jewelry.
Laboratories - medical, dental, research, experimental, and testing - provided there is no danger from fire or explosion nor of offensive noise, vibration, smoke, dust, odors, heat, glare, or other objectionable influences.
Laundries.
Leather products, including shoes and machine belting, but not including tanning and dyeing.
Luggage.
Machine shops for tool, die and pattern making.
Meat products.
Metal finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing and heat treatment.
Metal stamping and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
Musical instruments.
Orthopedic and medical appliances, such as artificial limbs, braces, supports and stretchers.
Paper products, small, such as envelopes and stationery, bags, boxes, tubes and wallpaper printing.
Perfumes and cosmetics.
Pharmaceutical products.
Plastic products, but not including the processing of the raw materials.
Poultry and rabbits - slaughtering.
Precision instruments - such as optical, medical and drafting.
Products from finished materials - plastic, bone, cork, feathers, felt, fiber, paper, fur, glass, hair, horn, leather, precious and semi-precious stones, rubber, shell or yard.
Printing and newspaper publishing, including engraving and photoengraving.
Public utility electric substations and distribution centers, gas regulations centers and underground gas holder stations.
Copying/Reproduction Stores & banner or sign supplies
Rubber products, small, and synthetic treated fabrics (excluding all rubber and synthetic processing), such as washers, gloves, footwear, bathing caps and atomizers.
Silverware, plate and sterling.
Soap and detergents, packaging only.
Soldering and welding.
Sporting and athletic equipment, such as balls, baskets, cues, gloves, bats, racquets, and rods.
Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations.
Storage of household goods.
Storage and sale of trailers, farm implements and other similar equipment on an open lot.

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

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

Tool and die shops.

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

Toys.

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

Umbrellas.

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

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

Watches.

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

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

21. Retail and services as follows:

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

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

Banks and financial institutions

Carpet and Rug Stores

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

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

Plumbing, heating, and roofing supply shops

22. Residential uses - as follows:

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

23. Telecommunication Stations

24. Wholesaling and warehousing

M-1

Special Uses

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

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

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

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

M-2
Permitted Uses

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

M-2
Special Uses

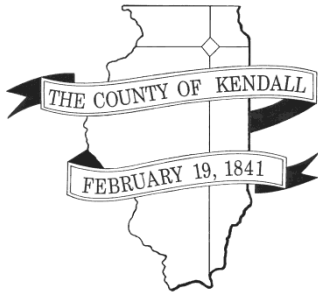
1. Any use which may be allowed as a special use in the M-1 Districts, unless already permitted under Section 10.02.B above.
2. Commercial off-premise advertising structures
3. Correctional Facilities
4. Explosive, including storage, when not prohibited by other ordinance.
5. Junk yards and Motor vehicle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

M-3
Permitted Uses

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

M-3
Special Uses

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**
Address TBD • Rooms • Town, IL • ZIP
SPECIAL MEETING AGENDA

Day of Week, Month Day, 2017 – Time p.m.

CALL TO ORDER

ROLL CALL: Bill Ashton (Chair), Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson, Budd Wormley, Angela Zubko, and One Vacancy (Big Grove Township)

ITEM

1. **Kendall County Regional Planning Commission**
Public Comment and Suggestions Regarding Proposed Changes to the Future Land Use Maps of Kendall County and Lisbon Township for Property Adjoining Illinois Route 47 in Lisbon Township.
Commission Will Receive Public Input and Comment; No Action Will Be Taken on Any Matter

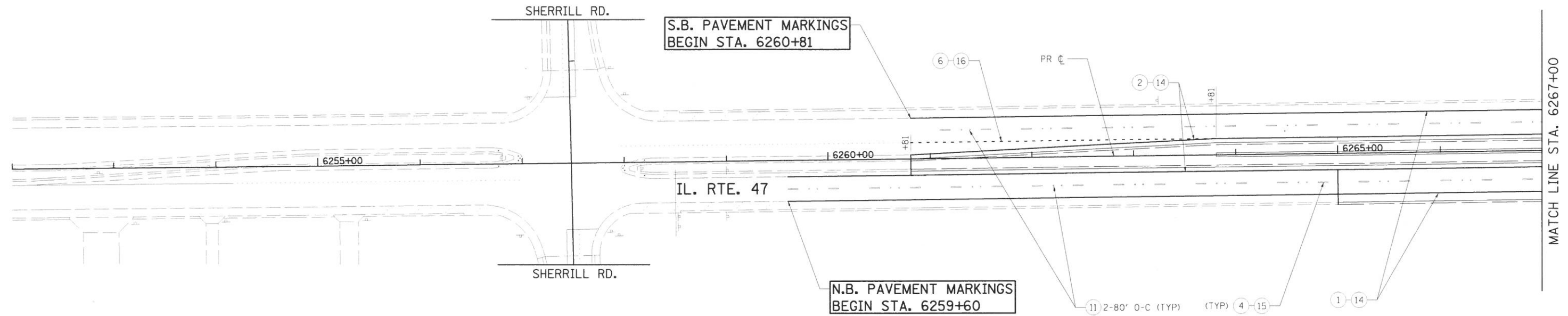
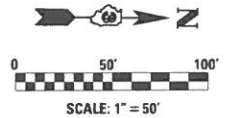
CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Day of Week, Month Day, 2017

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

SIGN NUMBERING CODE

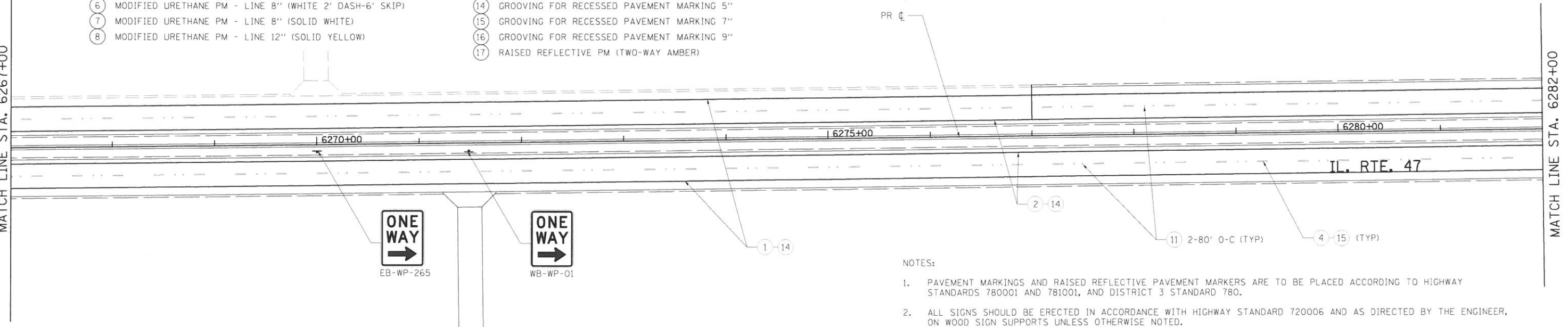
EB-WP-47	
DIRECTION OF TRAFFIC	SIGN PANEL NUMBER
EB - EASTBOUND	
WB - WESTBOUND	
NB - NORTHBOUND	
SB - SOUTHBOUND	
MOUNTING TYPE	
BS - BREAKAWAY STEEL POSTS	
WP - WOOD POSTS	
TS - TELESCOPING STEEL	
PM - POLE MOUNTED	



PAVEMENT MARKING LEGEND

- | | |
|--|--|
| 1 MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | 9 MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| 2 MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | 10 MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| 3 MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | 11 RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| 4 PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | 12 PRISMATIC CURB REFLECTOR |
| 5 MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | 13 MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| 6 MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | 14 GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| 7 MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | 15 GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| 8 MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | 16 GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | 17 RAISED REFLECTIVE PM (TWO-WAY AMBER) |

MATCH LINE STA. 6267+00



NOTES:

- PAVEMENT MARKINGS AND RAISED REFLECTIVE PAVEMENT MARKERS ARE TO BE PLACED ACCORDING TO HIGHWAY STANDARDS 780001 AND 781001, AND DISTRICT 3 STANDARD 780.
- ALL SIGNS SHOULD BE ERECTED IN ACCORDANCE WITH HIGHWAY STANDARD 720006 AND AS DIRECTED BY THE ENGINEER, ON WOOD SIGN SUPPORTS UNLESS OTHERWISE NOTED.
- PRISMATIC CURB REFLECTORS ARE TO BE INSTALLED IN ACCORDANCE WITH DISTRICT 3 STANDARD 782-1.
- 12" x 12" BLOCK OUTS WILL BE REQUIRED FOR EACH SIGN LOCATION IN CONC. MEDIAN SURFACE.
- EXISTING IDOT SIGNS THAT ARE REMOVED SHALL BE RETURNED TO THE YORKVILLE MAINTENANCE YARD.

FILE NAME =	USER NAME = bdecaene	DESIGNED - SL	REVISED -
V:\3195\66884 (North Section)\CADD Sheets\0366884-sht\pmk-01.dgn		DRAWN - SL	REVISED -
	PLOT SCALE = 100.0000 1/ in.	CHECKED - ST	REVISED -
SHT.DOUBLE PLAN	PLOT DATE 7/14/2014	DATE - 7/01/2014	REVISED -

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

IL. RTE. 47
PAVEMENT MARKING AND SIGNING PLANS

SCALE: 1"=50' SHEET NO. 1 OF 20 SHEETS STA. 6252+00 TO STA. 6282+00

F.A.P. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
326	(109, 110)R-1	KENDALL	619	314
CONTRACT NO. 66884				ILLINOIS FED. AID PROJECT

MATCH LINE STA. 6282+00

MATCH LINE STA. 6297+00



2-80' O-C (TYP) 11

6285+00

6290+00

6295+00

IL. RTE. 47

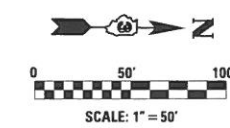
1-14

(TYP) 4-15



PAVEMENT MARKING LEGEND

- | | |
|--|--|
| 1 MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | 9 MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| 2 MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | 10 MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| 3 MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | 11 RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| 4 PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | 12 PRISMATIC CURB REFLECTOR |
| 5 MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | 13 MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| 6 MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | 14 GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| 7 MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | 15 GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| 8 MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | 16 GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | 17 RAISED REFLECTIVE PM (TWO-WAY AMBER) |



MATCH LINE STA. 6297+00

MATCH LINE STA. 6312+00

2-80' O-C (TYP) 11

(TYP) 4-15

(TYP) 2-14

(TYP) 1-14

(TYP) 13

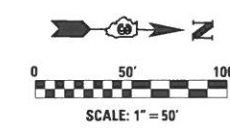
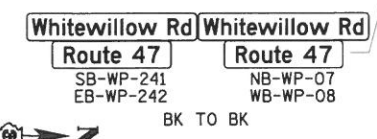
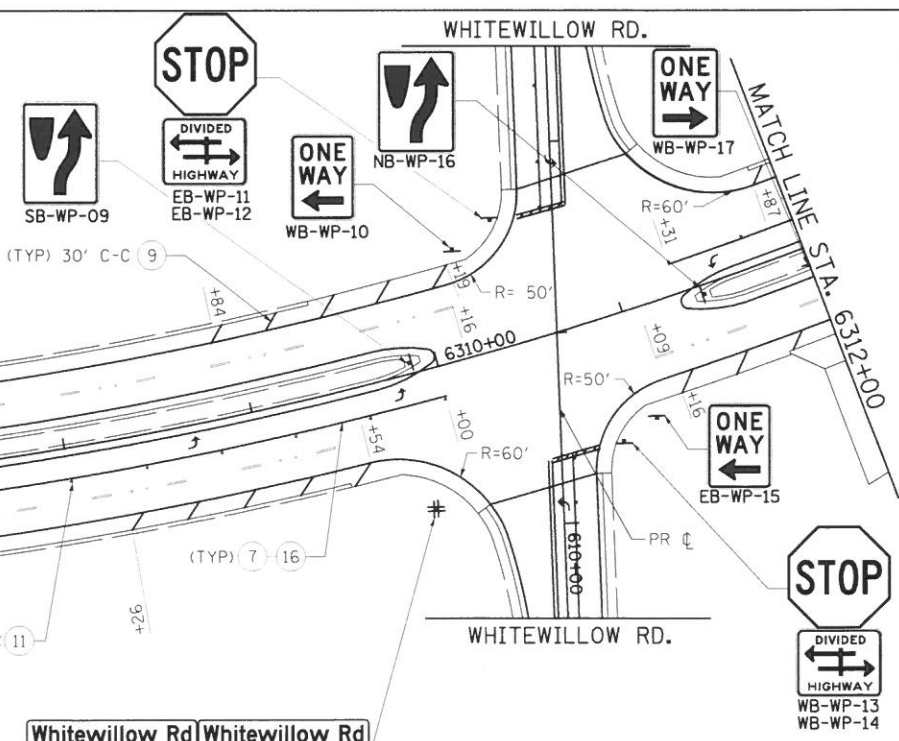
6300+00

6305+00

6310+00

IL. RTE. 47

WHITEWILLOW RD.

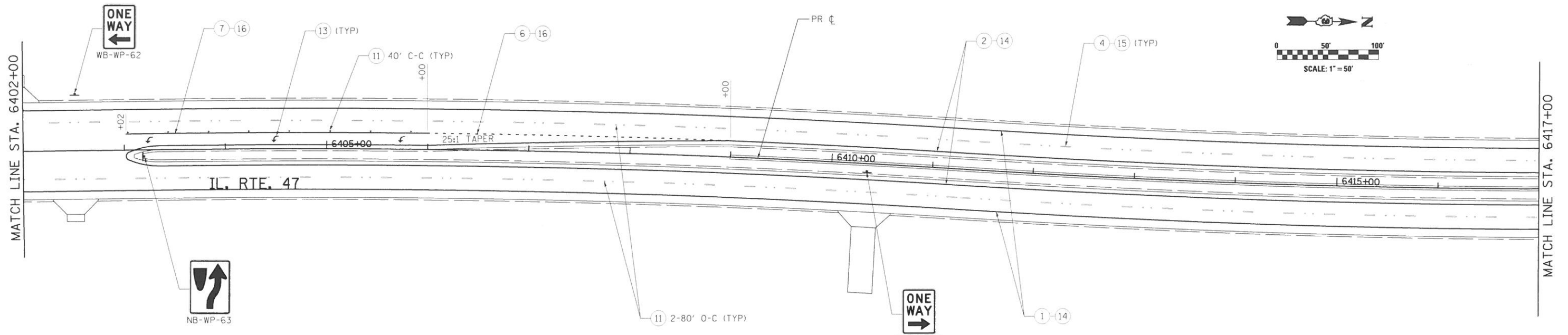


FILE NAME = V:\3195\66884 (North Section)\CA00 Sheets\0366884 sht:pmk-02.dgn	USER NAME = bdecaene	DESIGNED = SL	REVISED =
		DRAWN = SL	REVISED =
	PLOT SCALE = 1/8" = 1' / in.	CHECKED = ST	REVISED =
SHT.DOUBLE PLAN	PLOT DATE 7/14/2014	DATE = 7/01/2014	REVISED =

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

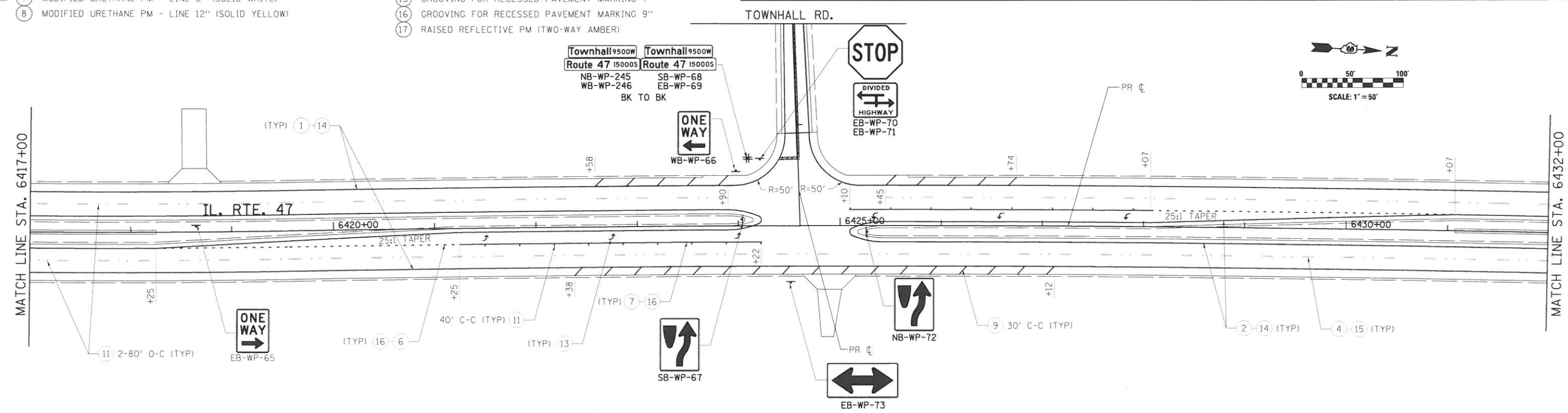
IL. RTE. 47
PAVEMENT MARKING AND SIGNING PLANS
SCALE: 1"=50' SHEET NO. 2 OF 20 SHEETS STA. 6282+00 TO STA. 6312+00

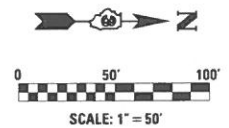
F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 315
CONTRACT NO. 66884				ILLINOIS FED. AID PROJECT



PAVEMENT MARKING LEGEND

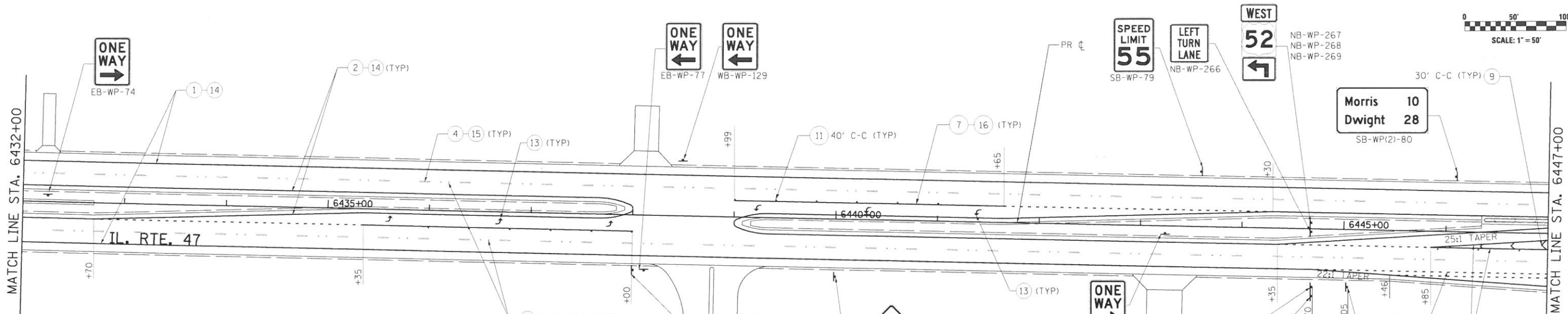
- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |





MATCH LINE STA. 6432+00

MATCH LINE STA. 6447+00

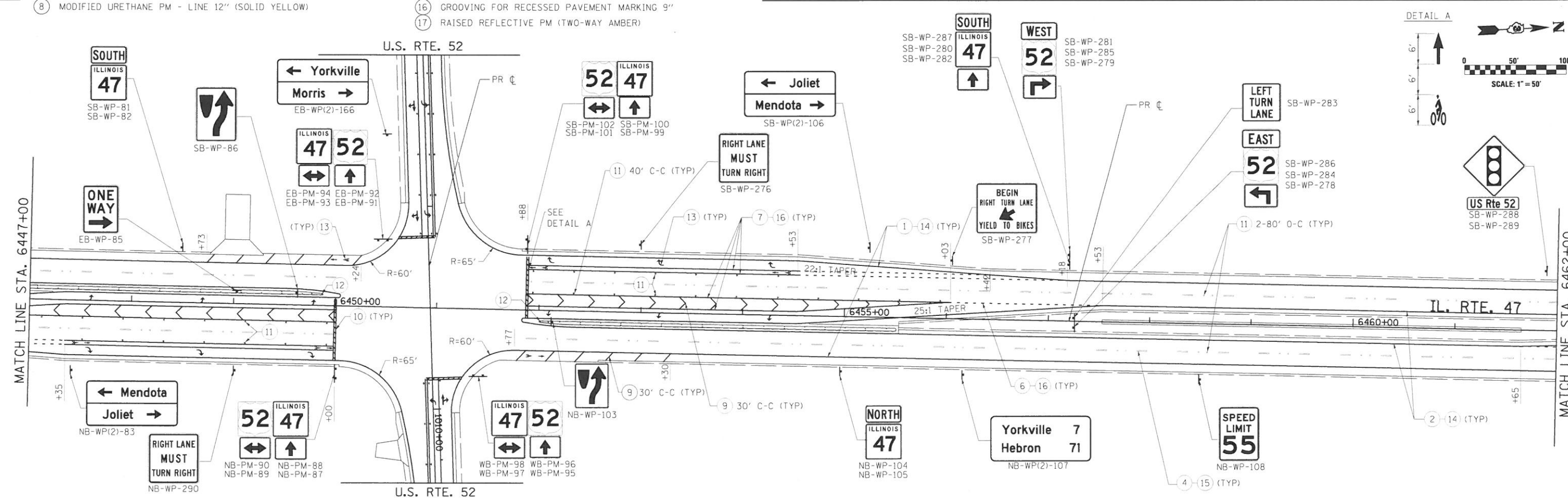


PAVEMENT MARKING LEGEND

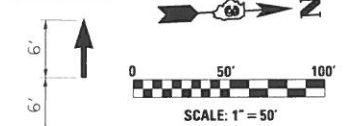
- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

MATCH LINE STA. 6447+00

MATCH LINE STA. 6462+00



DETAIL A



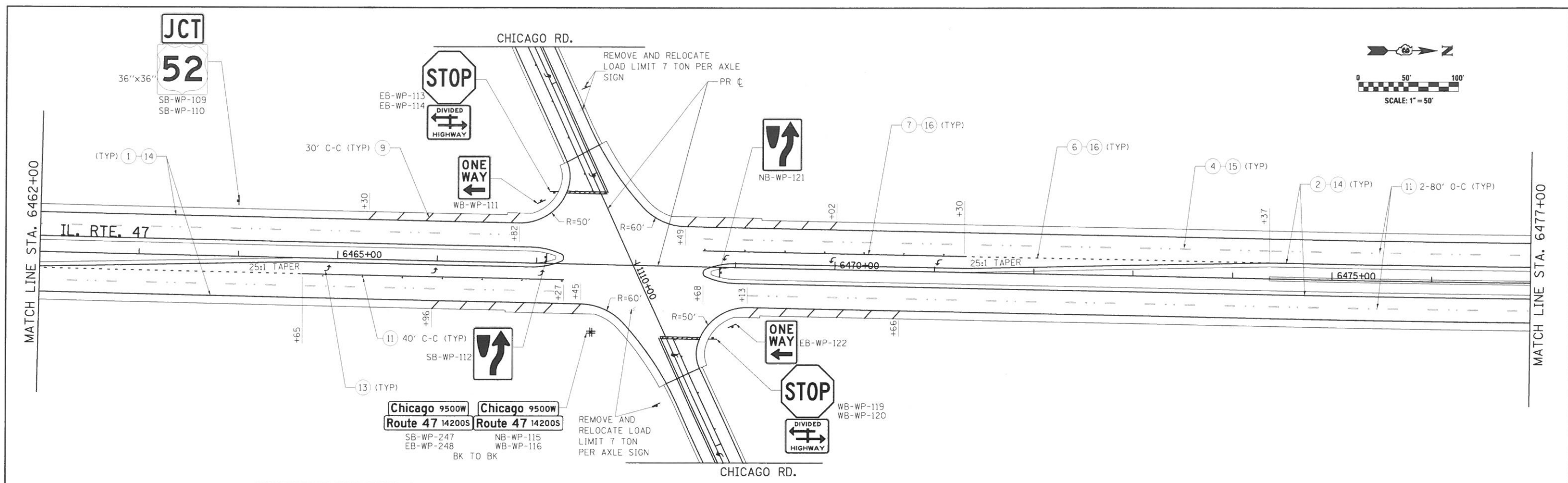
**STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION**

**IL. RTE. 47
PAVEMENT MARKING AND SIGNING PLANS**

F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 320
CONTRACT NO. 66884				ILLINOIS FED. AID PROJECT

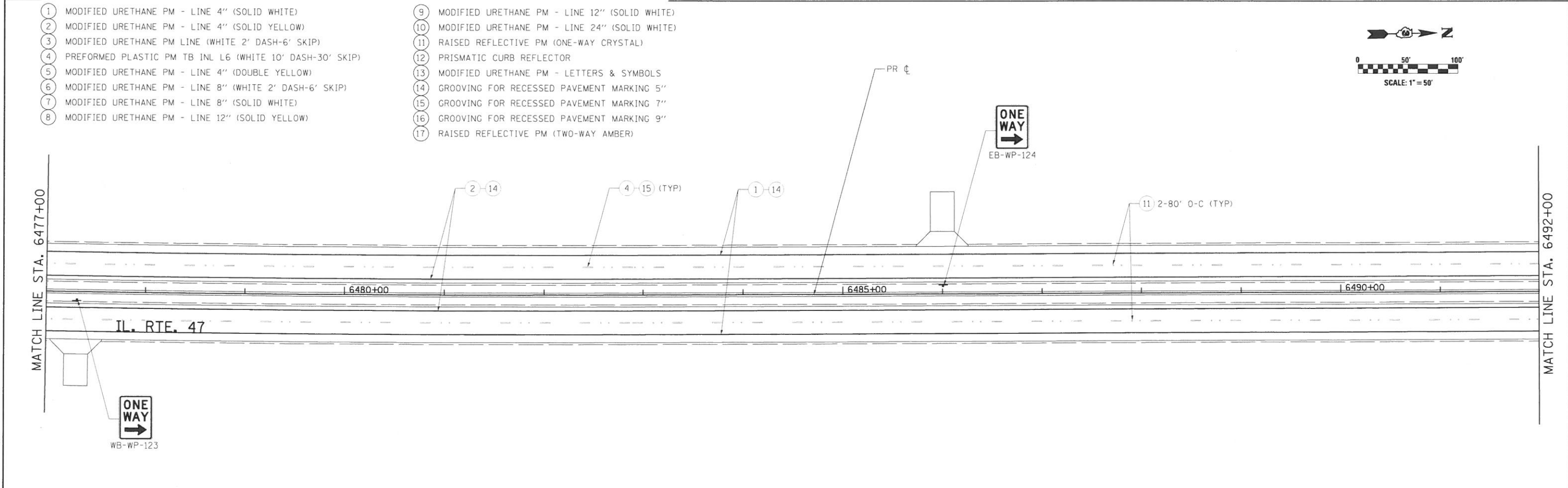
FILE NAME: V:\3195\66884\North Section\CA00 Sheets\0366884-sh1-pmk-27.dgn	USER NAME: bdecraine	DESIGNED: SL	REVISED: -
PLOT SCALE: 1/8"=50'	CHECKED: ST	DATE: 7/01/2014	REVISED: -
SHT_DOUBLE PLAN	PLOT DATE: 7/14/2014		

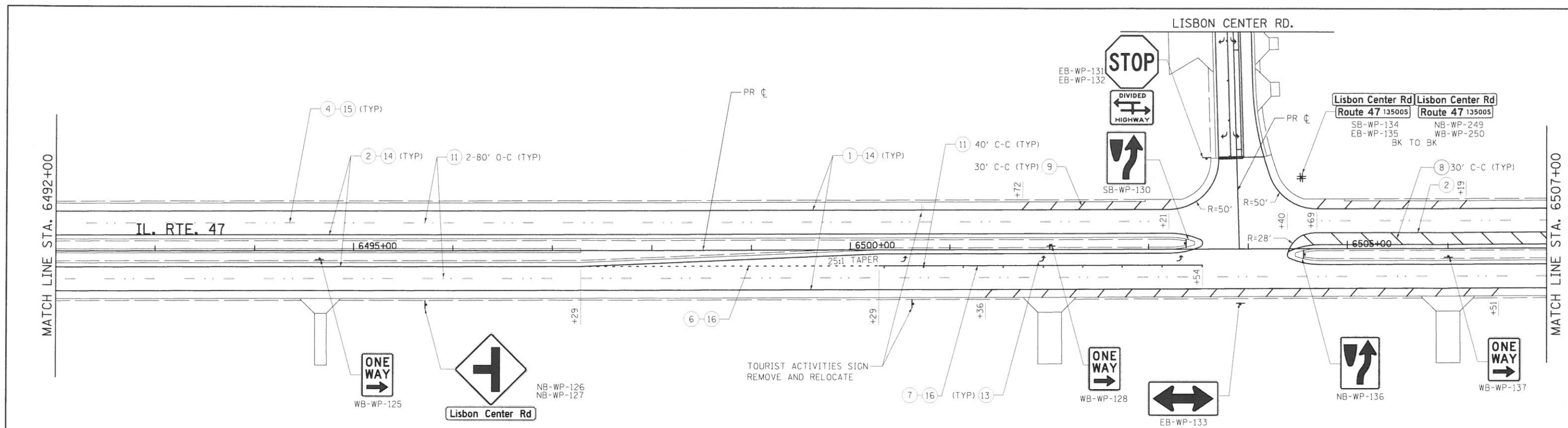
SCALE: 1"=50' SHEET NO. 7 OF 20 SHEETS STA. 6432+00 TO STA. 6462+00



PAVEMENT MARKING LEGEND

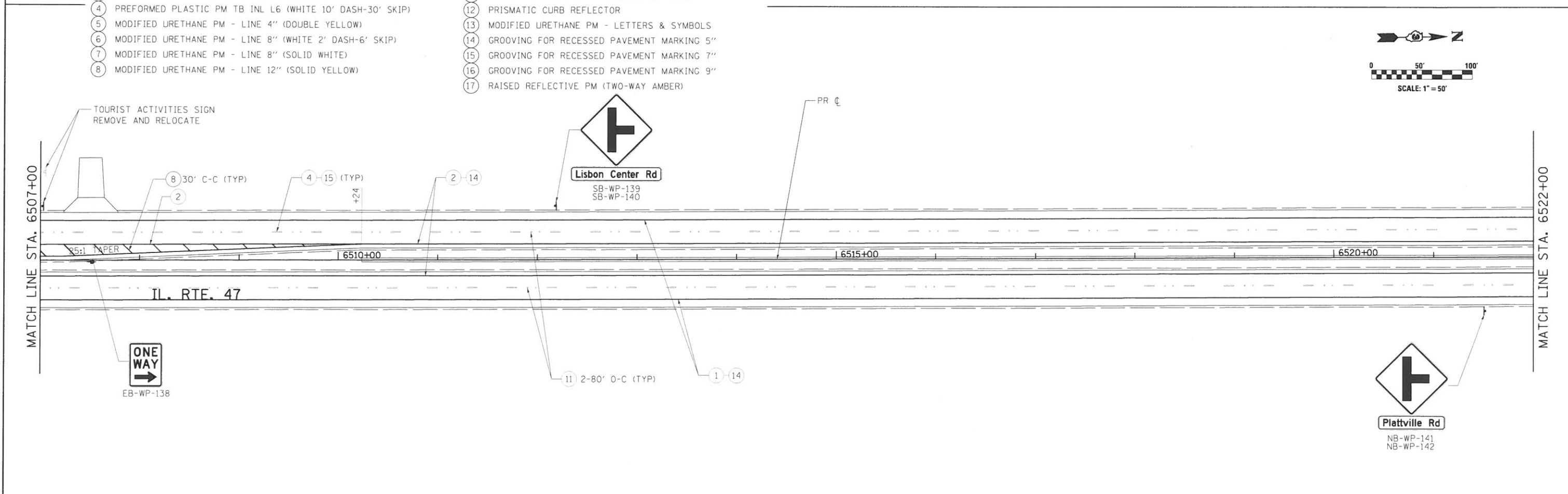
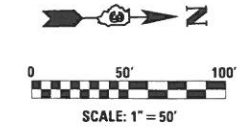
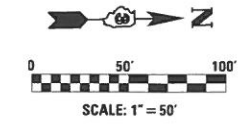
- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |



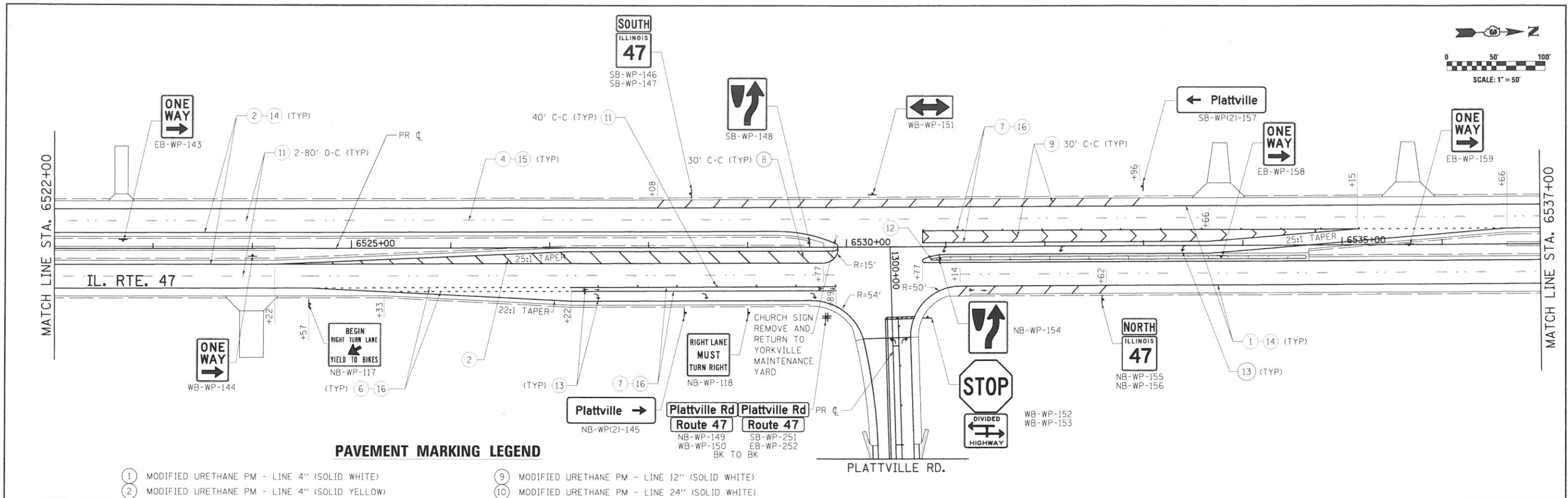


PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2" DASH-6" SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2" DASH-6" SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

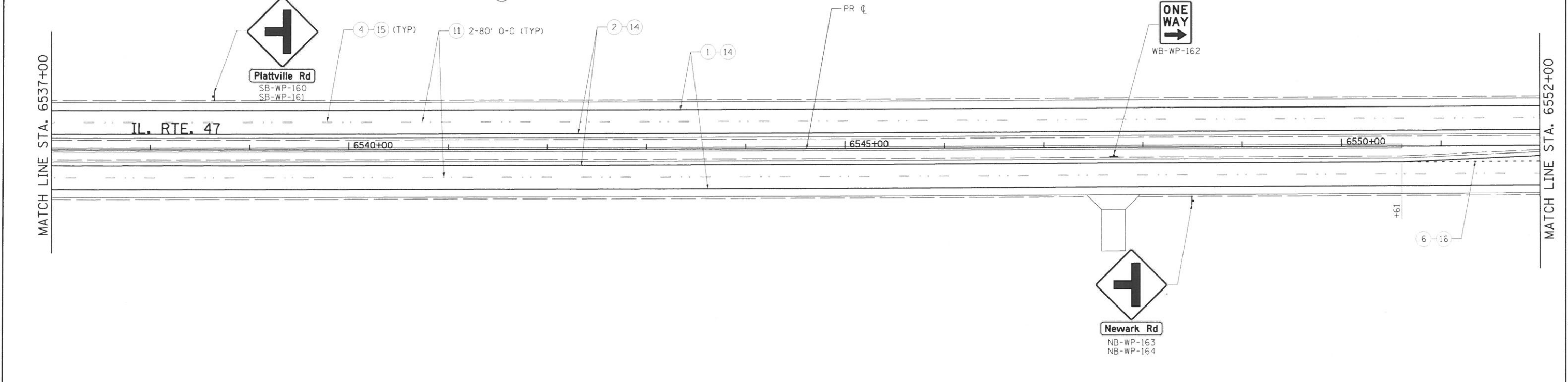


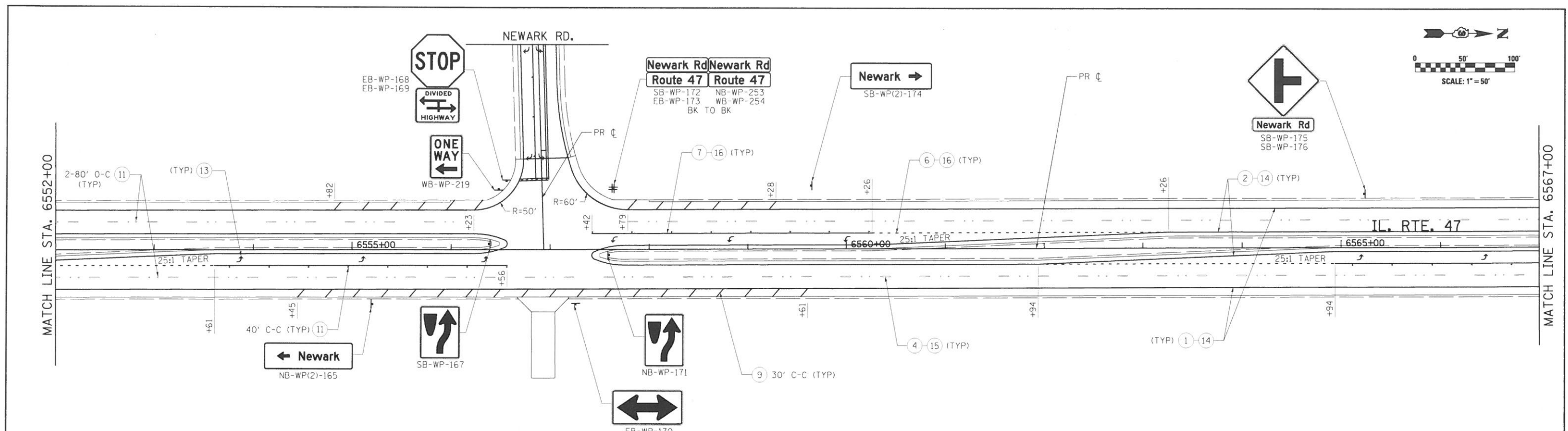
FILE NAME : V:\3195\66884 (North Section)\CADD Sheets\0368884-sh:pmk-09.dgn	USER NAME : bdecrane	DESIGNED - SL	REVISED -	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	IL. RTE. 47 PAVEMENT MARKING AND SIGNING PLANS	F.A.P. RTE. 326	SECTION (109, 110 R-1)	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 322		
PLOT SCALE : 1/8" = 1' / in.	CHECKED - ST	REVISED -	SCALE: 1"=50'			SHEET NO. 9 OF 20 SHEETS	STA. 6492+00 TO STA. 6522+00	CONTRACT NO. 66884		ILLINOIS FED. AID PROJECT		
PLOT DATE : 7/14/2014	DATE - 7/01/2014	REVISED -										



PAVEMENT MARKING LEGEND

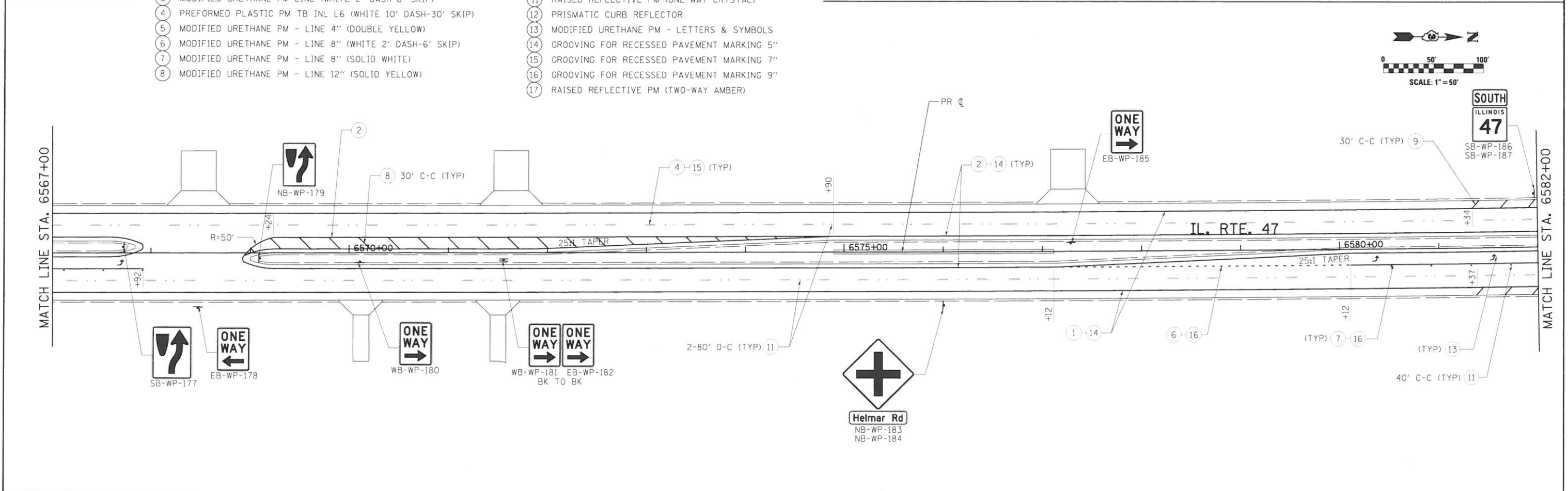
- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

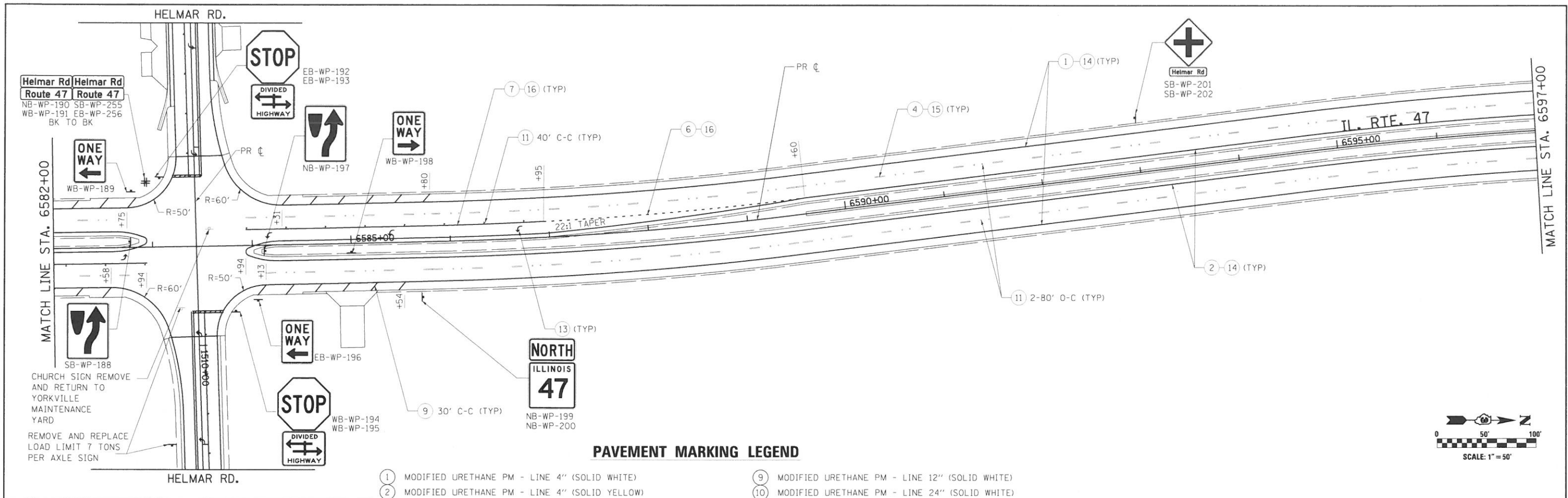




PAVEMENT MARKING LEGEND

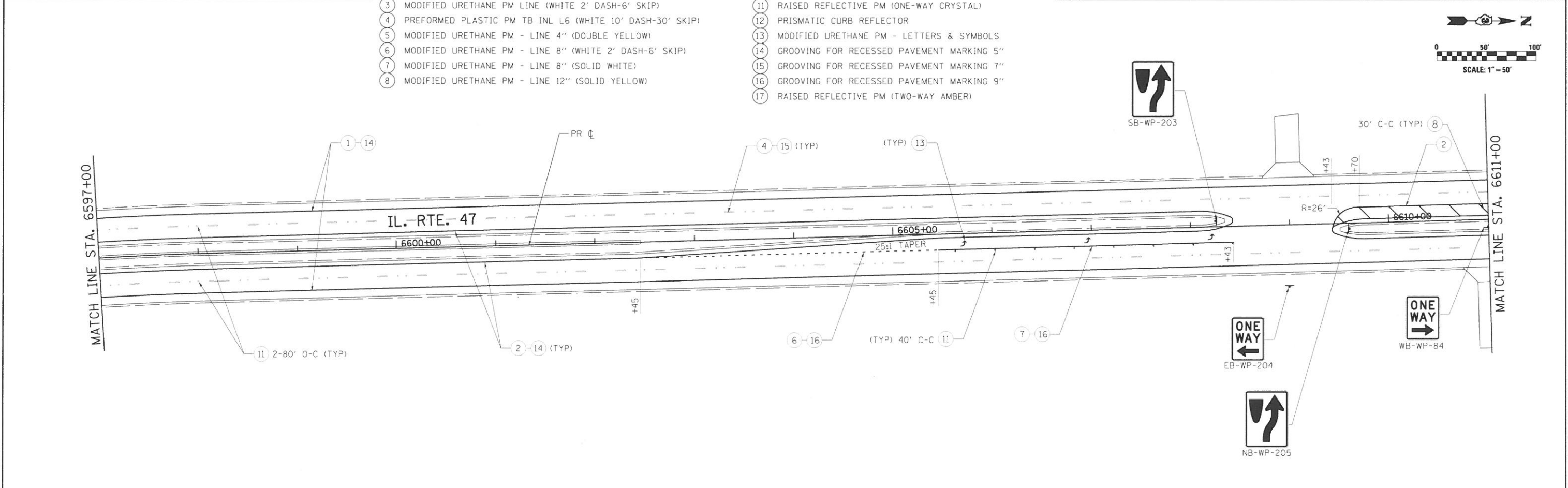
- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

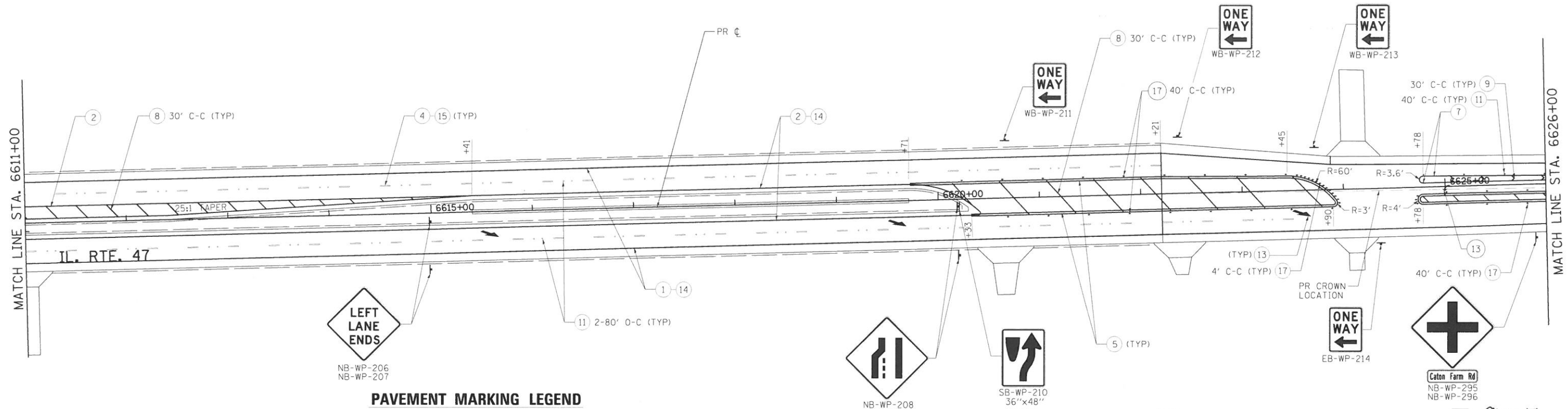




PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

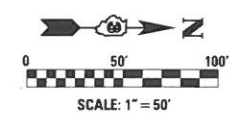
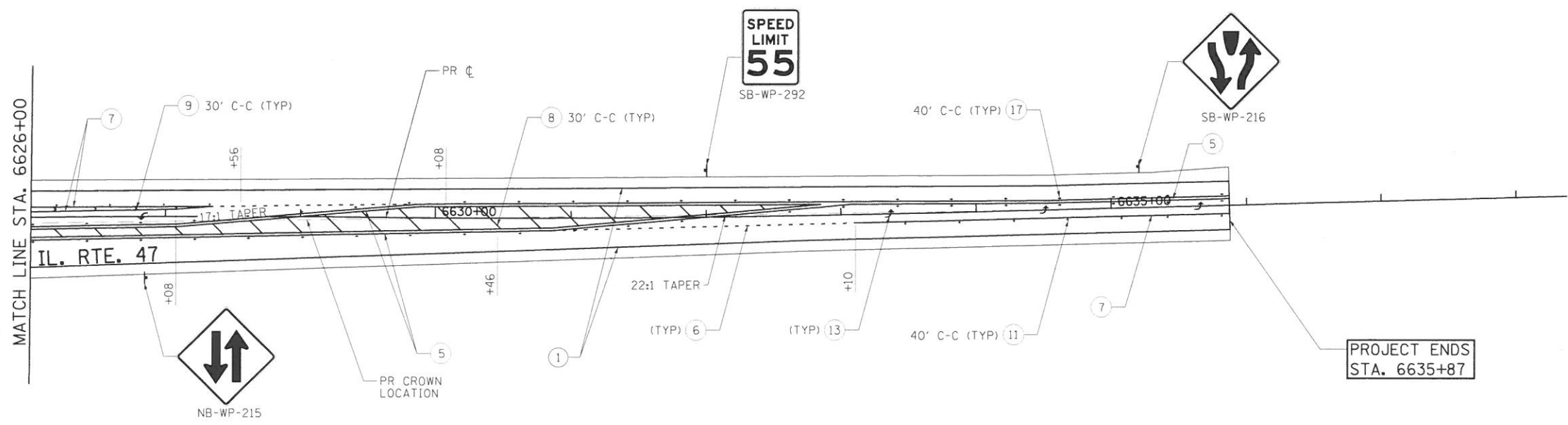
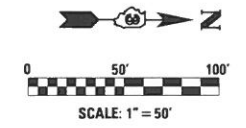




PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

NOTE:
1. PAVEMENT GROOVING STOPS AT STA 6622+20



**STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION**

**IL. RTE. 47
PAVEMENT MARKING AND SIGNING PLANS**

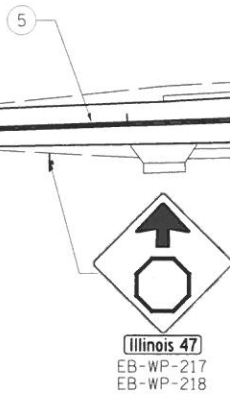
FILE NAME =	USER NAME = bdecrane	DESIGNED - SL	REVISED -
V:\3195\66884 (North Section)\CADD Sheets\0366884-shr.pmk-13.dgn		DRAWN - SL	REVISED -
	PLOT SCALE = 1/8" = 50' / in.	CHECKED - ST	REVISED -
SHT_DOUBLE PLAN	PLOT DATE = 7/14/2014	DATE = 7/01/2014	REVISED -

F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 326
CONTRACT NO. 66884				
ILLINOIS FED. AID PROJECT				

SCALE: 1"=50' SHEET NO. 13 OF 20 SHEETS STA. 6611+00 TO STA. 6635+87

IMPROVEMENT BEGINS
STA. 601+17

1600+00
WHITEWILLOW RD.



40' C-C (TYP) 11

(TYP) 13

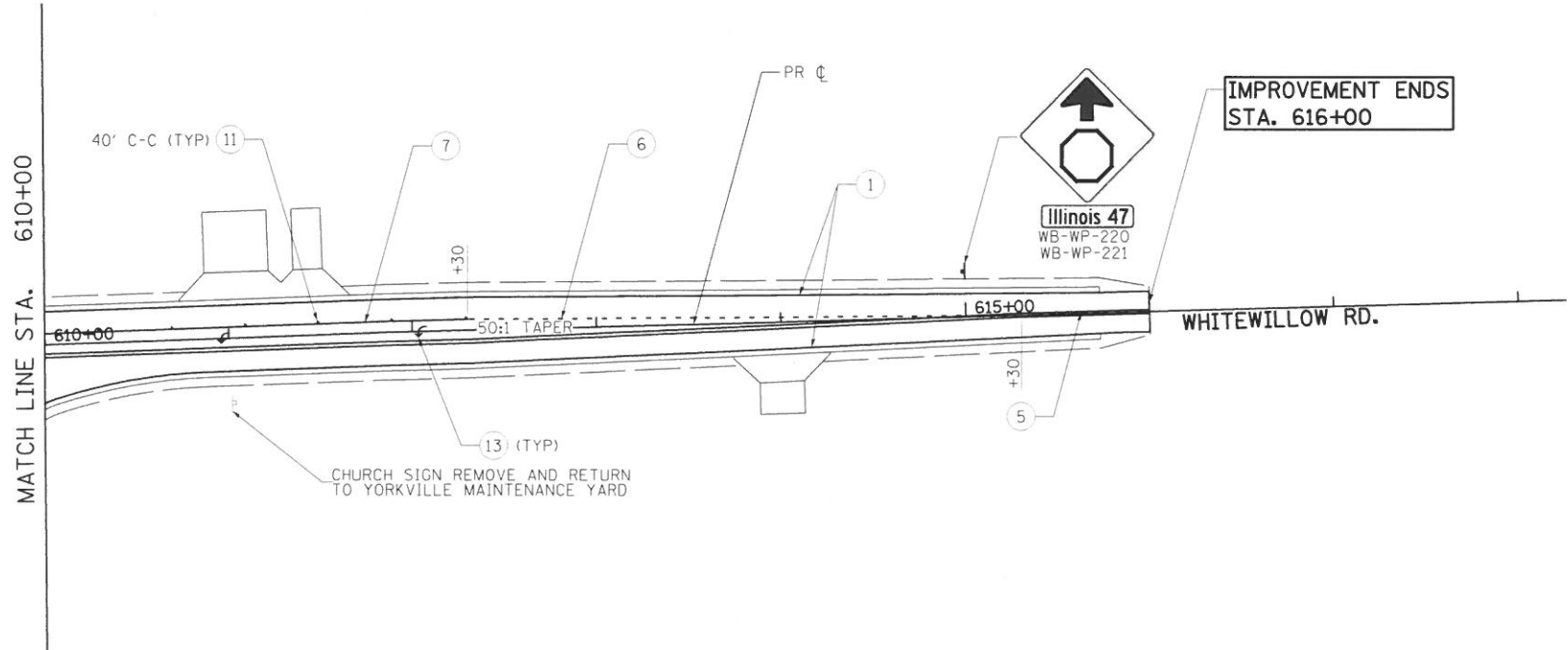
REMOVE AND RELOCATE
LOAD LIMIT 7 TON
PER AXLE SIGN



Whitewillow Rd Whitewillow Rd
Route 47 Route 47
NB-WP-07 SB-WP-241
WB-WP-08 EB-WP-242
BK TO BK

PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |



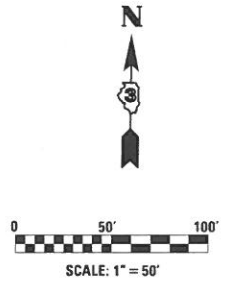
IMPROVEMENT ENDS
STA. 616+00

MATCH LINE STA. 610+00

40' C-C (TYP) 11

(TYP) 13

CHURCH SIGN REMOVE AND RETURN
TO YORKVILLE MAINTENANCE YARD



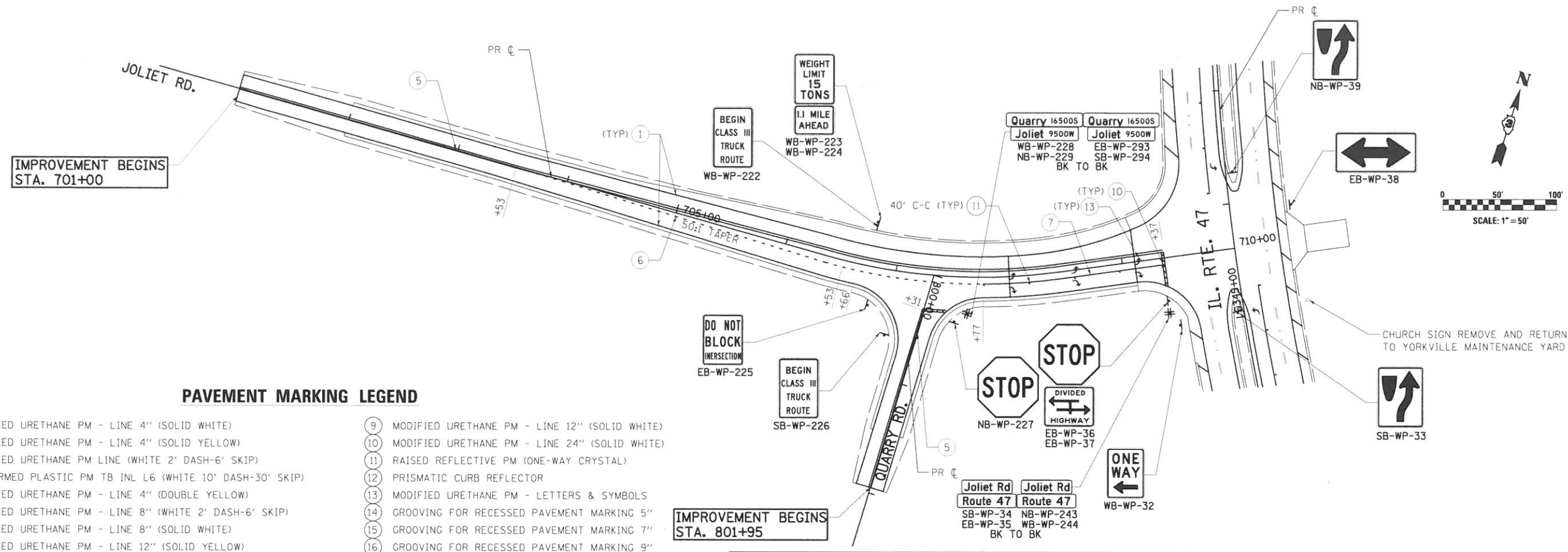
FILE NAME =	USER NAME = bdeoraene	DESIGNED - SL	REVISED -
V:\3195\66884 (North Section)\CADD Sheets\036884-sht.pmk-14.dgn		DRAWN - SL	REVISED -
	PLOT SCALE = 100.0000' / in.	CHECKED - ST	REVISED -
SHT_DOUBLE_PLAN	PLOT DATE = 7/14/2014	DATE - 7/01/2014	REVISED -

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

WHITEWILLOW RD.
PAVEMENT MARKING AND SIGNING PLANS

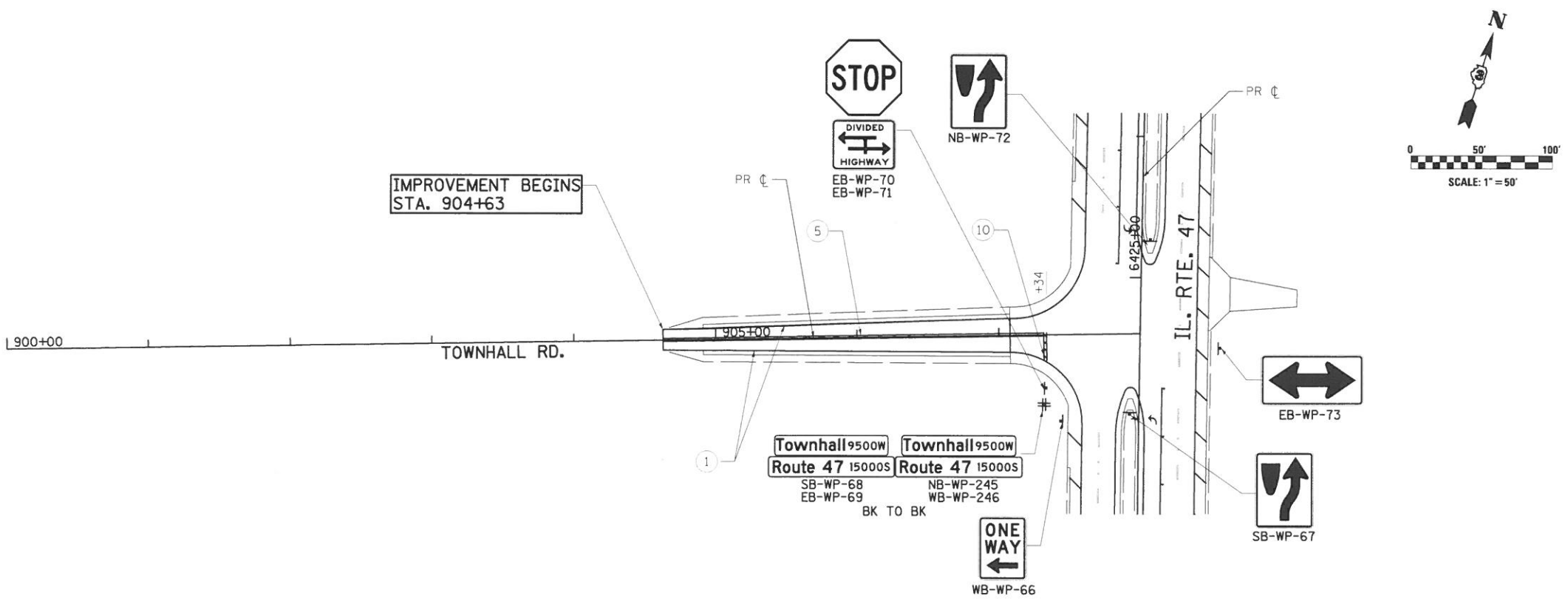
SCALE: 1"=50' SHEET NO. 14 OF 20 SHEETS STA. 601+16.66 TO STA. 618+26

F.A.P. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
326	(109, 110)R-1	KENDALL	619	327
CONTRACT NO. 66884				
ILLINOIS FED. AID PROJECT				



PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |



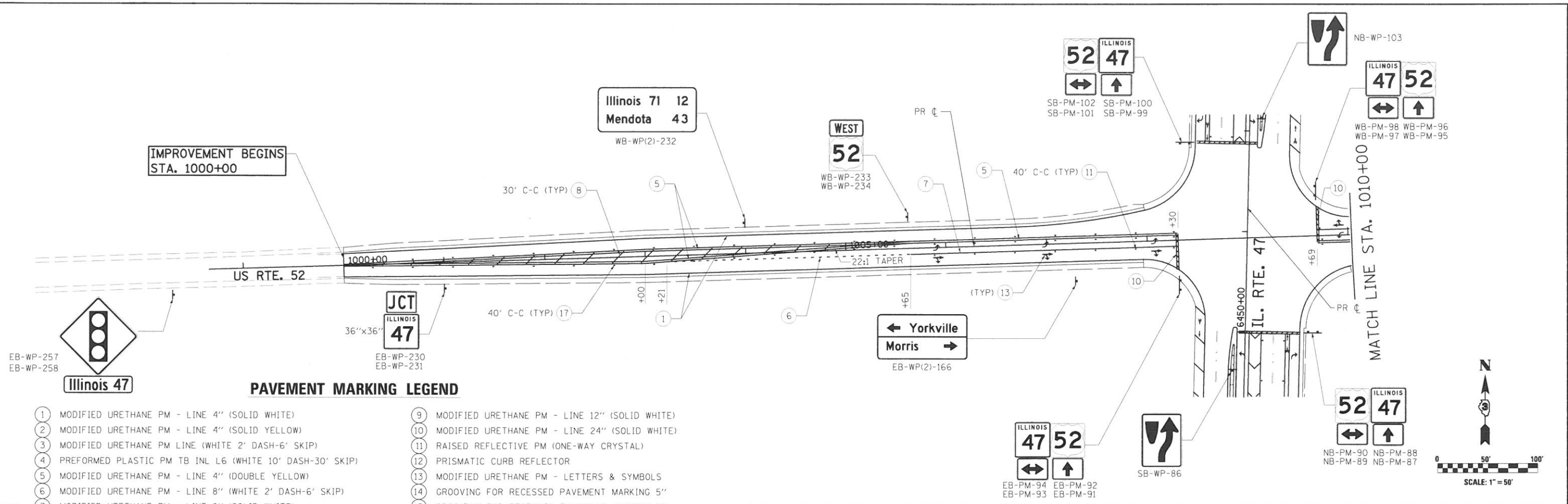
STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

JOLIET RD. & TOWNHALL RD.
PAVEMENT MARKING AND SIGNING PLANS

FILE NAME =	USER NAME = bdecrane	DESIGNED - SL	REVISED -
V:\3195\66884 (North Section)\CADD Sheets\0366884-shs-pmk-15.dgn		DRAWN - SL	REVISED -
	PLOT SCALE = 1/8" = 1' / in.	CHECKED - ST	REVISED -
SHT_DOUBLE.PLAN	PLOT DATE = 7/14/2014	DATE = 7/01/2014	REVISED -

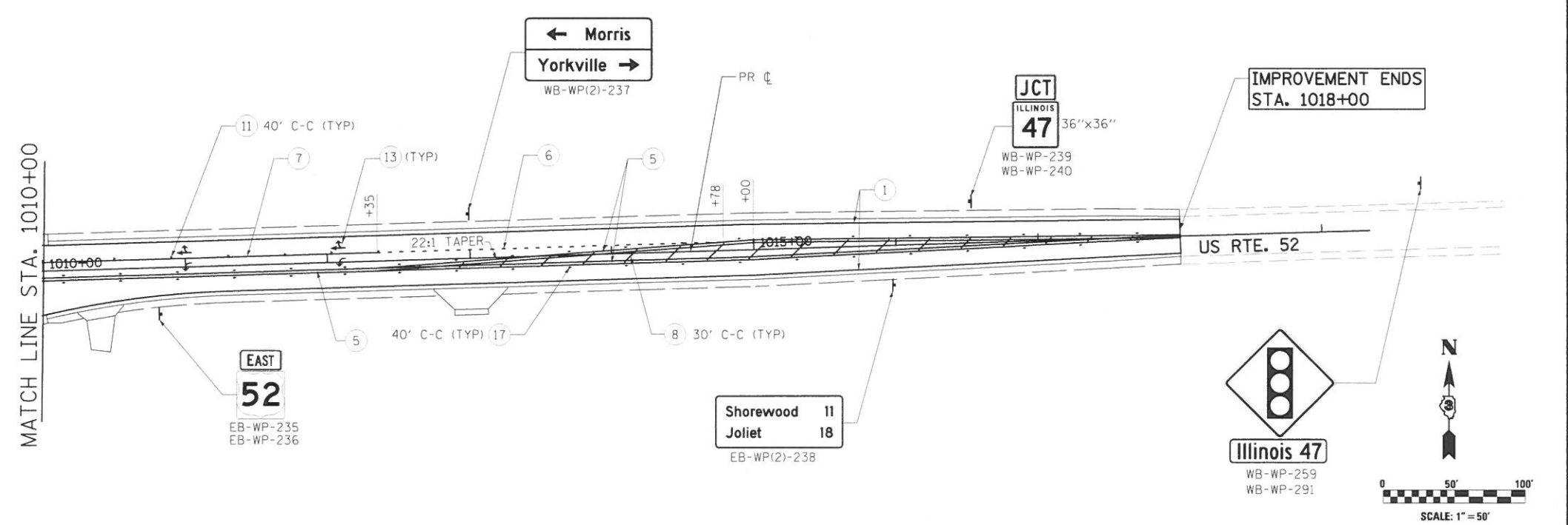
F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY	TOTAL SHEETS 619	SHEET NO. 328
			KENDALL	
			CONTRACT NO. 66884	
ILLINOIS FED. AID PROJECT				

SCALE: 1"=50' SHEET NO. 15 OF 20 SHEETS STA. TO STA.

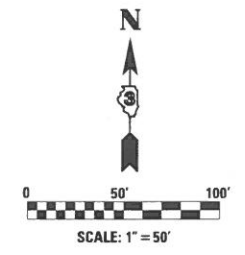
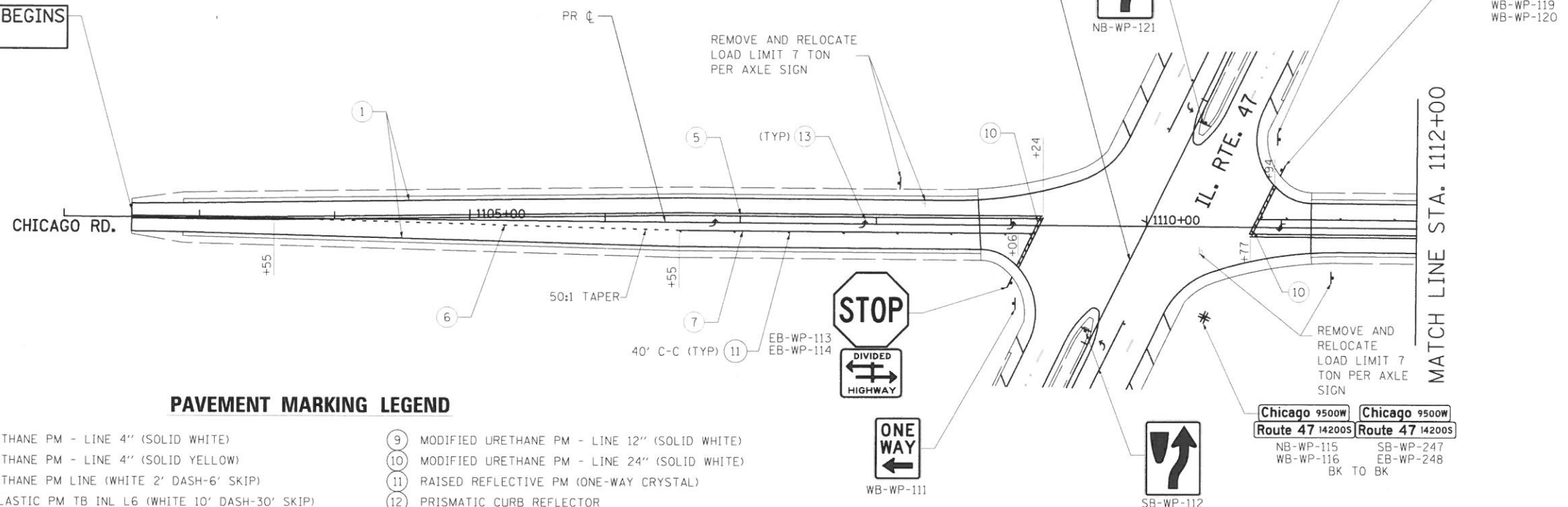


PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |



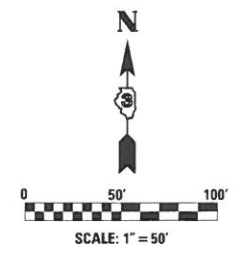
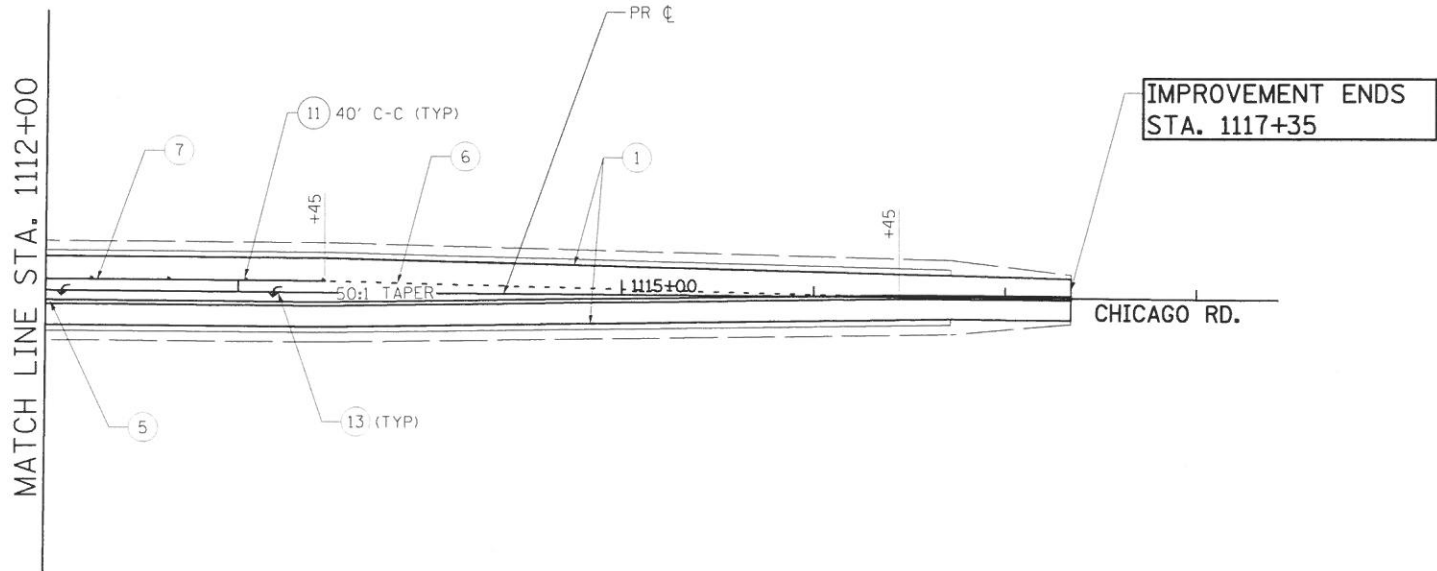
IMPROVEMENT BEGINS
STA. 1102+50

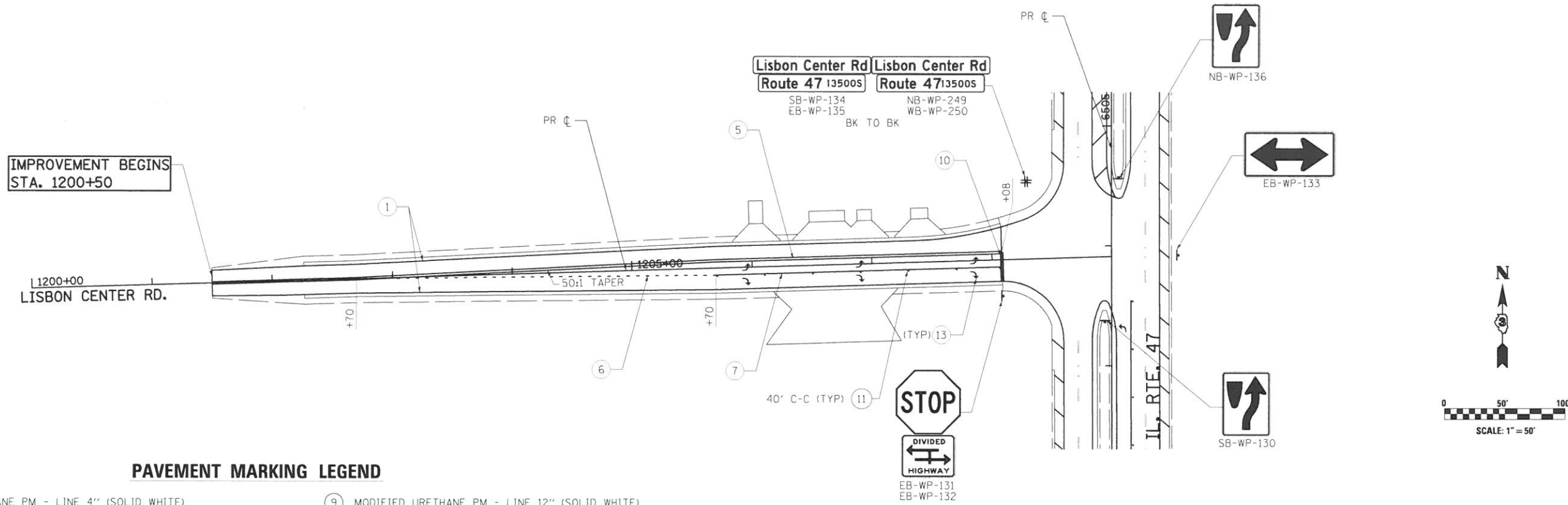


PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2" DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |

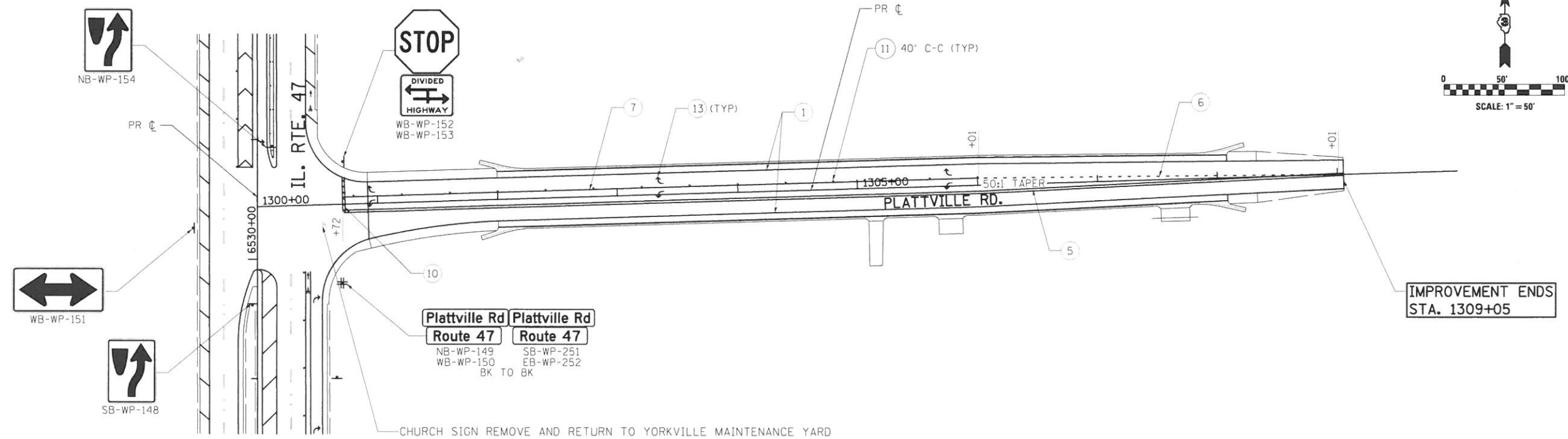
Chicago 9500W Chicago 9500W
Route 47 14200S Route 47 14200S
NB-WP-115 SB-WP-247
WB-WP-116 EB-WP-248
BK TO BK





PAVEMENT MARKING LEGEND

- | | |
|--|--|
| 1 MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | 9 MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| 2 MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | 10 MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| 3 MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | 11 RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| 4 PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | 12 PRISMATIC CURB REFLECTOR |
| 5 MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | 13 MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| 6 MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | 14 GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| 7 MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | 15 GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| 8 MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | 16 GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | 17 RAISED REFLECTIVE PM (TWO-WAY AMBER) |



STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

LISBON CENTER RD. & PLATTVILLE RD.
PAVEMENT MARKING AND SIGNING PLANS

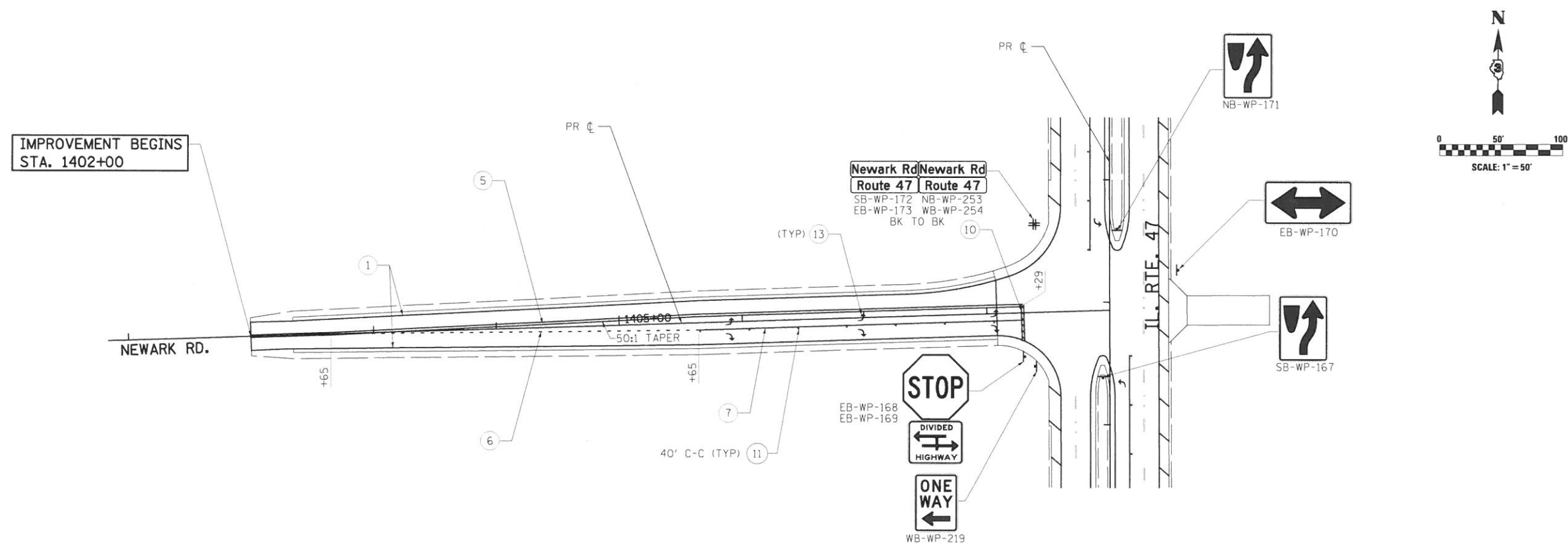
FILE NAME =	USER NAME = bdecrane	DESIGNED = SL	REVISED =
V:\3195\66884 (North Section)\CADD Sheets\3195\66884-sht.pmk-18.dgn		DRAWN = SL	REVISED =
	PLOT SCALE = 1/20,000 "/> <td>CHECKED = ST</td> <td>REVISED =</td>	CHECKED = ST	REVISED =
SHT_DOUBLE PLAN	PLOT DATE 7/14/2014	DATE = 7/01/2014	REVISED =

SCALE: 1"=50' SHEET NO. 18 OF 20 SHEETS STA. TO STA.

F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 331
CONTRACT NO. 66B84				
ILLINOIS FED. AID PROJECT				

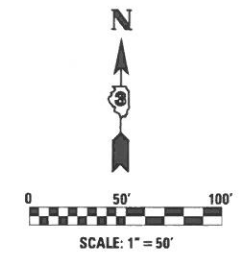
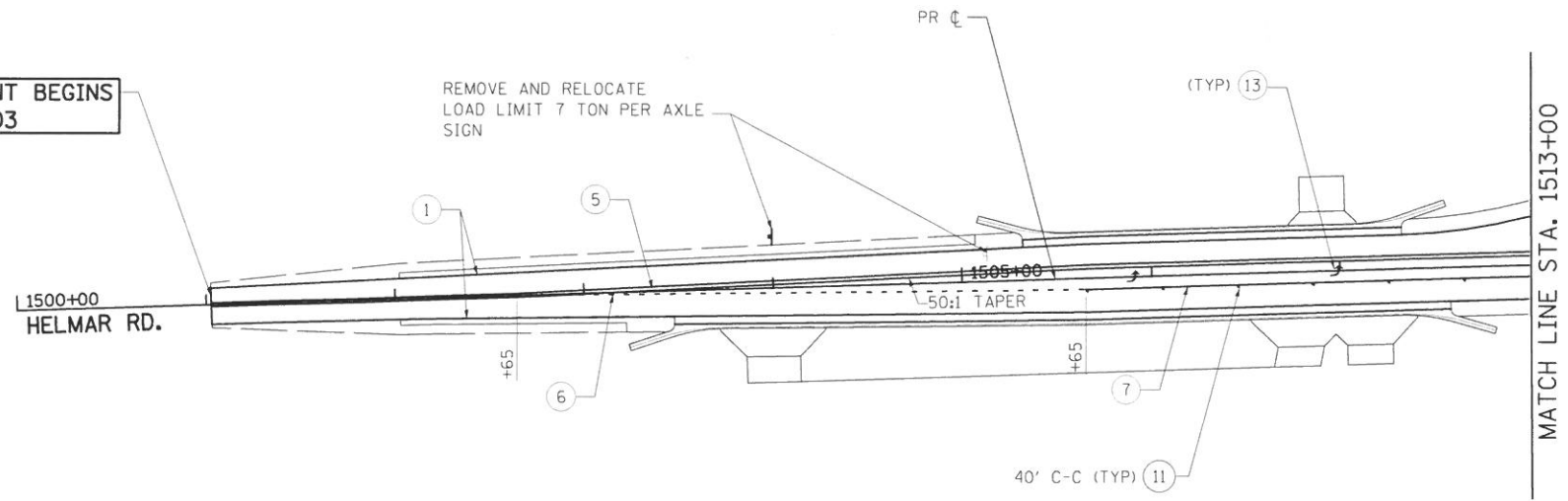
PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |



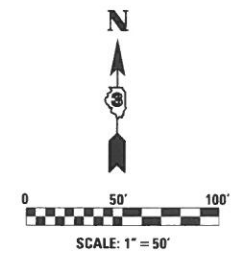
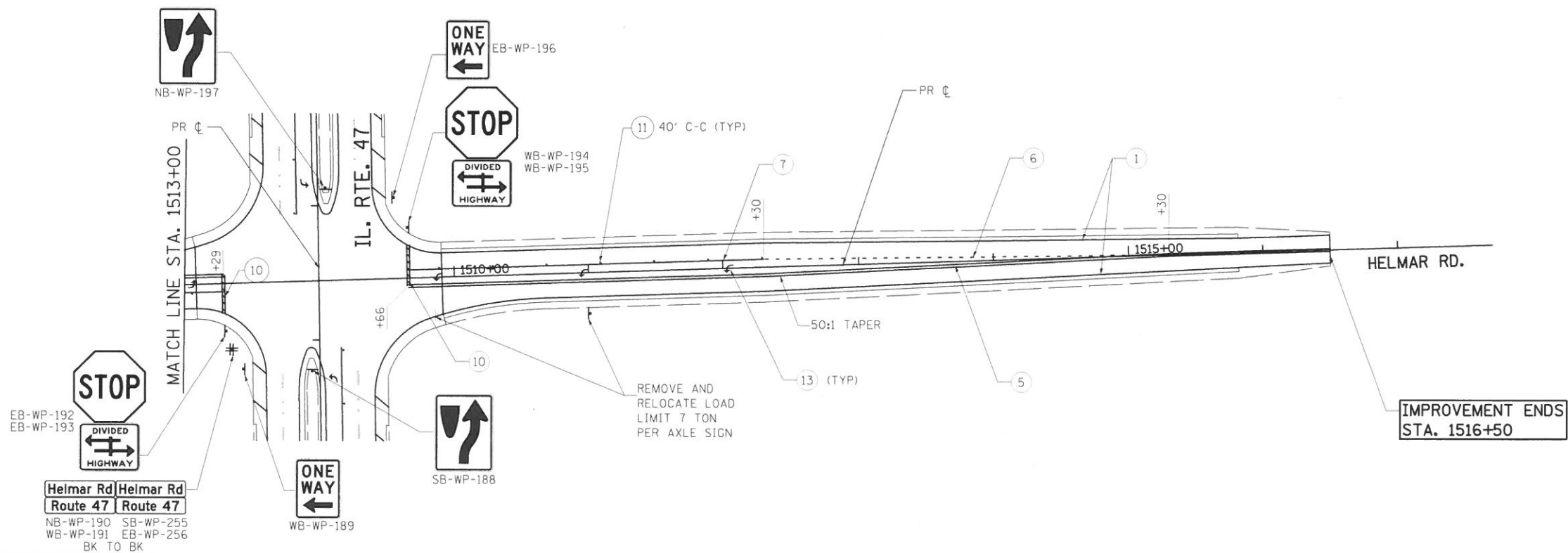
FILE NAME =	USER NAME = bdebraene	DESIGNED - SL	REVISED -	STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION	NEWARK RD PAVEMENT MARKING AND SIGNING PLANS		F.A.P. RTE. 326	SECTION (109, 110)R-1	COUNTY KENDALL	TOTAL SHEETS 619	SHEET NO. 332
V:\3195\66884 (North Section)\CADD Sheets	\D36884\sh:pmk-19.dgn	DRAWN - SL	REVISED -		SCALE: 1"=50'	SHEET NO. 19 OF 20 SHEETS	STA. TO STA.	CONTRACT NO. 66884		ILLINOIS FED. AID PROJECT	
SHT_DOUBLE PLAN	PLOT SCALE = 1/8"=1'-0" / in.	CHECKED - ST	REVISED -								
	PLOT DATE 7/14/2014	DATE - 7/01/2014	REVISED -								

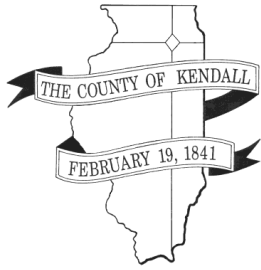
IMPROVEMENT BEGINS
STA. 1501+03



PAVEMENT MARKING LEGEND

- | | |
|--|---|
| ① MODIFIED URETHANE PM - LINE 4" (SOLID WHITE) | ⑨ MODIFIED URETHANE PM - LINE 12" (SOLID WHITE) |
| ② MODIFIED URETHANE PM - LINE 4" (SOLID YELLOW) | ⑩ MODIFIED URETHANE PM - LINE 24" (SOLID WHITE) |
| ③ MODIFIED URETHANE PM LINE (WHITE 2' DASH-6' SKIP) | ⑪ RAISED REFLECTIVE PM (ONE-WAY CRYSTAL) |
| ④ PREFORMED PLASTIC PM TB INL L6 (WHITE 10' DASH-30' SKIP) | ⑫ PRISMATIC CURB REFLECTOR |
| ⑤ MODIFIED URETHANE PM - LINE 4" (DOUBLE YELLOW) | ⑬ MODIFIED URETHANE PM - LETTERS & SYMBOLS |
| ⑥ MODIFIED URETHANE PM - LINE 8" (WHITE 2' DASH-6' SKIP) | ⑭ GROOVING FOR RECESSED PAVEMENT MARKING 5" |
| ⑦ MODIFIED URETHANE PM - LINE 8" (SOLID WHITE) | ⑮ GROOVING FOR RECESSED PAVEMENT MARKING 7" |
| ⑧ MODIFIED URETHANE PM - LINE 12" (SOLID YELLOW) | ⑯ GROOVING FOR RECESSED PAVEMENT MARKING 9" |
| | ⑰ RAISED REFLECTIVE PM (TWO-WAY AMBER) |





DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Regional Planning Commission
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: October 16, 2017
Re: Proposed Amendments to Code Hearing Unit Regulations

For the past several months, the Ad-Hoc Zoning Ordinance Committee has been reviewing proposed changes to the Code Hearing Unit Regulations. Copies of the existing and proposed ordinances are attached.

Ordinance 2004-28 established the Code Hearing Unit outside of the Zoning Ordinance. When Staff prepared the amendment, Staff assumed that the Code Hearing Unit regulations would remain outside of the Zoning Ordinance. When the Ad-Hoc Zoning Ordinance Committee issued its recommendation, they recommended that the Code Hearing Unit be placed inside the Zoning Ordinance and that the Kendall County Regional Planning initiate the text amendment.

Staff has several concerns regarding placing the Code Hearing Unit regulations inside the Zoning Ordinance:

1. Kendall County, unlike several of its neighboring Counties, does not have a Unified Development Ordinance. The various codes that the Planning, Building and Zoning Department administer are stand-alone ordinance; the Building Code is separate from the Zoning Ordinance. Placing the Code Hearing Unit inside one (1) code or another code presents difficulties in enforcement and applicability. By leaving it separate, the Code Hearing Unit can more easily apply to all of the ordinances the Department administers.
2. The proposed ordinance has specific definitions for “Code”, “Person”, “Property”, “Solid Waste” and other terms. When applied narrowly to Code Hearing Unit Ordinance, these terms make sense. When applied to the entire Zoning Ordinance, the risk of unforeseen consequences is great because these terms may have different meaning for different portions of the Zoning Ordinance.
3. Placing the Code Hearing Unit regulations inside the Zoning Ordinance requires that any amendments to the Code Hearing Unit regulations be reviewed by ZPAC, the Kendall County Regional Planning Commission, Kendall County Zoning Board of Appeals, each township, the Planning, Building and Zoning Committee and County Board. If the Code Hearing Unit regulations remain outside the Zoning Ordinance, only the Planning, Building and Zoning Committee and County Board would be required to review proposed changes.

If the Kendall County Regional Planning Commission favors placing the Code Hearing Unit regulations in the Zoning Ordinance, Staff recommends that the definitions portion of the Code Hearing Unit regulations be removed and the duties of the Hearing Officer be transferred from the Definitions Section to the Powers and Duties Section.

KCRPC Memo
October 16, 2017

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

MHA

ENCS

ORDINANCE # 2004- 28

AN ORDINANCE OF THE KENDALL COUNTY CODE CREATING A CODE HEARING UNIT

WHEREAS, Kendall County has adopted rules and regulations intended to protect and enhance the public health, safety, and welfare, and these rules and regulations are set forth in the Kendall County Code; and

WHEREAS, enforcement of the rules and regulations of the Kendall County Code sometimes requires County staff to notify a property owner or other person of a violation of the duly adopted rules and regulations; and

WHEREAS, failure by a property owner or other person to correct an identified violation of the Kendall County Code currently requires staff to take further action through the circuit court; and

WHEREAS, it is desirable to have an alternative procedure for the abatement of Kendall County Code violations which is less complex and less time consuming; and

WHEREAS, Chapter 55, Section 5/5-41 of the Illinois State Statutes allows counties to create Code Hearing Units for the administrative adjudication of code violations; and

WHEREAS, Kendall County staff and the Kendall County State's Attorney have reviewed the enabling legislation and have drafted rules, regulations and procedures for a Code Hearing Unit for Kendall County, attached hereto as Exhibit "A"; and

WHEREAS, the Planning, Building and Zoning Committee of the Kendall County Board has reviewed the drafted rules, regulations and procedures for the Code Hearing Unit and has determined that such a Unit will expedite the adjudication of Code violations and improve the administration of the Kendall County Code, and has forwarded a recommendation to the County Board that a Code Hearing Unit be created for Kendall County; and

WHEREAS, the County Board of Kendall County has determined that it is in the best interest of its citizens of the County to amend the Kendall County Code to establish the Code Hearing Unit in order to better protect the public health, safety, and welfare;

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

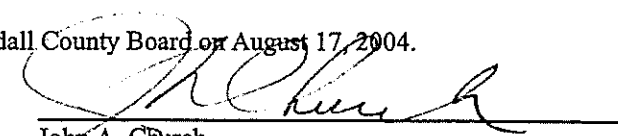
SECTION ONE: The conclusions set forth above and the recommendation of the Planning, Building and Zoning Committee of the Kendall County Board are hereby adopted as the conclusions of the Kendall County Board.

SECTION TWO: The Kendall County Code is hereby amended to create a Code Hearing Unit, as set forth in Exhibit "A" attached hereto.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Kendall County, Illinois.

IN WITNESS OF, this Ordinance was approved by the Kendall County Board on August 17, 2004.





John A. Church
Kendall County Board Chairman

Attest:

Paul Anderson
Kendall County Clerk

EXHIBIT "A"

CODE HEARING UNIT

Section 1. Definitions

- a) "Code" means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or subdivision zoning.
- b) "Code Enforcement Officer" means a County employee or independent contractor or investigator authorized to issue citations for County Code violations.
- c) "Hearing Officer" means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:
 - 1) To preside at an administrative hearing called to determine whether a Code violation exists;
 - 2) To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
 - 3) To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
 - 4) To issue and sign written findings and a decision and order stating whether a Code violation exists;
 - 5) To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.
- c) "Property owner" means the legal or beneficial owner of an improved or unimproved parcel of real estate.
- d) "Respondent" means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.
- e) "Solid waste" means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.
- f) "Waste hauler" means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Section 2. Code Hearing Unit – Establishment and Jurisdiction.

There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.

Section 3. Hearing Officer – Appointment.

The Chairman of the County Board, with the advice and consent of the County Board, shall appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer.

Section 4. Hearing Officer – Powers and Duties.

The Hearing Officer shall have the following powers and duties:

- a) All powers and duties set forth in Section 2, above.
- b) The authority to call and preside at conferences for the settlement or simplification of issues.
- c) The power to administer oaths and affirmations.
- d) The authority to rule on motions, objections and the admissibility of evidence.
- e) Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
- f) The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.

Section 5. Code Enforcement Officers – Appointment.

The County Planning, Building, and Zoning Director and County Environmental Health Director (or their designees) are hereby authorized to serve as County Code Enforcement Officers. In the event that the County Planning, Building, and Zoning Director or the County Environmental Health Director positions are vacant, the County Administrator shall appoint an interim Code Enforcement Officer.

Section 6. Instituting Administrative Adjudication Proceedings.

- a) Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
- b) When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
- c) The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated.

- d) The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County.
- e) A copy of the violation notice and report form shall be served on the respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.

Section 7. Subpoenas.

- a) At any time prior to the hearing date at the request of the Code Enforcement Officer, the attorney for the County, the respondent, or the attorney for the respondent, the Hearing Officer may issue subpoenas directing witnesses to appear and give testimony at the hearing.
- b) If the respondent or the respondent's attorney fails to appear on the date set for the hearing, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a Code violation.

Section 8. Representation At Hearings.

The case for the County may be presented by a Code Enforcement Officer or by the State's Attorney or his/her designee. In no event, however, may the case for the County be presented by an employee of the Code Hearing Unit. The case for the respondent may be presented by the respondent or the respondent's attorney. If the respondent is a corporation, it may appear through any officer, manager, or supervisor of the corporation.

Section 9. Hearing Procedure.

- a) The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
- b) The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
- c) All testimony shall be given under oath or affirmation.
- d) Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.

- e) The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.
- f) The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense regardless of the decision of the Hearing Officer. The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room.

Section 10. Evidence At Hearings.

The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this Section. The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

Section 11. Findings, Decision, and Order.

At the conclusion of the hearing or any reasonable time thereafter, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under Section 6. The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided in this Section.

Section 12. Payment of Penalties, Fines and Costs.

All fines and other monies paid to Kendall County in accordance with this Article shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the

costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

Section 13. Violation of Findings, Decision and Order.

Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than \$200.00 and not more than \$500.00 for each offense, with each day that the violation continues being considered a separate and distinct offense. In a prosecution under this Article, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.

Section 14. Election of Remedies.

In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this Article shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.

Section 15. Administrative Hearing Not Exclusive.

Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this Article shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.

Section 16. Administrative Review.

The findings, decision and order of the Hearing Officer shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process.

Section 17. Sanctions, Transfer or Conveyance of Property.

The order to correct a Code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this Section shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a Code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.

Section 18. Collection of Unpaid Fines or Other Sanctions.

- a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed pursuant to Section 11, above.
- b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.
- c) Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this Article. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed \$5,000.00.
- d) If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this Article and for judicial review as provided in this Article:
 - 1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - 2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.

Code Hearing Unit Amendments

Section 3.02

CITATION means the official notification of a violation of a provision of the Kendall County Ordinances. Said citations shall require a correction of the violation and/or imposition of a fine.

CODE means any County ordinance that pertains to or regulates any of the following: animal control; the definition, identification, and abatement of public nuisances; the accumulation, disposal, and transportation of garbage, refuse, and other forms of solid waste; the construction and maintenance of buildings and structures including improvements; sanitation practices; or subdivision zoning.

CODE ENFORCEMENT OFFICER means a County employee or independent contractor or investigator authorized to issue citations for County Code violations.

HEARING OFFICER means a person other than a Code Enforcement Officer or law enforcement officer having the following powers and duties:

1. To preside at an administrative hearing called to determine whether a Code violation exists;
2. To hear testimony and accept evidence from the Code Enforcement Officer, the respondent, and all interested parties relevant to the existence of a Code violation;
3. To preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
4. To issue and sign written findings and a decision and order stating whether a Code violation exists;
5. To impose penalties consistent with applicable Code provisions and to assess costs reasonably related to instituting the proceedings upon finding the respondent liable for the charged violation. In no event, however, shall the Hearing Officer have the authority to impose a penalty of incarceration.

PERSON means any natural person, agent, association, firm, partnership, corporation or other entity capable of owning, occupying, managing or otherwise using real property in unincorporated Kendall County.

PROPERTY means any parcel of land whether residential, commercial, non-agricultural or industrial including land and that which is affixed, incidental, or

appurtenant to land including, without limitation, any business or residence, parking area, loading area, landscaping, common areas, building or structure or any separate unit, or portion thereof, or any equipment, whether permanent or not permanent. For real property consisting of more than one (1) unit, property may be limited to the unit or portion of the property on which the code violation exists. Property used for agricultural purposes shall be excluded from the regulations of this ordinance.

PROPERTY OWNER means the legal or beneficial owner of an improved or unimproved parcel of real estate.

RESPONDENT means a property owner, waste hauler, or other person charged with liability for an alleged Code violation and the person to whom the notice of violation is directed.

RESPONSIBLE PERSON means any person recognized by law as having control over, right to use, management rights and/or right of possession of property including, without limitation, legal title holders, lessees, property managers and other adult occupants of the property.

SOLID WASTE means demolition materials, food and industrial processing wastes, garden trash, land cleaning waste, mixed refuse, non-combustible refuse, and trash as defined in the Illinois Solid Waste Disposal District Act.

VIOLATION means any Kendall County building, zoning, subdivision, stormwater, junk and debris or other ordinances enforced by the Kendall County Planning, Building and Zoning Department not being in compliance by a person.

WASTE HAULER means any person owning or controlling any vehicle used to carry or transport garbage, refuse, or other forms of solid waste.

Amendments to Section 13.09

13.09 **ENFORCEMENT AND PENALTIES.**

- A. CODE HEARING UNIT – ESTABLISHMENT AND JURISDICTION.** There is hereby established a Code Hearing Unit as a division of the County Planning and Zoning Department which is authorized to conduct administrative adjudication proceedings for the County, its departments and officers. The function of the Code Hearing Unit shall be to expedite the prosecution and correction of code violations. The Code Hearing Unit is authorized to establish a system of administrative adjudications for the enforcement of all provisions of Kendall County Code, except those pre-empted by State law or County ordinance.
- B. HEARING OFFICER- APPOINTMENT.** The Chairman of the County Board, with the advice and consent of the County Board, **shall may** appoint one or more Hearing Officers for the purposes of this Section. A Hearing Officer may not be a Code Enforcement Officer or other law enforcement officer.

C. HEARING OFFICER – POWERS AND DUTIES. The Hearing Officer shall have the following powers and duties:

1. All powers and duties set forth in Sections **3.02 and 13.09.A.**
2. The authority to call and preside at conferences for the settlement or simplification of issues.
3. The power to administer oaths and affirmations.
4. The authority to rule on motions, objections and the admissibility of evidence.
5. Subject to the provisions of this Section, the authority to subpoena relevant witnesses and the production of relevant documents, records or other information.
6. The authority to exercise all powers and duties necessary and proper to the administration of fair hearings.
- 7. Any other powers authorized by State statute.**

D. CODE ENFORCEMENT OFFICERS - APPOINTMENT. The County Planning, Building, and Zoning Director and County Environmental Health Director (or their designees) are hereby authorized to serve as County Code Enforcement Officers. In the event that the County Planning, Building, and Zoning Director or the County Environmental Health Director positions are vacant, the County Administrator shall appoint an interim Code Enforcement Officer.

E. ISSUANCE OF CITATION.

- 1. Any responsible person allowing, causing, committing, continuing to permit or maintain a violation pertaining to any, zoning, building, plumbing, electrical, or other similar matter regulated by the Kendall County, Planning, Building and Zoning Department may be issued a citation.**
- 2. Each citation shall contain the following information:**
 - a. The date of the violation;**
 - b. The address or description of the location where the violation occurred including parcel identification number;**
 - c. The specific section of the code or ordinance violated and a description of the nature of the violation;**
 - d. The amount of fine for said violation;**
 - e. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be**

paid;

- f. A statement that the violation must be corrected and the time within which it must be corrected and that failure to correct will result in further legal proceedings;**
- g. A description of the administrative hearing process, including the time within which the administrative citation may be contested and the place to which to submit a written request for a hearing;**
- h. The name and signature of the citing code enforcement officer; and**
- i. Other such information as may be deemed necessary from time to time.**

F. SERVICE OF CITATION. Citations issued pursuant to this ordinance may be served by any one or more of the following methods:

- 1. Service by Mail. A citation may be served by certified, return receipt mail executed by the person mailing the citation. The citation will be addressed to the responsible person at the address shown on the last tax assessment rolls or to any address known for the responsible person. For purposes of this ordinance, if the citation is served via certified, return receipt mail, service shall be deemed effective on the date the citation is mailed and shall not affect the validity of the citation or of any subsequent proceedings.**
- 2. Service by Posting. A citation may be served by posting or affixing a copy of the citation on the front door of the property or in some other conspicuous place on the real property where the violation is located. Such posting shall be done at least ten (10) calendar days before a hearing date along with a declaration of service by posting executed by the person posting the citation. For the purposes of this ordinance, if the citation is served by posting, service shall be deemed effective on the date the citation is posted on the property and shall not affect the validity of the citation or of any subsequent proceedings.**
- 3. Personal Service. If needed, enforcement may attempt to locate and personally serve the responsible person and obtain the signature of such person on the citation. If the responsible person refuses to sign the citation, the failure or refusal to sign shall not affect the validity of the citation or any subsequent proceedings.**

G. COMPLIANCE WITH A CITATION. Upon receipt of a citation, the responsible person must immediately do the following:

- 1. Contact the Code Enforcement Officer within ten (10) business days from the date of service with a plan to remedy or correct the violation referenced in the citation. The Code Enforcement Officer may approve the plan, approve the plan with changes or deny the plan.**
- 2. Remedy the violation(s) on or before the correction date noted in the citation.**
- 3. Schedule an appointment with the code enforcement officer to verify violation(s) have been corrected not to exceed ten (10) business days from the date of service.**
- 4. Pay the fine to Kendall County within the allotted time. All fines assessed shall be payable to the “Kendall County Treasurer”. Payment of the fine will not excuse or discharge the cited violation(s) nor shall it bar further enforcement by the County. The fine can be forgiven if the responsible person corrects the violation(s) before the hearing.**

H. INSTITUTING ADMINISTRATIVE ADJUDICATION PROCEEDINGS.

1. Any Code Enforcement Officer or designee of the County may institute an administrative adjudication proceeding with the Code Hearing Unit by forwarding a copy of the complaint and all relevant supporting materials to the Code Hearing Unit.
2. When a Code Enforcement Officer observes a Code violation, the Officer may file a formal complaint by noting the violations on a violation notice and report on a form approved by the Code Hearing Unit.
3. The written complaint shall contain, at a minimum, facts sufficient to inform the respondent of the violations alleged, including the order allegedly violated.
4. The violation notice and report form shall contain a file number and a hearing date noted by the Code Enforcement Officer in the blank spaces provided for that purpose on the form. The violation notice and report shall state that failure to appear at the hearing on the date indicated may result in determination of liability for the cited violation and the imposition of fines and assessment of costs as provided by the applicable County ordinance. The violation notice and report shall also state that upon a determination of liability and the exhaustion of or failure to exhaust procedures for judicial review, any unpaid fines or costs imposed will constitute a debt due and owed to the County.
5. A copy of the violation notice and report form shall be served on the

respondent either personally or by certified mail with return receipt, postage prepaid, sent to the address of the respondent. If the name of the respondent property owner cannot be ascertained or if service on the respondent cannot be made by mail, service may be made on the respondent property owner by posting, not less than twenty (20) days before the hearing is scheduled, a copy of the violation notice and report form in a prominent place on the property where the violation is found.

6. **In lieu of a personal appearance at the hearing, the Kendall County Board may provide for the voluntary payment of a determinate fine in accordance with a schedule of fines approved by ordinance as permitted by State statute.**

I. SUBPOENAS.

1. At any time prior to the hearing date at the request of the Code Enforcement Officer, the attorney for the County, the respondent, or the attorney for the respondent, the Hearing Officer may issue subpoenas directing witnesses to appear and give testimony at the hearing.
2. **A subpoena issued under this ordinance shall identify:**
 - a. **The person to whom it is directed.**
 - b. **The documents or other items sought by the subpoena, if any.**
 - c. **The date for appearance of the witness and the production of the documents or other items described in the subpoena.**
 - d. **The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena.**
 - e. **The place for the appearance of the witnesses and the production of the documents or items described in the subpoena.**
3. **In no event shall the date identified for the appearance of the witness or the production of the documents or other items be less than seven (7) business days after the service of the subpoena.**
4. If the respondent or the respondent's attorney fails to appear on the date set for the hearing, the Hearing Officer may find the respondent in default and shall proceed with the hearing and accept evidence relating to the existence of a Code violation.

- J. REPRESENTATION AT HEARINGS.** The case for the County may be presented by a Code Enforcement Officer or by the State's Attorney or his/her designee. In no event, however, may the case for the County be presented by an employee of the Code Hearing Unit. The case for the respondent may be presented by the respondent or the respondent's attorney. If the respondent is a corporation, it may appear through any officer, manager, or supervisor of the corporation. **An attorney who appears**

on behalf of any person shall file with the Hearing Officer a written appearance on a form provided by the County for that purpose.

K. HEARING PROCEDURE.

1. The Hearing Officer will begin the Officer's call by introducing himself or herself to the respondents and other attendees. Opening remarks should include informing the citizens as to the nature and manner of the proceedings. Opening remarks may include information about the order that cases will be called, the need to maintain proper decorum, continuances, acceptable and unacceptable defenses, and the fees and range of potential fines.
2. The Hearing Officer may grant continuances only upon a finding of good cause. Continuances shall not be granted as a matter of course.
3. All testimony shall be given under oath or affirmation.
4. Upon the timely request of any party to a hearing, any person who the Hearing Officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
5. The record of all hearings before the Hearing Officer shall include: all documents admitted into evidence at the hearing; a copy of the notice of violation and hearing; and a copy of the findings and decision of the Hearing Officer.
6. The record of a hearing before the Hearing Officer may include a record of the testimony presented at the hearing, which may be by means of a tape recording, transcription or other appropriate means. The Code Hearing Unit shall not be responsible for providing recording services or equipment. Any party desiring to record the testimony presented at the hearing shall provide its own court reporter, transcriber, or recorders at that party's own expense. **Kendall County shall record the audio of the hearing.** The Hearing Officer may reasonably limit where the court reporter, transcriber, or recorder may be placed in the hearing room. **If the party or the court reporter, transcriber or recorder is unwilling to follow reasonable limitations, then the Hearing Officer may remove the court reporter, transcriber or recorder.**

- L. EVIDENCE AT HEARINGS.** The Hearing Officer shall preside at the hearing, shall hear testimony, and shall accept any evidence relevant to the existence or non-existence of a Code violation on the property indicated. The Code Enforcement Officer's signed violation notice and report form shall be prima facie evidence of the existence of the Code violation described in the form. The strict rules of evidence applicable to judicial proceedings do not apply to hearings authorized under this

Section Ordinance. The Hearing Officer can take notice of all orders and regulations enacted by Kendall County.

- M. FINDINGS, DECISION, AND ORDER.** At the conclusion of the hearing or ~~any reasonable time thereafter~~ **within five (5) business days after the conclusion of the hearing**, the Hearing Officer shall make a determination on the basis of the evidence presented at the hearing as to whether a Code violation exists. The determination shall be in writing and shall be designated as the Hearing Officer's findings, decision and order. The findings, decision and order shall include the Hearing Officer's findings of fact, a determination of whether a Code violation exists based on the findings of fact, and an order imposing a fine or other penalty, directing the respondent to correct the violation, or dismissing the case if the violation is not proved. If the Hearing Officer determines that the respondent is liable for the cited violation, the Hearing Officer shall enter an order imposing sanctions that are provided in the Code for the violations proved, including the imposition of fines and the recovery of the costs of the proceedings. Costs may be recovered in the same manner as fines and penalties. A copy of the findings, decision and order shall be served by personal service or by any method provided for service of the violation notice and report form under Section **13.09.F of this Ordinance**. The payment of any penalty or fine or costs of the proceedings and the disposition of that money shall be in the manner provided by this ~~Section Ordinance~~. **In the issuance of a final determination of liability, a Hearing Officer shall inform the respondent of the respondent's right to seek judicial review or review by the Kendall County Board of the final determination.**
- N. PENALTIES – GENERAL.** Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. *(Amended 8/17/04)*
(EXISTING 13.09)
- O. PAYMENT OF PENALTIES, FINES AND COSTS.** All fines and other monies paid to Kendall County in accordance with this Article shall be remitted to the Kendall County Treasurer. In order to ensure that Code violations are remedied or fines are paid in a timely manner, the Hearing Officer, upon issuing a final determination of liability, may further require a respondent found to be in violation to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against property (per 55 ILCS 5/5-41050). Bonds and liens shall be approved by the State's Attorney as to form. Whenever it is necessary for the County to make repairs or otherwise expend funds to mitigate a Code violation for which a bond was posted, or whenever fines or costs remain unpaid after a respondent has exhausted or failed to exhaust judicial review procedures, the Hearing

Officer may, after giving the respondent notice and an opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose the lien. The Hearing Officer shall order the bond or the property or proceeds from the property, less the costs incurred by the County, returned to the respondent upon proof of compliance with the applicable Code provisions and the payment of the assessed fines or costs.

- P. VIOLATION OF FINDINGS, DECISION AND ORDER.** Any respondent, having received notice and an opportunity for a hearing as provided in this Article, who fails to subsequently comply with the findings, decision and order of the Hearing Officer, including failure to respond to the issuance of a subpoena, shall, if the order is not stayed by a court of competent jurisdiction prior to its effective date, be guilty of contempt. Contempt shall be punishable by a fine of not less than Two Hundred Dollars (\$200) and not more than Five Hundred Dollars (\$500) for each offense, with each day that the violation continues being considered a separate and distinct offense. **The fine shall increase Twenty-Five Dollars (\$25) per violation until the maximum amount is reached.** In a prosecution under this **Article Ordinance**, it shall not be a defense that a person came into compliance with an order, sought judicial review of the order, or made efforts to comply with an order subsequent to its effective date.
- Q. ELECTION OF REMEDIES.** In no case may the Code Hearing Unit conduct an administrative adjudication proceeding for alleged violations of the Code where the requested remedy is a punishment of imprisonment. However, the provisions of this **Article Ordinance** shall not preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of the Hearing Officer.
- R. ADMINISTRATIVE HEARING NOT EXCLUSIVE.** Notwithstanding any other provisions of this Article, neither the authority of the Code Hearing Unit to conduct administrative adjudication procedures nor the institution of such procedures under this **Article Ordinance** shall preclude the County from seeking remedies for Code violations through the use of any other administrative procedure or court proceeding.
- S. REVIEW BY THE COUNTY BOARD.** **All decisions of the Hearing Officer may be appealed to the Kendall County Board, including all applicable applications and documents, by the responsible person within ten (10) business days of the decision of the Hearing Officer. In filing the appeal, the responsible person shall state the reason(s) of defects in the Hearing Officer's decision and outline an alternative remedy to violations from the ruling of the Hearing Officer. The Kendall County Board may request additional documentation after the application deadline. The responsible person shall be responsible for paying any costs, including, but not limited to, publication of notice costs. Within forty-six (46) business days of receiving a request for review, the Kendall County Board shall review and issue a ruling on the appeal. During the review period, the Kendall County Board may forward the appeal request to the**

Planning, Building and Zoning Committee for comment. If the Kendall County Board fails to issue a ruling on the appeal within forty-six (46) business days, the request of the responsible person shall be automatically granted. In issuing an order, the Kendall County Board may agree, in whole or in part, with the decision of the Hearing Officer, or overturn the ruling of the Hearing Officer. In issuing the order, the Kendall County Board shall not impose a fine greater than the fine imposed by the Hearing Officer or reduce the time to remedy a violation set by the Hearing Officer.

- T. ADMINISTRATIVE REVIEW.** The findings, decision and order of the Hearing Officer **and/or the Kendall County Board** shall be subject to review in the Circuit Court of the County. The Administrative Review Law and the rules adopted pursuant thereto shall apply to and govern every action for the judicial review of the final findings, decision and order of the Hearing Officer. Where the Circuit Court upholds the findings, decision and order of the Hearing Officer following administrative review, the County may request and the Circuit Court may require that the respondent pay all costs incurred by the County in the administrative review process.
- U. SANCTIONS, TRANSFER OR CONVEYANCE OF PROPERTY.** The order to correct a code violation and the sanctions imposed by a County against a respondent property owner as the result of a findings or a Code violation under this **Section Ordinance** shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision and order of the Hearing Officer under this Section if a notice consisting of a copy of the order to correct a Code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder by the County prior to the transfer or conveyance to the subsequent transferee or owner.
- V. COLLECTION OF UNPAID FINES OR OTHER SANCTIONS.**
1. Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the State Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed pursuant to **Section 13.09.M**.
 2. After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the Circuit Court

of the County for purposes of obtaining a judgment on the Hearing Officer's findings, decision and order. Nothing in this Section prevents the County from consolidating multiple findings, decisions and orders against a person or property in such a proceeding.

3. Upon commencement of the action, the County shall file a certified copy of the findings, decision and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision and order were issued in accordance with State Statutes (55 ILCS 5/5-41005 to 41060) and this **Article Ordinance**. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision and order does not exceed Five Thousand Dollars (\$5,000).
4. If the court is satisfied that the findings, decision and order were entered within the requirements of the applicable State Statute and this Article and that the respondent had an opportunity for a hearing under this **Article Ordinance** and for judicial review as provided in this Article:
 - a. The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
 - b. The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the Hearing Officer or to correct a Code violation.

Ordinance 2004-28 is repealed upon adoption of this Ordinance.



Anna R. Kuperstein, Legal Counsel
TransCanada U.S. Pipelines
700 Louisiana Street, Suite 700
Houston, TX 77002-2700

Tel: 832.320.5475
Fax: 832.320.6475
anna_kuperstein@transcanada.com
web www.transcanada.com

August 16, 2017

Via Electronic Delivery

Mr. Matthew Asselmeier
Kendall County Planning, Building and Zoning Department
111 W Fox Street, Room 203
Yorkville, Illinois 60560

Dear Mr. Asselmeier:

On behalf of ANR Pipeline Company (ANR), I am writing in response to your request for additional information about the modifications planned for the Sandwich Compressor Station in Kendall County, and the comprehensive regulation of this activity by the Federal Energy Regulatory Commission (FERC). We appreciate the opportunity to discuss this work with your Department, and we hope that this letter provides sufficient detail to address your questions.

Background

ANR has been operating the Sandwich Compressor Station for approximately 68 years as part of its interstate pipeline system. In the upcoming months, ANR plans to make certain modifications at the Station. This work will be one of several integrated components of ANR's Wisconsin South Expansion Project.¹ The purpose of the Project is to deliver an additional 230,950 dekatherms per day from the Sandwich Compressor Station area, into the northern Illinois and Wisconsin markets. The Project will provide efficient, reliable, clean-burning, economic firm capacity from ANR facilities to its power and distribution gas customers to supply the growing market demand for natural gas in the two states. At the Sandwich Compressor Station, ANR will install a new compressor building containing a new turbine compressor unit and associated facilities, as well as a control building with mechanical, electrical, and storage areas. Although ANR will modify the Station's site plan to reflect these new facilities, they will be located entirely within the existing fenced area of the Station.

¹ Specifically, the Wisconsin South Expansion Project consists of modifying the infrastructure at ANR's existing Sandwich Compressor Station, Hampshire Meter Station, Tiffany East Meter Station, Kewaskum Compressor Station and replacement of an approximate 0.54 mile associated lateral, and related facilities.

Federal Regulatory Status

Like all interstate natural gas pipelines, ANR's pipeline system (including associated facilities like compressor stations) is regulated by numerous federal agencies, including FERC. FERC exercises primary jurisdiction over the construction of interstate pipelines and associated facilities (such as the work comprising the Wisconsin South Expansion Project) in accordance with the Natural Gas Act² (NGA) and Part 157 of the Commission's regulations. As required by the NGA, ANR obtained approval from FERC's predecessor agency³ for the original construction of the Sandwich Compressor Station in 1949. On November 3, 2016, ANR requested authorization from FERC to implement the Wisconsin South Expansion Project, including the planned work at the Sandwich Compressor Station. Specifically, ANR submitted to FERC an application for a certificate of public convenience and necessity and abandonment authority, pursuant to section 7(c) and 7(b) of the NGA.⁴

As required by FERC regulations, ANR's application provided detailed information on a variety of issues related to the Project, including the following. The project summary includes a description of the facilities associated with the Project, plot plans and schematics, construction timetables, and an overview of planned testing of newly constructed pipe to verify its integrity and ensure its ability to withstand the designed maximum operating pressures, in compliance with regulations of the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA). (In addition to applicable FERC regulations, all components of the Project, including work at the Sandwich Compressor Station, will be constructed and installed in compliance with PHMSA regulations. These federal regulations set forth mandatory and detailed standards for construction and operation of interstate pipelines and associated facilities, including the design, the construction process itself, and post-construction obligations to ensure safe operation.) The application also includes an assessment of impacts, if any, on regional fisheries, wildlife, unique and sensitive wildlife habitat, wetlands, migratory birds, vegetation resources, as well as threatened, endangered, and rare species. A cultural resource assessment addresses potential effects of the Project on cultural resources, historic properties, archaeological sites, and historic-era cemeteries. (On April 27, 2017, FERC staff issued an Environmental Assessment, concluding that the Commission's approval of the Project would not constitute a major federal action significantly affecting the quality of the human environment, and recommending that the expected Commission Order approving the Project contain a finding of no significant impact.)

In compliance with FERC requirements, ANR has undertaken public outreach to notify landowners in the vicinity of the Sandwich Compressor Station of the planned work. ANR held an open house in the area on October 27, 2016. Within two weeks of submitting its application to FERC, ANR published a notice about the planned work in two issues of the *Kendall County NOW*, and placed a copy of the application at the Sandwich Public Library for public review. ANR also mailed an information packet about the Project to landowners located within a specific

² 15 U.S.C. § 717 *et seq.*

³ The Federal Power Commission was reorganized as FERC in 1977.

⁴ ANR Pipeline Company, Abbreviated Application for a Certificate of Public Convenience and Necessity and Abandonment Authority, filed November 3, 2016 in Docket No. CP17-9-000.

radius of the Project site, consisting of FERC's Notice of Application for the Project and FERC's informational pamphlet for landowners explaining the application process.

ANR has also coordinated closely with FERC throughout the application process. Before filing its application, ANR met with FERC staff in person to discuss the Project, on October 6, 2016. Since the initial filing and meeting, ANR has been working closely with FERC staff, including responding to the Commission's supplemental data requests based on information provided in the filing. Once FERC issues the requested certificate, ANR will undertake all Project work, including all work on the Sandwich Compressor Station, in accordance with the certificate and the Commission's regulations. ANR has requested that the Commission issue a certificate order approving the Project by September 1, 2017, to allow adequate time for ANR to meet an in-service date of November 1, 2018.

Legal Analysis

As noted above, FERC exercises primary jurisdiction over the construction of interstate pipelines and associated facilities (such as the work comprising the Wisconsin South Expansion Project) in accordance with the NGA and the Commission's regulations. The NGA occupies the field of interstate pipeline regulation with respect to siting, construction, and operation—with only a few exceptions.⁵ Other than these limited exceptions, the NGA has been recognized by the U.S. Supreme Court as a “comprehensive scheme of federal regulation of all wholesales of natural gas in interstate commerce.”⁶ The Court has identified FERC as having “exclusive jurisdiction over the transportation and sale of natural gas in interstate commerce for resale.”⁷ The Court has specified that where state or local regulation affects FERC's ability to comprehensively regulate transportation and sale of natural gas under the NGA, or presents the “prospect of interference with the federal regulatory power,” state law may be preempted even though “collision between the state and federal regulation may not be an inevitable consequence.”⁸ As a result, the NGA confers on FERC the power of field preemption, which exists where a federal regulatory scheme has occupied the field in that area to such a pervasive extent that it can reasonably be inferred that Congress left no room for supplementing state law.⁹

The U.S. Court of Appeals for the Seventh Circuit has expressly reiterated the U.S. Supreme Court's interpretation of the NGA's preemption of state regulation, stating, “The Natural Gas Act grants the Federal Energy Regulatory Commission jurisdiction to regulate the interstate transportation of natural gas, 15 U.S.C. § 717(b), and the Supreme Court has held that the Commission's jurisdiction is exclusive; state regulation is preempted.”¹⁰ Other courts in the Seventh Circuit similarly recognize that “Congress has conferred exclusive jurisdiction on the

⁵ 15 U.S.C. § 717b(d). Specifically, the NGA does not affect the rights of states under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 *et seq.*), the Clean Air Act (42 U.S.C. § 7401 *et seq.*), or the Federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*).

⁶ *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 300-01 (1988).

⁷ *Id.*

⁸ *Id.* at 310.

⁹ *Id.* at 300-01; *Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 230 (1947).

¹⁰ *Midwestern Gas Transmission Co. v. McCarty*, 270 F.3d 536, 538 (7th Cir. 2001).

FERC to regulate the sale and interstate transportation of natural gas,”¹¹ that the NGA constitutes “a comprehensive scheme that preempt[s] state law when that law [is] an obstacle to fulfillment of the NGA purposes,”¹² and that “preemption . . . extends to bar the enforcement of state law when that law forms an obstacle to realization of congressional purpose.”¹³

Moreover, U.S. federal courts have consistently concluded that the NGA preempts state or local permitting or zoning regulations purporting to impose requirements on the siting, construction, or operation of interstate natural gas pipelines and associated facilities.¹⁴ In a more recent case, a court in the Seventh Circuit held specifically that the NGA preempts state regulation of the construction and location of FERC-regulated pipelines and associated facilities.¹⁵ The court recognized that the NGA would not necessarily preempt all state and local regulations that have a merely tangential effect on FERC-regulated pipelines. However, the court specified that revocation of a construction permit for a FERC-regulated pipeline is not the type of indirect effect that could escape preemption under the NGA. The court concluded that FERC has “ultimate authority over the construction of the pipeline” and “ultimate authority to determine the route of any gas pipeline regardless of state objections.”¹⁶ The court added that “nothing in the [NGA] suggests that FERC approval of pipeline construction and location is contingent upon consultation with the states.”¹⁷

Among the factors that influenced the court’s decision was the comprehensive application process to obtain FERC authorization for construction—the same process that ANR has undertaken to obtain FERC authorization for modifications at the Sandwich Compressor Station. The court observed that, to obtain a certificate, “an applicant must survive public hearings on the application and otherwise make its way through a forest of requirements designed to show, among other things, that it has addressed acquisition and environmental concerns.”¹⁸

¹¹ *Rockies Exp. Pipeline LLC v. Indiana State Nat. Res. Comm’n*, No. 1:08-CV-1651-RLY-DML, 2010 WL 3882513, at *4 (S.D. Ind. Sept. 28, 2010).

¹² *Guardian Pipeline, L.L.C. v. 529.42 Acres of Land*, 210 F. Supp. 2d 971, 975 (N.D. Ill. 2002).

¹³ *Id.*

¹⁴ *See, e.g., Weaver’s Cover Energy, LLC v. Rhode Island Coast Resources Mgmt. Council*, 589 F.3d 458 (1st Cir. 2009) (concluding that state agency’s use of state licensing program to block NGA permit applicant’s project was preempted); *Dominion Transmission, Inc. v. Town of Myersville Town Council*, 982 F.Supp.2d 570 (D. Md. 2013) (ruling that provisions of town zoning code directly affecting the siting, construction, or operation of a natural gas compressor station were preempted by the NGA); *Islander East Pipeline Co. v. Blumenthal*, 478 F.Supp.2d 289 (D. Conn. 2007) (determining that imposition of permit requirement to carry out construction of interstate natural gas pipeline facility was preempted by the NGA); *Northern Natural Gas Co. v. Mums*, 254 F.Supp.2d 1103 (S.D. Iowa 2003) (holding that state regulation applied to construction of interstate natural gas pipeline was preempted by the NGA), *aff’d sub nom. Northern Natural Gas Co. v. Iowa Utilities Bd.*, 377 F.3d 817 (8th Cir. 2004); *Algonquin LNG v. Loqa*, 79 F.Supp.2d 49 (D.R.I. 2000) (granting injunction to natural gas facility owner prohibiting enforcement of city ordinance requiring modifications to facility to comply with local building code and finding zoning ordinance was preempted); *Northern Border Pipeline Co. v. Jackson Co.*, 512 F.Supp.1261 (D. Minn. 1981) (enjoining enforcement of county’s conditional use permit based on state statute exempting interstate pipeline for county’s zoning powers).

¹⁵ *Rockies Exp. Pipeline LLC v. Indiana State Nat. Res. Comm’n*, No. 1:08-CV-1651-RLY-DML, 2010 WL 3882513 (S.D. Ind. Sept. 28, 2010).

¹⁶ *Id.* at *4-5.

¹⁷ *Id.* at *5.

¹⁸ *Id.* at *3.

Mr. Matthew Asselmeier
August 16, 2017
Page 5

Regulation of Planned Modifications at Sandwich Compressor Station

ANR's planned modifications at the Sandwich Compressor Station are subject to FERC regulation under the NGA, and ANR has complied with all applicable regulations and requirements set forth by FERC as well as PHMSA. Under these circumstances, we believe that the planned modifications to the Station are exempt from the Department's Special Use amendment process, and we respectfully request the Department's concurrence—in particular, given that the Seventh Circuit has expressly applied the NGA's preemption power to state and local regulation of the location and construction of FERC-regulated pipelines and associated facilities.¹⁹ As a result, we believe that the current case law supports exemption of the planned modifications at the Station from the Department's Special Use amendment process.

We understand that ANR did participate in the amendment process in 2002, when constructing an office building at the site. However, construction of that office building was not subject to a FERC permitting process, because the office building was not a FERC-regulated facility under the NGA. In contrast, ANR is required to obtain FERC authorization for the planned modifications at the Station. The company has devoted significant time and resources to complying with the comprehensive application requirements outlined above, which overlap substantially with your Department's requirements. Significant federal oversight exists for this project, which was not the case for the company's construction of the office building.

While we believe that the planned modifications are exempt from the Department's amendment process, ANR is invested in maintaining a cooperative relationship with your Department. To that end, ANR will provide an updated plat for the site and proposed site plan changes for the Department's records, per your request. Finally, the modifications to the Station will not extend beyond the existing fenced area of the Station, and will not alter the use of the property as described in Ordinance 2002-06: operation of a commercial natural gas distribution facility—the same use since the original installation of the Sandwich Compressor Station in 1949.

We appreciate your time and assistance as ANR continues its work on the Wisconsin South Expansion Project, as well as the productive working relationship with your Department. Following the meetings with your Department on June 12 and July 13, ANR has endeavored to provide all the information requested by your Department, and we hope that the additional information provided through this letter is useful. Should any more questions arise, please do not hesitate to contact me.

Regards,



Anna R. Kuperstein
Legal Counsel
TransCanada U.S. Pipelines

¹⁹ See, generally, *Rockies Exp. Pipeline LLC v. Indiana State Nat. Res. Comm'n*, No. 1:08-CV-1651-RLY-DML, 2010 WL 3882513 (S.D. Ind. Sept. 28, 2010).

**PUBLIC NOTICE
KENDALL COUNTY
KENDALL COUNTY REGIONAL PLANNING COMMISSION**

Notice is hereby given that the Kendall County Regional Planning Commission shall hold their regularly scheduled meetings for Fiscal Year 2017-2018 on the fourth Wednesday of each month at 7:00 p.m. at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL.

The specific dates of these meetings are as follows:

January 24, 2018	February 28, 2018	March 28, 2018	April 25, 2018
May 23, 2018	June 27, 2018	July 25, 2018	August 22, 2018
September 26, 2018	October 24, 2018	November 28, 2018	

Notice is further given that the December 2017 regularly scheduled meeting is cancelled.

Notice also given that the 2018 Annual Meeting of the Kendall Regional Planning Commission will be on Saturday, February 3, 2018, at 9:00 a.m. at the Kendall County Office Building, Room 209 & 210 at 111 West Fox Street, Yorkville, IL.

Questions can be directed to the same department, telephone (630) 553-4139. Fax (630) 553-4179. All interested persons may attend and be heard. Written comments should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Regional Planning Commission.

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

**WILLIAM ASHTON, CHAIRMAN
KENDALL COUNTY REGIONAL PLANNING COMMISSION**