

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of August 22, 2018*

Chairman Larry Nelson called the meeting to order at 5:01 p.m.

Members Present: Larry Nelson, Bill Ashton, Matthew Prochaska (on behalf of Scott Gryder), Megan Andrews, and Jeff Wehrli

Member Absent: Randy Mohr, Bob Davidson, and John Shaw

Others Present: Matt Asselmeier and Jasmine Brown Watkins

APPROVAL OF AGENDA

Mr. Prochaska made a motion, seconded by Mr. Wehrli, to approve the agenda. With a voice vote of five (5) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Prochaska made a motion, seconded by Mr. Wehrli, to approve the minutes of the April 25, 2018, meeting. With a voice vote of five (5) ayes, the motion carried.

NEW/OLD BUSINESS

1. Discussion of Proposed Amendments to the Land Resource Management Plan for Properties in Lisbon Township

Mr. Nelson stated there were a number of meetings and a hearing regarding the proposal.

Mr. Nelson questioned why the Zoning Board of Appeals voted no on the issue. Mr. Asselmeier read his memo.

The Kendall County Zoning Board of Appeals held a meeting on this proposal on July 30, 2018. Seven (7) members of the public expressed opposition to this proposal and nobody from the public spoke in favor of the proposal. Many of those that spoke desired to preserve farmland and prevent the expansion of mining in the area. Some of the members of the public were concerned that, if the proposal was

approved, the door would be opened to non-agricultural uses along the corridor. One (1) member of the public wanted the Prairie Parkway alignment removed because showing the alignment did not serve a planning purpose in their opinion. The Kendall County Zoning Board of Appeals unanimously recommended denial. Ms. Clementi agreed with Mr. Thompson and Mr. LeCuyer and believed more input from the community should be taken into account. She wished for agriculture to be preserved in the area. Mr. Cherry understood the residents' opinions on the matter, but he was still on the fence and just thought he should vote no. Mr. Thompson stated he had some problems with the proposal since he comes from an agriculture background. Also, he stated the importance of a plan. Mr. Whitfield recommended that anyone wanting to preserve their land should work with the Conservation Foundation. Mr. LeCuyer stated there should be more discussion with the residents in the area. He argued there was use and value to the land and the only way to preserve the land is placing it in a conservation trust. Chairman Mohr stated the plan was meant to be a fluid document. He reiterated that zoning is not going to be changed but does believe that certain parts of the proposal needed to be reexamined. He believed that the Prairie Parkway should be kept for on the map for historical purposes. He also argued the one half (1/2) mile corridor was excessive.

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

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

Kurk Friestad, Chicago Road, stated that he wanted to keep the County agricultural in the southern portion of the County and is opposed to the proposed changes. He believed the changes open the door for removing agriculture. Chairman Davidson responded that, if owners never sale their land, the proposal will not affect them. However, owners have a right to sell their land. Chairman Davidson also stated a comprehensive plan was necessary to prevent problems in the future like homes on or near a four (4) lane highway. He did not believe factories or businesses will come to the area until sewer and water is brought to the area. The comprehensive plan will be looked at every five (5) years and can be changed. Kurk Friestad responded that changing the ground from agriculture will not be beneficial now or in the long term. Member Kellogg stated the comprehensive plan gives guidance for an investor coming into the area. Also, land owners have rights and the County cannot prevent them from doing certain activities with their land. He stated that doing

nothing was not a good idea. Mr. Friestad did not believe water and sewer will be coming to area in the near future.

Steven Halcomb, Sherrill Road, questioned the public policy for the Committee. He stated his household and his in-law's household did not receive any correspondence in the mail regarding the proposal. He asked what incentives exist for the county to have mining in Lisbon Township. He also asked if any study occurred examining which properties produce the greatest agricultural yields per acre and which properties have the most rock for mining. Chairman Davidson agreed that many property owners were not notified. Mr. Asselmeier stated that, in his opinion, State law does not require notification because the zoning of the property will not change if this proposal is approved. Mr. Asselmeier also stated that nobody in Section 32 of Lisbon Township was notified by mail. Mr. Asselmeier stated that a property owner can still go to the Village of Lisbon, annex their property, and rezone their property under the Village of Lisbon's regulations, if this proposal is rejected.

Linda Fosen, Townhall Road, did not agree with the proposed changes of a half (1/2) mile corridor on Route 47 and the removal of the rural settlement classification on the map. She asked for clarification of rural settlement. Mr. Asselmeier stated there was a small area on Route 47 that had been classified as rural settlement.

Mr. Nelson questioned if it was required to notify the residents of the amendment changes. Mr. Asselmeier responded no. Mr. Asselmeier stated the proposal nearly matches the Village of Lisbon's map. The mining area is slightly smaller on the Kendall County proposed map.

Mr. Ashton acknowledged the only thing removed was the buffer, but nothing changed.

Mr. Nelson stated the issue seemed to be the mining district that was increased. Mr. Ashton stated the claims from the public that the mining district size was made bigger were inaccurate.

Mr. Wehrli responded that there seems to be a lack of communication and information provided to the public which is causing the problems. Mr. Ashton stated the issue is not communication. In his opinion, the residents were not accepting the answers.

Mr. Asselmeier stated the letter provided to the residents stated the change would not affect their property.

Mr. Ashton believed the residents should be able to come back to the board and state their problems. Also, the residents were given more than enough notices

regarding the issue. Mr. Ashton recommended sending out a letter regarding holding a meeting and not sending it out as a notice.

Mr. Nelson stated the issue to be put it off until the November meeting.

Mr. Ashton stated the biggest concern he is hearing is the mining size, even though it has not been changed.

Mr. Nelson stated he would like the Kendall County Economic Development Commission to get involved with the proposed amendment.

Mr. Wehrli agreed that the decision should be held off until November.

Mr. Ashton made a motion, seconded by Mr. Prochaska, to have an informational meeting on the proposal with property owners within one (1) mile of the impacted area be held on November 28, 2018. With a voice vote of five (5) ayes, the motion carried.

Mr. Wehrli stated he is concerned with the property taxes and the only way to combat them is by welcoming businesses.

2. Discussion of Petition 18-07 Regarding Text Amendments to Section 13.08 of the Kendall County Zoning Ordinance Pertaining to the Renewal, Amendment, and Revocation of Special Use Permits

Mr. Ashton stated the petition went to the Kendall County Regional Planning Commission and the Zoning Board of Appeals and both voted no. Along with the denial recommendation, Lisbon Township and Kendall Township were filing formal objections to the petition. Mr. Ashton further explained that the County Board would have the right to revoke a special use without a super majority vote.

Mr. Nelson did not believe it was a good way to run the County. Also, this petition would create more problems economically for developers and businesses.

Mr. Prochaska stated the petition could become very dangerous and political which would hurt the county.

Mr. Ashton stated he believes the owners should do what they want on their land, unless it becomes a hindrance to someone else. He continued that it was not alright to take anyone's special use away without due process. He recommended sending the petition back to Planning, Building and Zoning Committee to look at the issues and send it back to the Comprehensive Land Plan Ordinance Committee to review.

Mr. Nelson stated the petition should be reconfigured and brought back to the committee.

Mr. Ashton made a motion, seconded by Mr. Wehrli, to bring the proposal back to the Comprehensive Land and Ordinance Committee in October. With a voice vote of five (5) ayes, the motion carried.

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

Adjournment:

The next meeting will be October 24, 2018. Mr. Werhli, seconded by Mr. Prochaska, made a motion to adjourn the meeting. With a voice vote of five (5) ayes, the motion passed and the meeting adjourned at 5:45 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner