

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
**Kendall County Office Building**  
**Rooms 209 and 210**  
**111 W. Fox Street, Yorkville, Illinois**  
**6:30 p.m.**  
**Meeting Minutes of February 7, 2022**

**CALL TO ORDER**

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

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), and Dan Koukol

Committee Members Absent: Robyn Vickers

Also Present: Matt Asselmeier (Senior Planner), Cyrus McMains, Paul Siegfried, and Brent Perz

**APPROVAL OF AGENDA**

Member Flowers made a motion, seconded by Member Gilmour, to approve the agenda as presented. With a voice vote of four (4) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Flowers made a motion, seconded by Member Gilmour, to approve the minutes of the January 25, 2022, special meeting. With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from January 2022. Mr. Asselmeier noted the Department had five (5) public notice signs made by the Highway Department. The signs cost approximately Seventeen Dollars (\$17) individually to make.

**PETITIONS**

*Petition 21-47 Cyrus McMains on Behalf of the Yorkville Bristol Sanitary District*

Mr. Asselmeier summarized the request.

Kendall County and the United City of Yorkville received a request from Yorkville Bristol Sanitary District (YBSD) for variances to the stormwater detention and compensatory storage requirements of the Kendall County Stormwater Management Ordinance. Though not part of the Stormwater Management Ordinance variances, the Petitioner also requested variances to Yorkville's tree preservation and replacement regulations and setback requirements. While the subject property is inside Yorkville, the Kendall County Stormwater Management Ordinance requires approval by both Kendall County and Yorkville for the stormwater related variances.

YBSD wishes to expand their existing facility at 304 River Street in preparation for anticipated population increases in their district. The proposed improvements will consist of approximately six hundred forty-one thousand (641,000) square feet of development and four hundred forty-

thousand (440,000) square feet of new impervious surfaces including tanks, pipes, platforms and other structures.

Per Section 203 of the Kendall County Stormwater Management Ordinance, non-residential developments equal to or greater than three (3) acres that result in more than forty-five thousand (45,000) square feet of development or thirty-two thousand (32,000) square feet of impervious area must provide onsite stormwater detention. The proposed expansion will exceed all stated thresholds. Therefore, YBSD is requesting a full waiver of the stormwater detention requirement based on the following:

1. The stormwater runoff generated from the proposed development area will discharge directly to the Fox River and Blackberry Creek with no impact to downstream properties.
2. The proposed development is significantly smaller than the total watershed area (21 acres of 2,138 square miles).
3. The estimated timing of the YBSD facility's peak stormwater discharges is unlikely to coincide with the highest flows and flood elevations along the Fox River and Blackberry Creek waterways.
4. The proposed implementation of best management practices such as vegetative swales, buffer strips, and sediment traps which will treat the discharges to the Fox River and Blackberry Creek and mitigate potential reduction of water quality.
5. To avoid the potential removal of valuable riparian vegetation and critical habitat for the endangered Indiana bat located on the subject property.

Per Section 403 of the Kendall County Stormwater Management Ordinance, the hydraulically equivalent compensatory storage must be provided for fills within the regulatory floodplain. In order to maximize the property's land area to accommodate critical wastewater treatment operations, YBSD is requesting a full waiver of the compensatory storage requirements, onsite or downstream of the property, based on the following:

1. There would be no structures impacted by the regulatory floodplain along the Fox River in the area immediately downstream of the proposed improvements.
2. The minor loss of flood storage resulting from the proposed fill is small, relative to the total flood storage of the Fox River and will not impact any downstream structures during the 100-year flood.
3. A dam is located upstream of the subject property which provides some hydraulic control of flood profiles, creates upstream flood storage, and reduces the impacts of proposed fill within the project limits.
4. The hydraulic modeling demonstrated that the proposed improvements meet the applicable regulatory standards of the Illinois Department of Natural Resources (IDNR) requirements for floodway constructions without the need for compensatory storage.

5. Several offsite compensatory storage locations were explored, however, these areas had major feasibility concerns or negative impacts such as requiring additional tree removal and/or additional loss of usable land.

The application materials were provided.

Engineering Enterprises Inc., as Yorkville's City Engineer, reviewed the proposal and recommended approval. WBK reviewed the proposal and deferred to the opinions of Yorkville's City Engineer. WBK's letter was provided.

Section 903 of the Kendall County Stormwater Management Ordinance required a public hearing by the Certified Community's Oversight Committee, in this case the Yorkville Planning and Zoning Commission, after applicable notice has been given. This hearing occurred on January 12, 2022. Other than the Petitioner, no one from the public testified at the hearing and the Yorkville Planning and Zoning Commission unanimously recommended approval of the requested variances.

The Yorkville City Council reviewed this proposal at their meeting on January 25, 2022, and unanimously approved the requested variances.

The draft ordinance was provided. Staff recommended approval of the ordinance subject to the conditions outlined in the draft ordinance.

Member Gilmour asked about the population of the District. Cyrus McMains responded that the District's population was around twenty-two thousand (22,000) people. The CMAP population project for 2050 was approximately forty thousand (40,000) people.

The cost of the new facility was hoped to be less than Forty Million Dollars (\$40 Million). The expansion was under design.

The Petitioner does not own the island.

The project is confined to the property on the south side of River Street.

Member Koukol asked if the District had the funds for the project. They anticipate financing seventy-five percent (75%) of the project.

Mr. McMains discussed raising the ground for the project.

Chairman Gengler recommended that Committee members tour the property.

Member Koukol asked about the permits required for the project. Mr. McMains and Paul Siegfried explained the permits that would be required from the City, County, State, and Army Corps of Engineers.

Mr. McMains explained the history of the approval process with Yorkville.

Member Flowers asked about water flow in the floodplain. Mr. Siegfried discussed raising the site. They prepared modeling to address the State's requirements. The impacts were almost negligible. They also examined the environmental impacts.

Member Koukol asked about the impacts of the project on Blackberry Creek. Discussion occurred regarding the work the Illinois Department of Natural Resources previously did on

Blackberry Creek. The proposal would not impact Blackberry Creek; the project would not slow down Blackberry Creek.

The District currently has nine (9) employees. The expansion would not cause an increase in staff.

Member Flowers asked about the number of trees planned for removal. Mr. McMains said approximately one-third (1/3) of the trees will be removed and none will be replaced because of sight constraints. A tree buffer along River Street will remain. Any erosion issues will be addressed as part of landscaping and bank stabilization.

Member Flowers made motion, seconded by Chairman Gengler, to recommend approval of the requested variances.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on February 15, 2022, on the consent agenda.

### **NEW BUSINESS**

#### **Approval of a Resolution Approving an Intergovernmental Agreement for Reciprocal Building Inspection Services between Kendall County, Illinois and the United City of Yorkville, Illinois**

Mr. Asselmeier summarized the request.

The Intergovernmental Agreement between Kendall County and the United City of Yorkville for reciprocal building inspection services expires in February.

A renewal proposal was provided. Other than dates, there were no changes to the agreement from the 2021 version.

The United City of Yorkville will be reviewing the proposal during their meetings in February.

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval of the intergovernmental agreement.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on February 15, 2022, on the consent agenda.

#### **Approval of Publishing the Annual Noxious Weed Notice in the Kendall County Record at a Cost Not to Exceed \$125.00; Related Invoice(s) to Be Paid from the PBZ Legal Publications Line Item 11001902-62090**

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval of publishing the notice.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on February 15, 2022, on the consent agenda.

#### **Approval of Proposal from WBK Engineering for Work Related to the Submittal of the Annual Report for the 2021 NPDES – MS 4 Requirements in an Amount of \$2,000 Plus Reimbursable Costs (Costs + 10 %)**

Mr. Asselmeier summarized the issue.

Kendall County is required to submit certain documents annually as required by its NPDES Permit. The proposal from WBK for this work was provided.

The cost is Two Thousand Dollars (\$2,000) which is an increase from One Thousand Eight Hundred Dollars (\$1,800) for the same scope of work which occurred in 2020.

In 2021, WBK prepared the Notice of Intent, which is required every five (5) years, in addition to the Annual Report. As such, the scope of work and costs were different in 2021 compared to 2020 and 2022.

The Illinois Environmental Protection Agency has not changed the June 1<sup>st</sup> due date for the Annual Report.

Member Gilmour made a motion, seconded by Member Flowers, to recommend approval of the proposal.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on February 15, 2022, on the consent agenda.

*Follow-Up on Kendall County Regional Planning Commission Annual Meeting*

Mr. Asselmeier provided a follow-up; approximately thirty (30) people were in attendance.

Mr. Asselmeier reported the summary for 2021 and 2022 future projects and goals.

Fifty-one (51) petitions filed in 2021; thirty-two (32); petitions filed in 2020; forty-six (46) petitions filed in 2019; thirty-three (33) petitions filed in 2018 and 2017.

Thirty-two (32) new housing starts in 2021; thirty-four (34) new housing starts in 2020; twenty (20) new housing starts in 2019.

Three hundred fifty-four (354) Total Permits in 2021; three hundred twenty-six (326) total Permits in 2020; two fifty-seven (257) Total Permits in 2019.

Total deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2021 were Two Hundred Ninety-Three Thousand, Nine Hundred Forty-One Dollars (\$293,941), the Highest Since 2006.

Department had two (2) months (June and November) with revenues in excess of Forty-Two Thousand Dollars (\$42,000); in 2020, the Department had one (1) month (June) with revenues in excess of Forty Thousand Dollars (\$40,000); this was the first time monthly revenues had exceeded Forty Thousand Dollars (\$40,000) since the mid-2000s.

Kendall County's population increased to one hundred thirty-one thousand, eight hundred sixty-nine (131,869) in the 2020 Census, an increase of approximately fourteen point nine percent (14.9%) from the 2010 Census making Kendall County the fastest growing county in Illinois by percent change.

The Census stated that the population of the unincorporated area was twenty-four thousand, one hundred thirty-eight (24,138).

County Board approved the update to the Transportation Plan in Land Resource Management Plan to match the Long Range Transportation Plan.

County submitted the Notice of Intent for Renewal of General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4's).

WBK Engineering reviewed FEMA Floodplain Management Bulletin P-2140 Floodplain Management Requirements for Agricultural Structures and Accessory Structures and recommended no changes to Kendall County's Stormwater Management Ordinance.

County Board approved amendments to the Kendall County Stormwater Management Ordinance related to Bulletin 75.

Continued doing annual NPDES surveys to the townships.

Noxious weed related documents and notices drafted and approved by the County Board.

Soils information added to the GIS.

Planning, Building and Zoning Committee reaffirmed the Department's voluntary compliance policy in cases of ordinance violations.

Planning, Building and Zoning Committee held a special committee meeting in Boulder Hill.

Kendall County became a Certified Local Government.

County Board requested and the State approved the Certification of the Kendall County Historic Preservation Ordinance for the purposes of the Property Tax Freeze Assessment Program through the Illinois Department of Natural Resources.

Kendall County Historic Preservation Commission held a special meeting at Lyon Farm.

Submitted Certified Local Government Grant for historic structure survey in unincorporated Kendall and Bristol Townships.

Continued Historic Preservation Commission awards.

Senior Planner Assisted with the codification process.

Senior Planner drafted a letter to local legislators requesting that townships be allowed to apply for grants through the Abandoned Property Program if the Illinois Housing Development Authority offers grants in the future.

Reviewed future land uses along Eldamain Road from the Fox River to Route 71.

Reviewed future land uses along Route 47 in Kendall and Lisbon Townships.

Continued adjustments of departmental operations due to the COVID-19 pandemic, including the issuance of permits and the performance of inspections.

Code Compliance Official issued permits at the former CAT Property, ANR Pipeline, Go Pro Sports Dome, and Four Seasons Storage.

Code Compliance Official held a community event at Ace Hardware in Oswego.

Items for 2022 including the following:

Continue to assist with the codification process.

Continue to implement the citation policies for the various ordinances.

Work with the Village of Montgomery to ensure that information related to the former CAT property is transferred to the Village.

Assist with the historic structure survey in unincorporated Kendall and Bristol Townships if grant funding is approved.

Work with Kendall County EMA to pursue disaster related grants and other funding.

Continue to meet with townships regarding their role in the development approval process.

Work with WBK Engineering to review the County's stormwater regulations and recommend appropriate changes based on changes in Federal and State stormwater regulations.

Continue to monitor changes to zoning related regulations at the State level.

Continue to work with GIS to ensure correct zoning information for each parcel.

Continue to work with GIS to connect parcels to the applicable special use and map amendment ordinances.

Continue to work to ensure special use permits that require renewals and reviews are examined in a timely manner.

Ensure that noxious weed and NPDES Permit documents are submitted to the State in a timely manner.

Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government projects.

Increase the visibility and activities of the Historic Preservation Commission through collaboration with other historic preservation organizations and events.

Continue working with the Northwest Water Planning Alliance.

Participate with Implementation of CMAP's 'On To 2050 Plan' for the Chicago Region.

Continue reviewing and addressing potential changes to the Zoning Ordinance and departmental operations for increased efficiency.

There were eight (8) new special use permits.

There were two (2) major amendments to existing special use permits.

There were three (3) minor amendments to existing special use permits.

There was one (1) revocation of an existing special use permit.

There was one (1) special use permit renewal.

There were (4) variances not part of a special use permit.

There eight (8) administrative variances.

There was one (1) variance to the Stormwater Management Ordinance.

There were zero (0) conditional use permits.

There were zero (0) temporary use permits.

There were six (6) site plan reviews.

There zero (0) plats of vacation, preliminary plats, or final plats.

There were three (3) text amendments.

There were two (2) amendments to the Land Resource Management Plan.

There were nine (9) map amendments.

There was one (1) Stormwater Ordinance related amendment.

There were zero (0) amendments to the Historic Preservation Ordinance and zero (0) landmarks.

There was one (1) other for historic preservation, the tax freeze for historic properties.

There was one (1) building and zoning other, the amendment to the citation form.

There were fifty-one (51) petitions in 2021.

There were eleven (11) ZPAC meetings.

There were eleven (11) Regional Planning Commission meetings.

There were nine (9) Zoning Board of Appeals meetings.

There were twelve (12) Historic Preservation Commission meetings.

There was one (1) Stormwater Management Oversight Committee meeting.

There were six (6) Comprehensive Land Plan and Ordinance Committee meetings.

There were thirteen (13) Planning, Building and Zoning Committee meetings.



Of the thirty-five (35) ordinances approved by the County Board in 2021, nineteen (19) were Planning, Building and Zoning related. Of the twenty-six (26) ordinances approved by the County Board in 2020, thirteen (13) were Planning, Building and Zoning related. Of the thirty-nine (39) ordinances approved by the County Board in 2019, twenty-two (22) were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2021 compared to zero (0) noxious weed violation investigation in 2020 and 2019.

There were thirty-two (32) single-family dwelling units permitted in 2021. The breakdowns by township and subdivision were provided.

The Code Officials conducted nine hundred eighty-three (983) field visits and inspections. A breakdown of inspections was provided.

The Code Officials reviewed and issued thirty hundred sixty-five (365) permits and ninety-six (96) plumbing inspections occurred.

The Code Official's goals for 2022 include:

Renew International Code Council Certifications.

Test and implement permit tracking site created by GIS.

Provide an education program during the Kendall County Fair.

Mr. Asselmeier noted that Seward Township requested a moratorium on new special use permits, variances, and map amendments until a township comprehensive plan was prepared. Seward Township and Oswego Township indicated they would be willing to contribute financially to the County hiring an additional code inspector.

There were no public comments regarding future land uses along Eldamain Road or Route 47 in Kendall and Lisbon Townships.

#### 2021 County-Wide Building Permit Memo

The Committee reviewed the memo.

#### Discussion of Having a Planning, Building and Zoning Committee Meeting in Boulder Hill in the Spring of 2022

Chairman Gengler provided an overview of a recent meeting with Oswego Township. He discussed patrolling and patterning with Oswego Township and Seward Township. After policies related to working with Oswego Township and Seward Township were addressed, a meeting can occur. He suggested meeting at the Oswego Township Highway Building. The meeting would be in May or June. Discussion also occurred about structuring the meeting as a question and answer session.

#### **OLD BUSINESS**

Discussion and Approval of Policy Requiring Applicants to the Planning, Building and Zoning Department to be Free of Debt or Current on an Approved Payment Plan to the County at the Time of Application Submittal.

Mr. Asselmeier explained the issue. He suggested doing a trial period to see how many applications the Department receives, how quickly other departments can review information, and how many applicants were identified as owing the County money. Without objection, the Department will conduct a one (1) or two (2) month trial period of the system.

*Kendall County Historic Preservation Commission Annual Meeting-February 16, 2022, at 6:00 p.m., at the Little White School Museum*

Mr. Asselmeier reported the Kendall County Historic Preservation Commission Annual Meeting would be February 16<sup>th</sup> at the Little White School Museum in Oswego. The agenda for the meeting was provided.

Discussion occurred about rescheduling the Admin/HR Committee meeting.

**REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

Mr. Asselmeier said the Department was working with the Sheriff's Department regarding the Wildy Road property.

**REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

**UPDATE FOR HISTORIC PRESERVATION COMMISSION**

None

**REVIEW PERMIT REPORT**

The Committee reviewed the report.

**REVIEW REVENUE REPORT**

The Committee reviewed the report.

**CORRESPONDENCE**

None

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Member Flowers made a motion, seconded by Member Koukol, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:26 p.m.

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

Enc.



**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
FEBRUARY 7, 2022**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
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