



**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

October 3, 2022 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the August 29, 2022, Zoning Board of Appeals Hearing/Meeting (Pages 2-19)

PETITION:

- Petition 22 – 19 – Jairo Ortega (Pages 20-122)**
Request: Map Amendment Rezoning the Western 0.785 +/- Acres of the Subject Property from A-1 Agricultural District to R-1 One Family Residential District
PIN: 09-15-300-024
Location: South Side of Route 52 Across the Street from 2735 Route 52 in Seward Township
Purpose: Petitioner Wishes to Rezone the Property in Order for the Property to Have One Zoning Classification and in Order to Construct One House

NEW BUSINESS/ OLD BUSINESS

- Recommendation of the Fiscal Year 2022-2023 Meeting Calendar (Page 123)
- October 21, 2022 Illinois Association of County Zoning Officials Training

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

- Petition 22-01 Landscaping Business at 1038 Harvey Road
- Petition 22-14 Place of Worship at 67 Boulder Hill Pass
- Petition 22-16 Major Amendments to Special Use Permit for Banquet Facility in the 5100 Block of Schlapp Road

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on October 31, 2022

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.

**MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
August 29, 2022 – 7:00 p.m.**

CALL TO ORDER

Vice Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: Randy Mohr

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez

MINUTES:

Member Fox made a motion, seconded by Member Whitfield, to approve the minutes of the June 27, 2022, hearing/meeting.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Vice Chairman LeCuyer swore in Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez

The Zoning Board of Appeals started their review of Petition 22-14 at 7:01 p.m.

Petition 22 – 14 – Sunny Simon on Behalf of Boulder Hill Market, LLC and Yonia Ahymee Nyamle on Behalf of the Olgani Wosho Foundation

Request: Special Use Permit for a Place of Worship

PIN: 03-05-401-003

Location: 67 Boulder Hill Pass, Montgomery, Oswego Township

Purpose: Petitioner Wants to Operate a Church Inside This Unit of Boulder Hill Market; Unit is Zoned B-3 Highway Business District

Mr. Asselmeier summarized the request.

The Olangi Wosho Foundation would like to operate the Christian Spiritual Warfare Ministry at 67 Boulder Hill Pass.

The application materials and site plan were provided.

On February 17, 2015, the Kendall County Board approved Ordinance 2015-02, granting a special use permit for a place of worship to River’s Edge Fellowship at 71 Boulder Hill Pass. This ordinance was also provided.

The unit is approximately six thousand eight hundred (6,800) square feet.

The unit is zoned B-3.

The County's Future Land Use Map called for the property to be Suburban Residential (Max 1.00 DU/Acre).

Boulder Hill Pass is a Township maintained local road.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were commercial related, an apartment complex, train tracks, and a wooded lot.

The adjacent properties were zoned A-1, R-7, B-1, and B-3. One (1) of the adjacent properties was inside the Village of Montgomery.

The County's Land Resource Management Plan called for the area to be Suburban Residential.

EcoCAT Report was submitted on July 8, 2022, and indicated the following protected resources in the vicinity:

Greater Redhorse

River Redhorse

Adverse impacts were unlikely and consultation was terminated.

The NRI application was submitted on July 6, 2022. The LESA Score was 78 indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Oswego Township on July 21, 2022. No comments received.

Petition information was sent to the Village of Montgomery on July 21, 2022. No comments received.

Petition information was sent to the Oswego Fire Protection District on July 21, 2022. The Oswego Fire Protection District submitted an email on July 22, 2022 indicating that a sprinkler system might be required, depending on the occupancy load. This email was provided.

ZPAC reviewed this proposal at their meeting on August 2, 2022. Discussion occurred regarding restricting outdoor events at the property. The Petitioners were not present at the meeting. ZPAC recommended approval of the proposal with conditions proposed by Staff by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided. After the ZPAC meeting, the Petitioner submitted an email saying they will not have outdoor services. This email was provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on August 24, 2022. Discussion occurred regarding the noise regulations. The suggestion was made to have the noise regulations apply to non-church service related activities only. No weddings would occur at the

property and no outside activities would occur at the property. Any signs installed on the property would have to meet applicable regulations. The Petitioners stated they had no concerns regarding the conditions. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The Kendall County Zoning Ordinance in Section 7:01.D.41 places the following requirements on special use permits for places of worship:

1. The height for the towers and steeples shall not exceed seventy-five (75) feet and not more than forty-five (45) feet for the main structure.
2. Other related uses, such as school, child day care services, kindergartens, meeting facilities shall be permitted to the extent that the activity is otherwise permitted, and shall be subject to all applicable regulations, including parking.

No changes to the exterior of the building are proposed as part of the special use permit.

According to the information submitted to the County, the Olgani Wosho Foundation operates the Christian Spiritual Warfare Ministry. If approved, services would be held on Tuesday mornings, Wednesday afternoons, Wednesday nights, Friday mornings, Friday nights, Saturdays around Noon, Saturday nights, and Sunday afternoons. The times of activities were subject to change. Various community based activities, including food distributions and retreats, would either occur at the property or originate from the property.

67 Boulder Hill Pass is approximately six thousand, eight hundred (6,800) square feet in size. Per the submitted building plan, the space has one (1) door facing the parking lot and two (2) doors facing the back side of the building. Two (2) restroom facilities are inside the space.

No information was provided regarding the number of people inside the space.

A change in occupancy would be required.

The property is served by public water and sewer.

No new impervious surface is proposed.

The property fronts Boulder Hill Pass.

The existing parking lot has approximately two hundred thirty-five parking (235) spaces.

Per Section 11:04 of the Kendall County Zoning Ordinance, one (1) parking space per every three (3) seats is required for places of worship.

No exterior lighting was planned.

No signage information was provided. Any signage installed would be required to meet the requirements of the Kendall County Zoning Ordinance.

No information was provided regarding security.

No changes to the existing landscaping was planned.

No information was provided regarding noise control.

No odor causing activities are foreseen at the property.

If approved, this would be the thirteenth (13th) special use permit for a place of worship in the unincorporated area and the second (2nd) such special use permit in the Boulder Hill Market.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. Provided the operators of the use follow applicable building codes, no threats to the public health, safety, morals, comfort, or general welfare are foreseen.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The subject property is mostly surrounded by business uses with multi-family uses found to the east. Provided a restriction is placed in the special use permit regarding noise, no injury should be caused to neighboring properties. No information has been provided showing that the existing place of worship in Boulder Hill Market has negatively impacted property values or the use and enjoyment of other properties in the immediate vicinity.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The use will be located inside an existing building with no plans to alter existing points of ingress and egress or drainage. Adequate utilities are onsite.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true; no variances are needed.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the Future Land Use Map calls for this property to be Suburban Residential and the property has been zoned for commercial uses since 1956. According to the definition of Suburban Residential found on page 6-45 of the Land Resource Management Plan, "Compatible governmental, educational, religious, and recreational uses also may be

permitted in these areas.” Governmental, educational, religious, and recreational uses can be found adjacent to the subject property. The proposed use would enhance and complement the existing uses in the area.

Staff recommended approval of the requested special use permit subject to the following conditions and restrictions:

1. The special use shall be restricted to the unit shown as 67 Boulder Pass in the submitted site plan. No outdoor services shall be held at the subject property. (Amended after ZPAC meeting)
2. If the Olangi Wosho Foundation vacates the unit, the special use permit shall automatically be revoked.
3. The noise regulations are as follows:

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 property line of the complainant.

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 property line of the complainant.

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.

4. The property owner and operator of the use allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use, including, but not limited to, the signage regulations contained in the Kendall County Zoning Ordinance.
5. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Asselmeier noted his reluctance to add the noise restriction, but felt it was necessary due to the location of the nearby apartment complex and the times of services.

Vice Chairman LeCuyer opened the public hearing at 7:07 p.m.

No member of the public testified at the hearing.

Vice Chairman LeCuyer closed the public hearing at 7:07 p.m.

Member Fox made a motion, seconded by Member Prodehl, to approve the Findings of Fact for the special use permit.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Member Whitfield made a motion, seconded by Member Fox, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

The proposal will go to the Planning, Building and Zoning Committee on September 12, 2022.

The Zoning Board of Appeals completed their review of Petition 22-14 at 7:09 p.m.

The Zoning Board of Appeals started their review of Petition 22-16 at 7:09 p.m.

Petition 22 – 16 – Lydia Ramirez

Request: Major Amendment to a Special Use Permit for a Banquet Facility Granted by Ordinance 2019-3 by Amending the Site Plan, Landscaping Plan, and Photometric Plan
PIN: 03-34-100-027
Location: 5100 Hundred Block of Schlapp Road (Approximately 0.48 Miles South of the Intersection of Plainfield Road and Schlapp Road on the East Side of Schlapp Road), Oswego Township
Purpose: Petitioner Would Like to Operate a Banquet Facility at the Property, but Would Like to Reconfigure the Layout of the Site; Property is Zoned A-1 SU

Mr. Asselmeier summarized the request.

In February 2019, the Kendall County Board granted a special use permit for a banquet facility at the subject property. The property recently sold and the new owner would like to amend the site plan, landscaping plan, and photometric plan for the property.

The application materials, Ordinance 2019-3, revised proposed site plan, revised proposed landscaping plan, proposed photometric plan, and the revised proposed engineering plans were provided. The site

plan, landscaping plan, and engineering plans were revised after ZPAC to address concerns from WBK Engineering.

In particular, the following changes were proposed:

1. The northern driveway from the parking lot to Schlapp Road was eliminated.
2. The total number of parking spaces was reduced from one hundred fifty-one (151), including seven (7) handicapped parking spaces, to one hundred fifty parking (150), including six (6) handicapped parking spaces. The parking lot would also be divided into two (2) phases with ninety-nine (99) parking spaces in the first phase and fifty-one (51) parking spaces in the second phase. The location of the handicapped parking spaces within the parking lot was also adjusted.
3. The future building east of the parking lot was increased from one thousand five hundred (1,500) square feet to two thousand five (2,500) square feet.
4. One (1) additional asphalt walkway between the parking lot and barn (western walkway) was added. The walkway is approximately twelve feet (12') in width and encompasses one thousand ninety (1,090) square feet.
5. The eastern gravel walkway was reduced from twelve feet (12') to eight feet (8') in width.
6. The gravel walkway south of the barn was also reduced from twelve feet (12') to eight feet (8') in width.
7. The three (3) grain bins, tent area north of the proposed barn, and outdoor concrete pad areas on the east and west side of the barn were removed and replaced with a lean to building and concrete pad areas.
8. The proposed barn was increased from a four thousand nine hundred fifty (4,950) square foot structure to a five thousand two hundred eighty (5,280) square foot structure, not including the one thousand two hundred (1,200) square foot lean to building.
9. The location and configuration of the septic system was changed.
10. The wet bottom detention pond was made approximately two feet (2') deeper and the foot print of the pond shrunk.
11. A wild flower and prairie seed mix was added to the bio-swale west of the berm.
12. A dry mesic prairie mix was added around the pond.
13. The number of understory trees was decreased from ten (10) to five (5).
14. The location of some of the deciduous bushes around the proposed barn was adjusted to reflect the new dimensions of the barn.
15. The location of lights along the driveway were adjusted to reflect having one (1) entrance/exit.

Accordingly, the number of "A2-5" lights was reduced from five (5) to four (4) and the number of "A1-3" lights was increased from two (2) to three (3).

16. Eighteen (18) new lights were proposed along the walkways from the parking lot to the proposed barn and walkways around the barn.

The existing conditions contained in Ordinance 2019-3 were as follows:

- A. The site shall be developed substantially in accordance with the attached site plan attached hereto as Exhibit C, the attached landscaping plan attached hereto as Exhibit D, and the attached lighting plan attached hereto as Exhibit E. The previously listed plans may be altered to meet the right-of-way dedication mentioned in condition B. Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such location as to provide a complete screening within five (5) years of approval of this ordinance.
- B. Within sixty (60) days of approval of this special use permit ordinance, the property owners shall convey a strip of land along the entire western portion of the property to Oswego Township to be used as Schlapp Road right-of-way. This dedication shall have a depth of fifty feet (50') as measured from the centerline of Schlapp Road.
- C. A maximum of two hundred eighty-five (285) guests in attendance at a banquet center related event may be on the subject property at a given time.
- D. A variance shall be granted to the requirement that the facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan as required in Section 7.01.D.10.a of the Kendall County Zoning Ordinance.
- E. The subject parcel must maintain a minimum of five (5) acres.
- F. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance.
- G. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance except where variances are granted. In particular, lighting will not be allowed to cross property lines. Parking lot lights shall not be illuminated on evenings when no events are held.
- H. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance. The signage shall be developed in accordance to the attached site plan. The owners of the business allowed by this special use permit may install two (2) directional signs along Schlapp Road. Any signage provided will not be illuminated.
- I. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- J. The noise regulations are as follows:

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 property line of the complainant.

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 property line of the complainant.

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.

- K. No music shall originate outside of any building. This exemption shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of buildings.
- L. The hours of operation shall be between 9:00 a.m. and Midnight on weekends and between 9:00 a.m. and 10:00 p.m. on weekdays. The owners of the business allowed by this special use permit shall be allowed an additional two (2) hours after each event for the purposes of cleanup. Setup for events shall occur during the hours of operation. For the purposes of this special use permit ordinance, the term "weekend" shall mean Fridays, Saturdays, the day prior to any Federal or State holiday, and any Federal or State holiday that falls on a Thursday. The term "weekday" shall mean the other days of the week not included in the definition of "weekend."
- M. A new certificate of occupancy must be issued for all buildings.
- N. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
- O. The special use permit for the residential unit of a stable employee, previously granted by Ordinance 1999-10 and amended by Ordinance 1999-20, shall be repealed.
- P. No patrons, employees, or other individuals associated with events at the banquet facility allowed by this special use permit may park along Schlapp Road.
- Q. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall plant a thirty foot (30') strip of wild flowers and prairie grasses along the entire eastern property line.
- R. Prior to the commencement of business operations, the owners of the banquet facility allowed by this special use permit shall erect "No Trespassing" signs near the eastern property line.
- S. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
- T. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
- U. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Condition A is the only condition proposed for amendment. The height of trees and timing of screening would remain the same. Planting of vegetation would be completed by June 1, 2023.

The property is approximately nine point seven (9.7) acres in size.

The current land use is Agricultural.

The future land use is Rural Residential (Max 0.60 DU/Acre).

Schlapp Road is a Township maintained minor collector.

There were no trails planned in the area.

There were no floodplains or wetlands on the property.

The adjacent land uses were Agricultural and Farmstead.

The adjacent properties were zoned A-1 and A-1 SU.

The Future Land Use Map called for the area to Rural Residential (Max 0.60 DU/Acre) and Rural Estate Residential (Max 0.45 DU/Acre).

The properties within a half (1/2) mile were zoned A-1, A-1 SU, R-1 and R-3.

The A-1 SU to the north of the subject property is for a residential unit for a stable employee. The A-1 SU to the east of the subject property is a church. One (1) additional A-1 SU is located within one half (1/2) mile of the property to the northeast; this special use permit is for the selling of agricultural products not grown on the premises.

Seven (7) houses, not including the homes in the Douglas Hill Subdivision and Leisure Lea Subdivision, are located within one half (1/2) mile of the existing property lines.

EcoCat submitted on July 13, 2022, consultation was terminated.

NRI application submitted on July 18, 2022. The LESA Score was 198 indicating a low level of protection. The NRI Report was provided.

Oswego Township was emailed information on July 21, 2022. The right-of-way dedication required in Ordinance 2019-3 occurred as required.

Oswego Fire Protection District was emailed information on July 21, 2022. The previous property owner explored obtaining a variance to the sprinkling requirements.

The Oswego Fire Protection District submitted an email on July 22, 2022, with following comments and conditions:

1. New construction, including the lean to, shall be required to be sprinkler protected and fire alarmed.

2. Concrete pads and housing for tents are required to be compliant with IBC and IFC tent regulations.
3. An auto turning exhibit is required to validate ability of emergency vehicles to navigate the site.
4. Gravel parking lot shall be constructed so that it can be maintained in drivable and accessible condition year-round.

At the ZPAC meeting, the Petitioner agreed to the above conditions. The revised auto turn exhibit was provided. The Oswego Fire District's response was provided. The auto turn exhibit was updated following the comments from the Oswego Fire Protection District.

The Village of Oswego was emailed information on July 21, 2022. No comments received.

ZPAC reviewed the proposal at their meeting on August 2, 2022. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

WBK submitted comments on the proposal on August 2, 2022. These comments were provided. Tebrugge Engineering's response letter was also provided.

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 24, 2022. Discussion occurred regarding concerns raised at the original review of the special use permit pertaining to noise and the pond. Requirements were placed in the original special use permit pertaining to screening and "no trespassing" signs. The Petitioner was requesting the amendment because the new designs would save them money. The Petitioner was agreeable to the requirement that structures have sprinklers. It was noted that the nearest home was located over one thousand feet (1000') from the use with screening around both properties. Construction would start at the beginning of 2023. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with two (2) members absent. The minutes of the meeting were provided.

The proposed Findings of Fact were as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls are included in the plan to prevent noise from negatively impacting neighboring properties.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the

property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. Some of the negative impacts of the proposed use on properties in the immediate vicinity could be mitigated by restrictions related to hours of operation, number of events, and buffering within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the Petitioner plans to work with the Kendall County Health Department, the Kendall County Planning, Building and Zoning Department and Oswego Township to address utilities, drainage, and points of ingress and egress.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. True, no additional variances are requested.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-3 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Staff recommended approval of the major amendment to an existing special use permit subject to the following conditions and restrictions:

1. Condition 2.A of Ordinance 2019-3 is deleted and replaced with the following: "The site shall be developed substantially in accordance with the submitted site plan, landscaping plan, photometric plan, engineering plans, and auto turning exhibit. The wall to wall specs shall be forty-four feet seven inches (44' 7") (Amended after ZPAC). Trees shall be a minimum five feet (5') in height at the time of planting as measured from the top of the root ball to the top of the tree. The trees shall be planted in such locations as to provide a complete screening within five (5) years of approval of this amendment. The specific dimensions of the pond shall be governed by the stormwater management permit."
2. Installation of the vegetation shown in the landscaping plan shall be completed by June 1, 2023. The Planning, Building and Zoning Committee may extend the deadline to install the vegetation upon request of the property owner or operator of the business allowed by the special use permit.
3. The parking lot and driveway shall be constructed in a manner so that it can be maintained in drivable and accessible condition year-round for emergency response vehicles (Added after ZPAC).
4. The remaining conditions and restrictions contained in Ordinance 2019-3 shall remain valid and effective.

5. Failure to comply with one or more of the above conditions or restrictions or the conditions or restrictions contained in Ordinance 2019-3 could result in the amendment or revocation of the special use permit.
6. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
7. This major amendment to an existing special use permit shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property.

Member Fox asked who issues the stormwater management permit. Mr. Asselmeier responded the County at the recommendation of WBK Engineering.

Member Prodehl asked if the maximum occupancy changed. Mr. Asselmeier responded the Petitioners were not requesting a change to the maximum occupancy.

Member Cherry asked about noise regulations. Mr. Asselmeier read the noise regulations, hours of operation, and buffering requirements already in the existing special use permit.

Vice Chairman LeCuyer opened the public hearing at 7:20 p.m.

Mr. Asselmeier asked if the Petitioners were agreeable to closing the venue at 10:00 p.m. on weekdays. The Petitioner was not agreeable to changing the hours of operation.

Member Cherry primary concern was noise.

Member Cherry asked about lighting. Mr. Asselmeier read the lighting requirements.

The building would be insulated.

The space would host weddings and other events inside the space.

Member Cherry about the retention pond. The pond is not supposed to overflow and the pond is deeper than originally proposed.

The entertainment would include disco jockeys and bands.

Mr. Asselmeier explained the process for enforcing the noise regulations.

Member Cherry asked if he would hear the venue a quarter (1/4) mile away. Mr. Asselmeier responded that Member Cherry might hear something at that distance, but it should not be louder than talking. Member Prodehl noted that neighbors around her facility cannot hear noise; she felt noise would be minimal because of insulation; she has the same restrictions as the subject property.

Vice Chairman LeCuyer closed the public hearing at 7:26 p.m.

Member Thompson made a motion, seconded by Member Whitfield, to approve the Findings of Fact for the major amendment to the special use permit.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (1): Cherry
Absent (1): Mohr

The motion passed.

Member Fox made a motion, seconded by Member Prodehl, to recommend approval of the major amendment of an existing special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (5): Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (1): Cherry
Absent (1): Mohr

The motion passed.

The proposal will go to the Planning, Building and Zoning Committee on September 12, 2022.

The Zoning Board of Appeals completed their review of Petition 22-16 at 7:28 p.m.

The Zoning Board of Appeals started their review of Petition 22-18 at 7:28 p.m.

Petition 22 – 18 – Abacuc Rodriguez

Request: Variance to Section 8:07.E.2 of the Kendall County Zoning Ordinance to Allow a Garage Attached to the Primary Structure to Encroach Up To 5.05 Feet of the Eastern Property Line
PIN: 01-05-203-002
Location: 16402 Galena Road, Little Rock Township
Purpose: Petitioner Would Like to Construct an Attached Garage at the Property; Property is Zoned R-3

Mr. Asselmeier summarized the request.

The Petitioner would like to the construct an approximately six hundred seventy-two (672) square foot garage at 16402 Galena Road. The garage would encroach to within five point zero five feet (5.05') of the eastern property line. Per Section 8:07.E.2, the required side yard setback for this property is eight point two-five feet (8.25').

The application materials, site plan, and elevations of the proposed garage were provided.

The property is approximately zero point three-seven-five (0.375 +/-) acres.

The property is zoned R-3 One Family Residential District.

The Current Land Use is Single-Family Residential.

The Future Land Use is Rural Estate Residential (0.45 DU/Acre Max).

Galena Road is a Major Collector maintained by Kendall County. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Vacant, Agricultural, and Single-Family Residential.

All of the adjacent properties are zoned R-3.

The Land Resource Management Plan calls for the area to be Rural Estate Residential (0.45 DU/Acre Max).

Per the elevations (Attachment 3), the maximum height of the proposed garage is fourteen feet, two inches (14' 2").

Little Rock Township was emailed this proposal on August 4, 2022. No comments received.

The Little Rock-Fox Fire Protection District was emailed this proposal on August 4, 2022. No comments received.

The City of Plano was emailed this proposal on August 4, 2022. No comments received.

The proposed Findings of Fact were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The subject parcel was platted in the 1800s and the existing house was constructed in 1979. The proposed garage could not be constructed on the property without encroaching into the east side yard property because of the configuration of the property and the location of the house on the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-3 and platted in the 1800s with the type of configuration of the subject parcel is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot or construct the existing house. The current owner does wish to construct an attached garage.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.

Staff recommended approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan and no part of the attached garage shall encroach within five point zero-five feet (5.05') of the existing eastern property line.
2. The owner of the property shall comply will all applicable federal, state, and local laws with regards to constructing and/or renovating structures on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

Vice Chairman LeCuyer noted that neighboring properties had structures near the property lines.

Vice Chairman LeCuyer opened the public hearing at 7:31 p.m.

Abacuc Rodriguez, Petitioner, requested permission to build a garage. He has lived at the property for seventeen (17) years without a garage.

Vice Chairman LeCuyer closed the public hearing at 7:33 p.m.

Member Fox made a motion, seconded by Member Cherry, to approve the Findings of Fact for the variance.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Member Thompson made a motion, seconded by Member Whitfield, to approve the variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Little Rock Township will be notified of the results of the hearing.

The Zoning Board of Appeals completed their review of Petition 22-18 at 7:35 p.m.

NEW BUSINESS/OLD BUSINESS

October 21, 2022 Illinois Association of County Zoning Officials Training

Mr. Asselmeier stated that the Illinois Association of County Zoning Officials will have a training on October 21, 2022, at 9:00 a.m., via Zoom. The first session will be on carbon dioxide pipeline regulations. The second session will be on zoning hearings. A roundtable discussion will be held after lunch on activities and concerns in the various counties. Members should contact Mr. Asselmeier if they were interested in attending. There was no application fee.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petitions 22-06, 22-12, and 22-13 were approved by the County Board. The Planning, Building and Zoning Committee was requiring the Petitioner for Petition 22-01 to obtain a stormwater management permit; that proposal has not yet gone to the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported that for the next hearing/meeting, there is a map amendment request for a portion of property on Route 52 south of 2735 Route 52. The owners of Yogi Bear Campground were still working on their special use permit amendment application.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Whitfield, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:38 p.m.

The next regularly scheduled hearing/meeting will be on October 3, 2022.

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

Exhibits

1. Memo on Petition 22-14 Dated August 25, 2022
2. Certificate of Publication and Certified Mail Receipts for Petition 22-14 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 22-16 Dated August 25, 2022
4. Certificate of Publication for Petition 22-16 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 22-18 Dated August 4, 2022
6. Certificate of Publication for Petition 22-18 (Not Included with Report but on file in Planning, Building and Zoning Office)

2/2

**KENDALL COUNTY
ZONING BOARD OF APPEALS
AUGUST 29, 2022**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Lydia Ramirez	[REDACTED]	
Mara Ruiz		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 22-19

Jairo Ortega

Map Amendment Rezoning Property from A-1 to R-1

INTRODUCTION

In February 2022, the Petitioner and his wife purchased the subject property from Tri-Star Development, Inc. Prior to the sale, on September 21, 2021, through Ordinance 2021-18, the County Board rezoned a majority of the property to R-1. A portion of the Petitioner's property was not included in the 2021 rezoning and the Petitioner would like to rezone the remainder (approximately 0.785 acres) to R-1 in order for the property to have one (1) zoning classification. The Petitioner wishes to construct a house on the property.

The application materials are included as Attachment 1. The plat of survey for the entire property is included as Attachment 2.

SITE INFORMATION

PETITIONER: Jairo Ortega

ADDRESS: Across Route 52 from 2735 Route 52, Minooka

LOCATION: Approximately 0.2 Miles West of Jughandle Road on the South Side of U.S. Route 52

TOWNSHIP: Seward

PARCEL #: 09-15-300-024

LOT SIZE: 3.01 Acres (Total Parcel) 0.785 Acres (Proposed Rezoned Area)

EXISTING LAND USE: Agricultural/Wooded

ZONING: A-1 Agricultural District

LRMP: Future Land Use	Rural Residential (Max 0.65 DU/Acre)
Roads	U.S. 52 is a State Maintained Arterial.
Trails	Joliet has trails planned along Route 52.
Floodplain/Wetlands	None



Yellow Area is Zoned R-1; Green Area is Zoned A-1

REQUESTED Map Amendment Rezoning Property from A-1 to R-1
ACTION:

APPLICABLE Section 13:07 – Map Amendment Procedures
REGULATIONS:

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural Farmstead/Special Use For Products Not Grown on the Premises	A-1 SU	Rural Residential (Max 0.65 DU/Acre)	A-1 and A-1 SU
South	Agricultural/Wooded	A-1 and R-1	Rural Residential	A-1 and R-1
East	Single-Family Residential	R-1	Rural Residential	A-1 and R-1
West	Agricultural/Wooded	A-1	Rural Residential	A-1

The A-1 special use permit to the north is for the sale of products not grown on the premises.

The Baker Woods Forest Preserve is located within one half (1/2) mile of the subject property.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report submitted (see Attachment 1, Pages 28-30) and noted the presence of the following protected resources in the vicinity:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

Adverse impacts were considered unlikely and consultation was terminated (see Attachment 4).

NATURAL RESOURCES INVENTORY

The application for NRI was submitted on August 1, 2022 (see Attachment 1, Page 27). The LESA Score was 181 indicating a low level of protection. The NRI report is included as Attachment 3.

ACTION SUMMARY

SEWARD TOWNSHIP

Petition information was sent to Seward Township on August 8, 2022. Seward Township submitted an email on September 14, 2022, stating that the Township Board unanimously denied the request. The email is included as Attachment 5. Seward Township’s reasons for denial were as follows:

The property is heavily wooded and immediately surrounded to the north, west and southwest by floodplain. This is a direct watershed to the protected Aux Sable Creek.

The property is adjacent to the Conservation Foundation land and the Forest Preserve.

There is currently minimal enforcement throughout the County to make sure dumping and other activities within the dense wooded areas does not take place. We already have this exact same problem near the Aux Sable Creek as well as other similar areas in the Township which has been happening for many years. It does not make sense to add to the problem again on Rt. 52 next to a Forest Preserve and Conservation Land.

The property is located along Rt. 52 with heavy traffic (including more trucks every day) near the Aux Sable Creek bridge. The addition of another driveway at this location will increase the

likelihood of a bad accident near the bridge and entrance to Bakers Woods Forest Preserve. This is one of the reasons that Seward Township moved its location years ago to O'Brien Rd away from the Aux Sable Creek and bridge.

The Seward Township Planning Commission and Board have agreed to propose a revised Land Use Map to the County for review that will change this property and a good portion of the remainder of the Township back to Agricultural Use on the Future Land Use Map. Currently the entire Seward Township is shown as Residential and Commercial with no Agricultural Use at all. This does not match with the goals of the residents of Seward Township. It would be disingenuous of our planning commission to vote in favor of this zoning change when at the same meeting they have approved the land use change on the Future Land Use Map which will be sent for review to the County.

Last and foremost, it is our opinion that the best use for this piece of land is not Residential. It is our opinion that the best use is to be kept Ag zoning.

The email outlining the Seward Township's reasons for denial are included as Attachment 6. Staff's response to Seward Township's reasons are included as Attachment 7.

Staff would like to point out that Seward Township did not object to the rezoning of the eastern portion of the property in 2021. The minutes of the Seward Township Planning Commission from August 12, 2021 are included as Attachment 8.

Staff would further like to point out that Seward Township did not object to the rezoning of the one eighty-three (183) acres of the Tri-Star property located approximately one third (1/3) of a mile to the west of the subject property.

VILLAGE OF SHOREWOOD

Petition information was sent to the Village of Shorewood on August 8, 2022.

CITY OF JOLIET

Petition information was sent to the City of Joliet on August 8, 2022.

MINOOKA FIRE PROTECTION DISTRICT

Petition information was sent to the Minooka Fire Protection District on August 8, 2022.

ZPAC

ZPAC reviewed this Petition at their meeting on September 13, 2022. The Petitioner indicated that he would like to have the driveway access located in center of the property along Route 52. It was noted that the Conservation Foundation recently purchased the property to the west of the subject property and discussion was underway to use that property for forest preserve purposes. It was also noted that a culvert was located to the west of the subject property. Lastly, it was noted that it may be challenging to install a traditional septic system on the subject property because the property was wooded. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting are included as Attachment 9.

RPC

The Kendall County Regional Planning Commission reviewed this Petition at their meeting on September 28, 2022. It was noted that Seward Township had not supplied the County with a proposed plan or future land use map. The Commission reviewed the ownership, zoning, floodplain, and wetland maps of properties near the subject property. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of eight (8) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are included as Attachment 11.

GENERAL INFORMATION

The Petitioner desires to rezone the subject property in order to build one (1) house on the subject property and to have consistent zoning throughout the property.

BUILDING CODES

Any new homes or accessory structures would be required to meet applicable building codes.

UTILITIES

No public or private utilities are onsite.

ACCESS

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment. The Illinois Department of Transportation submitted an email with no comments on the proposal. The email is included as Attachment 10.

PARKING AND INTERNAL TRAFFIC CIRCULATION

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

ODORS

No new odors are foreseen.

LIGHTING

Any new lighting would be for residential use only.

LANDSCAPING AND SCREENING

Any fencing, landscaping, or screening would be for residential purposes.

SIGNAGE

Any signage would be residential in nature.

NOISE CONTROL

No noise is anticipated.

STORMWATER

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

FINDINGS OF FACT

§13:07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on map amendment applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. A forest preserve is located in the vicinity.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 and R-1. The A-1 property to the north has a special use permit for sale of products not grown on the premises.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently split zoned A-1 and R-1. The property is presently heavily wooded and having a single zoning classification for the property is desirable.***

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. **The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in***

the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Residential. The R-1 One Family Residential District is consistent with the Rural Residential classification.**

RECOMMENDATION

Staff recommends approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

ATTACHMENTS

1. Application Materials (Including the Petitioner's Findings of Fact, NRI, and EcoCat)
2. Plat of Survey for Property
3. NRI Report
4. EcoCat Termination Letter
5. September 14, 2022, Email from Seward Township Supervisor Tim O'Brien
6. September 14, 2022, Email from Seward Township Planning Commission Chairman Peter Fleming
7. September 15, 2022, Email from Matt Asselmeier to Seward Township
8. August 12, 2021, Seward Township Planning Commission Minutes
9. September 13, 2022, Kendall County ZPAC Meeting Minutes
10. September 19, 2022, Email from the Illinois Department of Transportation
11. September 28, 2022, Kendall County Regional Planning Commission Meeting Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING
 111 West Fox Street • Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ **FILE #:** _____

NAME OF APPLICANT Jairo Ortega		
CURRENT LANDOWNER/NAME(s) Jairo and Rebecca Ortega		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES 3.021		09 15 300 024
EXISTING LAND USE Wooded	CURRENT ZONING A-1	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input checked="" type="checkbox"/> MAP AMENDMENT (Rezone to <u>R1</u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Jairo Ortega	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 08/03/2022

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13:07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any **map amendment** request. They are as follows:

Existing uses of property within the general area of the property in question.

Undeveloped vacant and fully wooded land.

The Zoning classification of property within the general area of the property in question.

The property is currently zoned A-1.

The suitability of the property in question for the uses permitted under the existing zoning classification.

Along with the Eastern adjoining parcel, rezoning of this parcel will satisfy the minimum frontage requirements by Kendall County Zoning Ordinance for the construction of a single family home with A-1 zoning.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification.

Adjoining properties are zoned R-1

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

Request is consistent with the purpose and objective of the Kendall County Land Resource Management plan and other adopted County and municipal plans and policies.

**Brief justification of the reasons for the requested zoning
and the intended use(s).**

The reason for the requested change in zoning is to allow for the construction of a single family home across a single R-1 zoned parcel.

LEGAL DESCRIPTION OF PROPERTY

PROPOSED R-1 ZONING DISTRICT

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 258.69 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 71.31 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST ALONG SAID PARALLEL LINE, 470.03 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 510.00 FEET OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 74.20 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 0.785 acres more or less.

STATE OF ILLINOIS)
)
COUNTY OF KENDALL)

**RE-RECORDING OF QUIT CLAIM DEED IN TRUST TO
CORRECT THE LEGAL DESCRIPTION
PART OF TAX PARCEL NUMBERS 09-15-300-020
Buyer retaining 3.021 acres vacant land west of Jughandle Road, US Route 52,
MINOOKA, ILLINOIS 60447
RECORDED DOCUMENT
2022000042111**

This Transaction EXEMPT under provisions of
35ILCS 200/31-45, Par. E.

Dated June 13, 2022.

Signed _____

202200004211

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 3/3/2022 3:53 PM
REC FEE: 57.00 RHSPS: 10.00
PAGES: 5

LICSA 620392 Act
QUIT CLAIM DEED
Statutory (Illinois)

Chicago Title

THE GRANTORS,
Jairo Ortega and Rebecca Ortega,
Husband and Wife,
as Joint Tenants
Of the [REDACTED]
in the County of Kendall
and State of Illinois

for and in consideration of \$10.00 in hand paid, CONVEY and QUIT CLAIM TO:

Tri-Star Development Inc., An Illinois Corporation, GRANTEE

whose address is: [REDACTED]

all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois to wit:

See attached legal description

SUBJECT TO: Existing easements, covenants, and restrictions of record, and 2021 and subsequent years real estate taxes.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

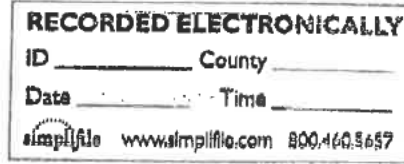
TAX PARCEL NO. Part of 09-15-300-020
ADDRESS OF PROPERTY: 4.245 acres US Route 52, Minooka, Illinois 60447

Dated this 18TH day of February, 2022.

LICSA 620392 Act²
QUIT CLAIM DEED
Statutory (Illinois)

Chicago Title

THE GRANTORS,
Jairo Ortega and Rebecca Ortega,
Husband and Wife,
as Joint Tenants
Of the [REDACTED]
in the County of Kendall
and State of Illinois



for and in consideration of \$10.00 in hand paid, CONVEY and QUIT CLAIM TO:

Tri-Star Development Inc., An Illinois Corporation, GRANTEE

whose address is [REDACTED]

all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois to wit:

See attached legal description

SUBJECT TO: Existing easements, covenants, and restrictions of record, and 2021 and subsequent years real estate taxes.

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TAX PARCEL NO. Part of 09-15-300-020
ADDRESS OF PROPERTY: 4.245 acres US Route 52, Minooka, Illinois 60447

Dated this 18TH day of February, 2022.



Jairo Ortega



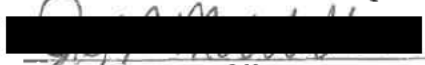
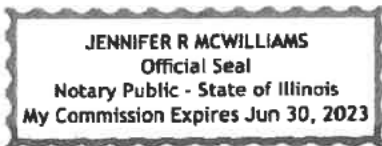
Rebecca Ortega

Quit Claim Deed

STATE OF ILLINOIS)
) SS.
COUNTY OF KENDALL)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT JAIRO ORTEGA/REBECCA ORTEGA personally known to me to be the same person whose name they subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered this instrument as they free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 18TH Day of FEBRUARY, 2022



Notary Public


SEND SUBSEQUENT TAX BILLS TO AND:
GRANTEE'S ADDRESS
Tri-Star Development Inc., An Illinois Corporation



THIS DOCUMENT PREPARED BY:
AFTER RECORDING, RETURN TO:
Law Offices of Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560

This Transaction EXEMPT under provisions of 35ILCS 200/31-45, Par. 6.

Dated 2-18, 2022.

Signed  Attorney



Debbie Gillette
Kendall County Clerk & Recorder

PLAT ACT AFFIDAVIT OF METES AND BOUNDS

STATE OF ILLINOIS)
)SS
COUNTY OF KENDALL)

Debbie J. Gillette, being duly sworn on oath, states that affiant resides at Yorkville, IL 60560. And further states that: (please check the appropriate box)

A. [] That the attached deed is not in violation of 765 ILCS 205/1(a), in that the sale or exchange is of an entire tract of land not being part of a larger tract of land; or
B. [X] That the attached deed is not in violation of 765 ILCS 205/1(b) for one of the following reasons: (please circle the appropriate number)

1. The division or subdivision of land into parcels or tracts of 5.0 acres or more in size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into not more than two (2) parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale of a single lot of less than 5.0 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;
10. The conveyance is of land described in the same manner as title was taken by grantor(s).

AFFIANT further states that ___ he makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

This 18th day of February, 2022

[Redacted Signature]

[Redacted Signature]

Signature of Notary Public

Signature of Affiant



West Fox Street, Yorkville IL 60560-1498 • Fax: (630) 553-4119 • Email: Dgillette@co.kendall.il.us



THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 330.00 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 208.70 FEET TO THE NORTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 672.16 FEET TO THE SOUTHWEST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST PARALLEL WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, A DISTANCE OF 324.16 FEET TO A POINT ON THE WEST LINE OF LANGELAND'S SUBDIVISION, SAID POINT BEING THE SOUTHEAST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST ALONG SAID WEST LINE, 100.00 FEET; THENCE SOUTH 87 DEGREES 16 MINUTES 59 SECONDS WEST 350.00 FEET; THENCE SOUTH 75 DEGREES 26 MINUTES 06 SECONDS WEST 316.30 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 01 DEGREES 38 MINUTES 24 SECONDS WEST ALONG SAID PARALLEL LINE, 1115.20 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 7.266 acres more or less.

EXCEPTING FROM THE ABOVE DESCRIBED TRACT, THAT PART THEREOF DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 268.89 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 280.01 FEET TO THE NORTHWEST CORNER OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 470.06 FEET TO THE SOUTH LINE OF THE NORTH 610.00 FEET OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 280.01 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 3.021 acres more or less.

QUIT CLAIM DEED

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 258.69 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 71.31 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST ALONG SAID PARALLEL LINE, 470.03 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 510.00 FEET OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 74.20 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 0.785 acres more or less.

AND ALSO

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 330.00 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 208.70 FEET TO THE NORTHWEST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 672.16 FEET TO THE SOUTHWEST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST PARALLEL WITH THE AFORESAID SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, A DISTANCE OF 324.16 FEET TO A POINT ON THE WEST LINE OF LANGELAND'S SUBDIVISION, SAID POINT BEING THE SOUTHEAST CORNER OF SAID DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST ALONG SAID WEST LINE, 100.00 FEET; THENCE SOUTH 37 DEGREES 15 MINUTES 59 SECONDS WEST 350.00 FEET; THENCE SOUTH 75 DEGREES 26 MINUTES 06 SECONDS WEST 316.30 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 01 DEGREES 38 MINUTES 24 SECONDS WEST ALONG SAID PARALLEL LINE, 1115.20 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 7.266 acres more or less.

EXCEPTING THEREFROM

Corrected legal description

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 258.69 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 280.01 FEET TO THE NORTHWEST CORNER OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 470.06 FEET TO THE SOUTH LINE OF THE NORTH 510.00 FEET OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 280.01 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS. Containing 3.021 acres more or less

ALTA OWNER'S POLICY OF TITLE INSURANCE

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Policy Number:

[Redacted Policy Number]

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, CHICAGO TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

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ALTA Owner's Policy (06/17/2006)

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY NO [REDACTED]

- 7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
- 8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
- 9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
- 10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, CHICAGO TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Chicago Title Insurance Company

By:

[REDACTED]

Michael J. Nolan, President

Attest:

[REDACTED]

Marjorie Nemzura, Secretary



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ALTA Owner's Policy (06/17/2006)



EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

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CHICAGO TITLE INSURANCE COMPANY**OWNER'S POLICY NO.** [REDACTED]

Issued By: Daniel J. Kramer
 1107A S. Bridge St.
 Yorkville, IL 60560

SCHEDULE A

Address Reference: Tract containing 3.021 acres, IL

Date of Policy	Amount of Insurance
March 3, 2022	\$122,000.00

1. Name of Insured:

Jairo Ortega and Rebecca Ortega, Husband and Wife, in Joint Tenancy

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Jairo Ortega and Rebecca Ortega, Husband and Wife, in Joint Tenancy

4. The Land referred to in this policy is described as follows:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 20100000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 258.69 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 280.01 FEET TO THE NORTHWEST CORNER OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE SOUTH 01 DEGREES 17 MINUTES 14 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER, 470.06 FEET TO THE SOUTH LINE OF THE NORTH 510.00 FEET OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 280.01 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

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ALTA Owner's Policy (06/17/2006)

Page 4

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY NO. [REDACTED]

SCHEDULE A
(continued)

END OF SCHEDULE A

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ALTA Owner's Policy (06/17/2006)



CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY NO. [REDACTED]

SCHEDULE B EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

General Exceptions

1. **Rights or claims of parties in possession not shown by Public Records.**
2. **Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the Land.**
3. **Easements, or claims of easements, not shown by the Public Records.**
4. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
5. **Taxes or special assessments which are not shown as existing liens by the Public Records.**
6. Taxes for the years 2021 and 2022.

Taxes for the years 2021 and 2022 are not yet due or payable.

Permanent Tax No.: 09-15-300-020-0000 (affects the land and other property)

Note: Taxes for the year 2020 amounting to \$208.74 are paid of record.

7. Existing unrecorded leases and all rights thereunder of the lessees and of any person or party claiming by, through or under the lessees.
8. Rights, if any, of public and quasi-public utilities in the land
9. Rights of the public, the State of Illinois and the municipality in and to that part of the Land, if any, taken or used for road purposes, together with utility rights therein
10. Rights of Way for drainage tiles, ditches, feeders, laterals and underground pipes, if any.
11. Rights of adjoining and contiguous owners to have maintained the uninterrupted flow of the waters of any stream which may flow on or through the Land.
12. Note for information:
Ordinance No. 2021-18 recorded September 28, 2021 as document 202100025358, Map amendment for approximately 7.266 acres of land from A-1 to R-1

END OF SCHEDULE B

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ALTA Owner's Policy (06/17/2006)

Page 6

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CHICAGO TITLE INSURANCE COMPANY

OWNER'S POLICY NO. [REDACTED]

**SCHEDULE B
EXCEPTIONS FROM COVERAGE**
(continued)

Title Insurance Agent:

Daniel J. Kramer
1107A S. Bridge St.
Yorkville, IL 60560
Phone: (630)553-9500
Fax: (630)553-5764

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ALTA Owner's Policy (06/17/2006)



CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.
 - (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.
- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

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ALTA Owner's Policy (06/17/2006)

CHICAGO TITLE INSURANCE COMPANY**OWNER'S POLICY NO.** [REDACTED]

(continued)

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.
- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right to appeal from any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) **To Pay or Tender Payment of the Amount of Insurance.**
 To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.
 Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) **To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.**
 (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 (ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

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ALTA Owner's Policy (06/17/2006)

Page 9

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AMERICAN
 LAND TITLE
 ASSOCIATION



CHICAGO TITLE INSURANCE COMPANY**OWNER'S POLICY NO.** [REDACTED]

(continued)

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by Ten percent (10%), and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is Two Million and No/100 Dollars (\$2,000,000) or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of Two Million and No/100 Dollars (\$2,000,000) shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

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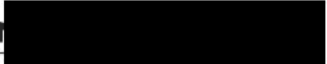
ALTA Owner's Policy (06/17/2006)

Page 10

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AMERICAN
LAND TITLE
ASSOCIATION





(continued)

- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

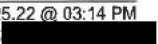
Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Chicago Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

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ENDORSEMENT - ALTA 26-06

SUBDIVISION

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Attached to Policy Number:



The Company insures against loss or damage sustained by the Insured by reason of the failure of the Land to constitute a lawfully created parcel according to the subdivision statutes and local subdivision ordinances applicable to the Land.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Chicago Title Insurance Company

Dated: March 3, 2022

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ALTA 26-06-Subdivision
CLTA 116.8-06

(10/16/2008)
(10/16/2008)

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IL-CT-FSWA-01080.246493-SPS-72306-1-22-2

ENDORSEMENT - SE 287

POLICY MODIFICATION

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Attached to Policy Number:



General Exception number(s) 1-5 of Schedule B of this policy are hereby deleted.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Chicago Title Insurance Company

Dated: March 3, 2022



Kendall County Soil & Water Conservation District

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Jairo and Rebecca Ortega Contact Person: Jairo Ortega
Address:
City, State, Zip:
Phone Number:
Email:

Please select: How would you like to receive a copy of the NRI Report? [X] Email [X] Mail

Site Location & Proposed Use

Township Name Seward Township 35 N, Range 8 E, Section(s) 15
Parcel Index Number(s) 09 15 300 024
Project or Subdivision Name Number of Acres 0.785
Current Use of Site A-1 (Wooded) Proposed Use R-1
Proposed Number of Lots 1 Proposed Number of Structures 1
Proposed Water Supply None Proposed type of Wastewater Treatment None
Proposed type of Storm Water Management Natural Drainage

Type of Request

[X] Change in Zoning from A-1 to R-1
[] Variance (Please describe fully on separate page)
[] Special Use Permit (Please describe fully on separate page)
Name of County or Municipality the request is being filed with: Kendall County

In addition to this completed application form, please including the following to ensure proper processing:

- [X] Plat of Survey/Site Plan - showing location, legal description and property measurements
[X] Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
[] If available: topography map, field tile map, copy of soil boring and/or wetland studies
[] NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.
Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00
Additional Acres at \$18.00 each \$
Total NRI Fee \$ 375.00

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

Petitioner or Authorized Agent

08/01/2022

Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# Date initially rec'd Date all rec'd Board Meeting
Fee Due \$ Fee Paid \$ Check # Over/Under Payment Refund Due



Applicant: Jairo Ortega
Contact: Jairo Ortega
Address: [Redacted]

IDNR Project Number: 2301840
Date: 08/01/2022

Project: 2750 Rt. 52 Rezoning
Address: 2750 Rt. 52, Minooka

Description: Rezoning of 0.785 acres from A-1 to R-1.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.



County: Kendall

Township, Range, Section:
35N, 8E, 15

IL Department of Natural Resources
Contact
Kyle Burkwald
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kendall County Planning Building & Zoning
Matt Asselmeier
111 West Fox Street
Yorkville, Illinois 60560

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

IDNR Project Number: 2301840

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.
3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2301840



EcoCAT Receipt	Project Code 2301840
-----------------------	-----------------------------

APPLICANT	DATE
------------------	-------------

Jairo Ortega Jairo Ortega [REDACTED]	8/1/2022
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DESCRIPTION	FEE	CONVENIENCE FEE	TOTAL PAID
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EcoCAT Consultation	\$ 125.00	\$ 2.81	\$ 127.81
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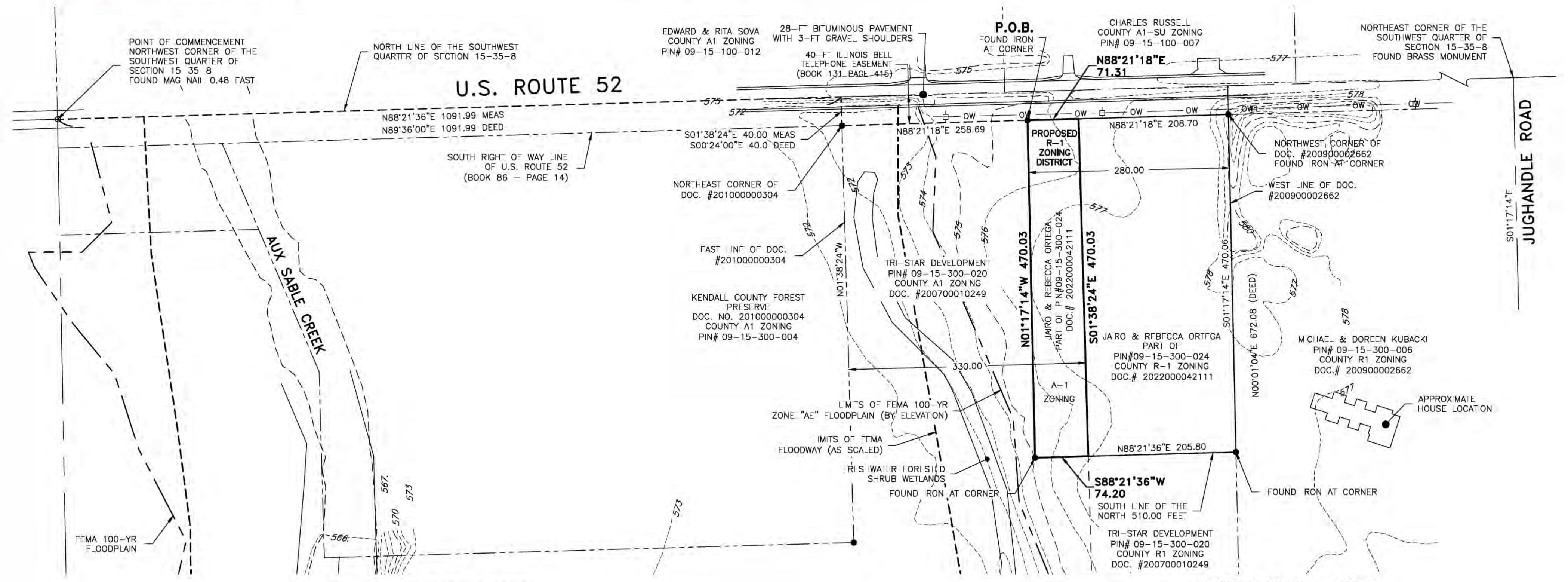
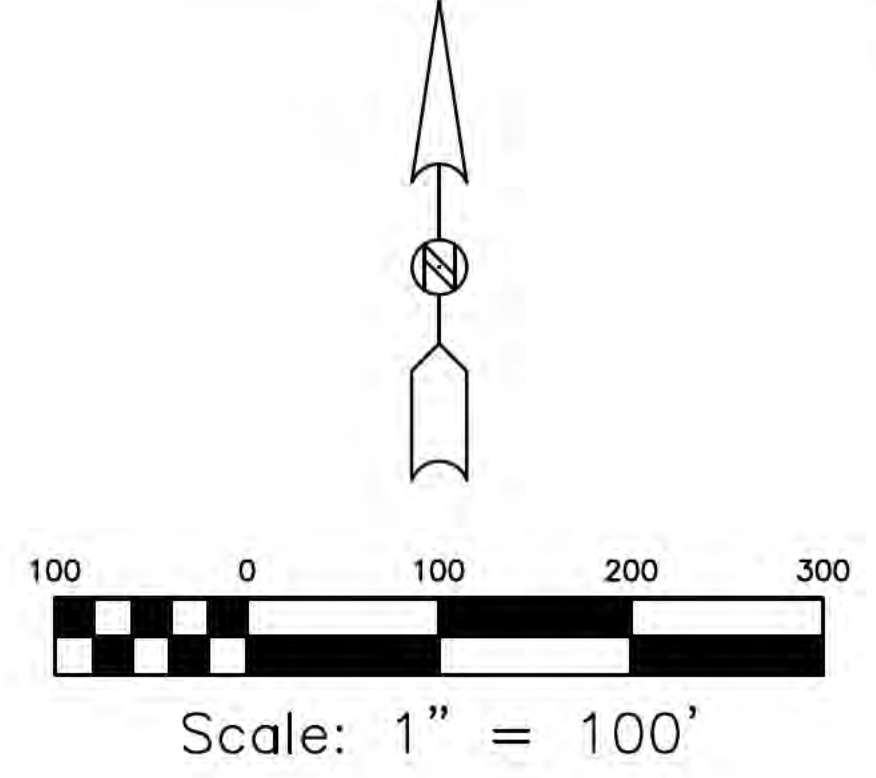
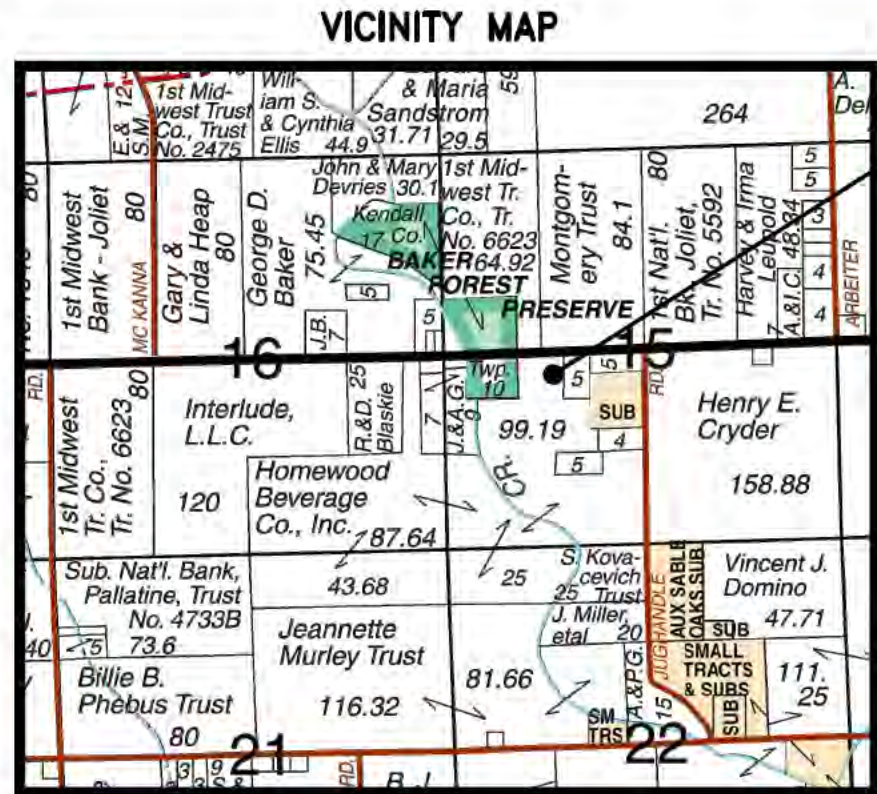
	TOTAL PAID	\$ 127.81
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Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

PLAT OF SURVEY

PROPOSED R-1 ZONING DISTRICT

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, IN TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH-WEST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 15; THENCE NORTH 88 DEGREES 21 MINUTES 36 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 1091.99 FEET; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 52, SAID POINT BEING THE NORTHEAST CORNER OF LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 258.69 FEET TO A POINT ON A LINE 280.00 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF LANDS CONVEYED BY DOCUMENT NUMBER 200900002662, SAID POINT BEING THE POINT OF BEGINNING AND ALSO SAID WEST LINE IS PARALLEL WITH THE EAST LINE OF THE AFORESAID SOUTHWEST QUARTER; THENCE CONTINUING NORTH 88 DEGREES 21 MINUTES 18 SECONDS EAST ALONG SAID SOUTH RIGHT OF WAY LINE, 71.31 FEET TO A POINT ON A LINE 330.00 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 201000000304; THENCE SOUTH 01 DEGREES 38 MINUTES 24 SECONDS EAST ALONG SAID PARALLEL LINE, 470.03 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 510.00 FEET OF THE AFORESAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 21 MINUTES 36 SECONDS WEST ALONG SAID SOUTH LINE, 74.20 FEET TO A POINT ON A LINE PARALLEL WITH THE WEST LINE OF AFORESAID LANDS CONVEYED BY DOCUMENT NUMBER 200900002662; THENCE NORTH 01 DEGREES 17 MINUTES 14 SECONDS WEST ALONG SAID PARALLEL LINE, 470.03 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS. Containing 0.785 acres more or less.



SURVEY NOTES:

- THE SITE IS FULLY WOODED AND VACANT WITHOUT ANY BUILDINGS.
- THE BASIS OF BEARING FOR THE PLAT AND SURVEY, SHOWN HEREON, IS THE STATE PLANE OF ILLINOIS, EAST ZONE [NAD83 2011]), GRID COORDINATES, BASED ON OBSERVATIONS UTILIZING THE TRIMBLE NOW RTK NETWORK.
- THE LIMITS OF THE WETLANDS AS SHOWN WERE SCALED FROM THE NATIONAL WETLANDS INVENTORY MAPS; AS FOUND ON THE WETLANDS MAPPER WEB SITE; THERE ARE NOT WETLANDS ON THE SURVEYED PARCEL.
- THE FLOODPLAIN AND FLOODWAY LIMITS AS SHOWN WERE SCALED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD RATE MAPS, MAP NUMBER 17093C0145H WITH AN EFFECTIVE DATE OF JANUARY 8, 2014. THE ZONE AE FLOODPLAIN BASE FLOOD ELEVATION ALONG THE SOUTH SIDE OF US ROUTE 52 AT THE AUX SABLE BRIDGE LOCATION IS 574.1. THERE IS NEITHER FLOODPLAIN OR FLOODWAY LOCATED ON THE SURVEYED PARCEL.
- THE TOPOGRAPHIC SURVEY CONTOUR LINES; WERE TAKEN FROM AN OLD AERIAL TOPOGRAPHIC SURVEY PREPARED BY AIRMAPS, INC. AND PROVIDED BY A REPRESENTATIVE FROM TRI-STAR DEVELOPMENT, INC. (THE PREVIOUS OWNERS).
- THE NAMES OF THE ADJOINING LAND OWNERS, AS SHOWN, WERE TAKEN FROM THE KENDALL COUNTY GIS VIEWER.
- THE FIELDWORK FOR THE SURVEYED PARCEL WAS COMPLETED IN FEBRUARY OF 2022.
- GEOTECH INCORPORATED IS PROFESSIONAL DESIGN FIRM NUMBER 184-000165.
- FOR A SURVEY TO BE CONSIDERED TO BE AN ORIGINAL IT MUST BE SIGNED AND HAVE EITHER AN EMBOSSED SEAL OR A RUBBER STAMP SEAL IN THE COLOR RED OF AN ILLINOIS PROFESSIONAL LAND SURVEYOR.
- UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.
- M OR MEAS = DENOTES MEASURED ANGLES AND/OR DISTANCES.
- C OR CALC = DENOTES CALCULATED ANGLES AND/OR DISTANCES.
- R OR REC = DENOTES RECORD ANGLES AND/OR DISTANCES.
- D OR DEED = DENOTES DEED ANGLES AND/OR DISTANCES.
- THERE ARE NO EXISTING BUILDING STRUCTURES WITHIN 100 FEET OF THE SURVEYED PARCEL. THE HOUSE SHOWN TO THE EAST IS APPROXIMATELY 310 FEET EAST OF THE EAST LINE OF THE PROPOSED R-1 ZONING DISTRICT.
- THE ONLY EXISTING UTILITIES FOUND NEAR THE SURVEYED PARCEL, ARE LOCATED ALONG THE SOUTH SIDE OF U.S. ROUTE 52.

EXISTING SYMBOLS LEGEND

□	UTILITY SPLICE BOX - GENERAL	⊗	UTILITY SPLICE BOX - TELEPHONE	⊗	VEGETATION - TREE STUMP
⊗	SURVEY MONUMENT - R.O.W. MARKER	⊗	STORM SEWER CATCH BASIN	⊗	VEGETATION - DECIDUOUS TREE
—	UTILITY POLE GUY WIRE	⊗	STORM SEWER FLARED END SECTION (FES)	⊗	VEGETATION - EVERGREEN TREE
⊗	UTILITY POLE	⊗	STORM SEWER MANHOLE	⊗	VEGETATION - SHRUB/HEDGEROW
⊗	STREET LIGHT	⊗	STORM SEWER INLET	⊗	CONCRETE BOLLARD
⊗	SIGN	⊗	SANITARY SEWER MANHOLE	⊗	FLAG POLE
⊗	UTILITY HAND HOLE	⊗	WATER - FIRE HYDRANT	⊗	MAIL BOX
⊗	UTILITY DOUBLE HAND HOLE	⊗	WATER - VALVE BUFFALO BOX	⊗	AIR CONDITIONER UNIT
⊗	UTILITY HEAVY DUTY HAND HOLE	⊗	WATER - VALVE BOX	⊗	GENERATOR UNIT
⊗	UTILITY JUNCTION BOX	⊗	WATER - VALVE VAULT	⊗	ELECTRICAL TRANSFORMER

STATE OF ILLINOIS)
COUNTY OF WILL)SS

I, CHRISTOPHER M. PAPESH, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE SURVEYED, STAKED, AND LOCATED THE IMPROVEMENTS ON, AND PLATTED THE LAND DESCRIBED IN THE FOREGOING CAPTION AND SHOWN ON THIS PLAT, AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF, DATED AT CREST HILL, ILLINOIS THIS

28th DAY OF July, 2022, A.D.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. [REDACTED]
LICENSE EXPIRATION DATE: 11/30/2022
cpapesh@geotechincorp.com



OWNER/DEVELOPER:
JAIRO ORTEGA AND REBECCA ORTEGA

SURVEYOR:
GEOTECH, INC.
C/O CHRISTOPHER M. PAPESH, PLS
1207 CEDARWOOD DRIVE
CREST HILL, ILLINOIS 60403

GEOTECH INC.
CONSULTING ENGINEERS - LAND SURVEYORS

1207 CEDARWOOD DRIVE CREST HILL, ILLINOIS 60403 815/730-1010

PROJECT: JAIRO ORTEGA	FIELD BOOK #: KENDALL CO.
DRAWN BY: CP	DATE: 07.25.22
SCALE: 1"=100'	JOB NO. GJN21338

COMPARE THIS PLAT WITH YOUR RECORDS AND IMMEDIATELY REPORT ANY DISCREPANCIES



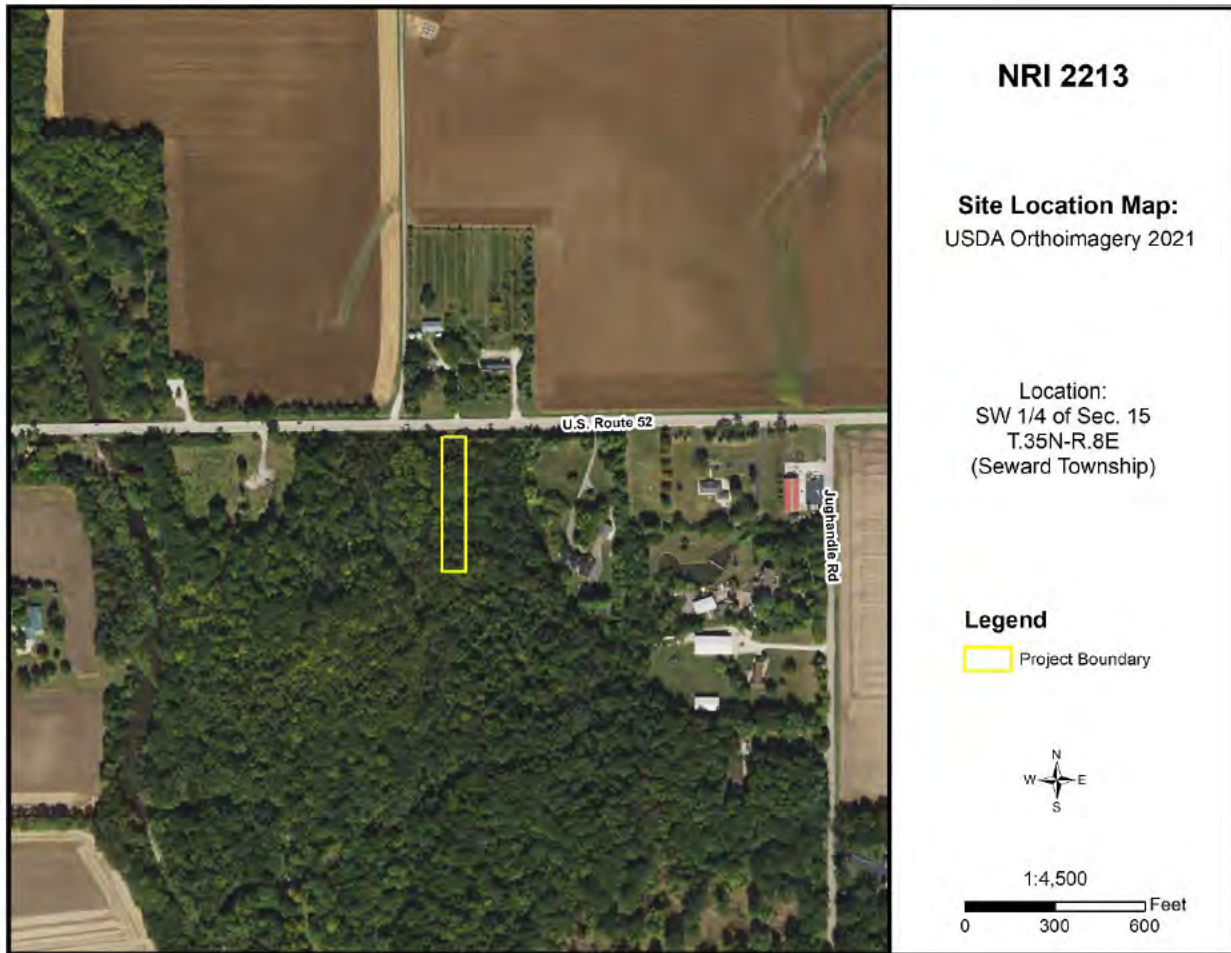
**Kendall County Soil & Water
Conservation District**

August 8, 2022

Jairo and Rebecca Ortega
[REDACTED]

Dear Mr. & Mrs. Ortega,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) application for the proposed rezoning of a portion of one parcel (Parcel Index Number 09-15-300-024) from A-1 Agricultural to R-1 Single Family Residential. This request is being filed with Kendall County. If the zoning request is approved, the entire parcel will be zoned as R-1 Single Family Residential. The proposed project is located in the southwest corner of Section 15 of Seward Township (T.35N-R.8E of the 3rd Principal Meridian) in Kendall County, Illinois. After reviewing the project, it was determined that *a full NRI Report is not necessary at this time* for the proposed rezoning. An NRI Report was previously prepared in July 2021 that included this parcel within that project boundary (please see NRI Report 2110). A copy of this report is included with the letter and can be referenced for additional natural resources information.



The Kendall County SWCD has reviewed the 0.785-acre project site and would like to note the following natural resource considerations:

- The site, as submitted for review, is currently vacant, forested land with a proposed use as a residential parcel with the potential addition of a small shed and septic system.
- Soils information comes from the 2008 Soil Survey for Kendall County prepared by the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS). The soil map units for the proposed project site are shown below.

Soil Map Unit	Acreage	Percent of Parcel
69A Milford silty clay loam, 0-2% slopes	0.2	31.5%
189A Martinton silt loam, 0-2% slopes	0.5	68.5%

- Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. They are based on the soil properties that directly influence the specified use of the soil. Each soil map unit has limitations for a variety of land uses such as buildings with basements, buildings without basements, small commercial buildings, shallow excavations, onsite sewage disposal, and lawns/landscaping. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape. Applicable land uses for this project are described in more detail below.
 - Small Commercial Buildings: Ratings are for structures that are less than three stories high and do not have basements. The foundation is assumed to be spread footings of reinforced concrete built on disturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper. The ratings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.
 - Onsite Sewage Disposal: The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.
 - Shallow Excavations: Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.
 - Lawns and Landscaping: Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.
- The limitation categories (not limited, somewhat limited, and very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. A very limited soil indicates that the proposed activity

will be more difficult and costly to do on that soil type than on a soil type that is classified as somewhat limited or not limited.

- The table below provides ratings for proposed uses in terms of limitations.

Soil Map Unit	Small Commercial Buildings	Onsite Conventional Septic Systems	Shallow Excavations	Lawns & Landscaping
69A	Very Limited	Unsuitable/ Very Limited	Very Limited	Very Limited
189A	Very Limited	Suitable/ Not Limited	Very Limited	Somewhat Limited

- The information provided in the table below provides further detail regarding the following:
 - Drainage Class: Refers to the frequency and duration of wet periods under similar conditions to those under which the soil formed.
 - Hydrologic Soil Groups: Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas. Group A soils have a high infiltration rate, low runoff potential and high rate of water transmission. Group B soils have a moderate infiltration rate and rate of water transmission. Group C soils have a slow infiltration rate and rate of water transmission. Group D soils have a very slow infiltration rate, high runoff potential and a very slow rate of water transmission.
 - Hydric Soils: A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape.
 - Prime Farmland: Land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally.

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
69A	Poorly Drained	C/D	Hydric	Prime Farmland if drained
189A	Somewhat Poorly Drained	C/D	Non-Hydric Hydric Inclusions Likely	Prime Farmland

- To ensure proper consideration of the current site conditions for suitable development including excavation, structures, septic systems, and landscaping, we recommend site specific soil testing to ensure any limitations associated with the current soil material onsite will support associated uses.
- This site is located on slopes of approximately 0-2%. The site lies within the Illinois River Watershed (Minooka Branch Aux Sable Creek sub watershed). Topographic maps indicate that the parcel drains primarily to the west.
- Based on an in-office review of the Federal Emergency Management Agency’s (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0145H (effective date January 8, 2014), it appears that the parcel is located just outside of the Zone AE 100-year floodplain and floodway. A portion of the project area’s northwest corner appears to be located within the Zone X 100 to 500-year floodplain (moderate flood hazard area). Floodplains are regulated by the Illinois Department of Natural Resources – Office of Water Resources (IDNR-OWR).
- Based upon review of the U.S. Fish & Wildlife Service’s National Wetland Inventory Map, wetlands do not appear to be identified on the project site. However, a Palustrine, forested, shrub wetland is mapped to the west and

southwest of the project site. Wetlands and Waters of the U.S. are regulated by the U.S. Army Corps of Engineers, Rock Island District. It should also be noted that other ecologically sensitive areas are located near the project site. A Kendall County Forest Preserve is located approximately 250 feet to the west and the Aux Sable Creek is located approximately 1,000 feet to the west.

- If construction is to occur, a soil erosion and sediment control plan should be prepared and implemented onsite in accordance with both Kendall County and Illinois EPA requirements. The Illinois Urban Manual can be used as a reference for proper selection and implementation of onsite soil erosion and sediment control practices to ensure that soil is properly maintained onsite from project initiation to completion.
- The Land Evaluation Site Assessment (LESA) system, a land use planning tool, assists decision-makers in Kendall County in determining the suitability of a land use change and/or a zoning request. Specifically, the LESA system is designed to facilitate decision making by providing a rational process for assisting local officials in making farmland conversion decisions through the local land use process. It provides a technical framework to numerically rank land parcels based on local resource evaluation and site considerations. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land uses, and urban growth factors. The LESA system is a two-step procedure that includes Land Evaluation (LE) and Site Assessment (SA). The Land Evaluation is based on soils of a given area that are rated and placed in groups ranging from the best to worst suited for a stated agriculture use such as cropland and forestland. The best group is assigned a value of 100 and all other groups are assigned lower values (94, 87, 79, etc.). The Land Evaluation is based on data from the USDA Kendall County Soil Survey. The Site Assessment is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The overall score is based on a 300-point rating scale. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
69A	3	87	0.2	17.4
189A	2	94	0.5	47.0
Totals			0.7	64.4
LE Calculation			(Product of relative value / Total Acres) 64.4 / 0.7 = 92	
LE Score			LE = 92	

The Land Evaluation score for this site is 92, indicating that this site contains soils that are well-suited for agricultural uses.

Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	15
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0

	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	7
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	89

The Site Assessment score for this site is 89. The Land Evaluation value (92) is added to the Site Assessment value (89) to obtain a LESA Score of 181. The table below shows the level of protection for the proposed project site based on the LESA Score.

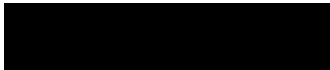
LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

The overall LESA Score for this site is 181 indicating a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.

If you have any questions, please contact our office at (630) 553-5821 extension 3.

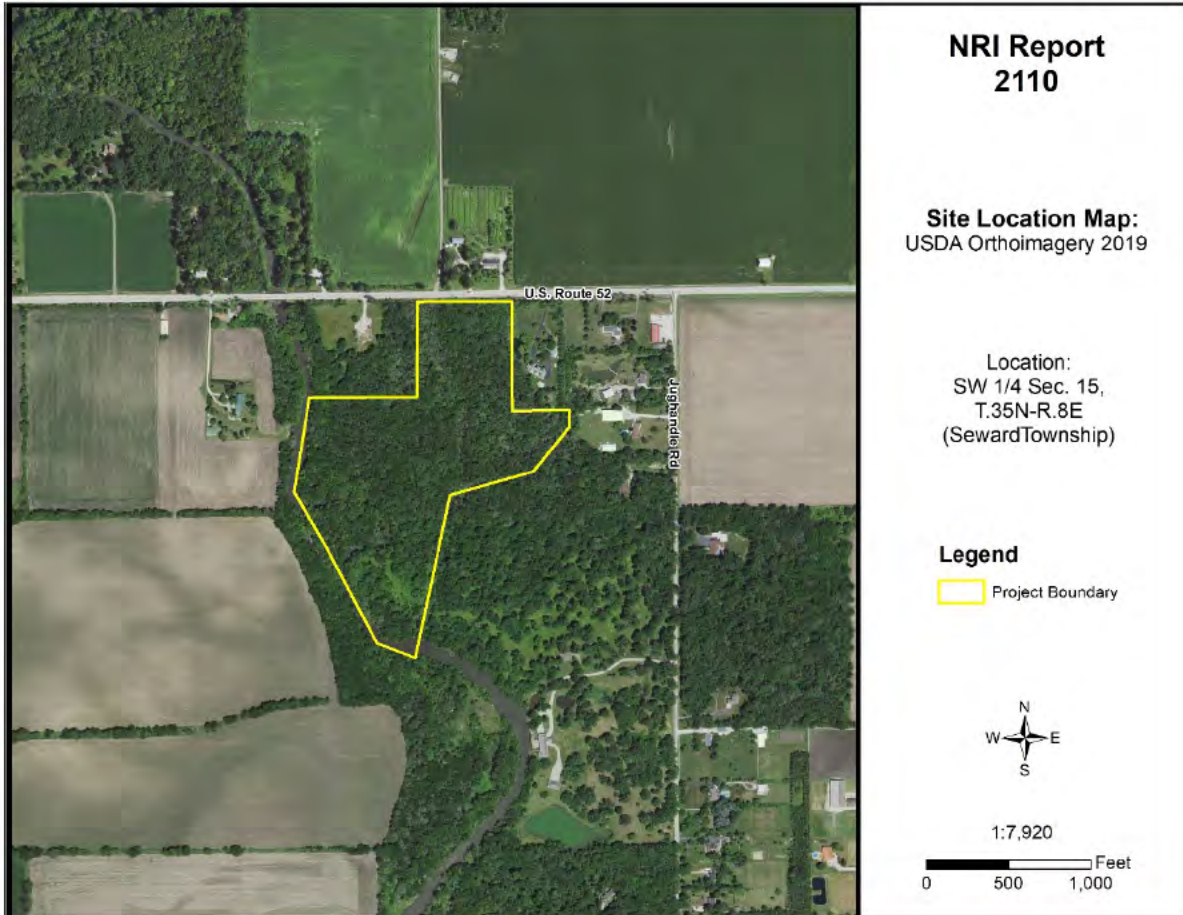
Sincerely,



Alyse Olson
Resource Conservationist

Enclosure

NATURAL RESOURCE INFORMATION (NRI) REPORT: #2110



July
2021

Petitioner: Tri-Star Development, Inc.
Contact: Attorney Daniel J. Kramer

Prepared By:



7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
Fax: (630) 553-7442
www.kendallswcd.org

**KENDALL COUNTY SOIL AND WATER CONSERVATION DISTRICT
NATURAL RESOURCE INFORMATION (NRI) REPORT**

Natural Resource Information Report Number	2110
Date District Board Reviews Application	July 2021
Applicant's Name	Tri-Star Development, Inc.
Size of Parcel	(+/-) 40.065 acres
Current Zoning & Use	A-1 Agricultural; Vacant Forested Land
Proposed Zoning & Use	R-1 Residential; One Single-Family Home
Parcel Index Number(s)	09-15-300-020
Contact Person	Attorney Daniel J. Kramer

Copies of this report or notification of the proposed land-use change was provided to:	Yes	No
The Applicant	X	
The Applicant's Legal Representation	X	
The Local/Township Planning Commission	X	
The Village/City/County Planning and Zoning Department or Appropriate Agency	X	
The Kendall County Soil and Water Conservation District Files	X	

Report Prepared By: *Alyse Olson* Position: *Resource Conservationist*

PURPOSE AND INTENT

The purpose of this report is to provide officials of the local governing body and other decision-makers with natural resource information. This information may be useful when undertaking land use decisions concerning variations, amendments or relief of local zoning ordinances, proposed subdivision of vacant or agricultural lands and the subsequent development of these lands. This report is a requirement under Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

The intent of this report is to present the most current natural resource information available in a readily understandable manner. It contains a description of the present site conditions, the present resources, and the potential impacts that the proposed change may have on the site and its resources. The natural resource information was gathered from standardized data, on-site investigations and information furnished by the petitioner. This report must be read in its entirety so that the relationship between the natural resource factors and the proposed land use change can be fully understood.

Due to the limitations of scale encountered with the various resource maps, the property boundaries depicted in the various exhibits in this report provide a generalized representation of the property location and may not precisely reflect the legal description of the PIQ (Parcel in Question).

This report, when used properly, will provide the basis for proper land use change decisions and development while protecting the natural resource base of the county. It should not be used in place of detailed environmental and/or engineering studies that are warranted under most circumstances, but in conjunction with those studies.

The conclusions of this report in no way indicate that a certain land use is not possible, but it should alert the reader to possible problems that may occur if the capabilities of the land are ignored. Any questions on the technical data supplied in this report or if anyone feels that they would like to see more additional specific information to make the report more effective, please contact:

Kendall County Soil and Water Conservation District
7775A Route 47, Yorkville, IL 60560
Phone: (630) 553-5821 ext. 3
E-mail: Alyse.Olson@il.nacdnet.net

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PARCEL LOCATION	7
ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION	9
ECOLOGICALLY SENSITIVE AREAS	10
SOILS INFORMATION	12
SOILS INTERPRETATIONS EXPLANATION.....	14
BUILDING LIMITATIONS	15
SOIL WATER FEATURES	20
SOIL EROSION AND SEDIMENT CONTROL.....	23
PRIME FARMLAND SOILS	24
LAND EVALUATION AND SITE ASSESSMENT (LESA)	25
LAND USE PLANS.....	27
DRAINAGE, RUNOFF, AND FLOOD INFORMATION	27
WATERSHED PLANS	31
WETLAND INFORMATION	32
HYDRIC SOILS	34
WETLAND AND FLOODPLAIN REGULATIONS.....	36
GLOSSARY.....	37
REFERENCES.....	40

LIST OF FIGURES

FIGURE 1: Soil Map	2
FIGURE 2: Soil Limitations	4
FIGURE 3: 2021 Plat Map	7
FIGURE 4: 2019 Aerial Map with NRI Site Boundary	8
FIGURE 5: Soil Map	13
FIGURE 6A-6C: Maps of Building Limitations	17-19

FIGURE 7: Map of Prime Farmland Soils	24
FIGURE 8: FEMA Floodplain Map	29
FIGURE 9: USGS Topographic Map	30
FIGURE 10: Wetland Map – USFWS National Wetland Inventory	33
FIGURE 11: Hydric Soils Map	35

LIST OF TABLES

TABLE 1: Soils Information	2
TABLE 2: Soil Limitations	4
TABLE 3: Soil Map Unit Descriptions	13
TABLE 4: Building Limitations	16
TABLE 5: Water Features	22
TABLE 6: Soil Erosion Potential	23
TABLE 7: Prime Farmland Soils	24
TABLE 8A: Land Evaluation Computation	25
TABLE 8B: Site Assessment Computation	26
TABLE 9: LESA Score Summary	26
TABLE 10: Hydric Soils	34

EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2110
Petitioner	Tri-Star Development, Inc.
Contact Person	Attorney Daniel J. Kramer
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SW ¼ of Section 15, Township 35 North, Range 8 East (Seward Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Tri-Star Development
Existing Zoning & Land Use	A-1 Agricultural; Vacant Forested Land
Proposed Zoning & Land Use	R-1 Residential; One Single-Family Home
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 40.065 acres
Land Evaluation Site Assessment Score	189 (Land Evaluation: 88; Site Assessment: 101)

NATURAL RESOURCE CONSIDERATIONS

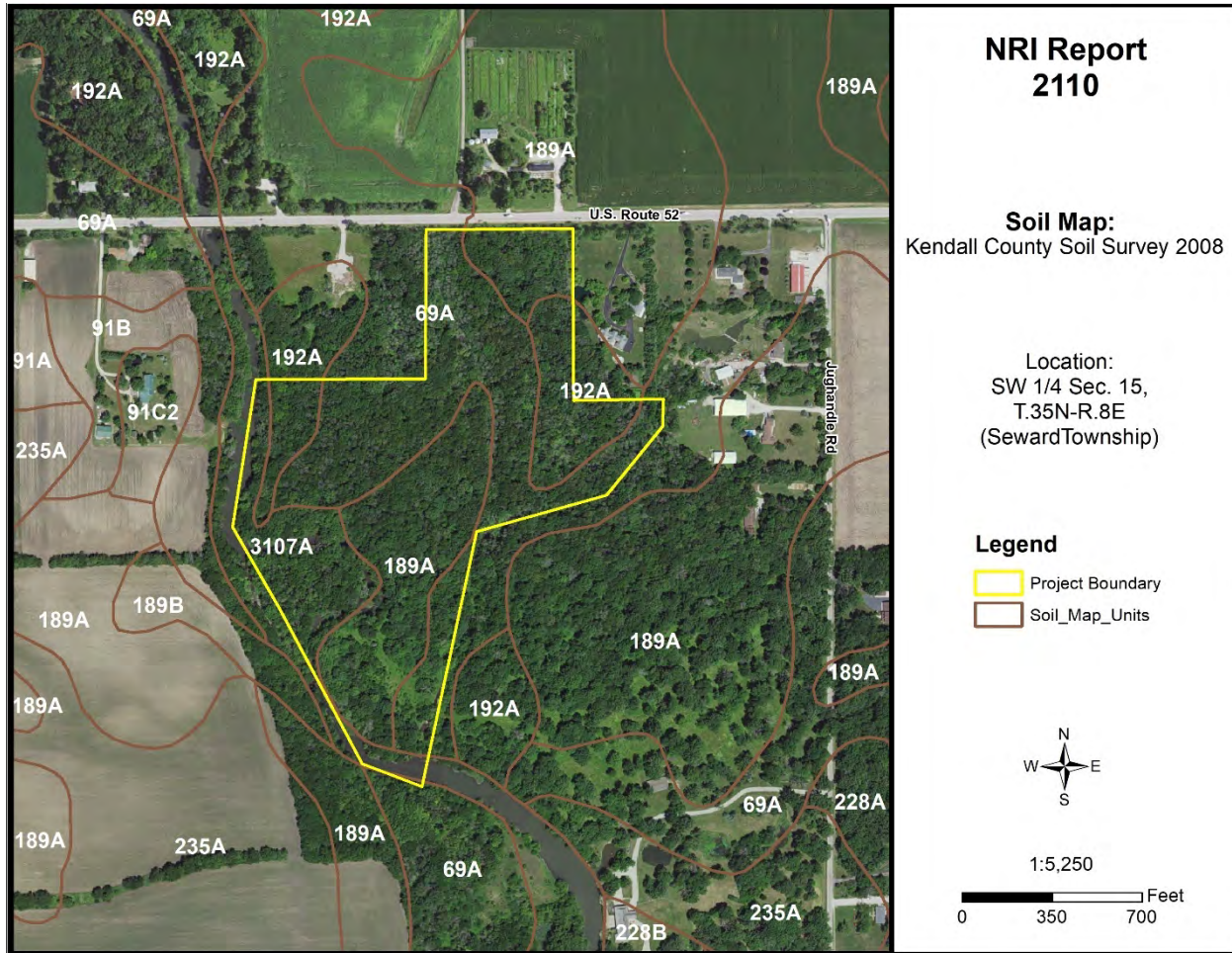


Figure 1: Soil Map

SOIL INFORMATION

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
69A	Milford silty clay loam, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland if drained
189A	Martinton silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland
189B	Martinton silt loam, 2-4% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland
192A	Del Rey silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-Hydric	Prime Farmland if drained

3107A	Sawmill silty clay loam, heavy till plain, 0-2% slopes, frequently flooded	Poorly Drained	B/D	Hydric	Prime Farmland if drained & either protected from flooding or not frequently flooded during growing season
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Hydrologic Soil Groups – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, two are classified as hydric soils (69A Milford silty clay loam and 3107A Sawmill silty clay loam), and the remaining three are classified as non-hydric soils that likely contain hydric inclusions (189A Martinton silt loam, 189B Martinton silt loam, and 192A Del Rey silt loam).

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, two are designated as prime farmland (189A Martinton silt loam and 189B Martinton silt loam), and the remaining soils are designated as prime farmland if drained (69A Milford silty clay loam, 192A Del Rey silt loam, and 3107A Sawmill silty clay loam).

Soil Limitations – The USDA-NRCS Web Soil Survey rates the limitations of soils for dwellings with basements, dwellings without basements, small commercial buildings, shallow excavations, lawns/landscaping, and local roads and streets. Soils have different properties which influence the development of building sites. The USDA-NRCS classifies soils as Not Limited, Somewhat Limited, and Very Limited. Soils that are Not Limited indicates that the soil has properties that are favorable for the specified use. They will perform well and will have low maintenance. Soils that are Somewhat Limited are

moderately favorable, and their limitations can be overcome through special planning, design, or installation. Soils that are Very Limited have features that are unfavorable for the specified use, and their limitations cannot easily be overcome.

Table 2: Soil Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns/Landscaping	Conventional Septic Systems
69A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable/ Very Limited
189A	Very Limited	Very Limited	Very Limited	Somewhat Limited	Suitable/Not Limited
189B	Very Limited	Very Limited	Very Limited	Somewhat Limited	Suitable/Not Limited
192A	Very Limited	Very Limited	Very Limited	Somewhat Limited	Suitable/Not Limited
3107A	Very Limited	Very Limited	Very Limited	Very Limited	Unsuitable/ Very Limited

Septic Systems – The factors considered for determining suitability are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department (811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026).

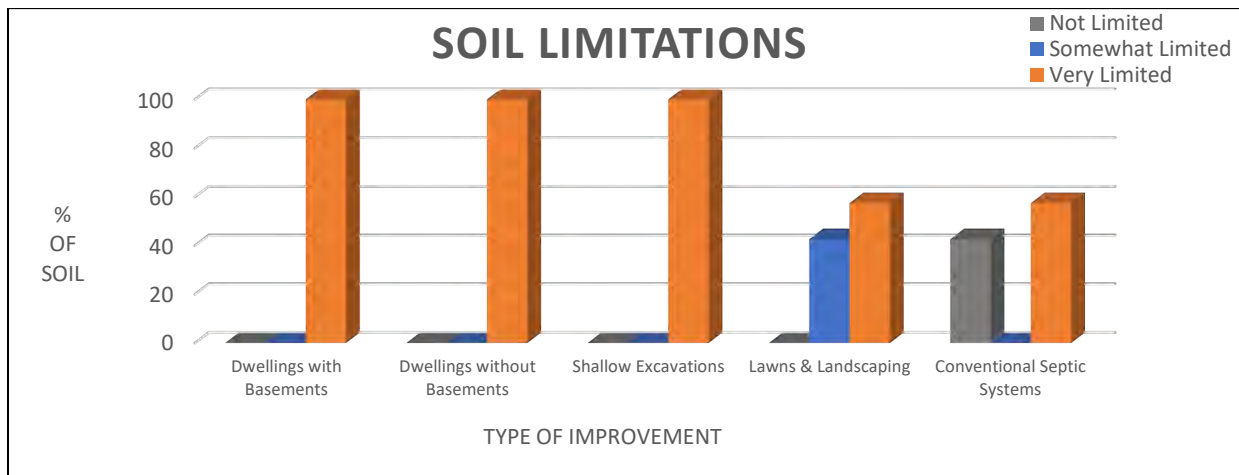


Figure 2: Soil Limitations

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical

characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
 - The Land Evaluation score for this site is **88**, indicating that this site is **well suited** for agricultural uses.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.
 - The Site Assessment score for this site is **101**.

The **LESA Score for this site is 189 out of a possible 300, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map **indicates the presence** of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0145H (effective date January 8, 2014) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map, the parcel **is located within** the floodplain and floodway.

SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

LAND USE FINDINGS:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Tri-Star Development, Inc. for the proposed change in zoning to construct one single-family home on the parcel within Seward Township of Kendall County located in the SW ¼ of Section 15, Township 35N, and Range 8E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are classified as prime farmland or prime farmland if drained. A land evaluation (LE), which is a part of the Land Evaluation and Site Assessment (LESA), was conducted on this parcel. The soils on this parcel scored an 88 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 189 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note that the limitation may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for dwellings with basements, dwellings without basements, and shallow excavations and 57% are very limited for lawns/landscaping. The remaining 43% are considered somewhat limited for lawns/landscaping. Additionally, 57% of the soils are considered unsuitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Upper Illinois River watershed and the Minooka Branch Aux Sable Creek sub watershed. This development should include a soil erosion and sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use, it is recommended that a drainage tile survey be completed on the parcel to locate the subsurface drainage tile and should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).

[Redacted Signature]

SWCD Board Representative

07/12/2021
Date

PARCEL LOCATION

Location Map for Natural Resources Information Report #2110

SW ¼ of Section 15, Township 35 North, Range 8 East (Seward Township) on 40.065 acres. This parcel is located on the west side of Jughandle Road, east of O'Brien Road, south of U.S. Route 52, and north of Bell Road in Minooka, IL. The parcel is part of unincorporated Kendall County.

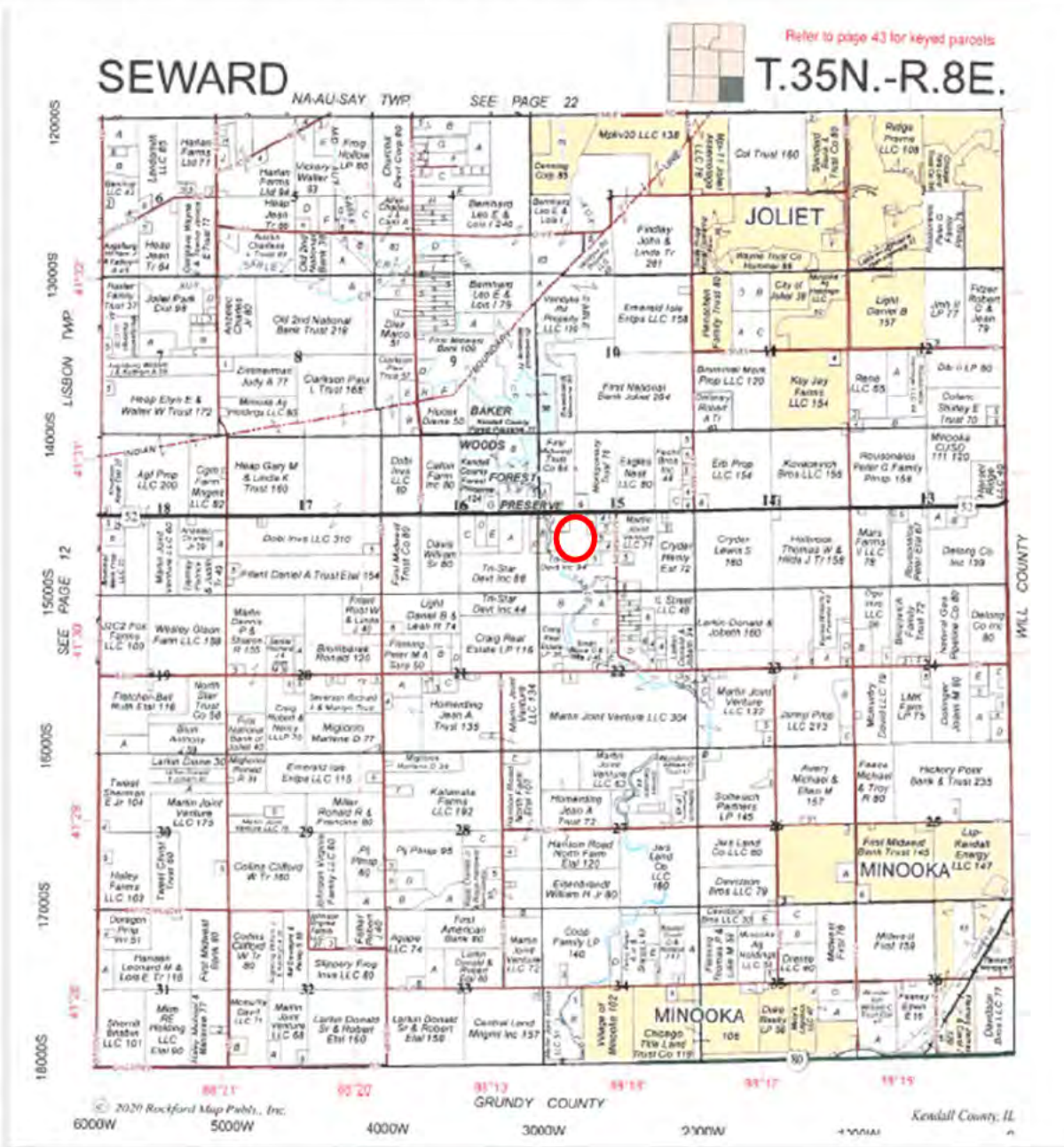


Figure 3: 2021 Plat Map

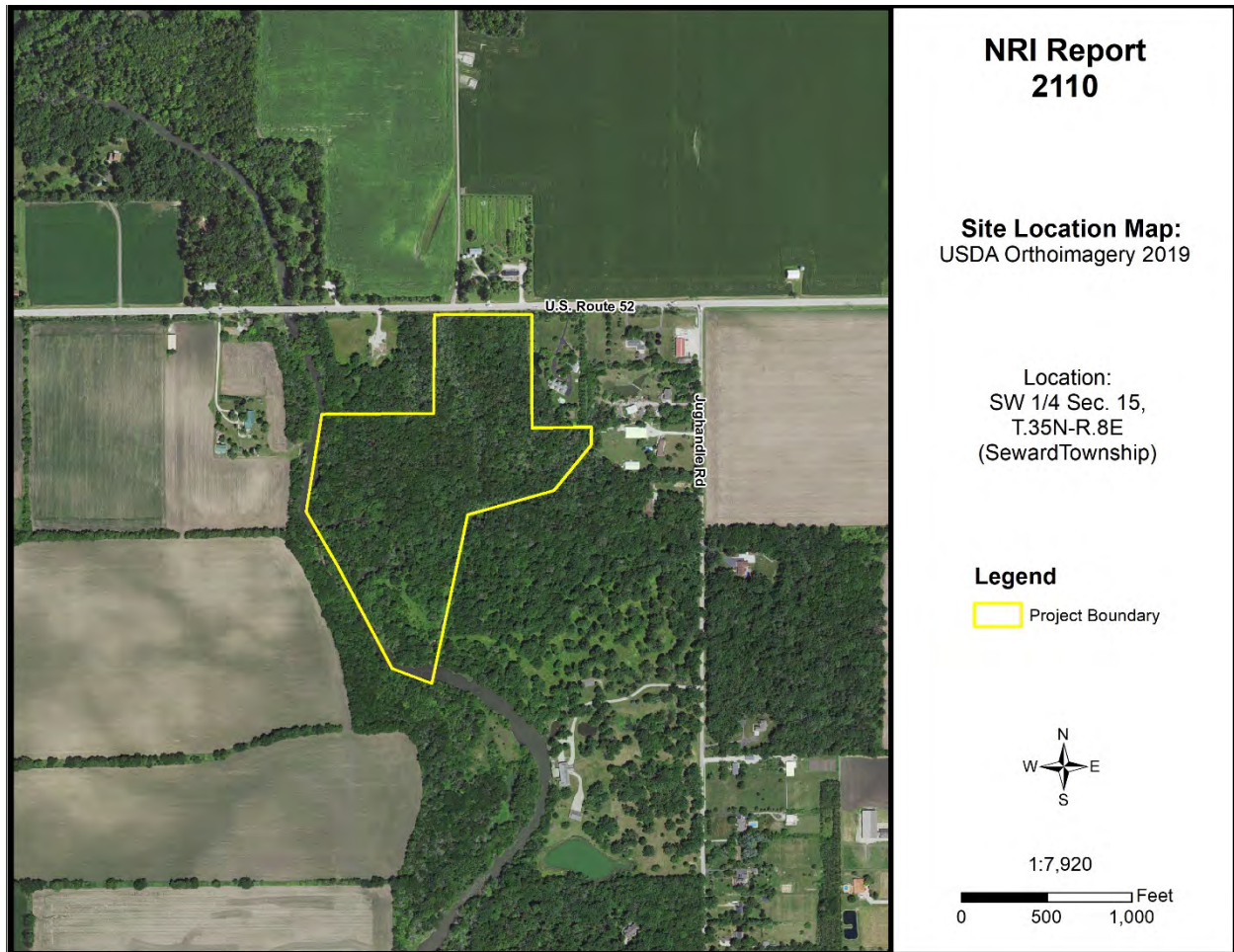


Figure 4: 2019 Aerial Map with NRI Site Boundary

ARCHAEOLOGIC/CULTURAL RESOURCES INFORMATION

Simply stated, cultural resources are all the past activities and accomplishments of people. They include the following: buildings; objects made or used by people; locations; and less tangible resources, such as stories, dance forms, and holiday traditions.

The Soil and Water Conservation District most often encounters cultural resources as historical properties. These may be prehistoric or historical sites, buildings, structures, features, or objects. The most common type of historical property that the Soil and Water Conservation District may encounter is non-structural archaeological sites. These sites often extend below the soil surface and must be protected against disruption by development or other earth moving activity if possible. Cultural resources are *non-renewable* because there is no way to “grow” a site to replace a disrupted site.

Landowners with historical properties on their land have ownership of that historical property. However, the State of Illinois owns all the following: human remains, grave markers, burial mounds, and artifacts associated with graves and human remains.

Non-grave artifacts from archaeological sites and historical buildings are the property of the landowner. The landowner may choose to disturb a historical property but may not receive federal or state assistance to do so. If an earth moving activity disturbs human remains, the landowner must contact the county coroner within 48 hours.

The Illinois Historic Preservation Agency has not been notified of the proposed land use change by the Kendall County SWCD. The applicant may need to contact the IHPA according to current Illinois law.

ECOLOGICALLY SENSITIVE AREAS

WHAT IS BIOLOGICAL DIVERSITY AND WHY SHOULD IT BE CONSERVED?¹

Biological diversity, or biodiversity, is the range of life on our planet. A more thorough definition is presented by botanist Peter H. Raven: “At the simplest level, biodiversity is the sum total of all the plants, animals, fungi and microorganisms in the world, or in a particular area; all of their individual variation; and all of the interactions between them. It is the set of living organisms that make up the fabric of the planet Earth and allow it to function as it does, by capturing energy from the sun and using it to drive all of life’s processes; by forming communities of organisms that have, through the several billion years of life’s history on Earth, altered the nature of the atmosphere, the soil and the water of our Planet; and by making possible the sustainability of our planet through their life activities now” (Raven 1994).

It is not known how many species occur on our planet. Presently, about 1.4 million species have been named. It has been estimated that there are perhaps 9 million more that have not been identified. What is known is that they are vanishing at an unprecedented rate. Reliable estimates show extinction occurring at a rate several orders of magnitude above “background” in some ecological systems (Wilson 1992, Hoose 1981).

The reasons for protecting biological diversity are complex, but they fall into four major categories. First, loss of diversity generally weakens entire natural systems. Healthy ecosystems tend to have many natural checks and balances. Every species plays a role in maintaining this system. When simplified by the loss of diversity, the system becomes more susceptible to natural and artificial perturbations. The chances of a system-wide collapse increase. In parts of the midwestern United States, for example, it was only the remnant areas of natural prairies that kept soil intact during the dust bowl years of the 1930s (Roush 1982).

Simplified ecosystems are almost always expensive to maintain. For example, when synthetic chemicals are relied upon to control pests, the target species are not the only ones affected. Their predators are almost always killed or driven away, exasperating the pest problem. In the meantime, people are unintentionally breeding pesticide-resistant pests. A process has begun where people become perpetual guardians of the affected area, which requires the expenditure of financial resources and human ingenuity to keep the system going.

A second reason for protecting biological diversity is that it represents one of our greatest untapped resources. Great benefits can be reaped from a single species. About 20 species provide 90% of the world’s food. Of these 20, just three, wheat, maize, and rice supply over one half of that food. American wheat farmers need new varieties every five to 15 years to compete with pests and diseases. Wild strains of wheat are critical genetic reservoirs for these new varieties.

Further, every species is a potential source of human medicine. In 1980, a published report identified the market value of prescription drugs from higher plants at over \$3 billion. Organic alkaloids, a class of

chemical compounds used in medicines, are found in an estimated 20% of plant species. Yet only 2% of plant species have been screened for these compounds (Hoose 1981).

The third reason for protecting diversity is that humans benefit from natural areas and depend on healthy ecosystems. The natural world supplies our air, our water, our food and supports human economic activity. Further, humans are creatures that evolved in a diverse natural environment between forest and grasslands. People need to be reassured that such places remain. When people speak of “going to the country,” they generally mean more than getting out of town. For reasons of their own sanity and wellbeing, they need a holistic, organic experience. Prolonged exposure to urban monotony produces neuroses, for which cultural and natural diversity cure.

Historically, the lack of attention to biological diversity, and the ecological processes it supports, has resulted in economic hardships for segments of the basin’s human population.

The final reason for protecting biological diversity is that species and natural systems are intrinsically valuable. The above reasons have focused on the benefits of the natural world to humans. All things possess intrinsic value simply because they exist.

BIOLOGICAL RESOURCES CONCERNING THE SUBJECT PARCEL

As part of the Natural Resources Information Report, staff checks office maps to determine if any nature preserves or ecologically sensitive areas are in the general vicinity of the parcel in question. If there is a nature preserve in the area, then that resource will be identified as part of the report. The SWCD recommends that every effort be made to protect that resource. Such efforts should include, but are not limited to erosion control, sediment control, stormwater management, and groundwater monitoring.

Office maps indicate that ecologically sensitive area(s) are located near the parcel in question (PIQ). Aux Sable Creek runs through the PIQ along the west and southwest boundaries. The National Wetland Inventory identifies wetlands within the parcel boundary, and the Zone AE (100-year flood) floodway and floodplain are also within the parcel boundary according to the FEMA flood map. Additionally, Baker Woods Forest Preserve is located immediately adjacent to the PIQ on the northwest side.

¹Taken from *The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities*, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.

SOILS INFORMATION

IMPORTANCE OF SOILS INFORMATION

Soils information comes from the Natural Resources Conservation Service Soil Maps and Descriptions for Kendall County. This information is important to all parties involved in determining the suitability of the proposed land use change.

Each soil polygon is given a number, which represents its soil type. The letter found after the soil type number indicates the soils slope class.

Each soil map unit has limitations for a variety of land uses such as septic systems, buildings with basements, and buildings without basements. It is important to remember that soils do not function independently of each other. The behavior of a soil depends upon the physical properties of adjacent soil types, the presence of artificial drainage, soil compaction, and its position in the local landscape.

The limitation categories (not limited, somewhat limited, or very limited) indicate the potential for difficulty in using that soil unit for the proposed activity and, thus, the degree of need for thorough soil borings and engineering studies. A limitation does not necessarily mean that the proposed activity cannot be done on that soil type. It does mean that the reasons for the limitation need to be thoroughly understood and dealt with to complete the proposed activity successfully. Very limited indicates that the proposed activity will be more difficult and costly to do on that soil type than on a soil type with a somewhat limited or not limited rating.

Soil survey interpretations are predictions of soil behavior for specified land uses and specified management practices. They are based on the soil properties that directly influence the specified use of the soil. Soil survey interpretations allow users of soil surveys to plan reasonable alternatives for the use and management of soils.

Soil interpretations do not eliminate the need for on-site study and testing of specific sites for the design and construction for specific uses. They can be used as a guide for planning more detailed investigations and for avoiding undesirable sites for an intended use. The scale of the maps and the range of error limit the use of the soil delineation.

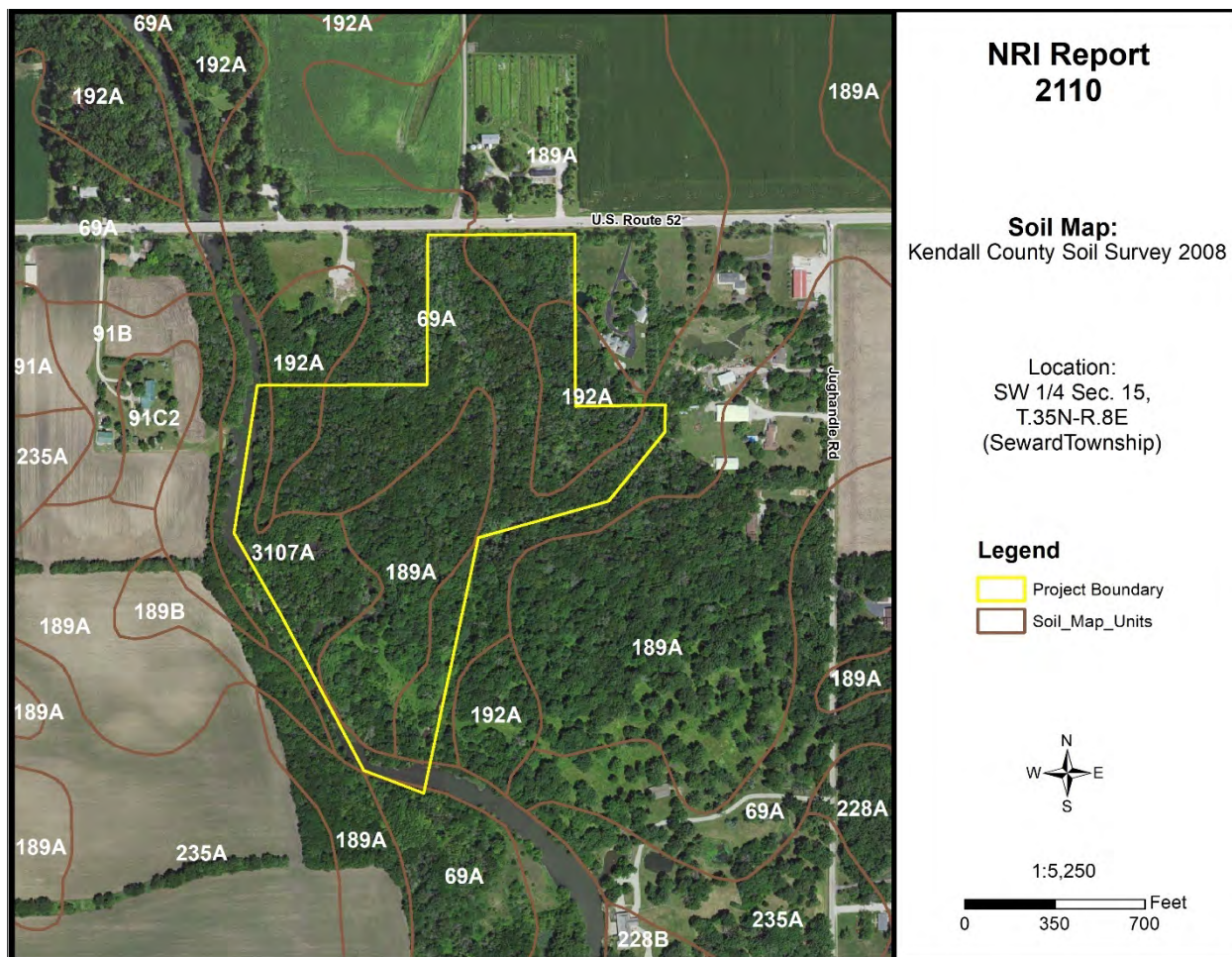


Figure 5: Soil Map

Table 3: Soil Map Unit Descriptions

Symbol	Descriptions	Acres	Percent
69A	Milford silty clay loam, 0-2% slopes	15.6	39.0%
189A	Martinton silt loam, 0-2% slopes	12.1	30.3%
189B	Martinton silt loam, 2-4% slopes	0.0	0.1%
192A	Del Rey silt loam, 0-2% slopes	4.9	12.3%
3107A	Sawmill silty clay loam, heavy till plain, 0-2% slopes, frequently flooded	7.4	18.4%

Source: National Cooperative Soil Survey – USDA-NRCS

SOILS INTERPRETATIONS EXPLANATION

GENERAL – NONAGRICULTURAL

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features.

Other features may need treatment to overcome soil limitations for a specific purpose. Ratings come from the soil's "natural" state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soil limitation ratings of not limited, somewhat limited, and very limited are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. The most common types of building limitation that this report gives limitations ratings for is septic systems. It is understood that engineering practices can overcome most limitations for buildings with and without basements, and small commercial buildings. Limitation ratings for these types of buildings are not commonly provided. Organic soils, when present on the parcel, are referenced in the hydric soils section of the report. This type of soil is considered unsuitable for all types of construction.

LIMITATIONS RATINGS

- **Not Limited:** This soil has favorable properties for the use. The degree of limitation is minor. The people involved can expect good performance and low maintenance.
- **Somewhat Limited:** This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.
- **Very Limited:** This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

BUILDING LIMITATIONS

BUILDING ON POORLY SUITED OR UNSUITABLE SOILS

Building on poorly suited or unsuitable soils can present problems to future property owners such as cracked foundations, wet basements, lowered structural integrity and high maintenance costs associated with these problems. The staff of the Kendall County SWCD strongly urges scrutiny by the plat reviewers when granting parcels with these soils exclusively.

Dwellings with Basements – Ratings are for undisturbed soil for a building structure of less than 3 stories with a basement. The foundation is assumed to be spread footings of reinforced concrete built on undisturbed soil at a depth of about 7 feet. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Dwellings without Basements – Ratings are for undisturbed soil for a house of three stories or less than 3 stories without a basement. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings for dwellings are based on soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs.

Shallow Excavations – Trenches or holes dug to a maximum depth of 5 or 6 feet for utility lines, open ditches, or other purposes. Ratings are based on soil properties that influence the ease of digging and the resistance to sloughing.

Lawns and Landscaping – Require soils on which turf and ornamental trees and shrubs can be established and maintained (irrigation is not considered in the ratings). The ratings are based on the soil properties that affect plant growth and trafficability after vegetation is established.

Onsite Sewage Disposal – The factors considered are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. The table below indicates soils that are deemed unsuitable per the Kendall County Subdivision Control Ordinance. Installation of an on-site sewage disposal system in soils designated as unsuitable may necessitate the installation of a non-conventional onsite sewage disposal system. For more information please contact the Kendall County Health Department – Environmental Health at (630) 553-9100 x8026.

Table 4: Building Limitations

Soil Type	Dwellings with Basements	Dwellings without Basements	Shallow Excavations	Lawns & Landscaping	Onsite Conventional Sewage Systems	Acres	%
69A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Unstable excavation walls; Dusty; Too clayey	Very Limited: Ponding; Depth to saturated zone; Dusty	Unsuitable: Wet	15.6	39.0%
189A	Very Limited: Depth to saturated zone; Shrink-swell	Very Limited: Shrink-swell; Depth to saturated zone	Very Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	12.1	30.3%
189B	Very Limited: Depth to saturated zone; Shrink-swell	Very Limited: Shrink-swell; Depth to saturated zone	Very Limited: Depth to saturated zone; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	0.0	0.1%
192A	Very Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Dusty; Unstable excavation walls; Too clayey	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	4.9	12.3%
3107A	Very Limited: Ponding; Flooding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Flooding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Flooding; Dusty; Unstable excavation walls	Very Limited: Ponding; Flooding; Depth to saturated zone; Dusty	Unsuitable: Frequently flooded	7.4	18.4%
% Very Limited	100%	100%	100%	57.4%	57.4%		

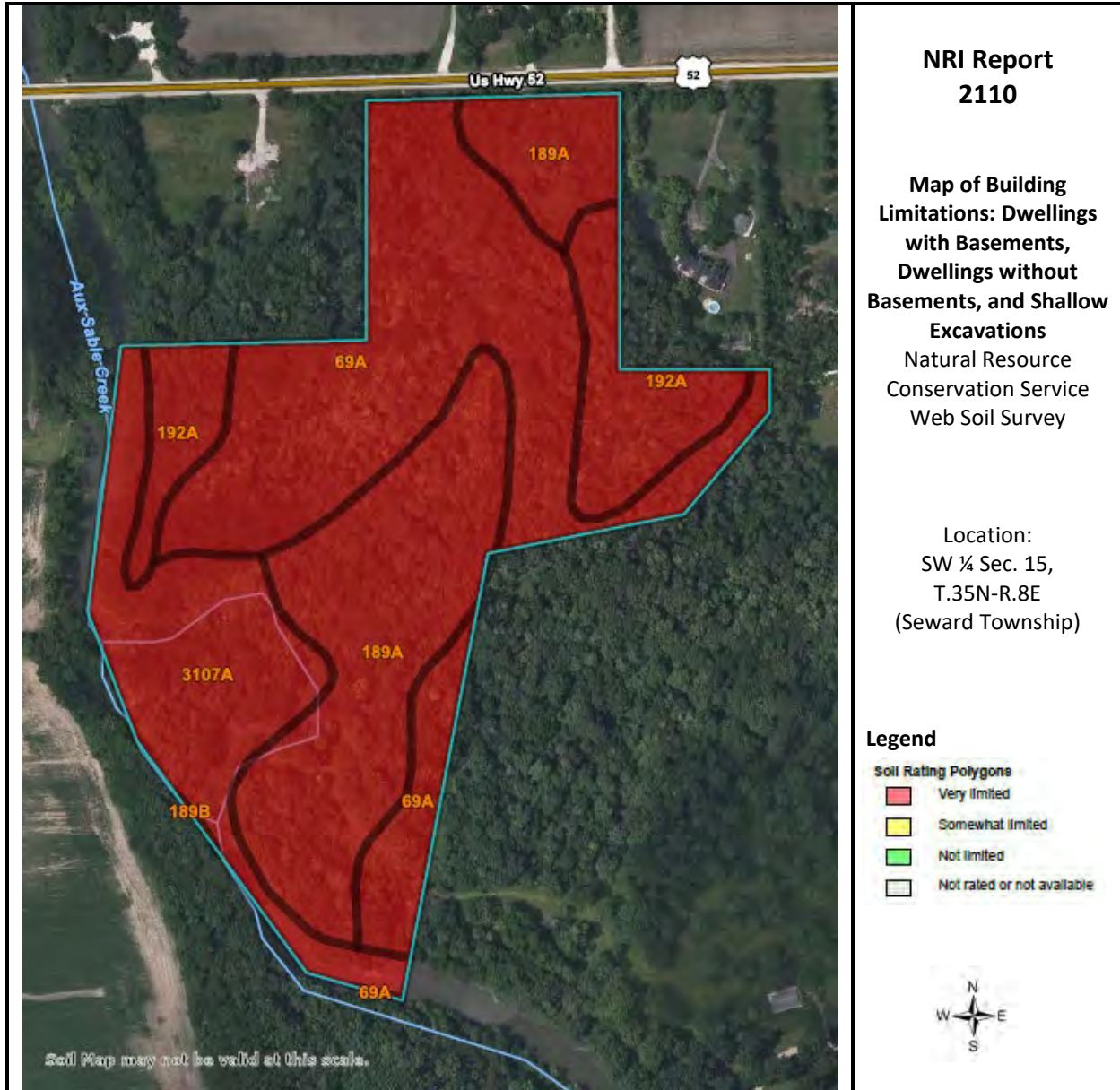


Figure 6A: Map of Building Limitations – Dwellings with Basements, Dwellings without Basements, and Shallow Excavations

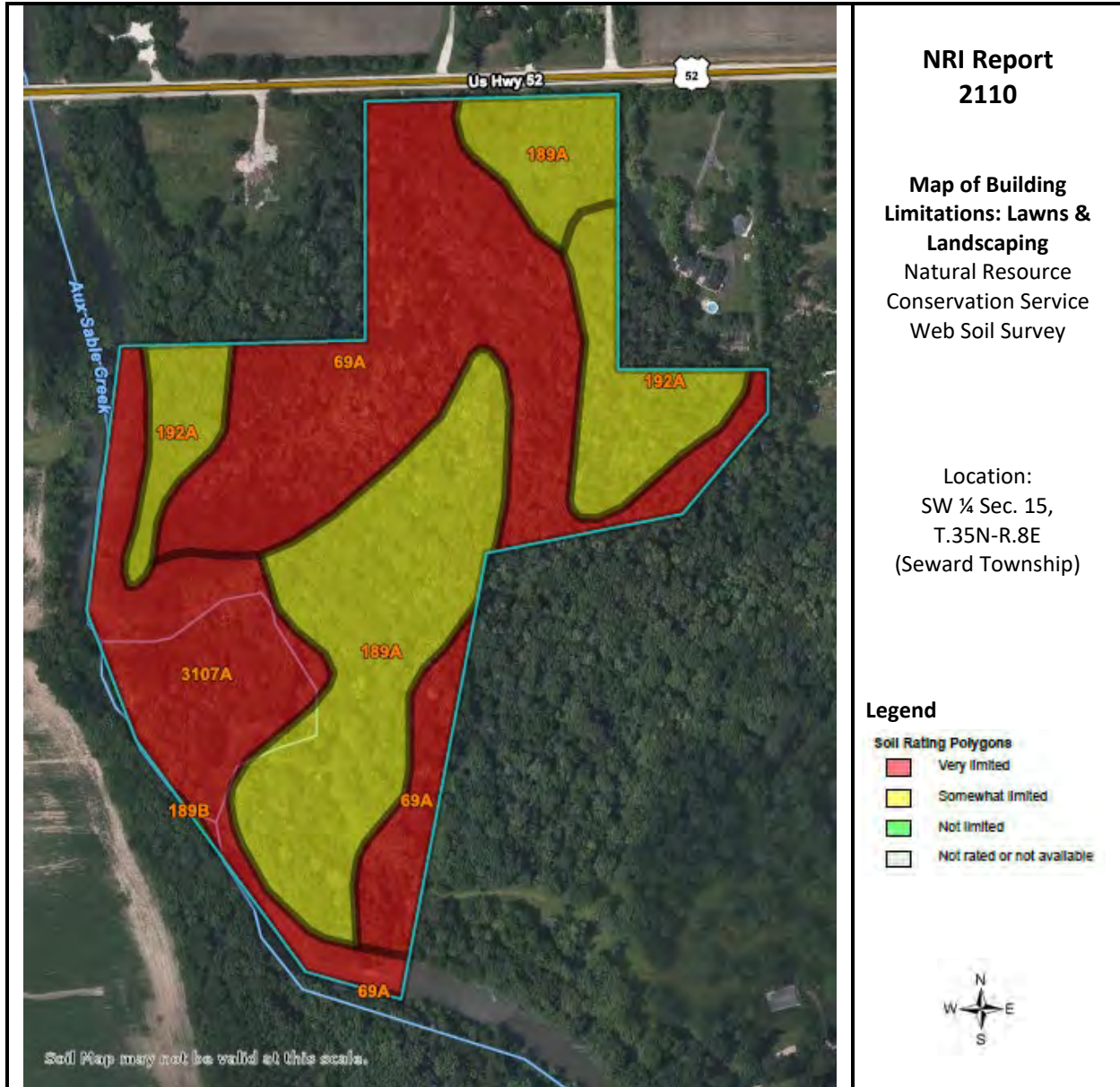


Figure 6B: Map of Building Limitations – Lawns & Landscaping

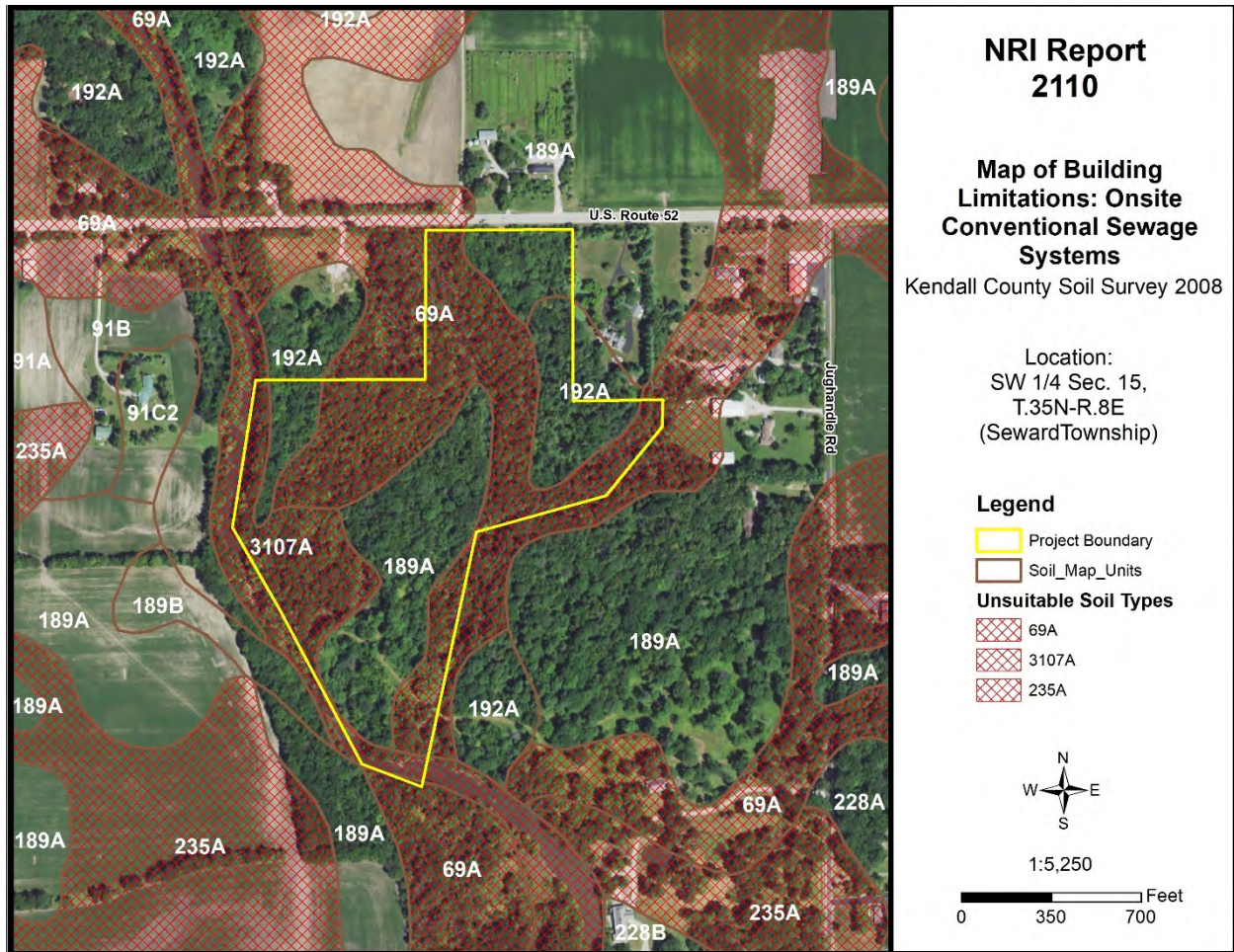


Figure 6C: Map of Building Limitations – Onsite Conventional Sewage System

SOIL WATER FEATURES

Table 5, below, gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

HYDROLOGIC SOIL GROUPS (HSGs) – The groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

- **Group A:** Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Group B:** Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained, or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Note: If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D) the first letter is for drained areas and the second is for undrained areas.

SURFACE RUNOFF – Surface runoff refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The classes are negligible, very low, low, medium, high, and very high.

MONTHS – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

WATER TABLE – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

PONDING – Ponding refers to standing water in a closed depression, and the data indicates surface water depth, duration, and frequency of ponding.

- **Duration:** Expressed as *very brief* if less than 2 days, *brief* if 2 to 7 days, *long* if 7 to 30 days and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* meaning ponding is not possible; *rare* means unlikely but possible under unusual weather conditions (chance of ponding is 0-5% in any year); *occasional* means that it occurs, on the average, once or less in 2 years (chance of ponding is 5 to 50% in any year); and frequent means that it occurs, on the average, more than once in 2 years (chance of ponding is more than 50% in any year).

FLOODING – The temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding.

- **Duration:** Expressed as: *extremely brief* if 0.1 hour to 4 hours; *very brief* if 4 hours to 2 days; *brief* if 2 to 7 days; *long* if 7 to 30 days; and *very long* if more than 30 days.
- **Frequency:** Expressed as: *none* means flooding is not probable; *very rare* means that it is very unlikely but possible under extremely unusual weather conditions (chance of flooding is less than 1% in any year); *rare* means that it is unlikely but possible under unusual weather conditions (chance of flooding is 1 to 5% in any year); *occasional* means that it occurs infrequently under normal weather conditions (chance of flooding is 5 to 50% in any year but is less than 50% in all months in any year); and *very frequent* means that it is likely to occur very often under normal weather conditions (chance of flooding is more than 50% in all months of any year).

Note: The information is based on evidence in the soil profile. In addition, consideration is also given to local information about the extent and levels of flooding and the relation of each soil on the landscape to historic floods. Information on the extent of flooding based on soil data is less specific than that provided by detailed engineering surveys that delineate flood-prone areas at specific flood frequency levels.

Table 5: Water Features

Map Unit	Hydrologic Group	Surface Runoff	Water Table	Ponding	Flooding
69A	C/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
189A	C/D	Low	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
189B	C/D	Medium	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
192A	C/D	Medium	<u>January – May</u> Upper Limit: 0.5'-2.0' Lower Limit: 2.0'-4.5' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
3107A	B/D	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0'-0.5' Duration: Brief (2 to 7 days) Frequency: Frequent <u>June – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – June</u> Duration: Brief (2 to 7 days) Frequency: Frequent <u>July – October</u> Duration: -- Frequency: None <u>November – December</u> Duration: Brief (2 to 7 days) Frequency: Frequent

SOIL EROSION AND SEDIMENT CONTROL

Erosion is the wearing away of the soil by water, wind, and other forces. Soil erosion threatens the Nation's soil productivity and contributes the most pollutants in our waterways. Water causes about two thirds of erosion on agricultural land. Four properties, mainly, determine a soil's erodibility: texture, slope, structure, and organic matter content.

Slope has the most influence on soil erosion potential when the site is under construction. Erosivity and runoff increase as slope grade increases. The runoff then exerts more force on the particles, breaking their bonds more readily and carrying them farther before deposition. The longer water flows along a slope before reaching a major waterway, the greater the potential for erosion.

Soil erosion during and after this proposed construction can be a primary non-point source of water pollution. Eroded soil during the construction phase can create unsafe conditions on roadways, decrease the storage capacity of lakes, clog streams and drainage channels, cause deterioration of aquatic habitats, and increase water treatment costs. Soil erosion also increases the risk of flooding by choking culverts, ditches, and storm sewers and by reducing the capacity of natural and man-made detention facilities.

The general principles of erosion and sedimentation control measures include:

- Reducing or diverting flow from exposed areas, storing flows, or limiting runoff from exposed areas
- Staging construction to keep disturbed areas to a minimum
- Establishing or maintaining temporary or permanent groundcover
- Retaining sediment on site
- Properly installing, inspecting, and maintaining control measures

Erosion control practices are useful controls only if they are properly located, installed, inspected, and maintained.

The SWCD recommends an erosion and sediment control plan for all building sites, especially if there is a wetland or stream nearby.

Table 6: Soil Erosion Potential

Soil Type	Slope	Rating	Acreage	Percent of Parcel
69A	0-2%	Slight	15.6	39.0%
189A	0-2%	Slight	12.1	30.3%
189B	2-4%	Slight	0.0	0.1%
192A	0-2%	Slight	4.9	12.3%
3107A	0-2%	Slight	7.4	18.4%

PRIME FARMLAND SOILS

Prime farmland soils are an important resource to Kendall County. Some of the most productive soils in the United States occur locally. Each soil map unit in the United States is assigned a prime or non-prime rating. Prime agricultural land does not need to be in the production of food & fiber.

Section 310 of the NRCS general manual states that urban or built-up land on prime farmland soils is not prime farmland. The percentages of soils map units on the parcel reflect the determination that urban or built up land on prime farmland soils is not prime farmland.

Table 7: Prime Farmland Soils

Soil Types	Prime Designation	Acreage	Percent
69A	Prime Farmland if drained	15.6	39.0%
189A	Prime Farmland	12.1	30.3%
189B	Prime Farmland	0.0	0.1%
192A	Prime Farmland if drained	4.9	12.3%
3107A	Prime Farmland if drained	7.4	18.4%
% Prime Farmland	100%		

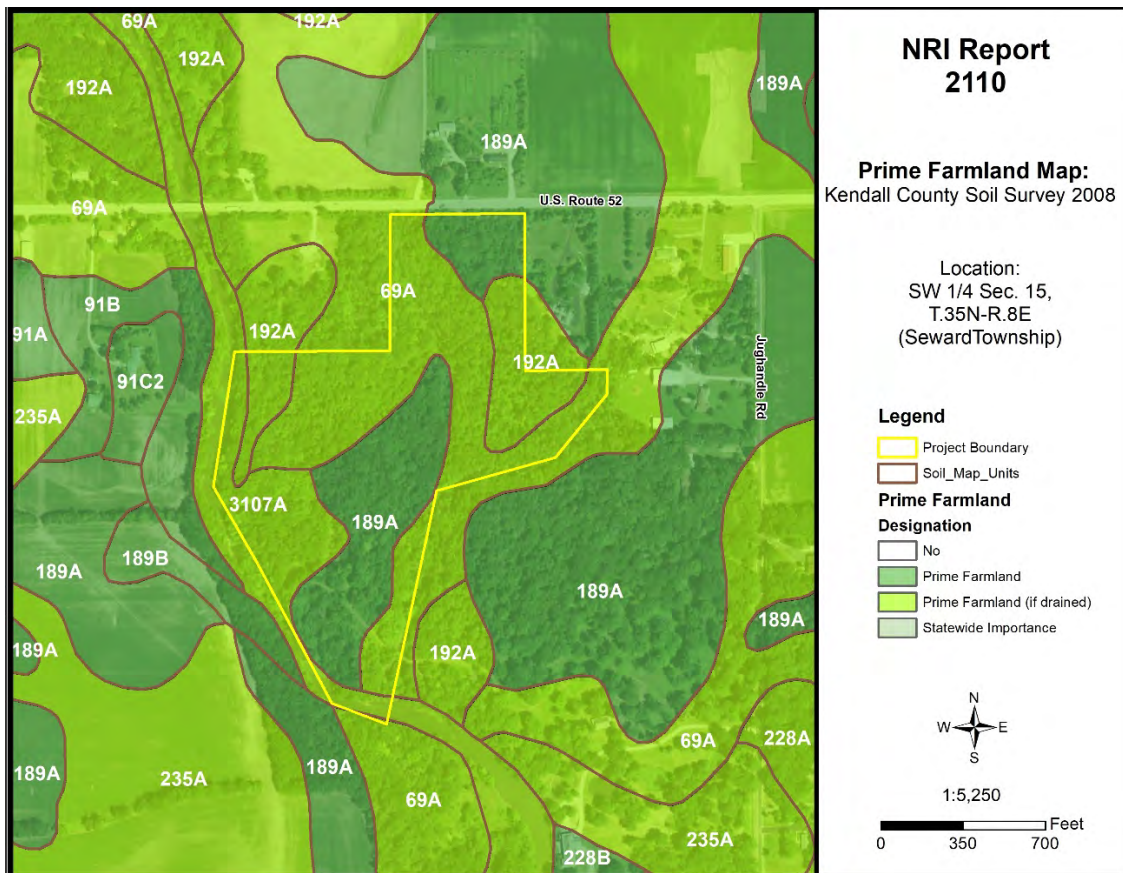


Figure 7: Map of Prime Farmland Soils

LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

LAND EVALUATION (LE)

The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100, and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The LE score is calculated by multiplying the relative value of each soil type by the number of acres of that soil. The sum of the products is then divided by the total number of acres; the answer is the Land Evaluation score on this site. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

SITE ASSESSMENT (SA)

The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The value group is a predetermined value based upon prime farmland designation. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Please Note: A land evaluation (LE) score will be compiled for every project parcel. However, when a parcel is located within municipal planning boundaries, a site assessment (SA) score is not compiled as the scoring factors are not applicable. As a result, only the LE score is available, and a full LESA score is unavailable for the parcel.

Table 8A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
69A	3	87	15.6	1357.2
189A	2	94	12.1	1137.4
189B	3	87	0.0	0.0
192A	4	79	4.9	387.1
3107A	3	87	7.4	643.8
Totals			40.1	3525.5
LE Calculation			(Product of relative value / Total Acres) 3525.5 / 40.1 = 87.92	
LE Score			LE = 88	

The Land Evaluation score for this site is 88, indicating that this site is designated as prime farmland that is well suited for agricultural uses considering the Land Evaluation score is above 80.

Table 8B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	0
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	15
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	10
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	15
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	8
	2. Availability of public water system. (10-8-6-0)	8
	3. Transportation systems. (15-7-0)	15
	4. Distance from fire protection service. (10-8-6-2-0)	10
	Site Assessment Score:	101

The Site Assessment score for this site is 101. The Land Evaluation value (88) is added to the Site Assessment value (101) to obtain a LESA Score of 189. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 9: LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

Land Evaluation Value: 88 + Site Assessment Value: 101 = LESA Score: 189

The LESA Score for this site is 189 which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

LAND USE PLANS

Many counties, municipalities, villages, and townships have developed land-use plans. These plans are intended to reflect the existing and future land-use needs of a given community. Please contact the Kendall County Planning, Building & Zoning for information regarding the County's comprehensive land use plan and map.

DRAINAGE, RUNOFF, AND FLOOD INFORMATION

U.S.G.S Topographic maps give information on elevations, which are important mostly to determine slopes, drainage directions, and watershed information.

Elevations determine the area of impact of floods of record. Slope information determines steepness and erosion potential. Drainage directions determine where water leaves the PIQ, possibly impacting surrounding natural resources.

Watershed information is given for changing land use to a subdivision type of development on parcels greater than 10 acres.

WHAT IS A WATERSHED?

Simply stated, a watershed is the area of land that contributes water to a certain point. The watershed boundary is important because the area of land in the watershed can now be calculated using an irregular shape area calculator such as a dot counter or planimeter.

Using regional storm event information, and site-specific soils and land use information, the peak stormwater flow through the point marked "O" for a specified storm event can be calculated. This value is called a "Q" value (for the given storm event) and is measured in cubic feet per second (CFS).

When construction occurs, the Q value naturally increases because of the increase in impermeable surfaces. This process decreases the ability of soils to accept and temporarily hold water. Therefore, more water runs off and increases the Q value.

Theoretically, if each development, no matter how large or small, maintains their preconstruction Q value after construction by the installation of stormwater management systems, the streams and wetlands and lakes will not suffer damage from excessive urban stormwater.

For this reason, the Kendall County SWCD recommends that the developer for intense uses such as a subdivision calculate the preconstruction Q value for the exit point(s). A stormwater management system

should be designed, installed, and maintained to limit the postconstruction Q value to be at or below the preconstruction value.

IMPORTANCE OF FLOOD INFORMATION

A floodplain is defined as land adjoining a watercourse (riverine) or an inland depression (non-riverine) that is subject to periodic inundation by high water. Floodplains are important areas demanding protection since they have water storage and conveyance functions which affect upstream and downstream flows, water quality and quantity, and suitability of the land for human activity. Since floodplains play distinct and vital roles in the hydrologic cycle, development that interferes with their hydrologic and biologic functions should be carefully considered.

Flooding is both dangerous to people and destructive to their properties. The following maps, when combined with wetland and topographic information, can help developers and future homeowners to “sidestep” potential flooding or ponding problems.

FIRM is the acronym for the Flood Insurance Rate Map, produced by the Federal Emergency Management Agency (FEMA). These maps define flood elevation adjacent to tributaries and major bodies of water and superimpose that onto a simplified USGS topographic map. The scale of the FIRM maps is generally dependent on the size and density of parcels in that area. (This is to correctly determine the parcel location and floodplain location.) The FIRM map has three (3) zones. Zone A includes the 100-year flood, Zone B or Zone X (shaded) is the 100 to 500-year flood, and Zone C or Zone X (unshaded) is outside the floodplain.

The Hydrologic Atlas (H.A.) Series of the Flood of Record Map is also used for the topographic information. This map is different from the FIRM map mainly because it will show isolated or pocketed flooded areas. Kendall County uses both these maps in conjunction with each other for flooded area determinations. The Flood of Record maps show the areas of flood for various years. Both maps stress that the recurrence of flooding is merely statistical. A 100-year flood may occur twice in one year, or twice in one week, for that matter.

It should be noted that greater floods than those shown on the two maps are possible. The flood boundaries indicated provide a historic record only until the map publication date. Additionally, these flood boundaries are a function of the watershed conditions existing when the maps were produced. Cumulative changes in runoff characteristics caused by urbanization can result in an increase in flood height of future flood episodes.

Floodplains play a vital role in reducing the flood damage potential associated with an urbanizing area and, when left in an undisturbed state, also provide valuable wildlife habitat benefits. If it is the petitioner's intent to conduct floodplain filling or modification activities, the petitioner, and the Unit of Government responsible need to consider the potentially adverse effects this type of action could have on adjacent properties. The change or loss of natural floodplain storage often increases the frequency and severity of flooding on adjacent property.

If the available maps indicate the presence of a floodplain on the PIQ, the petitioner should contact the IDOT-OWR and FEMA to delineate a floodplain elevation for the parcel. If a portion of the property is indeed floodplain, applicable state, county, and local regulations will need to be reflected in the site plans.

Another indication of flooding potential can be found in the soils information. Hydric soils indicate the presence of drainageways, areas subject to ponding, or a naturally occurring high water table. These need to be considered along with the floodplain information when developing the site plan and the stormwater management plan. Development on hydric soils can contribute to the loss of water storage within the soil and the potential for increased flooding in the area.

This parcel is located on gradual topography (slopes 0 to 4%) with an elevation of approximately 570' above sea level. According to the FIRM map, the parcel in question contains Zone AE (100-year flood) floodway and floodplain. The parcel drains south/southwest towards Aux Sable Creek.

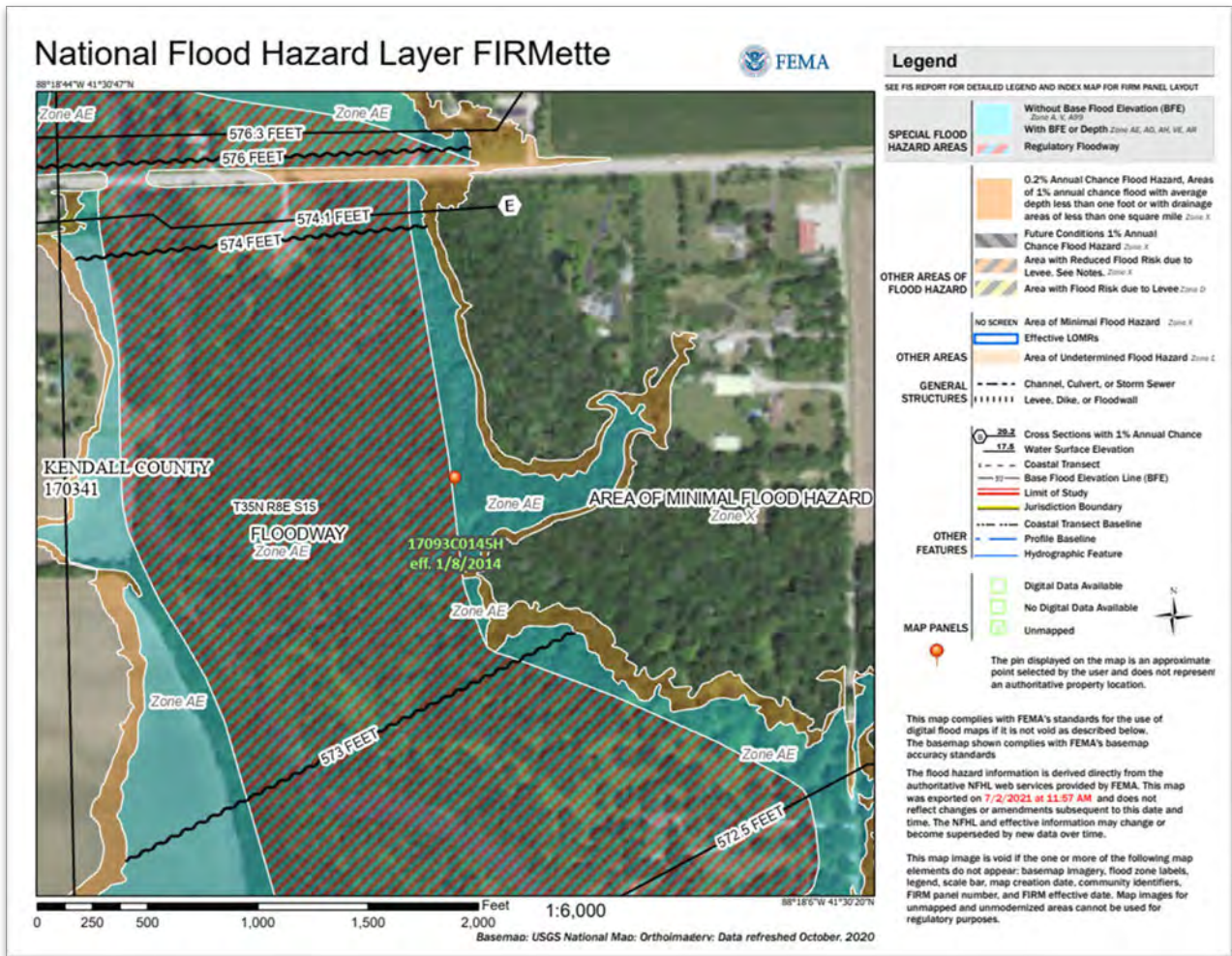


Figure 8: FEMA Floodplain Map

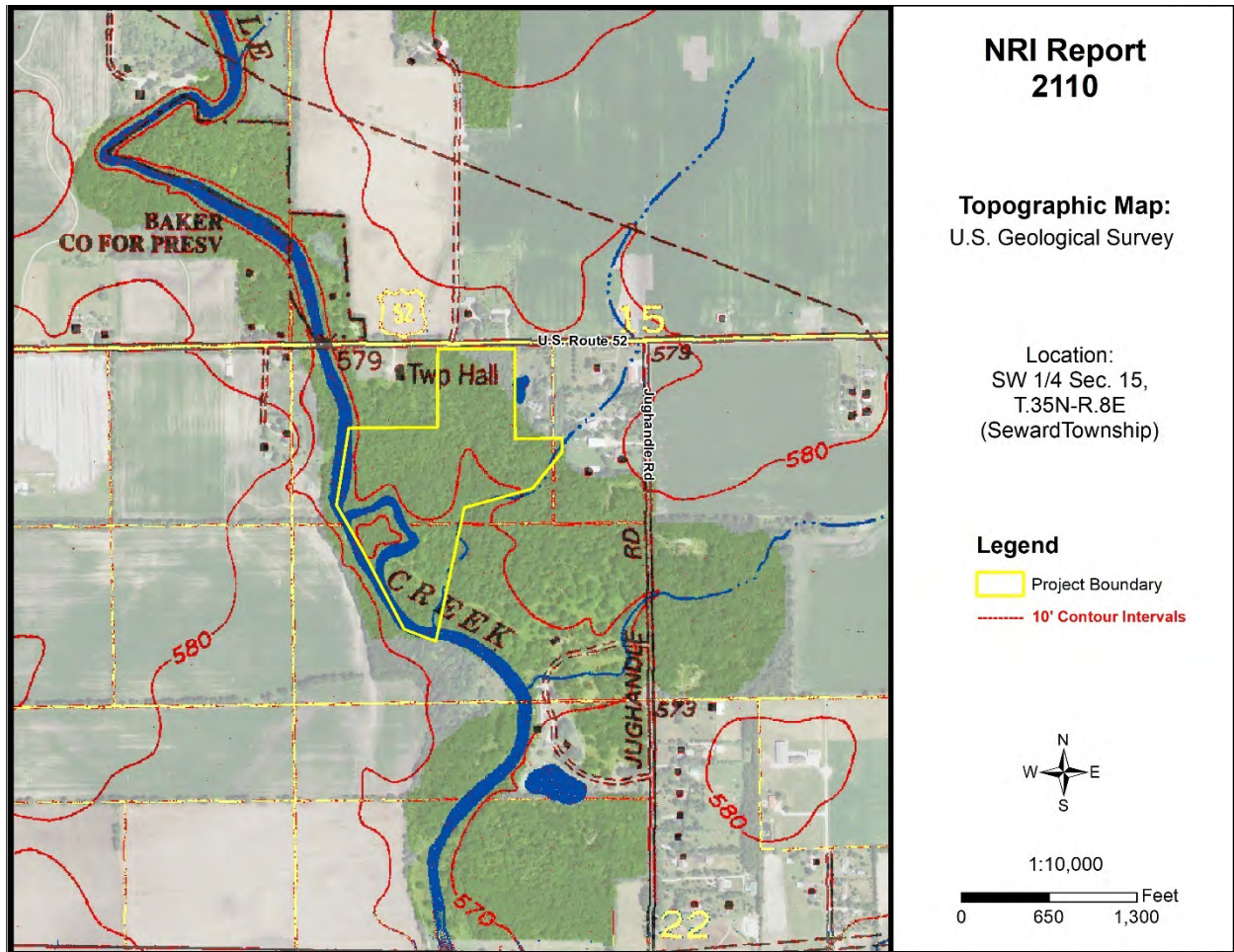


Figure 9: USGS Topographic Map

WATERSHED PLANS

WATERSHED AND SUB WATERSHED INFORMATION

A watershed is the area of land that drains into a specific point including a stream, lake, or other body of water. High points on the Earth's surface, such as hills and ridges define watersheds. When rain falls in the watershed, it flows across the ground towards a stream or lake. Rainwater carries pollutants such as oils, pesticides, and soil.

Everyone lives in a watershed. Their actions can impact natural resources and people living downstream. Residents can minimize this impact by being aware of their environment and the implications of their activities, implementing practices recommended in watershed plans, and educating others about their watershed.

The following are recommendations to developers for protection of this watershed:

- Preserve open space
- Maintain wetlands as part of development
- Use natural water management
- Prevent soil from leaving a construction site
- Protect subsurface drainage
- Use native vegetation
- Retain natural features
- Mix housing styles and types
- Decrease impervious surfaces
- Reduce area disturbed by mass grading
- Shrink lot size and create more open space
- Maintain historical and cultural resources
- Treat water where it falls
- Preserve views
- Establish and link trails

This parcel is located within the Upper Illinois River Watershed and the Minooka Branch Aux Sable Creek Sub Watershed.

WETLAND INFORMATION

IMPORTANCE OF WETLAND INFORMATION

Wetlands function in many ways to provide numerous benefits to society. They control flooding by offering a slow release of excess water downstream or through the soil. They cleanse water by filtering out sediment and some pollutants and can function as rechargers of our valuable groundwater. They also are essential breeding, rearing, and feeding grounds for many species of wildlife.

These benefits are particularly valuable in urbanizing areas as development activity typically adversely affects water quality, increases the volume of stormwater runoff, and increases the demand for groundwater. In an area where many individual homes rely on shallow groundwater wells for domestic water supplies, activities that threaten potential groundwater recharge areas are contrary to the public good. The conversion of wetlands, with their sediment trapping and nutrient absorbing vegetation, to biologically barren stormwater detention ponds can cause additional degradation of water quality in downstream or adjacent areas.

It has been estimated that over 95% of the wetlands that were historically present in Illinois have been destroyed while only recently has the true environmental significance of wetlands been fully recognized. America is losing 100,000 acres of wetland a year and has saved 5 million acres total (since 1934). One acre of wetland can filter 7.3 million gallons of water a year. These are reasons why our wetlands are high quality and important.

This section contains the NRCS (Natural Resources Conservation Service) Wetlands Inventory, which is the most comprehensive inventory to date. The NRCS Wetlands Inventory is reproduced from an aerial photo at a scale of 1" equals 660 feet. The NRCS developed these maps in cooperation with U.S. EPA (Environmental Protection Agency,) and the U.S. Fish and Wildlife Service, using the National Food Security Act Manual, 3rd Edition. The main purpose of these maps is to determine wetland areas on agricultural fields and areas that may be wetlands but are in a non-agriculture setting.

The NRCS Wetlands Inventory in no way gives an exact delineation of the wetlands, but merely an outline, or the determination that there is a wetland within the outline. For the final, most accurate wetland **determination** of a specific wetland, a wetland **delineation** must be certified by NRCS staff using the National Food Security Act Manual (on agricultural land.) On urban land, a certified wetland delineator must perform the delineation using the ACOE 1987 Manual. *See the glossary section for the definitions of "delineation" and "determination."*

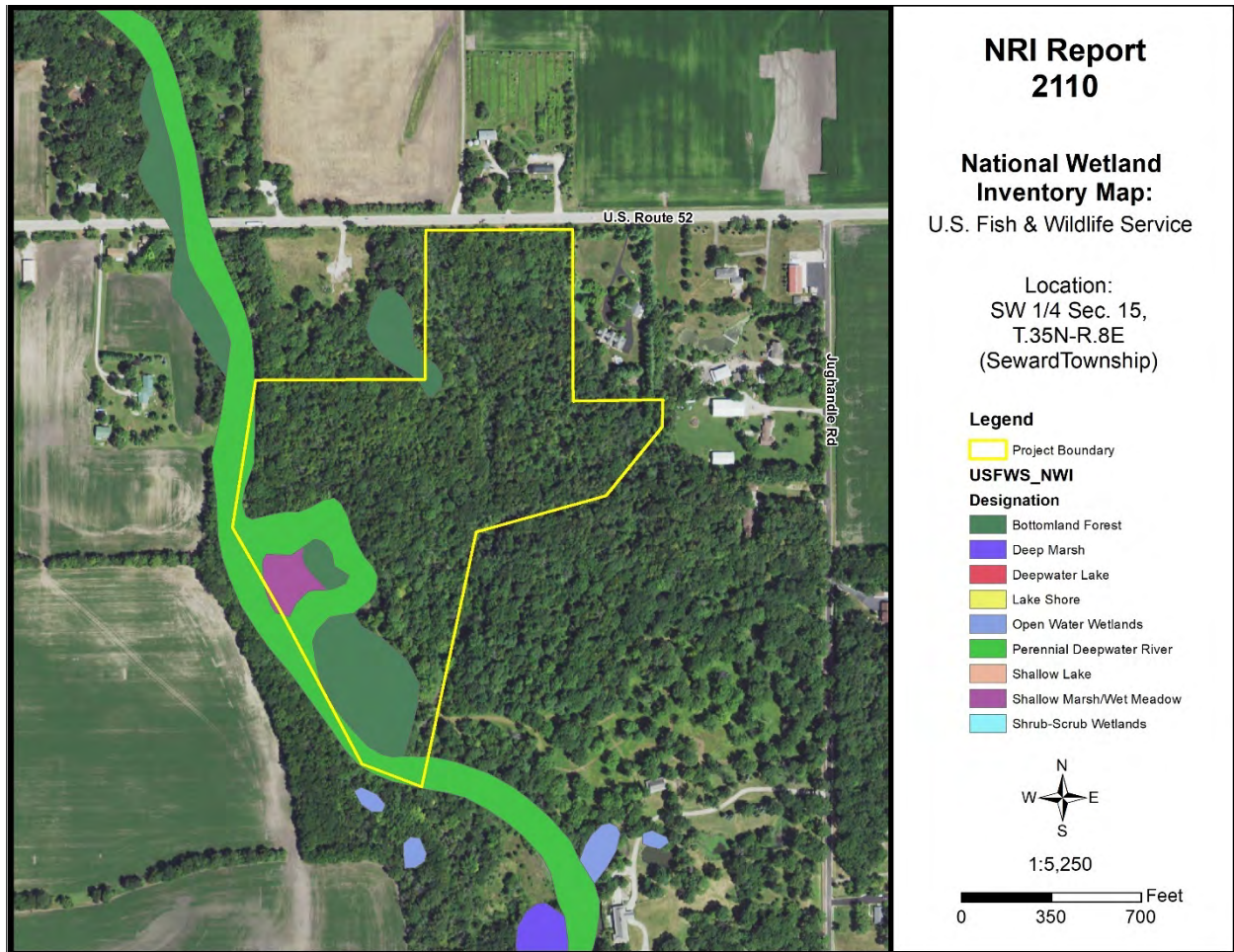


Figure 10: Wetland Map – USFWS National Wetland Inventory

Office maps indicate that mapped wetlands are present on the parcel in question (PIQ). The PIQ contains Bottomland Forest Wetlands, a Shallow Marsh/Wet Meadow, and a Perennial Deepwater River (Aux Sable Creek) according to the National Wetland Inventory Map.

HYDRIC SOILS

Soils information gives another indication of flooding potential. The soils map on the following page indicates the soil(s) on the parcel that the Natural Resources Conservation Service indicates as hydric. Hydric soils, by definition, have seasonal high water at or near the soil surface and/or have potential flooding or ponding problems. All hydric soils range from poorly suited to unsuitable for building. One group of the hydric soils are the organic soils, which formed from dead organic material. Organic soils are unsuitable for building because of not only the high water table but also their subsidence problems.

It is important to add the possibility of hydric inclusions in a soil type. An inclusion is a soil polygon that is too small to appear on these maps. While relatively insignificant for agricultural use, hydric soil inclusions become more important to more intense uses such as a residential subdivision.

While considering hydric soils and hydric inclusions, it is noteworthy to mention that subsurface agriculture drainage tile occurs in almost all poorly drained and somewhat poorly drained soils. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. A damaged subsurface drainage tile may return original hydrologic conditions to all the areas that drained through the tile (ranging from less than one acre to many square miles.)

For an intense land use, such as a subdivision, the Kendall County SWCD recommends the following: a topographical survey with 1 foot contour intervals to accurately define the flood area on the parcel, an intensive soil survey to define most accurately the locations of the hydric soils and inclusions, and a drainage tile survey on the area to locate the tiles that must be preserved to maintain subsurface drainage.

Table 10: Hydric Soils

Soil Types	Drainage Class	Hydric Designation	Hydric Inclusions Likely	Acreage	Percent
69A	Poorly Drained	Hydric	No	15.6	39.0%
189A	Somewhat Poorly Drained	Non-Hydric	Yes	12.1	30.3%
189B	Somewhat Poorly Drained	Non-Hydric	Yes	0.0	0.1%
192A	Somewhat Poorly Drained	Non-Hydric	Yes	4.9	12.3%
3107A	Poorly Drained	Hydric	No	7.4	18.4%

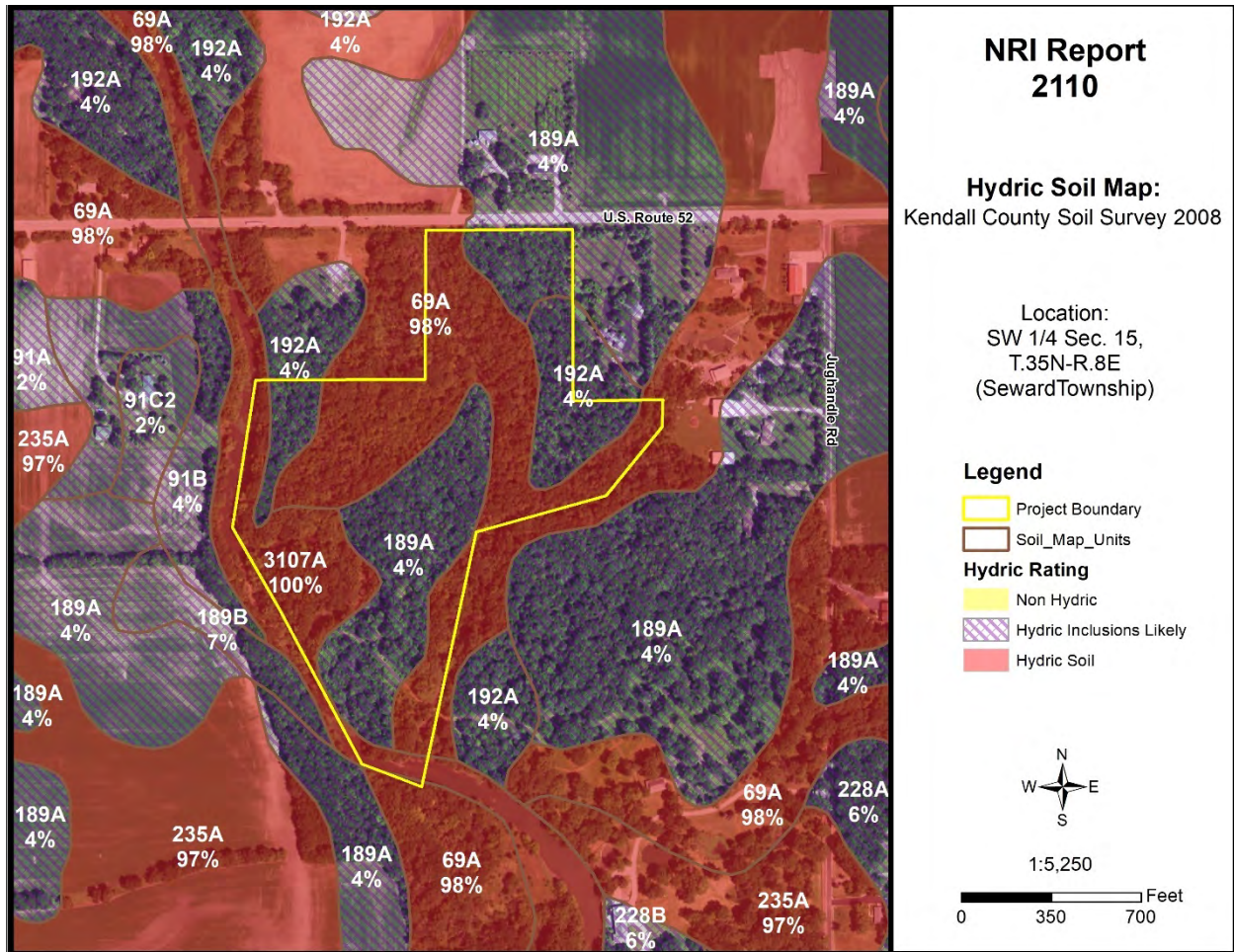


Figure 11: Hydric Soil Map

WETLAND AND FLOODPLAIN REGULATIONS

PLEASE READ THE FOLLOWING IF YOU ARE PLANNING TO DO ANY WORK NEAR A STREAM (THIS INCLUDES SMALL UNNAMED STREAMS), LAKE, WETLAND OR FLOODWAY.

The laws of the United States and the State of Illinois assign certain agencies specific and different regulatory roles to protect the waters within the State's boundaries. These roles, when considered together, include protection of navigation channels and harbors, protection against floodway encroachments, maintenance and enhancement of water quality, protection of fish and wildlife habitat and recreational resources, and, in general, the protection of total public interest. Unregulated use of the waters within the State of Illinois could permanently destroy or alter the character of these valuable resources and adversely impact the public. Therefore, please contact the proper regulatory authorities when planning any work associated with Illinois waters so that proper consideration and approval can be obtained.

WHO MUST APPLY?

Anyone proposing to dredge, fill, rip rap, or otherwise alter the banks or beds of, or construct, operate, or maintain any dock, pier, wharf, sluice, dam, piling, wall, fence, utility, floodplain or floodway subject to State or Federal regulatory jurisdiction should apply for agency approvals.

REGULATORY AGENCIES

- **Wetland or U.S. Waters:** U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building, Rock Island, IL
- **Floodplains:** Illinois Department of Natural Resources/Office of Water Resources, Natural Resources Way, Springfield, IL 62702-1270.
- **Water Quality/Erosion Control:** Illinois Environmental Protection Agency, Springfield, IL

COORDINATION

We recommend early coordination with the regulatory agencies BEFORE finalizing work plans. This allows the agencies to recommend measures to mitigate or compensate for adverse impacts. Also, the agency can make possible environmental enhancement provisions early in the project planning stages. This could reduce time required to process necessary approvals.

CAUTION: Contact with the United States Army Corps of Engineers is strongly advised before commencement of any work in or near a Waters of the United States. This could save considerable time and expense. Persons responsible for willful and direct violation of Section 10 of the River and Harbor Act of 1899 or Section 404 of the Federal Water Pollution Control Act are subject to fines ranging up to \$27,500 per day of violation and imprisonment for up to one year or both.

GLOSSARY

AGRICULTURAL PROTECTION AREAS (AG AREAS) - Allowed by P.A. 81-1173. An AG AREA consists of a minimum of 350 acres of farmland, as contiguous and compact as possible. Petitioned by landowners, AG AREAS protect for a period of ten years initially, then reviewed every eight years thereafter. AG AREA establishment exempts landowners from local nuisance ordinances directed at farming operations, and designated land cannot receive special tax assessments on public improvements that do not benefit the land, e.g. water and sewer lines.

AGRICULTURE - The growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm buildings used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm buildings for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm dwellings occupied by farm owners, operators, tenants or seasonal or year around hired farm workers.

B.G. - Below Grade. Under the surface of the Earth.

BEDROCK - Indicates depth at which bedrock occurs. Also lists hardness as rippable or hard.

FLOODING - Indicates frequency, duration, and period during year when floods are likely to occur.

HIGH LEVEL MANAGEMENT - The application of effective practices adapted to different crops, soils, and climatic conditions. Such practices include providing for adequate soil drainage, protection from flooding, erosion and runoff control, near optimum tillage, and planting the correct kind and amount of high-quality seed. Weeds, diseases, and harmful insects are controlled. Favorable soil reaction and near optimum levels of available nitrogen, phosphorus, and potassium for individual crops are maintained. Efficient use is made of available crop residues, barnyard manure, and/or green manure crops. All operations, when combined efficiently and timely, can create favorable growing conditions and reduce harvesting losses -- within limits imposed by weather.

HIGH WATERTABLE - A seasonal high watertable is a zone of saturation at the highest average depth during the wettest part of the year. May be apparent, perched, or artesian kinds of water tables.

- **Watertable, Apparent:** A thick zone of free water in the soil. An apparent water table is indicated by the level at which water stands in an uncased borehole after adequate time is allowed for adjustment in the surrounding soil.
- **Watertable, Artesian:** A water table under hydrostatic head, generally beneath an impermeable layer. When this layer is penetrated, the water level rises in an uncased borehole.
- **Watertable, Perched:** A water table standing above an unsaturated zone. In places an upper, or perched, water table is separated from a lower one by a dry zone.

DELINEATION - For Wetlands: A series of orange flags placed on the ground by a certified professional that outlines the wetland boundary on a parcel.

DETERMINATION - A polygon drawn on a map using map information that gives an outline of a wetland.

HYDRIC SOIL - This type of soil is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part (USDA Natural Resources Conservation Service 1987).

INTENSIVE SOIL MAPPING - Mapping done on a smaller more intensive scale than a modern soil survey to determine soil properties of a specific site, e.g. mapping for septic suitability.

LAND EVALUATION AND SITE ASSESSMENT (L.E.S.A.) - LESA is a systematic approach for evaluating a parcel of land and to determine a numerical value for the parcel for farmland preservation purposes.

MODERN SOIL SURVEY - A soil survey is a field investigation of the soils of a specific area, supported by information from other sources. The kinds of soil in the survey area are identified and their extent shown on a map, and an accompanying report describes, defines, classifies, and interprets the soils. Interpretations predict the behavior of the soils under different uses and the soils' response to management. Predictions are made for areas of soil at specific places. Soils information collected in a soil survey is useful in developing land-use plans and alternatives involving soil management systems and in evaluating and predicting the effects of land use.

PALUSTRINE - Name given to inland freshwater wetlands.

PERMEABILITY - Values listed estimate the range (in rate and time) it takes for downward movement of water in the major soil layers when saturated but allowed to drain freely. The estimates are based on soil texture, soil structure, available data on permeability and infiltration tests, and observation of water movement through soils or other geologic materials.

PIQ - Parcel in question

POTENTIAL FROST ACTION - Damage that may occur to structures and roads due to ice lens formation causing upward and lateral soil movement. Based primarily on soil texture and wetness.

PRIME FARMLAND - Prime farmland soils are lands that are best suited to food, feed, forage, fiber and oilseed crops. It may be cropland, pasture, woodland, or other land, but it is not urban and built up land or water areas. It either is used for food or fiber or is available for those uses. The soil qualities, growing season, and moisture supply are those needed for a well-managed soil economically to produce a sustained high yield of crops. Prime farmland produces in highest yields with minimum inputs of energy and economic resources and farming the land results in the least damage to the environment. Prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation. The temperature and growing season are favorable. The level of acidity or alkalinity is acceptable. Prime farmland has few or no rocks and is permeable to water and air. It is not excessively erodible or saturated

with water for long periods and is not frequently flooded during the growing season. The slope ranges mainly from 0 to 5 percent (USDA Natural Resources Conservation Service).

PRODUCTIVITY INDEXES - Productivity indexes for grain crops express the estimated yields of the major grain crops grown in Illinois as a single percentage of the average yields obtained under basic management from several of the more productive soils in the state. This group of soils is composed of the Muscatine, Ipava, Sable, Lisbon, Drummer, Flanagan, Littleton, Elburn and Joy soils. Each of the 425 soils found in Illinois are found in Circular 1156 from the Illinois Cooperative Extension Service.

SEASONAL - When used in reference to wetlands indicates that the area is flooded only during a portion of the year.

SHRINK-SWELL POTENTIAL - Indicates volume changes to be expected for the specific soil material with changes in moisture content.

SOIL MAPPING UNIT - A map unit is a collection of soil areas of miscellaneous areas delineated in mapping. A map unit is generally an aggregate of the delineations of many different bodies of a kind of soil or miscellaneous area but may consist of only one delineated body. Taxonomic class names and accompanying phase terms are used to name soil map units. They are described in terms of ranges of soil properties within the limits defined for taxa and in terms of ranges of taxadjuncts and inclusions.

SOIL SERIES - A group of soils, formed from a particular type of parent material, having horizons that, except for texture of the A or surface horizon, are similar in all profile characteristics and in arrangement in the soil profile. Among these characteristics are color, texture, structure, reaction, consistence, and mineralogical and chemical composition.

SUBSIDENCE - Applies mainly to organic soils after drainage. Soil material subsides due to shrinkage and oxidation.

TERRAIN - The area or surface over which a particular rock or group of rocks is prevalent.

TOPSOIL - That portion of the soil profile where higher concentrations of organic material, fertility, bacterial activity and plant growth take place. Depths of topsoil vary between soil types.

WATERSHED - An area of land that drains to an associated water resource such as a wetland, river or lake. Depending on the size and topography, watersheds can contain numerous tributaries, such as streams and ditches, and ponding areas such as detention structures, natural ponds and wetlands.

WETLAND - An area that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient enough to support, and under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

REFERENCES

Hydric Soils of the United States. USDA Natural Resources Conservation Service, 2007.

DFIRM – Digital Flood Insurance Rate Maps for Kendall County. Prepared by FEMA – Federal Emergency Management Agency.

Hydrologic Unit Map for Kendall County. Natural Resources Conservation Service, United States Department of Agriculture.

Land Evaluation and Site Assessment System. The Kendall County Department of Planning Building and Zoning, and The Kendall County Soil and Water Conservation District. In cooperation with: USDA, Natural Resources Conservation Service.

Soil Survey of Kendall County. United States Department of Agriculture 2008, Natural Resources Conservation Service.

Illinois Urban Manual. Association of Illinois Soil & Water Conservation Districts, 2020.

Kendall County Land Atlas and Plat Book. 21st Edition, 2021.

Potential For Contamination of Shallow Aquifers from Land Burial of Municipal Wastes. Illinois State Geological Survey.

Natural Resources Conservation Service National Wetland Inventory Map. United States Department of Agriculture.

Geologic Road Map of Illinois. Department of Natural Resources, Illinois State Geological Survey, Natural Resources Building, 615 East Peabody, Champaign IL 61820-6964.

Wetlands - The Corps of Engineers' Administration of the Section 404 Program (GAO/RCED-88-110).

Soil Erosion by Water - United States Department of Agriculture Natural Resources Conservation Service. Agriculture Information Bulletin 513.

The Conservation of Biological Diversity in the Great Lakes Ecosystem: Issues and Opportunities, prepared by the Nature Conservancy Great Lakes Program 79W. Monroe Street, Suite 1309, Chicago, IL 60603, January 1994.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

August 02, 2022

Jairo Ortega
Jairo Ortega



RE: 2750 Rt. 52 Rezoning
Project Number(s): 2301840
County: Kendall

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.



Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Matt Asselmeier

From: Tim O'Brien [REDACTED]
Sent: Wednesday, September 14, 2022 10:55 AM
To: Matt Asselmeier
Cc: marquetteprop@sbcglobal.net
Subject: [External]Petition 22-19 Jairo Ortega-Map amendment rezoning

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning:

This is to notify you of the following:

Petition 22-19 Jairo Ortega-Map amendment rezoning the Western .785+/- acres of subject property from A-1 Agricultural District to R-1 One Family residence District was unanimously voted down on 9/13/22 by the Seward Township Board.

If you have any questions please feel free to notify me.

Thank you.

Tim O'Brien
Seward Township Supervisor

Matt Asselmeier

From: Peter Fleming <[REDACTED]>
Sent: Wednesday, September 14, 2022 2:03 PM
To: Tim O'Brien; Matt Asselmeier
Cc: Jillian Prodehl ([REDACTED]); Scott Koeppel; Scott Gengler; Joan Soltwisch
Subject: Re: [External]Petition 22-19 Jairo Ortega-Map amendment rezoning

Matt,

I am currently the acting chair of the Seward Twp Planning Commission. Please send both Jillian Prodehl and I any Seward Twp Planning related information in the future. To answer some of your questions see below.

- The Seward Planning Commission unanimously recommended to not approve the zoning change request. Reasons provided below
 - The property is heavily wooded and immediately surrounded to the north, west and southwest by floodplain. This is a direct watershed to the protected Aux Sable Creek.
 - The property is adjacent to the Conservation Foundation land and the Forest Preserve.
 - There is currently minimal enforcement throughout the County to make sure dumping and other activities within the dense wooded areas does not take place. We already have this exact same problem near the Aux Sable Creek as well as other similar areas in the Township which has been happening for many years. It does not make sense to add to the problem again on Rt. 52 next to a Forest Preserve and Conservation Land.
 - The property is located along Rt. 52 with heavy traffic (including more trucks every day) near the Aux Sable Creek bridge. The addition of another driveway at this location will increase the likelihood of a bad accident near the bridge and entrance to Bakers Woods Forest Preserve. This is one of the reasons that Seward Twp moved its location years ago to O'Brien Rd away from the Aux Sable Creek and bridge.
 - The Seward Twp Planning Commission and Board have agreed to propose a revised Land Use Map to the County for review that will change this property and a good portion of the remainder of the Township back to Ag Use on the Future Land Use Map. Currently the entire Seward Twp is shown as Residential and Commercial with no Ag Use at all. This does not match with the goals of the residents of Seward Twp. It would be disingenuous of our planning commission to vote in favor of this zoning change when at the same meeting they have approved the land use change on the Future Land Use Map which will be sent for review to the County.
 - Last and foremost, it is our opinion that the best use for this piece of land is not Residential. It is our opinion that the best use is to be kept Ag zoning.
- The Planning Commission and Board both posted the agendas for the public meetings. It has not been our habit to email/call particular people that have items on the agenda. That being said, we always welcome public participation at the Planning Commission meetings.

Thank you,

Pete Fleming
Seward Twp. Planning Commission
[REDACTED] cell

Matt Asselmeier

From: Matt Asselmeier
Sent: Thursday, September 15, 2022 9:07 AM
To: Peter Fleming; Tim O'Brien
Cc: Jillian Prodehl [REDACTED]; Scott Koeppel; Scott Gengler; Joan Soltwisch; Jairo Ortega
Subject: RE: [External]Petition 22-19 Jairo Ortega-Map amendment rezoning
Attachments: SEWARD TOWNSHIP PLAN COMMISSION MINUTE-August 12 2021.pdf

Pete:

The subject property consists of 3.01 acres, 2.225 +/- of which is already zoned R-1.

The Seward Township Planning Commission previously approved the rezoning of the eastern portion of the property; see Petition 21-27 of the attached minutes.

The property owner can already build on the R-1 zoned portion of the property. Having a split zoned property creates code enforcement problems and could create land use issues for the property owner in the future.

There are many residentially zoned and used properties located near forest preserves. Dave Guritz, Director of the Forest Preserve District, voted in favor of this proposal at ZPAC.

Illegal dumping and other illegal activities can occur on any property regardless of zoning classification and is not valid reason to deny a rezoning request.

Rezoning the property does not guarantee use. The Illinois Department of Transportation could deny an access permit for a driveway. They did not express opposition to the previous rezoning of the eastern portion of the property.

The County cannot legally deny a rezoning based on a proposed map. Per the law, an application for zoning action must follow the rules that were in place at the time of application.

Finally, whether or not the County Board approves this rezoning, the use of this property will not be agricultural. The majority of this property has already been rezoned to R-1. In all likelihood, a house will be placed on the property and the property will be used residentially. It would make sense for the zoning to match the intended land use.

I will include your email in the packet for future County meetings.

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

SEWARD TOWNSHIP PLAN COMMISSION MINUTES

August 12, 2021

The Seward Township Plan Commission met on August 12, 2021 at 7:00 p.m. at the Seward Town Hall. Members present included Jessica Nelsen, Anne Vickery and Suzanne Casey. Jill Prodehl and Joan Soltwisch were unable to attend. Following the pledge to the flag and approval of the May 13, 2021 minutes, a presentation by Attorney Dan Kramer on behalf of two clients/petitioners began.

Petition 21-27 (Paul Kovacevich/Tri-Star Development) is requesting a map amendment from A-1 to R-1. (PIN 09-15-300-020) Discussion included any flood plain issues/wetland studies, any conservation concerns re: a future trail system that might be placed along the AuxSable Creek, and the parties' awareness of home construction issues in such parcels. The bulk of the parcel will remain in Agricultural, with this one parcel allowing family to build a home. Following discussion that satisfied any concerns, Anne Vickery moved approval, seconded by Suzanne Casey, with motion passing.

Petition 21-28(Brian and Jennifer Gore) is also requesting a rezoning from A-1 to R-1 for purposes of building homes on potentially 2 lots, again by family members.(PIN 09-15-300-021). This parcel has ample property to allow two homes to be built on high and dry land. Again the major portion of the parcel will remain A-1. After discussion, Suzanne Casey moved approval, seconded by Anne Vickery.

Under Old Business, a review of recently approved projects revealed that the T&Z Landscape Business on Rt. 52 near County Line Road seemed to have complied with all requests and has an attractive business operation. There was also discussion of growing mounds of dirt at the corner of Rt. 52 and County Line,(northwest side), with explanation from Dan Kramer that some parties had been dumping without permission for some time, and were finally terminated recently. Now piles of dirt need to be removed in order for the Sports Dome construction to proceed.

Further old business included the Sports Dome to be constructed on County Line just north of Route 52, with Dan Kramer able to report that construction is beginning and will include the Sports Dome in the back/west, 4 seasons storage in the middle, (67,000 sq. ft. of storage), and several business opportunities, (i.e., a strip mall), in the front/east side.

The Doggie Day Care at the corner of Bell and Ridge Road had no significant updates, but seems on target for opening in the Fall, 2021.(proposal previously reviewed by this committee).

Under New business, beyond the approval of the petitions described above, the group discussed a routine meeting time. Previously, meetings had occurred prior to the monthly Township Board meetings at 7:30-2nd Tuesday of the month. Further discussion including other committee members will occur to assure a time when all can participate with ample time for agenda items to occur.

Page Two-Seward Township Plan Commission

Anne Vickery reported that she had stopped to see Matt Asselmeier and had a conversation with him regarding issues with businesses that are operating in the Township, some without a special use permit from the Kendall County Board. This will be an ongoing topic of this committee's work moving forward.

Finally, the Seward Plan Commission will discuss further a Vision/Plan for the Township moving forward that results in desirable outcomes for the township as it grows. More discussion to occur on this topic. With that template, reviewing proposals will be viewed against the most desirable future in the township.

The meeting adjourned at 8:05 p.m.

Minutes submitted by Suzanne Casey

August 15, 2021

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
September 13, 2022 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:03 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department

Audience:

Jairo Ortega

AGENDA

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the August 2, 2022, meeting minutes and the September 6, 2022, gathering minutes.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 22-19 Jairo Ortega

Mr. Asselmeier summarized the request.

In February 2022, the Petitioner and his wife purchased the property across from 2735 Route 52 from Tri-Star Development, Inc. Prior to the sale, on September 21, 2021, through Ordinance 2021-18, the County Board rezoned a majority of the property to R-1. A portion of the Petitioner's property was not included in the 2021 rezoning and the Petitioner would like to rezone the remainder (approximately 0.785 acres) to R-1 in order for the property to have one (1) zoning classification. The Petitioner wishes to construct a house on the property.

The application materials and plat of survey for the entire property were provided.

The property is just over three (3) acres in size and the area to be rezoned consists of approximately zero point seven-eight-five (0.785) acres.

The Current Land Use is Agricultural/Wooded.

The Future Land Use Map calls for the property to be Rural Residential (Max 0.65 DU/Acre).

U.S. 52 is a State Maintained Arterial.

Joliet has trails planned along Route 52.

There are no floodplains or wetlands on the area proposed for rezoning.

The adjacent land uses are Agricultural, Wooded, Single-Family Residential, and a Special Use for Sale of Products Not Grown on the premises.

The adjacent properties are zoned A-1, A-1 SU, and R-1.

The Future Land Use Map calls for the area to be Rural Residential (Max 0.65 DU/Acre).

Nearby properties are zoned A-1, A-1 SU, and R-1.

The A-1 special use permit to the north is for the sale of products not grown on the premises.

The Baker Woods Forest Preserve is located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and noted the presence of the following protected resources in the vicinity:

Aux Sable Creek INAI Site
Greater Redhorse (*Moxostoma valenciennesi*)

The results of the consultation were not available.

The application for NRI was submitted on August 1, 2022. The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

Petition information was sent to Seward Township on August 8, 2022. No comments received.

Petition information was sent to the Village of Shorewood on August 8, 2022. No comments received.

Petition information was sent to the City of Joliet on August 8, 2022. No comments received.

Petition information was sent to the Minooka Fire Protection District on August 8, 2022. No comments received.

The Petitioner desires to rezone the subject property in order to build one (1) house on the subject property and to have consistent zoning throughout the property.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities are onsite.

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. A forest preserve is located in the vicinity.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and R-1. The A-1 property to north has a special use permit for sale of products not grown on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and R-1. The property is presently heavily wooded and having a single zoning classification for the property is desirable.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Residential. The R-1 One Family Residential District is consistent with the Rural Residential classification.

Staff recommended approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

Mr. Guritz asked about driveway access. Mr. Asselmeier responded that the Petitioner would have to get an access permit from the State and a driveway permit from the County. Jairo Ortega, Petitioner, said that he would like a driveway near the center of the property.

It was noted that the Conservation Foundation recently purchased the property and the Kendall County Forest Preserve District was exploring using that property for forest preserve purposes.

Discussion occurred regarding the drainage culvert located to the west of the property.

Mr. Rybski noted that the property was wooded and placing a septic system on the property could create challenges.

Chairman Gengler made a motion, seconded by Mr. Holdiman, to recommend approval of the map amendment.

With a voice vote of six (6) ayes, the motion carried.

The proposal goes to the Kendall County Regional Planning Commission on September 28, 2022.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 22-12, pertaining to tower lighting requirements, was approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Rybski made a motion, seconded by Mr. Guritz, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:12 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

From: [Short, Michael A](#)
To: [Matt Asselmeier](#)
Cc: [Scott Koeppel](#); [Scott Gengler](#); [Fran Klaas](#); [DOT.D3 Permits](#)
Subject: [External]RE: 09-15-300-024
Date: Monday, September 19, 2022 1:26:40 PM

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

We have no comments on the proposed rezoning.

Please note it does not appear the property currently has an entrance to US 52. The property owner will need to apply for a permit to construct the entrance. This can be done by contacting our permit office via email at dot.d3.permits@illinois.gov.

Thanks,
Mike

Michael Short

Program Development Engineer
Illinois Department of Transportation, District 3
700 East Norris Drive
Ottawa, IL 61350
Michael.Short@Illinois.gov
815-434-8450

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Friday, September 16, 2022 8:09 AM
To: Short, Michael A <Michael.Short@illinois.gov>
Cc: Scott Koeppel <skoeppele@kendallcountyil.gov>; Scott Gengler <sgengler@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>
Subject: [External] 09-15-300-024

Mike:

Kendall County received a request to rezone the western 0.785 acres of this property on Route 52 in Seward Township from A-1 to R-1 in order for the property owner to be able to build a house on the property. The eastern 2.2 +/- acres were already zoned R-1 in 2021.

Does IDOT have any concerns regarding this request?

Thanks,

Matthew H. Asselmeier, AICP, CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

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Attachment 11, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of September 28, 2022 - 7:00 p.m.

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

ROLL CALL

Members Present: Bill Ashton, Tom Casey Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Claire Wilson, and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Jairo Ortega

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Nelson, to approve the agenda. With a voice vote of eight (8) ayes, the motion carried.

APPROVAL OF MINUTES

Member Wormley made a motion, seconded by Member Rodriguez, to approve the minutes of the of the August 24, 2022, meeting. With a voice vote of eight (8) ayes, the motion carried.

PETITIONS

Petition 22-19 Jairo Ortega

Chairman Ashton asked if the Commission had previously reviewed this Petition. Mr. Asselmeier responded that the rezoning of the eastern portion of the property occurred in 2021.

Member Rodriguez asked if the property changed ownership. Mr. Asselmeier explained the ownership history.

Mr. Asselmeier said that having a property split zoned creates issues of code enforcement and can create confusion for the property owner.

Mr. Asselmeier summarized the request.

In February 2022, the Petitioner and his wife purchased the property across from 2735 Route 52 from Tri-Star Development, Inc. Prior to the sale, on September 21, 2021, through Ordinance 2021-18, the County Board rezoned a majority of the property to R-1. A portion of the Petitioner's property was not included in the 2021 rezoning and the Petitioner would like to rezone the remainder (approximately 0.785 acres) to R-1 in order for the property to have one (1) zoning classification. The Petitioner wishes to construct a house on the property.

The application materials and plat of survey for the entire property were provided.

The property is just over three (3) acres in size and the area to be rezoned consists of approximately zero point seven-eight-five (0.785) acres.

The Current Land Use is Agricultural/Wooded.

The Future Land Use Map calls for the property to be Rural Residential (Max 0.65 DU/Acre).

U.S. 52 is a State Maintained Arterial.

Joliet has trails planned along Route 52.

There are no floodplains or wetlands on the area proposed for rezoning.

The adjacent land uses are Agricultural, Wooded, Single-Family Residential, and a Special Use for Sale of Products Not Grown on the premises.

The adjacent properties are zoned A-1, A-1 SU, and R-1.

The Future Land Use Map calls for the area to be Rural Residential (Max 0.65 DU/Acre).

Nearby properties are zoned A-1, A-1 SU, and R-1.

The A-1 special use permit to the north is for the sale of products not grown on the premises.

The Baker Woods Forest Preserve is located within one half (1/2) mile of the subject property.

EcoCAT Report submitted and noted the presence of the following protected resources in the vicinity:

Aux Sable Creek INAI Site

Greater Redhorse (*Moxostoma valenciennesi*)

Adverse impacts were unlikely and consultation was terminated.

The application for NRI was submitted on August 1, 2022. The LESA Score was 181 indicating a low level of protection. The NRI report was provided.

Petition information was sent to Seward Township on August 8, 2022. Petition information was sent to Seward Township on August 8, 2022. Seward Township submitted an email on September 14, 2022, stating that the Township Board unanimously denied the request. The email was provided. Seward Townships reasons for denial were as follows:

The property is heavily wooded and immediately surrounded to the north, west and southwest by floodplain. This is a direct watershed to the protected Aux Sable Creek.

The property is adjacent to the Conservation Foundation land and the Forest Preserve.

There is currently minimal enforcement throughout the County to make sure dumping and other activities within the dense wooded areas does not take place. We already have this exact same problem near the Aux Sable Creek as well as other similar areas in the Township which has been happening for many years. It does not make sense to add to the problem again on Rt. 52 next to a Forest Preserve and Conservation Land.

The property is located along Rt. 52 with heavy traffic (including more trucks every day) near the Aux Sable Creek bridge. The addition of another driveway at this location will increase the likelihood of a bad accident near the bridge and entrance to Bakers Woods Forest Preserve. This is one of the reasons

that Seward Township moved its location years ago to O'Brien Rd away from the Aux Sable Creek and bridge.

The Seward Township Planning Commission and Board have agreed to propose a revised Land Use Map to the County for review that will change this property and a good portion of the remainder of the Township back to Ag Use on the Future Land Use Map. Currently the entire Seward Township is shown as Residential and Commercial with no Ag Use at all. This does not match with the goals of the residents of Seward Township. It would be disingenuous of our planning commission to vote in favor of this zoning change when at the same meeting they have approved the land use change on the Future Land Use Map which will be sent for review to the County.

Last and foremost, it is our opinion that the best use for this piece of land is not Residential. It is our opinion that the best use is to be kept Ag zoning.

The email outlining the Seward Township's reasons for denial was provided. Staff's response to Seward Township's reasons were provided.

Staff would like to point out that Seward Township did not object to the rezoning of the eastern portion of the property in 2021. The minutes of the Seward Township Planning Commission from August 12, 2021, were provided.

Staff would further like to point out that Seward Township did not object to the rezoning of the one eighty-three (183) acres of the Tri-Star property located approximately one third (1/3) of a mile to the west of the subject property.

Petition information was sent to the Village of Shorewood on August 8, 2022. No comments received.

Petition information was sent to the City of Joliet on August 8, 2022. No comments received.

Petition information was sent to the Minooka Fire Protection District on August 8, 2022. No comments received.

ZPAC reviewed this Petition at their meeting on September 13, 2022. The Petitioner indicated that he would like to have the driveway access located in center of the property along Route 52. It was noted that the Conservation Foundation recently purchased the property to the west of the subject property and discussion was underway to use that property for forest preserve purposes. It was also noted that a culvert was located to the west of the subject property. Lastly, it was noted that it may be challenging to install a traditional septic system on the subject property because the property was wooded. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

The Petitioner desires to rezone the subject property in order to build one (1) house on the subject property and to have consistent zoning throughout the property.

Any new homes or accessory structures would be required to meet applicable building codes.

No public or private utilities are onsite.

The property fronts Route 52. Staff has no concerns regarding the ability of Route 52 to support the proposed map amendment. The Illinois Department of Transportation submitted an email with no comments on the proposal. The email was provided.

Any new driveways constructed would be for residential purposes. Any new driveways would have to meet applicable regulations and secure proper permits.

No new odors are foreseen.

Any new lighting would be for residential use only.

Any fencing, landscaping, or screening would be for residential purposes.

Any signage would be residential in nature.

No noise was anticipated.

Any new homes would have to be constructed per Kendall County's Stormwater Management Ordinance.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. A forest preserve is located in the vicinity.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1 and R-1. The A-1 property to the north has a special use permit for sale of products not grown on the premises.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently split zoned A-1 and R-1. The property is presently heavily wooded and having a single zoning classification for the property is desirable.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Rural Residential. The R-1 One Family Residential District is consistent with the Rural Residential classification.

Staff recommended approval of the proposed map amendment because the proposal is consistent with the Land Resource Management Plan.

Mr. Nelson asked if the County received a plan from Seward Township showing everything classified as agriculture. Mr. Asselmeier responded that the County did not receive a plan from Seward Township.

The Commission reviewed the zoning and ownership of properties in the vicinity of the subject property.

Jairo Ortega, Petitioner, discussed the zoning of the property. He would like to construct one (1) home for his family on the property.

The Commission reviewed the floodplain and wetland maps in the area.

Member Rodriguez made a motion, seconded by Member Nelson, to recommend approval of the map amendment.

The votes on were as follows:

Ayes (8): Ashton, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (1): Stewart

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on October 3, 2022.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Recommendation of Fiscal Year 2022-2023 Meeting Calendar

Mr. Asselmeier presented the calendar.

Member Nelson made a motion, seconded by Member Rodriguez, to recommend approval of the calendar. With a voice vote of eight (8) ayes, the motion carried.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 22-14 and 22-16 were approved by the County Board. Petition 22-01 was referred to the Committee of the Whole for their October 13, 2022, meeting and the fines have been filed as liens against the property.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that, for the October meeting, the major amendment to the Yogi Bear Campground special use permit will be on the agenda. Discussion occurred regarding the number conditions on the proposed special use permit. It was noted that Millbrook would have to live with the development.

Discussion also occurred regarding reviewing the notification distance requirements for special use permit, map amendment, and variance applications.

ADJOURNMENT

Member Nelson made a motion, seconded by Member Hamman, to adjourn. With a voice of eight (8) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:37 p.m.

Respectfully submitted by,

Matthew H. Asselmeier, AICP, CFM

Senior Planner

KCRPC Meeting Minutes 09.28.22

Listing of ZBA Dates for 2023

**7:00PM (Monday Following the 4th
Wednesday of the Month
Unless Otherwise Noted)**

December 19, 2022 (**Third Monday 7:00 pm**)

January 30, 2023

February 27, 2023

March 27, 2023

May 1, 2023

May 30, 2023 (Fifth Tuesday at 7:00 pm)

July 3, 2023

July 31, 2023

August 28, 2023

October 2, 2023

October 30, 2023

December 18, 2023 (**Third Monday 7:00 pm**)