

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)  
February 28, 2023 – Approved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department  
Meagan Briganti – GIS Department  
David Guritz – Forest Preserve  
Brian Holdiman – PBZ Department  
Fran Klaas – Highway Department  
Commander Jason Langston – Sheriff's Department  
Alyse Olson – Soil and Water Conservation District  
Aaron Rybski – Health Department  
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Doug Westphal

**AGENDA**

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

With a voice vote of nine (9) ayes, the motion carried.

**MINUTES**

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the January 3, 2023, meeting minutes.

With a voice vote of nine (9) ayes, the motion carried.

**PETITIONS**

Without objection, Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 were combined.

**Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, and 23-11 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the requests.

For the past several months, Staff has been working with the codifiers to get all of the Kendall County's regulations into one (1) code. The codifiers recommended several changes to the Kendall County Zoning Ordinance and Subdivision Control Ordinance. During the review, Staff also identified several changes to these regulations. The codifiers recommended that these changes occur prior to adoption of the new code. Below please find the proposed changes:

1. Petition 23-05 Subdivision Control Ordinance-Appendix 7  
Several phone numbers are listed in the Appendix. The accuracy of these phone numbers is unknown. Staff would like to list the organization only and not the phone numbers.
2. Petition 23-06 Subdivision Control Ordinance-Appendix 7  
Greg Chismark and WBK Engineering are listed by name. Staff would like to have a general statement regarding stormwater engineering contact information.
3. Petition 23-07 Subdivision Control Ordinance-Appendix 9 A  
In the Performance Criteria Section, there is a dead link to information about invasive species. Staff would like a general statement instead of a website link.

Subdivision Control Ordinance-Appendix 9 B

In the Native Plan Resources Section, there are several dead links. Staff would like general references instead of website links.

4. Petition 23-08 Zoning Ordinance Section 3:02  
The definitions of Brew Pub and Microbrewery should be amended to correspond to State law.
5. Petition 23-09 Zoning Ordinance Section 3:02  
The definition of Tent should be expanded to include tents outside of campgrounds.
6. Petition 23-10 Zoning Ordinance Section 11:05.D.2  
This section references a State law that does not exist.
7. Petition 23-11 Ordinance 1998-10  
This Ordinance established procedures for closing inactive petitions. This Ordinance is outdated and now only applies to the Zoning Ordinance and Stormwater Management Ordinance. Staff is working with the State to incorporate the language in the Stormwater Ordinance; the Zoning Ordinance should be changed prior to adoption of the new code.

Redlined versions of the proposed changes were provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to recommend approval of the proposals.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
 Nays (0): None  
 Abstain (0): None  
 Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

**Petitions 23-12 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In January 2023, the Illinois General Assembly approved and the Governor signed House Bill 4412 pertaining to commercial wind and solar energy systems. The new law requires that the County update its solar and wind regulations by May 27, 2023, in order to be able to have regulations governing commercial solar energy facilities and commercial wind energy facilities.

The proposed amendments were provided.

General proposed changes are as follows:

1. Various definitions related to solar and wind energy facilities are proposed to be amended, added, and deleted. Many terms are defined in State law and were referenced as such. The definitions of solar farm and solar gardens were removed. The definitions of solar energy system, private and wind energy system, small were adjusted to reflect State law. Onsite consumption would include energy generated within a subdivision, planned development, or business park and consumed within the development.
2. Small wind energy systems would become permitted accessory uses. They would be added to the list of uses in the R-3 in addition to their existing allowance in the A-1, R-1, R-2, RPD, Business, and Manufacturing Districts. Solar energy system, private would become permitted uses in all zoning districts.
3. Commercial solar energy facilities, test solar energy systems, commercial energy wind facilities and test wind towers would become special uses in the A-1, R-1, RPD Districts, and Manufacturing Districts.

4. Adding a statement that the regulations do not apply to commercial wind energy facilities within one point five (1.5) miles of a municipality, unless the County has an Intergovernmental Agreement with the municipality to provide zoning services to the municipality. Staff added a requirement that solar and wind energy facilities within one point five (1.5) miles of a municipality must either annex to the municipality or enter into a pre-annexation agreement with the municipality using the Chatham annexation rules.
5. Add a requirement that the County Board shall make its decision on the application not more than thirty (30) days after the conclusion of the public hearing.
6. As proposed, the new setbacks would follow State law.
7. As proposed changes in setbacks, certain height requirements for solar, and fencing requirements would be allowed if nonparticipating property owners consent to these requirements. As proposed, the changes would be allowed to occur if documentation was provided at the time of application submittal.
8. As proposed, sound regulations would follow State law.
9. As proposed, agricultural impact mitigation agreements have to be submitted with the application.
10. The County's landscaping requirements were adjusted to reflect the law.
11. Statements requiring compliance with EcoCat reports, Fish and Wildlife Service reports, and Illinois State Historic Preservation consultations were added to the Zoning Ordinance.
12. Statements regarding road use agreements were adjusted to reflect the law.
13. Language was added related to the enforcement of damaged drain systems.

The new law was also provided.

A map showing the one point five mile (1.5) planning boundaries was also provided.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Guritz asked how the municipalities felt about requiring these types of projects to annex into a municipality. Mr. Asselmeier responded that the municipalities have been notified of the proposal and none of the municipalities have expressed favor or opposition regarding the proposal. Mr. Asselmeier noted that municipalities would have more control and an issue would arise if a property owner or developer could not come to an agreement with a municipality. A municipality could enter into an annexation agreement and not require the property to be annexed.

Mr. Guritz asked if renewable energy projects on Forest Preserve property would cause that property to be annexed to a municipality. Mr. Asselmeier responded that, if the Forest Preserve is operating within the confines of the Downstate Forest Preserve Act, then the property would be exempt from County zoning.

Discussion occurred about repairing roads as part of wind projects.

Chairman Wormley asked why a county would not have regulations. Mr. Asselmeier responded that, if a proposal meets all of the requirements of State law, a county must approve the project, regardless of the information provided at zoning hearing. Rather than obtain comments that cannot be incorporated into a project or giving residents unfounded hope that a project might be altered or denied, a county might choose to opt out of having unproductive hearings, and simply permit a project.

Mr. Klaas asked if there was any precedence about the State taking away a county's ability to zone. Mr. Asselmeier responded that the Garden Act, Agricultural Experiences Act, and the agricultural exemptions were examples of the State taking away a county's ability to zone. Discussion occurred regarding how the State adopted the law.

Mr. Klaas asked if the State's Attorney's Office has been involved with this proposal or to see if there were ways to get the State law changed. Mr. Asselmeier responded no.

Mr. Guritz made a motion, seconded by Mr. Klaas, to issue a neutral recommendation.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

### **Petitions 23-13 Kendall County Planning, Building and Zoning Committee**

Mr. Asselmeier summarized the request.

In response to the special use permit amendments for the kennel at the northeast corner of Ridge and Bell Roads, Staff prepared the following proposed amendments to kennel regulations.

In summary, the proposed changes are as follows:

1. Allow pets outdoors until 10:00 p.m. for the purposes of allowing owners to pick-up and drop-off pets and to allow for normal bathroom breaks.
2. Establish uniform kennel regulations throughout the County.
3. Minor text alterations.

Redlined versions of the proposed changes were provided.

As of the date of this memo, there are six (6) active special use permits for kennels in the unincorporated area.

At their meeting on February 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate these amendments.

Mr. Rybski made a motion, seconded by Commander Langston, to recommend approval of the proposal.

The votes were follows:

Ayes (9): Asselmeier, Briganti, Guritz, Holdiman, Klaas, Langston, Olson, Rybski, and Wormley  
Nays (0): None  
Abstain (0): None  
Absent (1): Chismark

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on March 22, 2023.

### **REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD**

Petition 22-27 was approved by the County Board.

### **OLD BUSINESS/NEW BUSINESS**

#### **Follow-Up from the February 4, 2023 Kendall County Regional Planning Commission Annual Meeting**

Mr. Asselmeier said approximately thirty (30) people attended the meeting.

Twenty-Seven (27) Petitions filed in 2022; fifty-one (51) Petitions Filed in 2021; thirty-two (32) Petitions Filed in 2020; forty-six (46) Petitions Filed in 2019; thirty-three (33) Petitions Filed in 2018; thirty-three (33) Petitions Filed in 2017.

Thirty-Six (36) New Housing Starts in 2022; thirty-two (32) New Housing Starts in 2021; thirty-four (34) New Housing Starts in 2020; twenty (20) New Housing Starts in 2019.

Three Hundred Eighty-Two (382) Total Permits in 2022; three hundred fifty-four (354) Total Permits in 2021; three hundred twenty-six (326) Total Permits in 2020; two hundred fifty-seven (257) Total Permits in 2019.

Total Deposits (Building Fees, Zoning Fees, Land Cash Fees, and Off-Site Roadway) for the FY2022 was Two Hundred Sixty-Four Thousand, Four Hundred Eighty-Seven Dollars (\$264,487), Down from Two Hundred Ninety-Three Thousand, Nine Hundred Forty-One Dollars (\$293,941) in FY2021.

Revenue in October was Forty-Eight Thousand Eight Hundred Fifty-Seven Dollars (\$48,857); This Was the Highest Monthly Revenues Since the Mid-2000s.

County Board Denied a Special Use Permit for the First Time in Several Years.

Lien Levied Against 1038 Harvey Road in the Amount of Thirty-Two Thousand Eight Hundred (\$32,800) for Zoning, Building, and Junk and Debris Violations.

Hired a Part-Time Code Enforcement Officer, Matthew Yackley.

New Contracted Plumbing Inspector, Anthony Mayer of Mayer Plumbing, LLC Hired Following the Passing of Long Time Plumbing Inspector Randy Erickson.

County Board Approved Reclassification of Parcels to Mixed Use Business on the West Side of Eldmain Road at Fox Road.

Text Amendments Approved Establishing Definitions of Landscaping Businesses and Excavating Businesses.

Text Amendments Approved for Lighting Requirements of Towers.

Planning, Building and Zoning Committee Reaffirmed the Department's Voluntary Compliance Policy in Cases of Ordinance Violations and Established Procedures for After-The-Fact Applications.

Planning, Building and Zoning Committee Approved a Policy Requiring Applicants to the Department to be Debt Free or Current on Debt to the County Prior to Departmental Approvals, Including Requiring Middle Initials on all Applications.

Evaluated a Proposal with Teska Associates, Inc. to Update the County's Land Resource Management Plan; Proposal Not Included in Budget for FY22-23.

Reviewed with WBK Engineering the County's Existing Stormwater Management Ordinance Against the New State Model Floodplain Ordinance.

Continued Doing Annual NPDES Surveys to the Townships.

Noxious Weed Related Documents and Notices Drafted and Approved by the County Board.

Planning, Building and Zoning Committee Held a Special Committee Meeting in Boulder Hill.

Kendall County Historic Preservation Commission Held Special Meetings at Little White School Museum, Fern Dell, Edith Farnsworth House, and Yorkville Masonic Temple.

Started Working with Wiss, Janney, Elstner Associates, Inc. on Historic Structure Survey in Unincorporated Kendall and Bristol Townships Funded by a Certified Local Government Grant.

Continued Historic Preservation Commission Awards.

Senior Planner Assisted with the Codification Process.

Senior Planner Elected President of Illinois Association of County Zoning Officials.

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Code Official Renewed Three (3) ICC Certificates Until April 2024.

Code Official Provided an Education Booth at the Kendall County Fair.

Code Official Provided Input on Hiring of Part-Time Code Enforcement Officer and Plumbing Inspector.

Code Official Performed a Higher Volume of Plan Reviews, Inspections, and Investigations Compared to the Previous Year.

Department Increased Cooperation with Oswego Township on Code Enforcement Matters.

Items for 2023 included the following:

Continue to Assist with the Codification Process.

Continue to Implement the Citation Policies for the Various Ordinances.

Continue to Explore Opportunities to Start the Process of Updating the Land Resource Management Plan in its Entirety.

Work with the Administration Department on Obtaining an Intern for the Department.

Develop a More Comprehensive List of Available Residential Lots.

Review the Calculations in the Kendall County Land Cash Ordinance.

Organize a Training for the Regional Planning Commission, Zoning Board of Appeals, and Planning, Building and Zoning Committee.

Continue to Meet with Townships Regarding Their Role in the Development Approval Process.

Work with WBK Engineering to Review the County's Stormwater Regulations and Recommend Appropriate Changes Based on Changes in Federal and State Stormwater Regulations (i.e. State Model Floodplain Ordinance).

Continue to Monitor Changes to Zoning Related Regulations at the State Level.

Continue to Work with GIS to Ensure Correct Zoning Information for Each Parcel.

Continue to Work with GIS to Connect Parcels to the Applicable Special Use and Map Amendment Ordinances.

Continue to Work to Ensure Special Use Permits that Require Renewals and Reviews Are Examined in a Timely Manner.

Ensure that Noxious Weed and NPDES Permit Documents Are Submitted to the State in a Timely Manner.

Complete the Historic Structure Survey in Unincorporated Kendall and Bristol Townships.

Work with the Illinois Historic Preservation Agency and Historic Preservation Commission on Certified Local Government Projects (i.e. Historic Structure Surveys in Other Townships).

Increase the Visibility and Activities of the Historic Preservation Commission Through Collaboration with Other Historic Preservation Organizations and Events.

Senior Planner Will Represent the Department on the Hazard Mitigation Plan Update.

Work with Kendall County EMA to Pursue Disaster Related Grants and Other Funding.

Continue Working with the Northwest Water Planning Alliance.

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

## Continue Reviewing and Addressing Potential Changes to the Zoning Ordinance and Departmental Operations for Increased Efficiency.

There were eight (8) new special use permit applications; one (1) was denied; one (1) was withdrawn, one (1) was on hold; one (1) was in Millbrook.

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

There were zero (0) minor amendments to existing special use permits.

There were four (4) special use permit revocations.

There were zero (0) special use permit renewals.

There were two (2) variances not part of special use permits.

There were two (2) administrative variances.

There zero (0) stormwater ordinance variances.

There was one (1) conditional use permit.

There were zero (0) temporary use permits.

There was one (1) site plan review.

There was one (1) plat of vacation.

There were zero (0) preliminary and final plats.

There were three (3) text amendment initiations with one (1) of those on hold.

There was one (1) land use plan amendment.

There was one (1) map amendment.

There were zero (0) stormwater ordinance related amendments.

There were zero (0) new historic landmarks or districts designated.

There were zero (0) amendments to the text of the historic preservation ordinance.

There was a total of twenty-seven (27) petitions in 2022 compared with fifty-one (51) in 2021.

There were ten (10) ZPAC meetings.

There were ten (10) Regional Planning Commission meetings.

There were ten (10) Zoning Board of Appeals hearings/meetings.

There were nine (9) Historic Preservation Commission meetings.

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

There five (5) Comprehensive Land Plan and Ordinance Committee meetings.

There were fourteen (14) Planning, Building and Zoning Committee meetings.

Of the thirty-two (32) ordinances approved by the County Board in 2022, eighteen (18) were Planning, Building and Zoning related. Of the thirty-five (35) ordinances approved by the County Board in 2021, nineteen (19) were Planning, Building and Zoning related.

The Department investigated zero (0) noxious weed violations in 2022 compared to zero (0) noxious weed violation investigation in 2021, 2020, and 2019.

There were thirty-six (36) single-family home permits issued in 2022. Ten (10) were in Kendall Township, one (1) in Bristol Township, nine (9) in Na-Au-Say Township, three (3) in Fox Township, four (4) in Little Rock Township, four (4) in Oswego Township, zero (0) in Lisbon Township, four (4) in Seward Township, and one (1) in Big Grove Township.

The breakdown of new homes, available homes, and total lots in subdivisions where new homes were permitted in 2022 was provided.

The average of new single-family home permits since 2000 was fifty (50).

The average of new single-family home permits since 2010 was twenty-two (22).

The available lots in residential planned developments was provided.  
The number of site visits was two hundred ten (210).

The number of footing inspections was ninety-one (91).

The number of backfill inspections was twenty-four (24).

The number of wall inspections was thirty (30).

The number of slab inspections was fifty-two (52).

The number electric service inspections was nineteen (19).

The number of frame/wire inspections was one hundred one (101).

The number of insulation inspections was thirty-two (32).

The number of final inspections was two hundred ten (210).

The number of red tags was zero (0).

The number of hearings signs was twenty-nine (29).

The number of meetings in the field was one hundred twenty-one (121).

The number of violation investigations was three hundred sixty-eight (368).

The number of NPDES investigations was zero (0).

The number of inspections for Yorkville back for the County was sixty-five (65).

The number of zoning issue related inspections was thirty-three (33).

The total number of field visit and investigations was one thousand three hundred ninety (1,390).

The total number of permits reviewed and issued was three hundred sixty-seven (367) with fifteen (15) voided.

The number of contracted plumbing inspections was ninety-two (92).

The number of inspections for Yorkville per the IGA was ten (10).



The 2023 goals for the Code Official were as follows:

Investigate technology with GIS for permit tracking system.

Investigate the feasibility of implementing a license and bonding program for contractors.

Provide a public educational training.

Attend an ICC seminar on 2021 Residential Codes.

Investigate the feasibility of implementing roofing permits.

Discussion occurred regarding regulating chickens on residential zoned property. A text amendment will likely be forthcoming.

#### **CORRESPONDENCE**

None

#### **PUBLIC COMMENT**

Doug Westphal expressed concerns about townships maintaining their roads when large renewable energy projects occur. Mr. Asselmeier noted the road use agreement requirement in the law.

#### **ADJOURNMENT**

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

With a voice vote of nine (9) ayes, the motion carried.

The ZPAC, at 9:54 a.m., adjourned.

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