



KENDALL COUNTY
ZONING AND PLATTING ADVISORY COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

August 1, 2023 - 9:00 a.m.

CALL TO ORDER

ROLL CALL: County Board: Seth Wormley, PBZ Committee Chair; **County Highway Department:** Fran Klaas, County Engineer; **WBK Engineering, LLC:** Greg Chismark, Stormwater Consultant; **County Health Department:** Aaron Rybski, Director Environmental Health; **Forest Preserve District:** David Guritz, Director; **SWCD:** Alyse Olson, Resource Conservationist; **Sheriff's Office:** Commander Jason Langston; **GIS:** Megan Briganti; **PBZ:** Brian Holdiman, Code Official; Matt Asselmeier, Senior Planner

APPROVAL OF AGENDA

APPROVAL OF MINUTES: Approval of July 5, 2023, ZPAC Meeting Minutes (Pages 2-8)

PETITIONS:

- Petition 23 – 26 – Jeffery D. Milroy on Behalf of Milroy Farms, LLC (Pages 9-65)**
Request: Renew a Special Use Permit for a Composting Facility
PIN: 02-08-100-006
Location: 1270 E. Beecher Road, Bristol in Bristol Township
Purpose: Petitioner Wishes to Renew Special Use Permit for Composting Facility; Property is Zoned A-1 with a Special Use Permit

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

- None

OLD BUSINESS/ NEW BUSINESS

None

CORRESPONDENCE

PUBLIC COMMENT

ADJOURNMENT- Next meeting on September 5, 2023

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.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:01 a.m.

Present:

Matt Asselmeier – PBZ Department
Meagan Briganti – GIS Department (Arrived at 9:02 a.m.)
David Guritz – Forest Preserve
Brian Holdiman – PBZ 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
Fran Klaas – Highway Department

Audience:

Karen Clementi

AGENDA

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

With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the April 4, 2023, meeting minutes.

With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petitions 23-24 Dave Hamman on Behalf of KEKA Farms, LLC (Property Owner) and Pulte Home Corporation (Billboard Owner)

Mr. Asselmeier summarized the request.

In December 2004, through Ordinance 2004-43, the Kendall County Board approved a special use permit for the placement of an off-premise advertising sign at the subject property. The special use permit was renewed in 2017 through Ordinance 2017-14. The special use was renewed again in 2019 through Ordinance 2019-22. The special use was renewed again in 2021 through Ordinance 2021-17 Restriction Number 2.C of the 2021 special use permit renewal and Section 12:06.A.4 require the owner to either remove the sign or to renew the special use permit every two (2) years.

The property is located at the northeast corner of the intersection of Route 34 and Hafenrichter (Farnsworth) in Oswego Township.

Mr. Asselmeier provided a picture of the billboard and an aerial showing the location of the billboard.

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

The votes were follows:

Ayes (7): Asselmeier, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Klaas

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 26, 2023.

Member Briganti arrived at this time (9:02 a.m.).

Petition 23-25 Karen Clementi on Behalf of the Fox Metro Water Reclamation District

Mr. Asselmeier summarized the request.

The Fox Metro Water Reclamation District is requesting permission to install approximately nine hundred sixty (960) solar panels, related fencing, and related supporting infrastructure. The solar panels will cover approximately one (1) acre of the property and will be located inside a fence. No new structures will be built.

At maximum height, the solar panels will be approximately ten point five feet (10.5') above grade.

The energy generated from the solar panels will be consumed onsite. The Petitioners plan to start construction within sixty days of approval.

The application material, site plan, and aerial of the property were provided.

The subject property was rezoned to M-1 in the summer of 2018.

Section 13:10 of the Zoning Ordinance requires site plan review for these types of improvements.

The property is at 682 A Route 31 in Oswego Township.

The impacted parcel is approximately thirty-four (34) acres in size.

The property is zoned M-1 and is used as a wastewater treatment facility.

The existing land use is Institutional.

The future land use is Mixed Use Business.

Route 31 is a State maintained highway Arterial highway. No trails are planned in the area.

Wetlands and floodplains are present on the property.

The adjacent land uses are Institutional, Comed Right-Of-Way, Fox River, Park Land, Cemetery, and Single-Family Residential.

The adjacent properties are zoned A-1, R-1, R-3, and M-1.

The future land use map calls for the area to be Mixed Use Business, Comed Right-Of-Way, and Suburban Residential.

EcoCAT Report was provided. The Greater Redhorse and River Redhorse are noted to be in the area, but adverse impacts are unlikely and consultation was terminated.

The Natural Resource Inventory was not applicable.

Petition information was sent to Oswego Township on June 23, 2023.

Petition information was to the Oswego Fire Protection District on June 23, 2023. An email regarding Oswego Fire Protection District's concerns and the Petitioner's responses was provided.

Petition information was sent to the Village of Montgomery on June 23, 2023.

An email from Greg Chismark stated that a stormwater permit was not required was provided.

The design standards were as follows:

Responsive to Site Conditions-Site plans should be based on an analysis of the site. Such site analysis shall examine characteristics such as site context; geology and soils; topography; climate and ecology; existing vegetation, structures and road network; visual features; and current use of the site. In addition to the standards listed below, petitioners must also follow the regulations outlined in this Zoning Ordinance. To the fullest extent possible, improvements shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative effects and alteration of natural features. Fragile areas such as wetlands shall and flood plains should be preserved as open space. Slopes in excess of 20 percent as measured over a 10-foot interval also should remain as open space, unless appropriate engineering measures concerning slope stability, erosion and safety are taken. The proposed location of the solar panels and related improvements are not located in any required setbacks, in any floodplains, or in any wetlands.

Traffic and Parking Layout-Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow. An appropriate number of parking spaces shall be provided while maintaining County design standards. The number of curb cuts should be minimized and normally be located as far as possible from intersections. Connections shall be provided between parking areas to allow vehicles to travel among adjacent commercial or office uses. Cross-access easements or other recordable mechanisms must be employed. The proposed solar panels and related improvements will not impact traffic.

Conflicts between pedestrians and vehicular movements should be minimized. When truck traffic will be present upon the site, the road size and configuration shall be adequate to provide for off-street parking and loading facilities for large vehicles. Barrier curb should be employed for all perimeters of and islands in paved parking lots, as well as for all service drives, loading dock areas, and the equivalent. Parking lots in industrial or commercial areas shall be paved with hot-mix asphalt or concrete surfacing. Conflicts between pedestrians and vehicular movement should not occur.

Site Layout-Improvements shall be laid out to avoid adversely affecting ground water and aquifer recharge; minimize cut and fill; avoid unnecessary impervious cover; prevent flooding and pollution; provide adequate access to lots and sites; and mitigate adverse effects of shadow, noise, odor, traffic, drainage and utilities on neighboring properties. The site will be laid out to avoid the concerns mentioned in this paragraph.

Consistent with the Land Resource Management Plan-The proposed use and the design of the site should be consistent with the Land Resource Management Plan. This is true.

Building Materials-The proposed site plan design shall provide a desirable environment for its occupants and visitors as well as its neighbors through aesthetic use of materials, textures and colors that will remain appealing and will retain a reasonably adequate level of maintenance. Buildings shall be in scale with the ultimate development planned for the area. Monotony of design shall be avoided. Variations in detail, form, and setting shall be used to provide visual interest. Variation shall be balanced by coherence of design elements. This is not applicable.

Relationship to Surrounding Development-A site shall be developed in harmony with neighboring street pattern, setbacks and other design elements. The proposed site development is in harmony with the existing use of the property.

Open Space and Pedestrian Circulation-Improvements shall be designed to facilitate convenient and safe pedestrian and bicycle movement within and to the property. This is not applicable.

Buffering-Measures shall be taken to protect adjacent properties from any undue disturbance caused by excessive noise, smoke, vapors, fumes, dusts, odors, glare or stormwater runoff. Incompatible, unsightly activities are to be screened and buffered from public view. Staff does not foresee any issues with glare. If the threshold requirements of the Stormwater Management Ordinance are met, a stormwater permit will be required.

Emergency Vehicle Access-Every structure shall have sufficient access for emergency vehicles. Staff would like comments from the Kendall County Sheriff's Department and Oswego Fire Protection District on this issue.

Mechanical Equipment Screening-All heating, ventilation and air conditioning equipment shall be screened on sides where they abut residential districts. This is not a concern.

Lighting-The height and shielding of lighting fixtures shall provide proper lighting without hazard to motorists on adjacent roadways or nuisance to adjacent residents by extending onto adjacent property. Cut-off lighting should be used in most locations, with fixtures designed so that the bulb/light source is not visible from general side view. This is not a concern.

Refuse Disposal and Recycling Storage Areas-All refuse disposal and recycling storage areas should be located in areas designed to provide adequate accessibility for service vehicles. Locations should be in areas where minimal exposure to public streets or residential districts will exist. Screening shall be required in areas which are adjacent to residential districts or are within public view. Such enclosures should not be located in landscape buffers. Refuse containers and compactor systems shall be placed on smooth surfaces of non-absorbent material such as concrete or machine-laid asphalt. A concrete pad shall be used for storing grease containers. Refuse disposal and recycling storage areas serving food establishments shall be located as far as possible from the building's doors and windows. The use of chain link fences with slats is prohibited. This is not a concern.

Pending comments from ZPAC members, Staff recommended approval of the request subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan.
2. The site shall be developed in accordance with all applicable federal, state, and local laws related to site development including, but not limited to, securing applicable permits and the provision contained in Section 4:18.K of the Kendall County Zoning Ordinance pertaining to proof of usage and decommissioning within ninety (90) days, if the solar panels are not in use.

Mr. Rybski asked if any houses were located where the solar panels were proposed. Karen Clementi responded no houses had been at that location for a number of years.

Mr. Rybski made a motion, seconded by Mr. Guritz, to approve the site plan.

The votes were follows:

Ayes (8): Asselmeier, Briganti, Guritz, Holdiman, Langston, Olson, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (2): Chismark and Klaas

The motion passed.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 23-05, 23-06, 23-07, 23-08, 23-09, 23-10, 23-11, 23-12, 23-13, 23-17, and 23-19 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

Mr. Asselmeier reported that an application to renew the special use permit for a composting facility at 1270 E. Beecher was received.

ADJOURNMENT

Mr. Rybski made a motion, seconded by Commander Langston, to adjourn.

With a voice vote of eight (8) ayes, the motion carried.

The ZPAC, at 9:10 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Encs.



**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JULY 5, 2023**

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

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Karen Clementi Fox Metro WRD	682 A State Rte 31 Swego IL 60543	kclementi@foxmetro.org

Matt Asselmeier

From: Karen Clementi <kclementi@foxmetro.org>
Sent: Monday, June 26, 2023 6:01 PM
To: akeenum@oswegofire.com
Cc: Matt Asselmeier; Shawn Ajazi
Subject: [External]solar panels at Fox Metro

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 Capt. Keenum,

Fox Metro is in receipt of the Oswego FPD's comments on our 1 acre solar energy demonstration garden petition before Kendall County's ZPAC, in black text below.

1. Construction /creation of photovoltaic panel system shall adhere to all pertinently related requirements of the International Fire Code (IFC) 2021 edition.

Yes, Fox Metro's contractor, Simple Ray, will adhere to the IFC requirements. We verified that information with Simple Ray this morning.

2. Below information indicates "related supporting facilities"... don't know what that is and don't see anything depicted on the site plans – default for new building construction is fire alarmed & sprinkler protected

Fox Metro's improvements for this project include: the solar field supports and panels, gates, fencing. The "related supporting facilities" refer to the associated electrical equipment: an exterior mounted switchgear, transformer on a concrete pad, and the wiring/conduit to get the power from the solar garden onto our equipment. There are no buildings associated with this project.

Karen Clementi

Karen K. Clementi

District Manager

 **Fox Metro**
Water Reclamation District

682 State Route 31

Oswego, IL 60543

Phone 630-301-6819

kclementi@foxmetro.org | www.foxmetro.org

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June 30, 2023

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: Fox Metro 250W Photovoltaic System (WBK Project 19-102.BI)

Dear Mr. Asselmeier:


We have received and reviewed the following information for the subject project:

- Engineering Plans for Fox Metro Reclamation SS-C Meter #230 235 191 – 250KW Fixed Tilt Ground Mount Tied Photovoltaic System prepared by Simpleray dated June 20, 2023 and received June 23, 2023

Subsequent to review of the project location and the floodplain we do not believe a stormwater permit is necessary for this project. Solar arrays are a unique project from a drainage perspective. Impervious panels are constructed over existing (pervious) ground. There is a potential for concentration of flows and erosion. However, this site with direct adjacency to the Fox River and owned by a public utility provides a best case scenario for this type of facility. We do not see any significant / adverse drainage impact as a result of the project.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant's design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,


Greg Chismark PE
WBK Engineering, LLC



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-26

Jefferey D. Milroy on Behalf of Milroy Farms, LLC

A-1 Special Use Permit for Composting of Landscape and Food Waste

INTRODUCTION

On March 19, 2014, through Ordinance 2014-04, the County Board granted a special use permit, with conditions for the operation of a composting facility at the subject property. Ordinance 2014-04 required the property owner to submit a renewal prior to July 1, 2023, or the special use permit would expire on December 1, 2023. The property owner submitted the required renewal on June 30, 2023.

The subject property has operated as a composting facility since 1993.

The Petitioners are requesting the special use permit for the approximately thirty-nine point eight-seven (39.87) acres located in the unincorporated area. They are not renewing the special use permit for operations inside the United City of Yorkville. This reduces operations from approximately fifty-eight (58) acres.

The Host Community Agreement also expires in 2023. The Planning, Building and Zoning Committee met on July 10, 2023, to discuss renewing the agreement. They requested additional information regarding the amount of and types of materials coming into and out of the property.

Green Organics is no longer associated with the property.

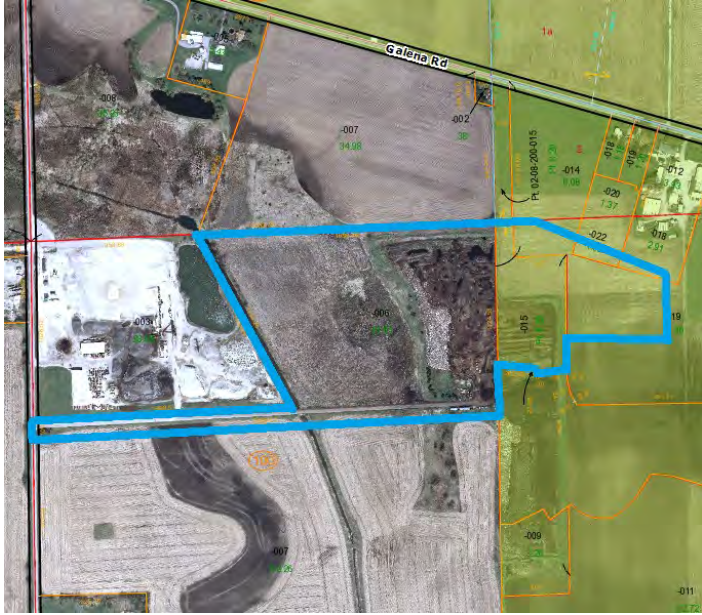
The application materials are included as Attachment 1. Ordinance 2014-04 is included as Attachment 2. The plat of survey is included as Attachment 3. The business plan, including the site plan and landscaping plan, is included Attachment 4. The decommissioning plan is included as Attachment 5.

SITE INFORMATION

PETITIONERS: Jefferey D. Milroy on Behalf of Milroy Farms, LLC

ADDRESS: 1270 E. Beecher Road, Bristol

LOCATION: East Side of E. Beecher Road Approximately 0.5 Miles South of Galena Road on the East Side of the Road



Approved Special Use in 2014



Proposed Special Use Area

Bristol: Na-Au-Say

PARCEL: 02-08-100-006

LOT SIZE: 40 +/- Acres

EXISTING LAND USE: Agricultural/Composting Facility

ZONING: A-1 with a Special Use Permit

LRMP: Future Land Use	Suburban Residential (Max. 1.00 DU/Acre) and Mixed Use Business Along Beecher Road (County) Estate/Conservation Residential (Yorkville)
Roads	E. Beecher is a Local Road maintained by Bristol Township.
Trails	There is a proposed trail on E. Beecher Road.

Floodplain/ Wetlands	There are no floodplains on the property. There is a wetland on the extreme on the northwest corner of the property.
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REQUESTED ACTIONS: Special Use Permit for a Composting Facility

APPLICABLE REGULATIONS: Section 7:01.D – A-1 Special Uses
Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1 (County)	Suburban Residential (County) Estate/Conservation Residential (Yorkville)	A-1 (County) R-3 Planned Unit Development (Yorkville)
South	Agricultural	A-1 SU and M-2 (County)	Suburban Residential and Mixed Use Business (County) Estate/Conservation Residential (Yorkville)	A-1 SU and M-2 (County)
East	Agricultural	R-2 Planned Unit Development and R-2, R-4, B-3 Planned Unit Development (Yorkville)	Urban Area (County) Estate/Conservation Residential (Yorkville)	Various Residential Planned Unit Developments (Yorkville)
West	Manufacturing	M-2 and M-3 SU (County)	Suburban Residential and Mixed Use Business (County) Estate/Conservation Residential (Yorkville)	A-1, A-1 SU, M-1, M-2, and M-3 SU (County)

The A-1 SU to the south was for gravel mining. The M-3 SU to the west was for asphalt production.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCAT Report was submitted on June 22, 2023. The Mottled Sculpin and Rusty Patch Bumble Bee were in the vicinity. The Illinois Department of Natural Resources recommended that work that disturbs the ground or removes flowering plants be done between October 1st and April 1st. If work occurred outside of the dates listed, a Rusty Patch Bumble Bee survey be conducted by a qualified biologist, with the results forward to the Illinois Department of Natural Resources. The consultation also noted that coordination with the United States Fish and Wildlife Service may be necessary. The consultation also contained suggestions for lighting. The consultation was closed if the recommendations related to the Rusty Patch Bumble Bee were implemented, see Attachment 1, Pages 19-25.

As of the date of this memo, the Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee.

NATURAL RESOURCES INVENTORY

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection, see Attachment 1, Pages 12-18.

ACTION SUMMARY

BRISTOL TOWNSHIP

Petition information was sent to Bristol Township on July 19, 2023.

UNITED CITY OF YORKVILLE

Prior to formal application submittal, Staff contacted Yorkville regarding potential comments on the application. Yorkville requested the following items:

1. A thirty foot (30') wide buffer with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees, and three (3) ornamental trees per one hundred (100) linear feet of buffer; they favored a minimum fifteen (15') foot wide buffer.
2. Odor control regulations including using an ASTM certified portable olfactometer, notification by the County to the property owner/business operator within two (2) business days of findings, and a requirement that the property owner/business operator respond within five (5) business days of receiving the notice with corrective action steps. Yorkville's performance standards related to odor were submitted to the County.
3. A condition that the property owner/business operator submit a written response within seven (7) days of receiving a complaint for a non-odor violation outlining steps taken to correct the issue of the complaint.
4. The submission of a detailed decommissioning plan.
5. A requirement that notification of operation management changes and contact information be updated annually with the County.

Staff has concerns regarding the requested procedure of enforcement because the requested method presently contradicts the County's current voluntary compliance policy and the regular procedures for handling alleged violations in the Zoning Ordinance. Also, the County does not presently own an olfactometer. Lastly, Illinois Environmental Protection Agency regarding complaints.

Yorkville's email and Staff's response were included as Attachment 6.

The Petitioner was agreeable to certain landscaping, the submission of a decommissioning plan, the request regarding change of management and updated contact information.

Petition information was sent to the United City of Yorkville on July 19, 2023.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023.

GENERAL INFORMATION

Per Section 7:01.D.20 of the Kendall County Zoning Ordinance, composting businesses can be special uses on A-1 zoned property subject to the following conditions:

1. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Subchapter 1, Part 830, Standards for compost facilities.
2. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.

3. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
4. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
5. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
6. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
7. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
8. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
9. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
10. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
11. The operator shall provide weight receipts to Kendall County.
12. Off-site debris and trash generated by the site must be cleaned-up daily on surrounding properties with the owner's permission.
13. Other conditions as appropriate for the particular facility.

The Petitioner is agreeable to conditions 1-12.

BUSINESS OPERATIONS

When the special use permit was originally granted in the 1990s, they were originally allowed to process one hundred fifty thousand (150,000) cubic yards of source separated landscape materials. This number was increased to one hundred seventy-five thousand (175,000) cubic yards in 2014.

Starting in 2010, the facility was allowed to accept food scraps.

The site plan (Attachment 4, Page 3) shows several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. No information was provided regarding the height of the windrows.

Bulk agent storage areas separate the east and west windrow areas.

The site plan shows one (1) final cure storage area, one (1) grinding and blending concrete pad, and one (1) receiving pad. No information was provided regarding the dimensions of these areas.

As noted previously, the hours when landscape waste can be received are between 7:00 a.m. and 4:00 p.m. on Mondays through Fridays and 7:00 a.m. until Noon on Saturdays. Processing operations may continue for a maximum three (3) additional hours.

As noted in the Decommissioning Plan (Attachment 5), the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures.

No information was provided regarding the number of employees at the property.

The use has been at the property since 1993.

There have not been any founded complaints against the property in recent years.

BUILDINGS AND BUILDING CODES

One (1) approximately four hundred twenty (420) square foot office trailer is shown on the plan near the southeast corner of the site.

ENVIRONMENTAL HEALTH

The property is served by a well and septic. The well is located at the southeast corner of the property.

The Petitioner is agreeable to the requirements related to water samples and soil samples, inspection and testing, and submitting copies of the State permit, operational plan, surface water management plan, pest control plan, site drawings, annual report, and decommissioning plan. The Petitioner is also agreeable to providing weight receipts to Kendall County.

The Solid Waste Coordinator shall maintain a log of complaints received on the facility.

Sampling schedules are noted on in the Business Plan (Attachment 4, Page 6).

Though not shown on the site plan, a dumpster is located on the property. The business plan (Attachment 4, Page 2) notes a requirement to clean-up offsite debris and trash daily on surrounding properties.

NICOR possesses an easement north of the existing driveway.

Overhead utilities run from E. Beecher Road to the office trailer.

STORMWATER

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The site plan also shows one (1) proposed detention basin southwest of the western windrows. One twenty-five foot (25') wide drainage swale is shown west of the western windrows. No information was provided regarding the dimensions of the detention basins or the depth of the drainage swale.

The Petitioners submitted an application for a stormwater management permit. WBK submitted comments in a letter dated July 15, 2023, included as Attachment 7. To date, Staff is waiting for comments from the Petitioner regarding WBK's comments.

ACCESS

Per the site plan (Attachment 4, Page 3), the subject property has an asphalt drive to E. Beecher Road.

The Petitioner is agreeable to the truck weight restriction contained in the Kendall County Zoning Ordinance.

PARKING AND INTERNAL TRAFFIC CIRCULATION

According to the site plan (Attachment 4, Page 3), one (1) parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. No information was provided regarding the total number of parking stalls.

The site plan shows one (1) truck turn around area.

LIGHTING

No information was provided regarding lighting. Because of the small number of parking spaces, a photometric plan was not required.

SIGNAGE

According to the business plan (Attachment 4, Page 4), one (1) existing sign is located on the property. The sign is not illuminated. The information on the sign is required per Illinois Environmental Protection Agency rules.

One (1) additional no trespassing sign is located on the interior gate.

SECURITY

According to the site plan (Attachment 4, Page 3), there is a fence along the western and northern sides of the property. There is also a fifteen foot (15') wide buffer between the eastern property line and the berm. The business plan (Attachment 4, Pages 1 and 5) references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

LANDSCAPING

Per the site plan (Attachment 4, Page 3), one (1) fifteen foot (15') wide berm is shown near the eastern property line. A twenty-five foot (25') wide berm is shown near the western and northern property lines. Per the business plan (Attachment 4, Page 2), the eastern berm will be three feet (3') in height. Landscaping consisting of pines, fir, and/or shade trees will be planted at spacing not to exceed forty feet (40') apart. Seedling will be a minimum of six inches (6") in height and will be planted within one (1) year of the issuance of the special use permit. The business plan also references maintaining the existing plantings on the berm and ditch and existing landscaping. No information was provided regarding plantings on the western or northern berms or the composition of the existing landscaping and plantings on the property.

NOISE CONTROL

Per the business plan (Attachment 4, Page 1), noise levels cannot exceed Illinois Pollution Control Board standards.

ODORS

The business plan (Attachment 4, Page 2) references odor control strategies generally. Illinois Environmental Protection Agency rules requires operators of composting facilities to prepare an odor minimization plan. Staff has requested a copy of this plan.

RELATION TO OTHER SPECIAL USES

This is the only property to have a special use permit for a composting facility in unincorporated Kendall County.

FINDINGS OF FACT

Before preparing a Findings of Fact, Staff would like to review the stormwater information, pest control plan, and odor control plan and obtain comments from ZPAC members.

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

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 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 makes 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.

Adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

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.

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.

RECOMMENDATION

Staff would like additional information before issuing a recommendation. The general conditions and restrictions would be as follows:

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance related to the composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00 a.m. to 4:00 p.m. on Monday through Fridays and 7:00 a.m. to Noon on Saturdays. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - f. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - h. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface Water Management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - i. Truck weights shall be limited to seventy-three thousand, two hundred eighty (73,280) pounds.
 - j. The operator shall provide weight receipts to Kendall County.
 - k. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - l. Implement strategies to manage potential odor issues such as maintaining proper carbon to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.

- m. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
2. The facility will be permitted to take in one hundred seventy-five thousand (175,000) cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
 3. The site shall be developed substantially in accordance with the site plan (Attachment 4, Page 3) and the site plan shall be kept on file as "Exhibit A" attached hereto.
 4. As noted on the site plan, a fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary. The berm will be at least fifteen feet (15') wide and three feet (3') high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed forty feet (40') apart. Seedlings will be a minimum of six inches (6") in height. Specimen seedlings will be planted and the berm will be constructed within one (1) year of issuance of the special use permit ordinance. The Kendall County Planning, Building and Zoning Committee may grant an extension to the deadline to install the berms and landscaping.
 5. The facility operator shall maintain existing plantings on the berm and ditch.
 6. The facility operator shall maintain the security gate, signage, and landscaping as indicated on "Exhibit B" (Attachment 4, Pages 4 and 5) attached hereto. The locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
 7. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" (Attachment 4, Page 6) attached hereto dated March 11, 2008.
 8. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
 9. This special use Ordinance shall expire on December 1, 2033, and the petition for renewal shall be made prior to July 1, 2033.
 10. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within thirty (30) days.
 11. The operator of the business allowed by the special use permit shall follow the Decommissioning Plan (Attachment 5) as described in Exhibit D. The operator shall assume all of the responsibilities assigned to Green Organics in the plan. The Decommissioning Plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector. The operator of the business allowed by the special use permit shall update the Kendall County Health Department within thirty (30) days of changes to the Decommissioning Plan.
 12. The operator of the business allowed by the special use permit shall notify the Kendall County Planning, Building and Zoning Department within thirty (30) days of changes in operation manager. In addition, the operator of the business allowed by this special use permit shall provide contact information of the management operator annually by July 1st.
 13. The operator of the business allowed by the special use permit shall ensure a host community agreement is in existence with the County prior to operations.
 14. Ordinance 2014-04 and all previous special use permits and amendments to special use permits related to the operation of composting facility on the subject property are hereby repealed in their entirety.
 15. None of the vehicles or equipment parked or stored on the subject property related to the business allowed by the special use permit shall be considered agricultural vehicles or agricultural equipment.
 16. All of the vehicles and equipment stored on the subject property related to the business allowed by the special use permit shall be maintained in good condition with no deflated tires and shall be licensed if

required by law.

17. Any structures constructed, installed, or used related to the business allowed by this special use permit on the property shall not be considered for agricultural purposes and must secure applicable building permits.
18. The owners and operators of the business allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
19. The property owner and operator of the business allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
20. 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.
21. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
22. This special use permit shall be treated as a covenant running with the land and are binding on the successors, heirs, and assigns as to the same special use conducted on the property.

ATTACHMENTS

1. Application Materials (Including Petitioner's Findings of Fact, NRI Application, and EcoCat)
2. Ordinance 2014-04
3. Plat of Survey
4. Business Plan (Including Site Plan)
5. Decommission Plan
6. Pre-Application Emails with United City of Yorkville
7. July 15, 2023, WBK Comment Letter



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Milroy Farms LLC FILE #: _____
 Kendall Composting Permit

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) Jefferey D. Milroy		
CURRENT LANDOWNER/NAME(s) Milroy Farms LLC		
SITE INFORMATION ACRES 39.8752	SITE ADDRESS OR LOCATION 1270 E. Beecher Road, Bristol Township, IL	ASSESSOR'S ID NUMBER (PIN) 02-08-100-006
EXISTING LAND USE Composting Special Use	CURRENT ZONING A1 Special Use	LAND CLASSIFICATION ON LRMP East side is mixed business and west side is rural estate residential
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <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.) <input checked="" type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input checked="" type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1PRIMARY CONTACT Jefferey Milroy	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER #(Cell, etc.) [REDACTED]
1ENGINEER CONTACT Jefferey Milroy	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER # (Cell, etc.) [REDACTED]
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. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>6/29/2023</u>

FEE PAID:\$ _____
 CHECK #: _____

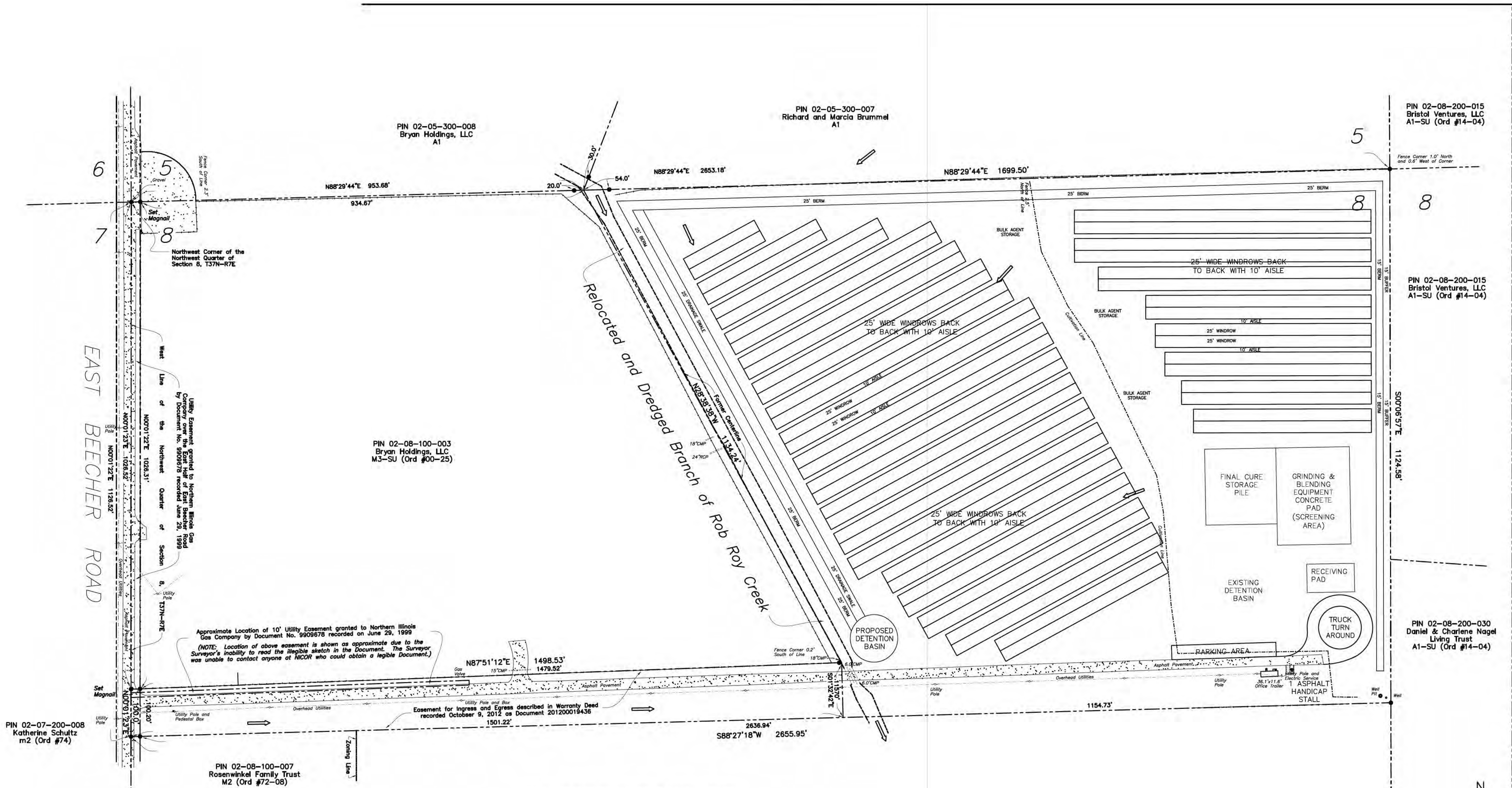
¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here If Checklist Is Complete

Detailed Description Of Proposed Use Business Plan

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance: Composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
 - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - j. Truck weights shall be limited to 73,280 pounds.
 - k. The operator shall provide weight receipts to Kendall County.

- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility. (*Amended 6/26/2023*)
 - n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
 - o. Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
 - p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
 - q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
 3. The site plan shall be kept on file as "Exhibit A" attached hereto.
 4. The facility operator shall maintain existing plantings on the berm and ditch.
 5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
 8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.



LEGAL DESCRIPTION OF ZONING TRACT:
 That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence North $88^{\circ}29'44''$ East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North $88^{\circ}29'44''$ East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South $00^{\circ}06'57''$ East along the East Line of said Northwest Quarter, 1124.58 feet; thence South $88^{\circ}27'18''$ West, 2655.95 feet to a point on the West Line of said Northwest Quarter that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North $00^{\circ}01'23''$ East along said West Line, 100.0 feet; thence North $87^{\circ}51'12''$ East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North $28^{\circ}38'38''$ West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois and containing 39.8752 acres.

FLOODPLAIN STATEMENT:
 The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0036G with an effective date of February 4, 2009.

WETLANDS STATEMENT:
 The National Wetlands Inventory Map depicts Riverine wetlands (R2UBHx) in the relocated and dredged branch of Rob Roy Creek.

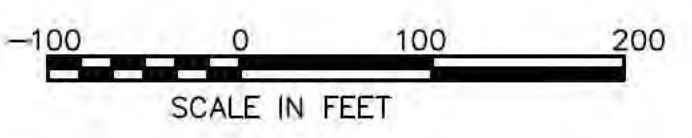
DEVELOPER:
 Jeff Milroy
 Milroy Farms, LLC

PROPERTY LOCATION:
 PIN: 02-08-100-006
 1270 East Beecher Road
 Yorkville, Illinois 60560

AREA OF ZONING TRACT:
 39.8752 Acres

PRESENT ZONING:
 A-1 SU

PROPOSED ZONING:
 A-1 SU





MIDWEST
MATERIAL
MANAGEMENT
(847) 426-6354
- COMPOST FACILITY -
OPERATING HOURS: BY APPOINTMENT ONLY
MATERIALS ACCEPTED: LANDSCAPE WASTE
"OMRI CERTIFIED" COMPOST AVAILABLE
COMPLAINTS CONCERNING THIS FACILITY CAN BE
MADE TO: STEVE BERGLUND: 847-426-6354 OR
BUREAU OF LAND, ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY, SPRINGFIELD, ILLINOIS: 217-524-3300
MAILING ADDRESS: 2016 N. STATE ST. HAMPSHIRE, IL 60140



March 11, 2008

Mr. Joseph Mazza

[Redacted]



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

[Redacted signature]

Terese M. Laciak
President

EXHIBIT C

TML/cab

cc: Steven B. Curatti, Director of Environmental Health, Kendall County

**Legal Description of Milroy Farms LLC Parcel
Parcel 02-08-100-006**

That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence north $88^{\circ} 29' 44''$ East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North $88^{\circ} 29' 44''$ East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South $00^{\circ} 06' 57''$ East along the East Line of said Northwest Quarter, 1124.58 feet; thence South $88^{\circ} 27' 18''$ West, 2655.95 feet to a point on the West line of said Northwest Quarter; that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North $00^{\circ} 01' 23''$ East along said West line, 100.0 feet; thence North $87^{\circ} 51' 12''$ East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North $28^{\circ} 38' 38''$ West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois.



WARRANTY DEED

① ~~XXXXXXXXXX~~ ^{YL}

201200018002

DEBBIE
GILLETTE
KENDALL COUNTY, IL

Prepared by:
Craig Hasenbalg
Dickson & Hasenbalg

RECORDED: 9/19/2012 12:29 PM
WD: 916.75 RHSPS FEE: 10.00
PAGES: 4

[Redacted]

GRANTOR:
AURORA BLACKTOP, INC.

[Redacted]

Subsequent Tax Bills To:

GRANTEE:
MILROY FARMS, LLC *Jeff Milroy*

[Redacted]

THE GRANTORS, AURORA BLACKTOP, INC., an Illinois corporation, under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State where the following described real estate is located, of the Village of Bristol, County of Kendall, and State of Illinois, for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid, and other good and valuable consideration, receipt of which is hereby duly acknowledged, conveys and warrants to GRANTEE: MILROY FARMS, LLC, an Illinois limited liability company, whose mailing address is: [Redacted] ALL RIGHT, TITLE AND INTEREST IN AND TO the following described real estate to-wit:

Legal description attached hereto as Exhibit A

Parcel Identification No: 02-08-100-006
Commonly known as: 39.8752 Acres, Farmland, located in Bristol Township, Kendall County, IL

Together with the hereditaments, tenements and appurtenances thereunto belonging.

This Deed and conveyance is subject to easements and restrictions of record, if any, roadways, rights of adjoining owners to the uninterrupted flow of any streams which may cross the land, right of way for drainage tiles, ditches, feeders, and laterals, and general taxes for the year 2012 and subsequent.

TO HAVE AND TO HOLD the same unto said Grantee, and its or its heirs and assigns forever hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

DATED this 31ST day of August, 2012

AURORA BLACKTOP, INC., an Illinois Corporation

By: [Redacted Signature]

Mall Tax
Certification This Business LLC
[Redacted]

2012-204034

KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant Milroy Farms LLC
Address [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED]

2. Nature of Benefit Sought Special Use Permit

3. Nature of Applicant: (Please check one)

- Natural Person (a)
- Corporation (b)
- Land Trust/Trustee(c)
- Trust/Trustee (d)
- Partnership (e)
- Joint Venture (f)

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

NAME	ADDRESS	INTEREST
Jefferey D Milroy	[REDACTED]	50%
Lilianna D Milroy	[REDACTED]	50%

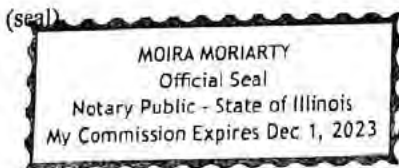
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

Jefferey Milroy, Manager, [REDACTED]

VERIFICATION

I, [REDACTED], being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

Subscribed and sworn to before me this 20 day of June, A.D. 2023



[REDACTED] Notary Public

RECEIVED
6/21/23



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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Milroy Farms LLC Contact Person: Jefferey Milroy
Address: _____
City, State _____
Phone Nu _____
Email: _____

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

Site Location & Proposed Use

Township Name Bristol Township Township T37 N, Range R7E E, Section(s) 8
Parcel Index Number(s) 02-08-100-006
Project or Subdivision Name Milroy Farms Composting Permit Number of Acres 39.87
Current Use of Site A-1 Special Use Proposed Use A-1 Special Use
Proposed Number of Lots N/A Proposed Number of Structures N/A
Proposed Water Supply Well (existing) Proposed type of Wastewater Treatment N/A
Proposed type of Storm Water Management Retention Pond (existing)

Type of Request

- Change in Zoning from _____ to _____
- 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, IL

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

- Plat of Survey/Site Plan - showing location, legal description and property measurements
- 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 \$ 75.00

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.

[Signature]
Petitioner or Authorized Agent

June 20, 2023

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# 2307 Date initially rec'd 6/21/23 Date all rec'd _____ Board Meeting _____
Fee Due \$ 75.00 Fee Paid \$ _____ Check # _____ Over/Under Payment _____ Refund Due _____



Kendall County Soil & Water Conservation District

July 13, 2023

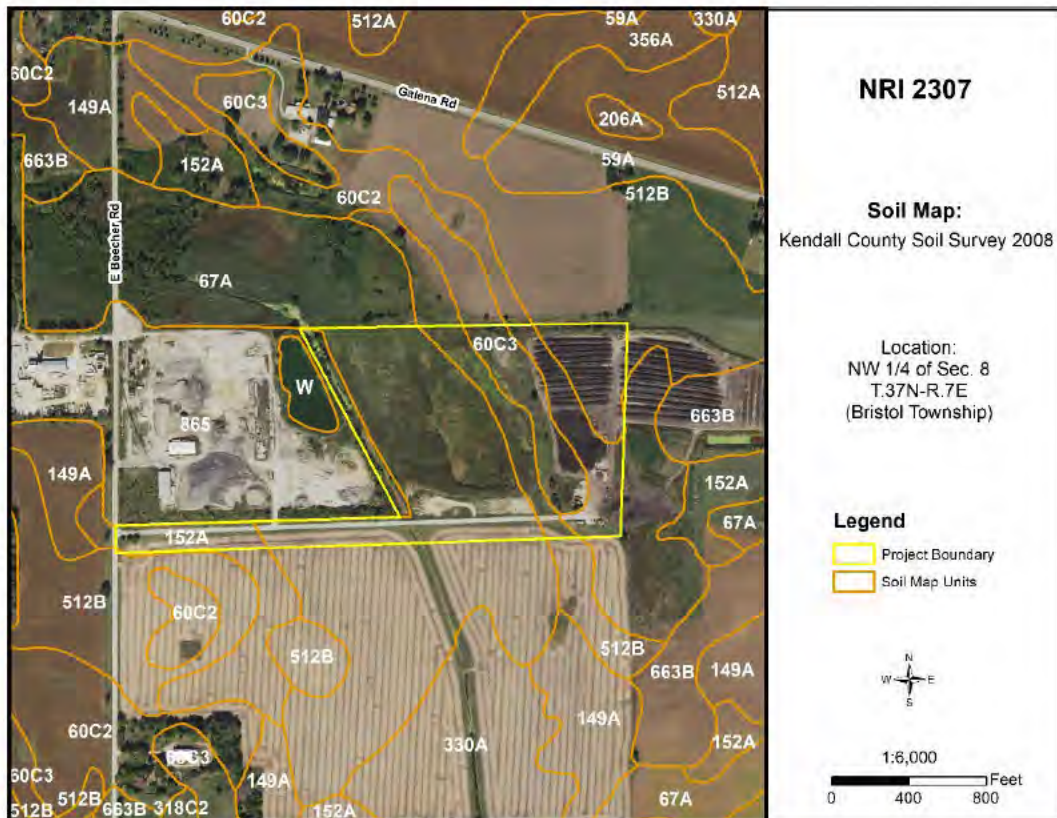
Jefferey Milroy

Dear Mr. Milroy,

The Kendall County Soil & Water Conservation District (SWCD) received a Natural Resources Information Report (NRI) Application for a special use permit renewal petition on parcel 02-08-100-006 filed with Kendall County. The site is an existing EPA composting facility that accepts yard and food waste from the surrounding area. The petitioner is proposing an approximate 17-acre expansion of the composting operation on the western half of the parcel with the addition of a future detention basin. The project site is located at 207 E Beecher Rd, Bristol, IL 60512 in the northwest quarter of Section 8, Township 37N (Bristol Township), Range 7E of the 3rd Principal Meridian. The site is zoned A1-SU Agricultural Special Use. After reviewing the application and supporting documents, it was determined that a *full NRI Report is not necessary at this time* for the proposed project.

The Kendall County SWCD has reviewed the 39.87-acre project site and would like to note the following natural resource considerations:

- The site currently contains an existing 17-acre composting area, detention basin, truck turn-around, and parking area. According to the property owner, the site is tile drained.



- The 2008 Soil Survey for Kendall County as maintained by the United States Department of Agriculture – Natural Resource Conservation Service (USDA-NRCS) contains soil maps and descriptions for soil types throughout the county. The exhibit above shows the soil map, and the table below shows the soil map units that are present within the project site. Please note this information does not replace the need for site specific soil testing.

Soil Map Unit	Acreage	Percent of Parcel
60C2 La Rose silt loam, 5-10% slopes, eroded	5.1	12.9%
60C3 La Rose clay loam, 5-10% slopes, severely eroded	4.7	11.8%
67A Harpster silty clay loam, 0-2% slopes	18.5	46.4%
152A Drummer silty clay loam, 0-2% slopes	2.3	5.7%
512B Danabrook silt loam, 2-5% slopes	7.8	19.5%
865 Pits, gravel	1.5	3.8%

- 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. 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. The table below shows the soil limitations for uses including food-processing waste, farm and garden composting, and shallow excavations. 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.

Soil Type	Food-Processing Waste	Farm & Garden Composting Facility	Shallow Excavations
60C2 & 60C3	<u>Very Limited:</u> Dense layer; Slow water movement; Depth to saturated zone	<u>Somewhat Limited:</u> Slope; Low strength; Wetness; Low precipitation; Extreme soil temperatures	<u>Very Limited:</u> Depth to saturated zone; Dusty; Unstable excavation walls
67A	<u>Very Limited:</u> Ponding; Depth to saturated zone; Leaching	<u>Very Limited:</u> Low strength; Wetness; Ponding; Low precipitation; Seepage	<u>Very Limited:</u> Ponding; Depth to saturated zone; Dusty; Unstable excavation walls
152A	<u>Very Limited:</u> Ponding; Depth to saturated zone; Leaching; Slow water movement	<u>Very Limited:</u> Low strength; Wetness; Ponding; Low precipitation	<u>Very Limited:</u> Ponding; Depth to saturated zone; Dusty; Unstable excavation walls; Too clayey
512B	<u>Somewhat Limited:</u> Depth to saturated zone; Slow water movement	<u>Somewhat Limited:</u> Low strength; Wetness; Slope; Extreme soil temperatures; Low precipitation	<u>Somewhat Limited:</u> Depth to saturated zone; Dusty; Unstable excavation walls
865	N/A	N/A	N/A

- 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. Of the soils found onsite, two are hydric (67A Harpster silty clay loam and 152A Drummer silty clay loam) and three are non-hydric (60C2 La Rose silt loam, 60C3 La Rose clay loam, and 512B Danabrook 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, three are designated as prime farmland (67A Harpster silty clay loam, 152A Drummer silty clay loam, and 512B Danabrook silt loam). Two of the soils are designated as farmland of statewide importance (60C2 La Rose silt loam and 60C3 La Rose clay loam), and one is designated as non-prime farmland (865 Pits, gravel).

Map Unit	Drainage Class	Hydrologic Group	Hydric Designation	Prime Farmland
60C2 & 60C3	Moderately Well Drained	C	Non-Hydric	Farmland of Statewide Importance
67A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
152A	Poorly Drained	B/D	Hydric	Prime Farmland if Drained
512B	Moderately Well Drained	C	Non-Hydric	Prime Farmland
865	N/A	N/A	N/A	Not Prime Farmland

- The information provided in the table below provides further detail regarding soil water features:
 - 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).
 - 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 is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration indicated as brief means ponding typically occurs for a period of 2-7 days. Frequency indicated as non means ponding is not possible and frequent means that it occurs, on average, more than once in 2 years (chance of ponding is more than 50% in any year).
 - Flooding: Flooding is temporary inundation of an area caused by overflowing stream, runoff from adjacent slopes, or tides. Water standing for short periods after rainfall or snowmelt is not considered flooding. Water standing in swamps and marshes is considered ponding rather than flooding.

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
60C2	High	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
60C3	Medium	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-4.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
67A	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	<u>January – May</u> Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
152A	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0'	<u>January – May</u> Surface Depth: 0.0'-0.5' Duration: Brief (2-7 days) Frequency: Frequent	<u>January – December</u> Frequency: None
512B	Low	<u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 3.0'-5.0'	<u>January – December</u> Frequency: None	<u>January – December</u> Frequency: None
865	N/A	N/A	N/A	N/A

- This site is located on slopes of approximately 0-10%. The site lies within the Fox River Watershed (Rob Roy Creek sub watershed).
- Based on an in-office review of the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Kendall County, Community Panel No. 17093C0030G (effective date February 4, 2009), it does not appear that this parcel is located within the 100-year floodplain. It is mapped as Zone X, an area of minimal flood hazard. Additionally, based upon review of the U.S. Fish & Wildlife Service's National Wetlands Inventory Map, a riverine waterway (tributary to Rob Roy Creek) is present along the western edge of the project site. To determine the presence of wetlands, 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.
- If construction is to occur onsite, a soil erosion and sediment control plan should be prepared and implemented 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.

Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
60C2	5	82	5.1	418.2
60C3	6	69	4.7	324.3
67A	2	94	18.5	1,739.0
152A	1	100	2.3	230.0
512B	2	94	7.8	733.2
865	8	0	1.5	0.0
Totals			39.9	3,444.7
LE Calculation			(Product of relative value / Total Acres) 3,444.7 / 39.9 = 86.3	
LE Score			LE = 86	

The Land Evaluation score for this site is 86 out of a possible 100 points, indicating that the soils are well-suited for agricultural uses since the Land Evaluation score is above 80.

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)	10
	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)	10
	4. Size of site. (30-15-10-0)	15
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	0
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	10
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
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)	7
	4. Distance from fire protection service. (10-8-6-2-0)	6
	Site Assessment Score:	89

The Site Assessment score for this site is 89 out of a possible 200 points. The Land Evaluation value (86) is added to the Site Assessment value (89) to obtain a LESA Score of 175. 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 175 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

CC Jefferey Milroy, Milroy Farms LLC

Matt Asselmeier, Kendall County Planning, Building, & Zoning

Robert Walker, Bristol Township



Applicant: Jeff Milroy

Contact: Jeff Milroy

Address: [REDACTED]

IDNR Project Number: 2317303

Date: 06/22/2023

Alternate Number: 2317170

Project: Milroy Farms Composting

Address: 1270 East Beecher Road, Yorkville

Description: Special use permit renewal for operating a compost facility.

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:

Mottled Sculpin (*Cottus bairdii*)

Rusty Patched Bumble Bee (*Bombus affinis*)

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:

37N, 7E, 5

37N, 7E, 8



IL Department of Natural Resources

Contact

Kyle Burkwald

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Kendall County

Matthew 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.

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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.

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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: 2317303



EcoCAT Receipt	Project Code 2317303
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APPLICANT	DATE
------------------	-------------

Jeff Milroy Jeff Milroy [REDACTED]	6/22/2023
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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



Illinois
Department of
**Natural
Resources**

JB Pritzker, Governor • Natalie Phelps Finnie, Director
One Natural Resources Way • Springfield, Illinois 62702-1271

www.dnr.illinois.gov

June 23, 2023

Jeff Milroy
Milroy Farms



**RE: Milroy Farms Composting
Consultation Program
EcoCAT Review #2317303
Kendall County**

Dear Mr. Milroy:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action consists of operating a compost facility in Yorkville, IL.

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

State Listed

Mottled Sculpin (*Cottus bairdii*)

State and Federally Listed

Rusty Patched Bumblebee (*Bombus affinis*)

Due to the project scope and proximity to protected resources the Department recommends the following actions be taken to avoid adversely impacting listed species in the vicinity of the project:

Rusty Patched Bumblebee

- 1) The Department recommends that work which disturbs the ground or may remove flowering plants be done between October 1 and April 1 to avoid potential impacts.
- 2) If these dates cannot be accommodated, the Department recommends a Rusty Patched Bumble Bee survey be performed by a qualified biologist.
 - a) Survey results and methods should be forwarded to the Department for review and concurrence.

Please note that due to the federal status of the Rusty Patched Bumblebee, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Given the above recommendations are adopted the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action 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 project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

The Department also offers the following conservation measures be considered to help protect native wildlife and enhance natural areas in the project area:

If temporary or permanent lighting is required, the Department recommends the following lighting recommendation to minimize adverse effects to wildlife:

- All lighting should be fully shielded fixtures that emit no light upward.
- Only “warm-white” or filtered LEDs (CCT < 3,000 K; S/P ratio < 1.2) should be used to minimize blue emission.
- Only light the exact space with the amount (lumens) needed to meet facility safety requirement.
- If LEDs are to be used, avoid the temptation to over-light based on the higher luminous efficiency of LEDs.

If erosion control blanket is to be used, the Department also recommends that wildlife-friendly plastic-free blanket be used around wetlands and adjacent to natural areas, if not feasible to implement project wide, to prevent the entanglement of native wildlife.

Please contact me with any questions about this review.

Sincerely,



Kyle Burkwald
Impact Assessment Section
Division of Real Estate Services and Consultation
Office of Realty & Capital Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
Kyle.Burkwald@Illinois.gov
Phone: (217) 785-4984

Matt Asselmeier

From: Burkwald, Kyle <Kyle.Burkwald@Illinois.gov>
Sent: Friday, July 14, 2023 11:10 AM
To: Matt Asselmeier
Cc: Seth Wormley; Latreese Caldwell; Hayes, Bradley
Subject: [External]RE: 1270 E Beecher, Bristol Township, Kendall County

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.

Matt,

Apologies for the delay, I recently accepted a new position within the Department and am no longer a part of the Impact Assessment section.

However, to answer your questions, the recommendations are not required to be adhered to by law, they are best recommendations to avoid a Take of the listed species. Failure to adhere though may result in an increased likelihood of a Take of an endangered species as defined in Part 1075 of the *Illinois Endangered Species Act*.

If you have any further questions or concerns please contact Brad Hayes.

Sincerely,
Kyle Burkwald
Illinois Department of Natural Resources
Division of Forestry
Mobile: (217) 299-7324
Desk: (217) 785-4984

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Friday, July 14, 2023 10:48 AM
To: Burkwald, Kyle <Kyle.Burkwald@Illinois.gov>
Cc: Seth Wormley <swormley@kendallcountyil.gov>; Latreese Caldwell <LCaldwell@kendallcountyil.gov>
Subject: [External] RE: 1270 E Beecher, Bristol Township, Kendall County

Kyle:

Did you have an opportunity to review this email?

Thanks,

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

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare.

An experienced operator, Jesse C. Sexton, will be managing operations and running the site.

The operation is permitted and controlled by the EPA and inspected by the health department and they have not found anything to endanger the public health, safety, morals, comfort or general welfare during Jesse C. Sexton's tenure.

That the special use will not be substantially injurious to the use and enjoyment of other properties 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 new management team of Jesse C. Sexton, William J. Coleman, Jefferey D Milroy, and Lilianna D. Milroy will incorporate as the new site operator. Jesse is well known to neighbors and local officials and ran the site without complaints regarding odors, debris, or dust. The site will be run orderly and squared away. No other operator will be assigned to this operation without approval of the management team.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

The special use will not be adding any new utilities or roadways to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open. Any new proposed detention basins will be provided under the Storm-water permit application.

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

The special use conforms to all applicable regulations of the A-1 Special use district.

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.

This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

State of Illinois
County of Kendall

Zoning Petition
#13-26

ORDINANCE NUMBER 2014 - 04

**GRANTING A MAJOR AMENDMENT TO A SPECIAL USE FOR
GREEN ORGANICS INC. AT 1270 EAST BEECHER ROAD**

WHEREAS, Green Organics, Inc., Milroy Farms LLC and Bristol Ventures LLC has filed a petition for a major amendment to their Special Use within the A-1 Agricultural Zoning District for a 58 acre property located on the east side of Beecher Road about 0.5 miles south of Galena Road, commonly known as 1270 E. Beecher Road, (PIN# 02-08-100-006, part of PIN# 02-08-200-015, part of PIN# 02-08-200-018, part of PIN# 02-08-200-019 and part of PIN# 02-08-200-022), in Bristol Township; and

WHEREAS, said petition is to amend their existing special use permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property; and

WHEREAS, said property is currently zoned A-1 Agricultural with an existing Special Use for operation for a landscape waste composting site; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for as Ordinance 1993-19 on October 19, 1993; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 1997-13 on August 19, 1997; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2000-18 on April 18, 2000; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request for a renewal as Ordinance 2008-17 on May 20, 2008; and

WHEREAS, the Zoning Administrator and/or deputies did grant the petitioner a minor amendment to the existing special use to allow the facility to begin accepting and processing food waste as Ordinance 10-25-11 on October 25, 2011; and

WHEREAS, said special uses will continue on the property; and

WHEREAS, said property is legally described as:

PARCEL 1
THAT PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 7
EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING DESCRIBED AS FOLLOWS:

State of Illinois
County of Kendall

Zoning Petition
#13-26

COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 953.68 FEET TO A POINT IN THE CENTER LINE OF A BRANCH OF THE ROB ROY CREEK FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 29 MINUTES 44 SECONDS EAST ALONG SAID NORTH LINE 1699.46 FEET TO THE NORTHEAST CORNER OF SAID QUARTER SECTION; THENCE SOUTH 0 DEGREES 07 MINUTES 06 SECONDS EAST ALONG THE EAST LINE OF SAID QUARTER SECTION 1124.58 FEET; THENCE SOUTH 88 DEGREES 27 MINUTES 18 SECONDS WEST 2655.97 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION THAT IS 1126.52 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION; THENCE NORTH 0 DEGREES 01 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE 100.00 FEET; THENCE NORTH 87 DEGREES 51 MINUTES 12 SECONDS EAST 1498.53 FEET TO A POINT IN THE CENTER OF SAID ROB ROY CREEK; THENCE NORTH 28 DEGREES 38 MINUTES 38 SECONDS WEST ALONG SAID CREEK, 1134.24 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS
PIN: 02-08-100-006

PARCEL 2

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 IN TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 36 MINUTES 31 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 187.01 FEET; THENCE SOUTH 61 DEGREES 46 MINUTES 39 SECONDS EAST, 332.00 FEET; THENCE SOUTH 71 DEGREES 34 MINUTES 14 SECONDS EAST, 463.00 FEET; THENCE SOUTH 45 DEGREES 09 MINUTES 49 SECONDS EAST, 58.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 15 SECONDS WEST, 356.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 46 SECONDS WEST, 541.26 FEET TO A POINT ON A LINE 400.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREE 14 MINUTES 06 SECONDS EAST, ALONG SAID LINE, 171.42 FEET; THENCE ALONG THE SOUTH LINE OF A PARCEL OF LAND WITH PARCEL IDENTIFICATION NUMBER 02-08-200-015 FOR THE NEXT FOUR CALLS; SOUTH 83 DEGREES 45 MINUTES 54 SECONDS WEST, 130.42 FEET, MORE OR LESS; SOUTH 86 DEGREES 27 MINUTES 54 SECONDS WEST, 65.30 FEET; NORTH 08 DEGREES 04 MINUTES 41 SECONDS WEST, 23.88 FEET; NORTH 87 DEGREES 04 MINUTES 28 SECONDS WEST, 202.52 FEET, MORE OR LESS, TO A POINT 850.00 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER, AS MEASURED ALONG THE WEST LINE THEREOF; THENCE NORTH 01 DEGREE 14 MINUTES 06 SECONDS WEST, ALONG SAID WEST LINE, 850.00 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS, AND CONTAINING 13.72 ACRES, MORE OR LESS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Special Use Hearing Officer on December 9, 2013; and

WHEREAS, the findings of fact were approved 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 operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

State of Illinois
County of Kendall

Zoning Petition
#13-26

*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 operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. The newer water park exists less than a mile away to the east and still there have been no complaints about affecting the area properties.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open.***

*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 Hearing Officer. **The special use conforms to all applicable regulations of the A-1 Special use district.***

*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. **This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.***

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns of the property owner as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby repeals Kendall County Ordinances #93-17, #97-13, #00-18, #08-17 and #10-28-11 in their entirety and hereby grants approval of a major amendment to their existing special use zoning permit to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville subject to the following conditions:

1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance:
 - Composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
 - b. Operational personnel shall be present on site during all hours which the facility is

State of Illinois
County of Kendall

Zoning Petition
#13-26

- open for the receipt of landscape waste.
- c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
 - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - j. Truck weights shall be limited to 73,280 pounds.
 - k. The operator shall provide weight receipts to Kendall County.
 - l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility. (*Amended 6/20/2006*)
2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass)
 3. The site plan shall be kept on file as "Exhibit A" attached hereto
 4. The facility operator shall maintain plantings on the berm and ditch.
 5. The facility operator shall maintain the gate and landscaping as indicated on "Exhibit B" attached hereto
 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
 8. This special use Ordinance shall expire on December 1, 2023 and the petition for renewal shall be made prior to July 1, 2023.
 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are

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Zoning Petition
#13-26

received they need to be submitted to the County Solid Waste Coordinator within 30 days.


Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on March 19th, 2014.

Attest:

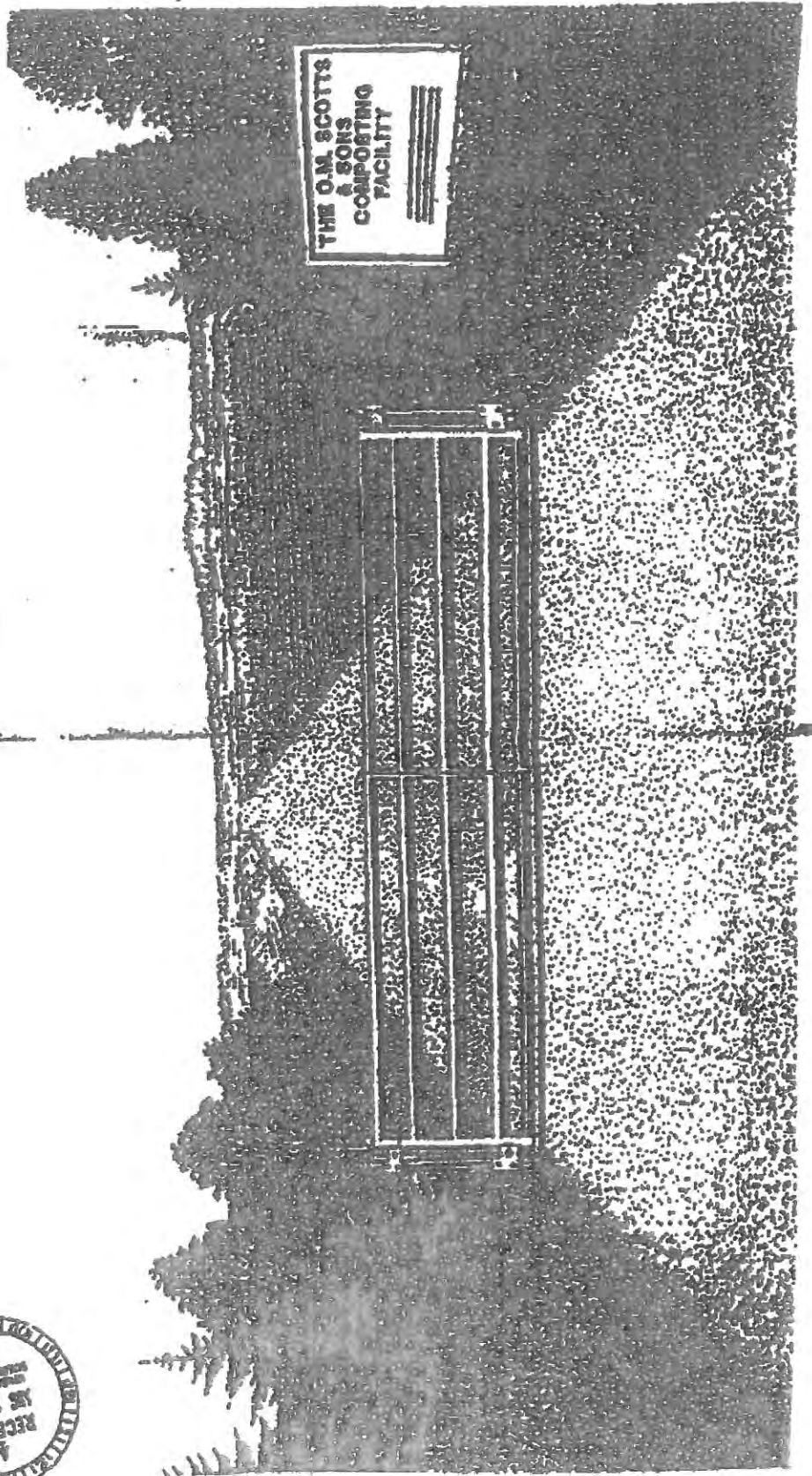


Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

EXHIBIT B





March 11, 2008

Mr. Joseph Mazza
Green Organics
290 Main Place
Carol Stream, IL 60188



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

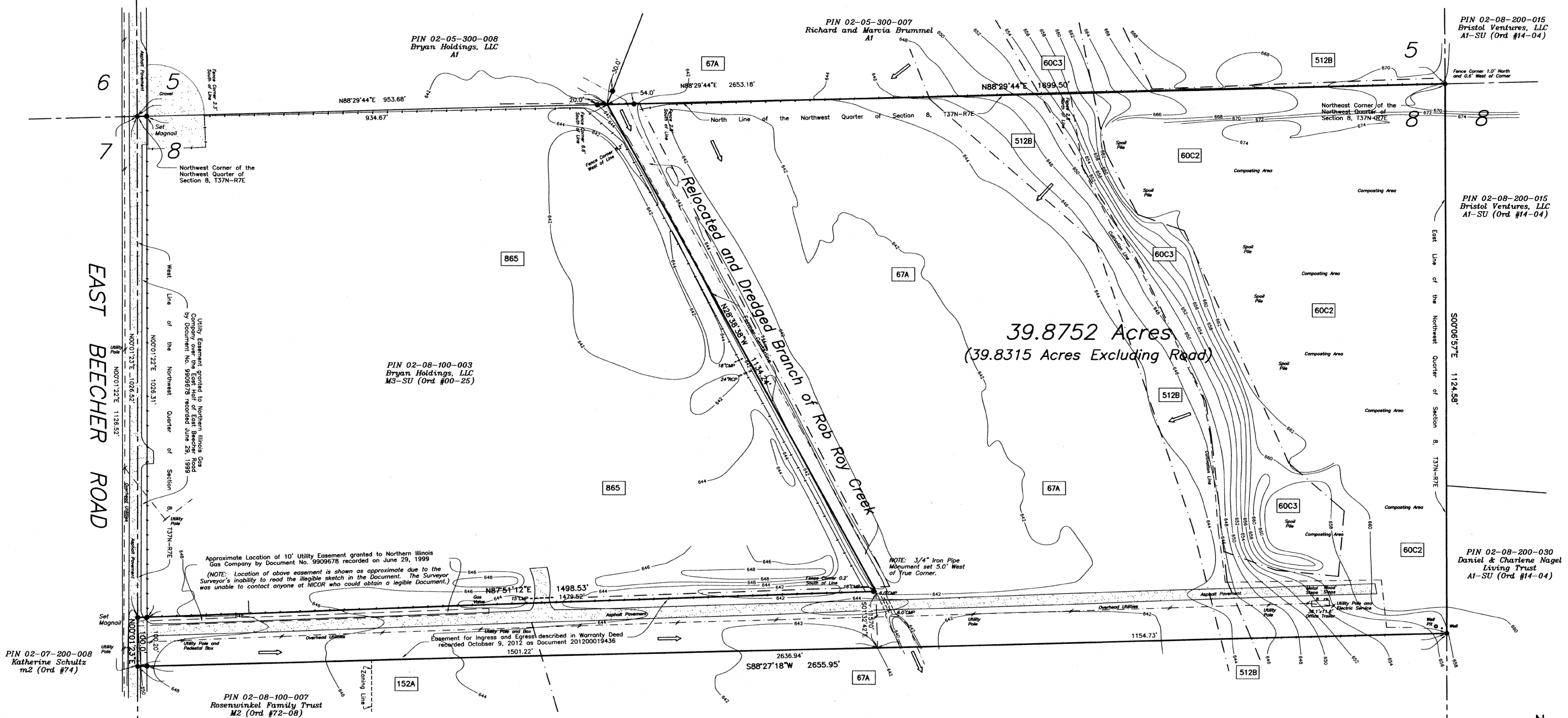
Terese M. Laciak
President

EXHIBIT C

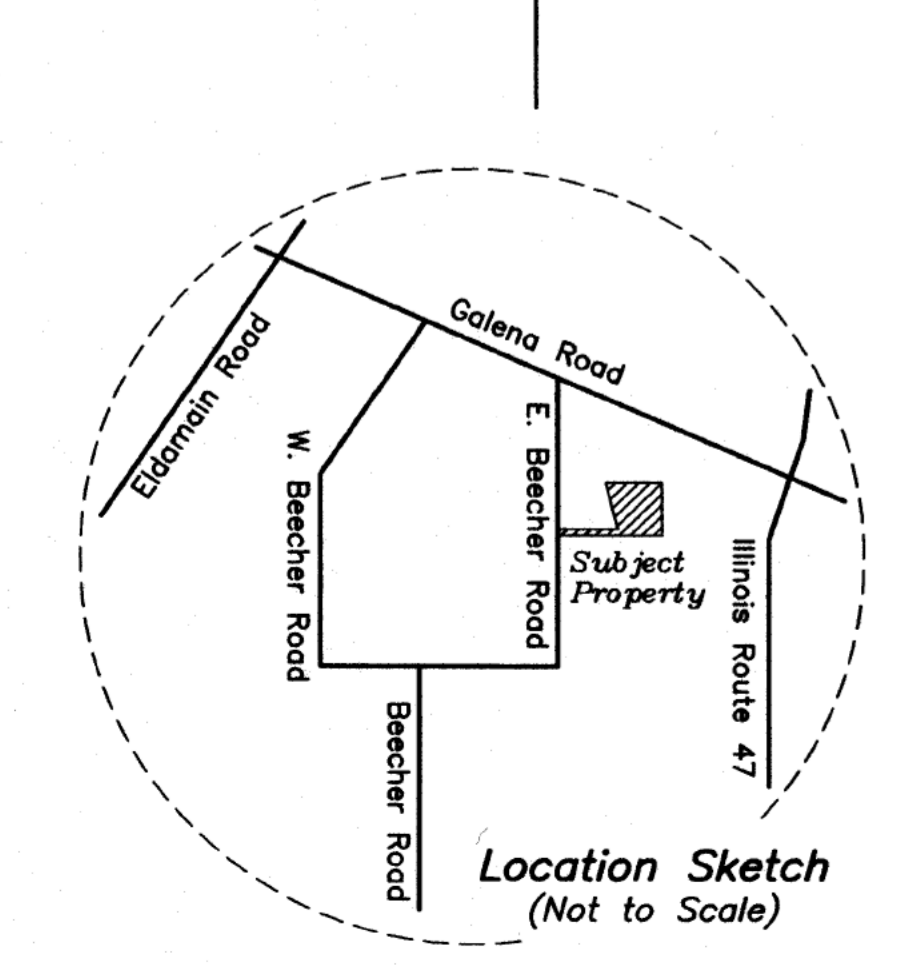
TML/cab

cc: Steven B. Curatti, Director of Environmental Health, Kendall County

ZONING PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 8, T37N-R7E, 3rd PM BRISTOL TOWNSHIP KENDALL COUNTY ILLINOIS



39.8752 Acres
(39.8315 Acres Excluding Road)



DEVELOPER:
Jeff Milroy
Milroy Farms, LLC

PROPERTY LOCATION:
PIN: 02-08-100-006
1270 East Beecher Road
Yorkville, Illinois 60560

AREA OF ZONING TRACT:
39.8752 Acres

PRESENT ZONING:
A-1 SU

PROPOSED ZONING:
A-1 SU

SOILS (From Web Soil Survey)

60C2	La Rose Silt Loam, 5-10% slopes, eroded
60C3	La Rose Silt Loam, 5-10% slopes, severely eroded
67A	Harpster Silty Clay Loam, 0-2% slopes
152A	Drummer Silty Clay Loam, 0-2% slopes
512B	Danabrook Silt Loam, 2-5% slopes
865	Gravel Pits

NOTE: Elevation contours taken from Kendall County GIS 2018 Contour Map.

LEGAL DESCRIPTION OF ZONING TRACT:
That part of the Northwest Quarter of Section 8, Township 37 North, Range 7 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest Corner of said Quarter Section; thence North 88°29'44" East along the North Line of said Northwest Quarter, 953.68 feet to a point in the center line of a branch of Rob Roy Creek for the point of beginning; thence continuing North 88°29'44" East along said North Line, 1699.50 feet to the Northeast Corner of said Northwest Quarter; thence South 00°06'57" East along the East Line of said Northwest Quarter, 1124.58 feet; thence South 88°27'18" West, 2655.95 feet to a point on the West Line of said Northwest Quarter that is 1126.52 feet Southerly of the Northwest Corner of said Northwest Quarter; thence North 00°01'23" East along said West Line, 100.0 feet; thence North 87°51'12" East, 1498.53 feet to a point in the center line of a branch of Rob Roy Creek; thence North 28°38'38" West along said center line, 1134.24 feet to the point of beginning in Bristol Township, Kendall County, Illinois and containing 39.8752 acres.

FLOODPLAIN STATEMENT:
The Subject property is located in Zone X (areas of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0036G with an effective date of February 4, 2009.

WETLANDS STATEMENT:
The National Wetlands Inventory Map depicts Riverine wetlands (R2UBHx) in the relocated and dredged branch of Rob Roy Creek.

- SCALE:**
1"=100'
- Indicates Iron Stake Found
 - Indicates Iron Stake Set
 - Indicates Line of Fence
 - X Indicates Cross in Concrete
 - - - Indicates Soils Boundary
 - + 630.53 Indicates Spot Elevation
 - 630 Indicates Contour Elevation
 - △14" Indicates Tree Location and Size
 - Indicates Direction of Drainage

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

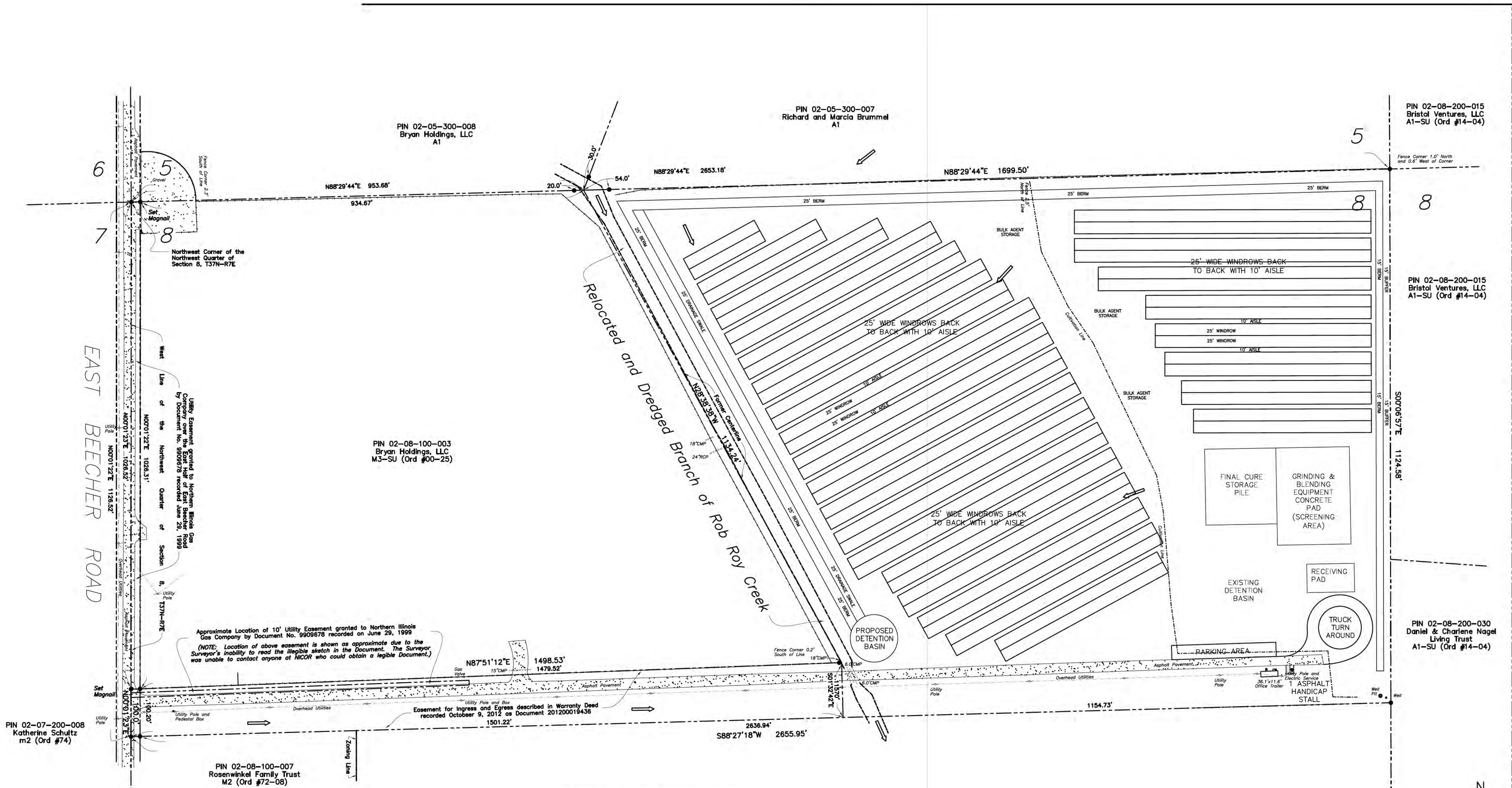
JOB NO.	23073
JOB NAME	MILROY
DWG FILE	23073
REVISION DATE	

June 13, 2023

Detailed Description Of Proposed Use Business Plan

1. The facility shall comply with the conditions as they are listed in the applicable sections of the Kendall County Zoning Ordinance: Composting of landscape waste and food waste, subject to the following:
 - a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in the applicable sections of the Kendall County Zoning Ordinance.
 - b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
 - c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day's receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
 - d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
 - e. A locked gate shall restrict vehicle access during closed hours except that a "lock-box" shall allow access to emergency vehicles.
 - f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
 - h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
 - i. The facility operator shall send up-to-date copies of the State permit and related documents including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.
 - j. Truck weights shall be limited to 73,280 pounds.
 - k. The operator shall provide weight receipts to Kendall County.

- l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner's permission.
 - m. Other conditions as appropriate for the particular facility. (*Amended 6/26/2023*)
 - n. Decommissioning plan shall be kept on file in the site trailer office per EPA requirements and will be accessible to the Kendall County Health Inspector.
 - o. Implement strategies to manage potential odor issues such as maintaining proper carbon-to-nitrogen ratios, maintaining moisture levels, and sufficient turning of compost piles to enhance decomposition.
 - p. Install water spraying systems or dust suppression equipment at critical points of dust generation. Regularly monitor moisture content and use sprinkler systems or misters to dampen the compost as needed.
 - q. A 15' buffer and a berm will be provided between the composting area and the Village of Yorkville. This berm will be at least 15' wide by 3' high. The buffer landscaping will be composed primarily of pine, fir, and/or shade trees planted at spacing not to exceed 40' apart. Seedlings will have a minimum of 6" in height. Specimen seedlings will be planted and the berm will be constructed within one year of issuance of the Composting Ordinance.
2. The facility will be permitted to take in 175,000 cubic yards of source-separated landscape materials (i.e. brush, leaves, tree trimmings and grass).
 3. The site plan shall be kept on file as "Exhibit A" attached hereto.
 4. The facility operator shall maintain existing plantings on the berm and ditch.
 5. The facility operator shall maintain the security gate and landscaping as indicated on "Exhibit B" attached hereto.
 6. The facility operator shall maintain a sampling schedule as shown on "Exhibit C" attached hereto dated March 11, 2008.
 7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
 8. This special use Ordinance shall expire on December 1, 2033 and the petition for renewal shall be made prior to July 1, 2033.
 9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received by the site operator/manager and/or parcel owner/manager they need to be submitted to the County Solid Waste Coordinator within 30 days.



Approximate Location of 10' Utility Easement granted to Northern Illinois Gas Company by Document No. 9909578 recorded on June 29, 1999
 (NOTE: Location of above easement is shown as approximate due to the Surveyor's inability to read the illegible sketch in the Document. The Surveyor was unable to contact anyone at NICOR who could obtain a legible Document.)

Easement for Ingress and Egress described in Warranty Deed recorded October 9, 2012 as Document 201200019436

LEGAL DESCRIPTION OF ZONING TRACT:
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WETLANDS STATEMENT:
 The National Wetlands Inventory Map depicts Riverine wetlands (R2UBHx) in the relocated and dredged branch of Rob Roy Creek.

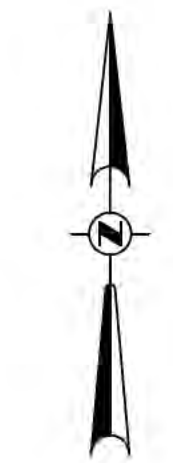
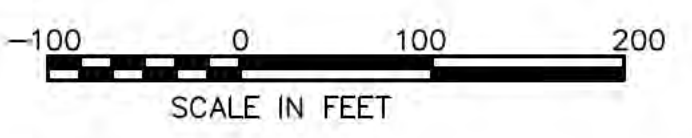
DEVELOPER:
 Jeff Milroy
 Milroy Farms, LLC

PROPERTY LOCATION:
 PIN: 02-08-100-006
 1270 East Beecher Road
 Yorkville, Illinois 60560

AREA OF ZONING TRACT:
 39.8752 Acres

PRESENT ZONING:
 A-1 SU

PROPOSED ZONING:
 A-1 SU





**MIDWEST
MATERIAL
MANAGEMENT**
(847) 426-6354
- COMPOST FACILITY -
OPERATING HOURS: BY APPOINTMENT ONLY
MATERIALS ACCEPTED: LANDSCAPE WASTE
"COMRI CERTIFIED" COMPOST AVAILABLE
COMPLAINTS CONCERNING THIS FACILITY CAN BE
MADE TO: STEVE BERGLUND: 847-426-6354 OR
BUREAU OF LAND, ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY, SPRINGFIELD, ILLINOIS: 217-524-3300
MAILING ADDRESS: 278 N. STATE ST. HAMPSHIRE, IL 60140



March 11, 2008

Mr. Joseph Mazza

[Redacted]



Dear Mr. Mazza:

You requested confirmation of the sampling schedule that is used by Analytical Chemistry & Environmental Services, Inc. (AC&E Services, Inc.) at your compost facility in Bristol, Illinois.

The compost is tested according to 35 Illinois Administration Code (IAC) Section 830.507(a) for each 5000 tons shipped.

The well at the site is tested once per year in May in accordance with your current permit. The soil is tested once per year in September. Two composite soil samples are taken; one in the detention pond at the west side of the facility and one taken at the end of the windrows at the south end of the property. The testing is performed in accordance with your current permit.

I hope this answers your questions concerning your current testing requirements. If any further help is needed, do not hesitate to contact us.

Regards,

[Redacted signature]

Terese M. Laciak
President

EXHIBIT C

TML/cab

cc: Steven B. Curatti, Director of Environmental Health, Kendall County

**Green Organics, Inc.
Kendall County, Illinois
Yard Debris Composting Facility
Normal and Pre-Mature Closure Plan**

The information contained herein describes the procedures and activities to perform normal closure of the Green Organics yard debris composting facility located at 1270 E. Beecher Rd. in Bristol Illinois 60512. Both normal and pre-mature closures are limited by the amount of time needed for complete composting of material (item 1). Complete composting takes no less than three months. During this time, composted debris will be shipped and sold to customers as before. Thus, these figures are a maximum cost of closure and a pre-mature closure plan is not any different from a normal closure plan. The land would be used for the farming of food crops or seeded, as necessary. The description and cost for each procedure/activity is defined below:

Description	Quantity	Unit	Unit Cost	Cost	Time to Complete	Comments
Complete composting and removal of remaining material	43000	cy	\$0.65	\$28,000	3 months	Assume three months operation to complete compost. Assume 50% of material - sold from facility and 50% of material shipped to customer (i.e. pay for hauling)
Disposal of non-compostables	10	cy	\$30	\$300	1 day	Assumes one dumpster. Includes cost to haul and dispose at licensed landfill facility
Regrade and level composting pad for farming	23	acre	\$1,000	\$23,000	.5 months	Assumes regrading to original elevations
Seeding - Class 7 Seed	23	acre	\$300	\$7,000	.25 months	Includes seeding and erosion control
Return control of land to owners for farming	1	LS	\$1,000	\$1,000	.5 months	
Total				\$60,000	4.25 months	

Yard debris or cured compost that cannot be removed from the site will be prepared for incorporation into the soil at the site, and, incorporated into the soil in accordance with State of Illinois Regulations for application of yard waste for agricultural use. The incorporation rate will not exceed the amount specified for the grasses or crops planted on the site.

Grading and leveling of the soil will be performed in accordance with agricultural Best Management Practices (BMP) to minimize soil erosion and/or soil loss.

All structures, signs and equipment used in the composting operation and for closure of the site will be removed once closure has been completed. Green Organics will notify the Illinois EPA of the closure within ninety days of the beginning of closure activities, or sooner if required by law. Once closure had been completed, Green Organics will notify the Illinois EPA within five business days that the closure has been completed.

Matt Asselmeier

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Friday, June 9, 2023 9:57 AM
To: Matt Asselmeier
Cc: Latreese Caldwell; Seth Wormley; bolson@yorkville.il.us; Michelle Lagrotta; Peter Ratos
Subject: RE: [External]RE: Green Organics Question

Good Morning Matt,

Thanks for the follow-up. Please see the responses to your questions below in green.

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Friday, June 9, 2023 8:28 AM
To: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Cc: Latreese Caldwell <LCaldwell@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; Bart Olson <BOlson@yorkville.il.us>; Michelle Lagrotta <mlagrotta@gkwwlaw.com>
Subject: RE: [External]RE: Green Organics Question

Krysti:

Here are my comments/questions/responses to your concerns:

1. Do you have any specific description of what you would like to see in the landscape buffer (i.e. types of vegetation, height of vegetation, replacement schedule, etc.)?
Yes, ideally it would be a buffer similar to the City's transition yard between non-residential and residential which is a thirty foot (30') wide buffer yard with a berm at least three feet (3') in height and consisting of two (2) shade trees, five (5) evergreen trees and three (3) ornamental trees per one hundred (100) linear feet of buffer yard. I know 30 feet might not be possible, but somewhere in the realm of 15-30 feet.
2. If we require them to install vegetation, the County will likely give them a deadline to plant the required vegetation. The timing of the issuance of the special use permit and the amount of landscaping required to be installed will play a role in determining the length of the deadline.
3. The County does not have specific standards based on odor. The applicant would have to follow applicable IEPA and federal regulations. Understood.
4. Does Yorkville own an ASTM certified field olfactometer? Yes. Pete Ratos can provide you or Brian the specs. I would have to check to see if any County department owns such a device. OK.
5. IEPA regulations require the existence of an odor control plan. We could require that a dedicated odor control plan be submitted as part of a special use permit application. Please do.
6. While I am not opposed to having the notification and violation procedures that you propose, these are not the normal procedures that the County uses for violation notification/correction/enforcement. I do have concerns that someone could accuse the County of having different investigative and due process procedures for one type of special use permit compared with other special uses. Understood, but we have received multiple complaints in the past and have a detailed procedure for notice and violation in place was helpful in gaining compliance. I would also say that each special use is different and the nature of the special use criteria warrant conditions made on a case-by-case basis.
7. I am not opposed to having a detailed decommissioning plan with the items you requested for inclusion. Great.
8. I am not opposed to a requirement of notification of operation management change and contact information updated annually. We likely would set a deadline for notifying the County of changes and set an annual deadline (i.e. July 1st) of updating contact information. Understood.

9. In any conditions included in the special use permit, we likely will use the phrase “operators of the use allowed by the special use permit” rather than naming a specific entity like Green Organics or Midwest Materials. Understood.
10. Has anyone associate with the property contacted Yorkville regarding this special use permit renewal? No one has been in contact with me directly. The property owners and several of the consultants they appear to be working with were advised to contact Yorkville as part of their due diligence prior to submitting a special use permit application.
11. Does Yorkville have any desire to annex this property? Undetermined at this time. Would be a City Council policy decision. One of the conversations with the applicant indicated they were considering placing community solar panels on the property. Also, they indicated that the requested renewal of the special use permit might be 10 years. Interesting. In all likelihood, Yorkville will become home rule in the next 10 years and Yorkville might have greater regulatory power over this type of use as a home rule municipality compared to the powers granted to a non-home rule county.
12. Does Yorkville need any easements or right-of-way dedications as part of the special use permit? Undetermined. I will check with the City Engineer. When do you anticipate having a submittal?
13. Do you have any objections if I share the information in these emails with the prospective applicant? No, I do not.

Thanks,

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

From: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Sent: Thursday, June 8, 2023 5:41 PM
To: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Cc: Latreese Caldwell <LCaldwell@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; bolson@yorkville.il.us; Michelle Lagrotta <mlagrotta@gkwwlaw.com>
Subject: RE: [External]RE: Green Organics Question

Hello Matt,

Thank you for the email. Yes, there are a few concerns the City has if the special use is renewed by the County. They are as follows:

1. Buffering from adjacent City parcels
 - a. The City is interested seeing landscape buffering along the eastern boundary of the County parcels to ensure future development on the City's side is screened as much as possible.
2. Does the County have performance standards regarding odors?
 - a. The City has strict performance standards and response time to complaints regarding odor and has specific language in the settlement agreement that we would like to see added as part of the County's special use conditions. They are:
 - i. Method of Odor Testing: The method used to perform any such odor testing will be by measuring and quantifying the odor in the ambient air in the area/location within the City of Yorkville that the complaint stems from using an ASTM certified portable odor detecting and measuring device known as a field olfactometer.
 - ii. Notification: No later than two (2) business days after performing any such odor testing, the County will send Green Organics and Midwest written notice of its findings including the

following information: the date and time the complaint was made; the area/location within the City of Yorkville that the complaint stems from; the outdoor temperature, wind condition, and ambient air reading from an ASTM certified field olfactometer device measured in said area/location on the date the complaint was made and as close to the time of the complaint as reasonably possible; and all such other information that is relevant to the complaint and the County's investigation of the same.

- iii. **Violation:** In the event that the field olfactometer device measurement from any such odor testing exceeds that threshold set forth in the ASTM Standard of Practice E679-91, Green Organics and/or Midwest shall take steps to immediately correct the conditions that are causing the odor. Additionally, within five (5) business days of receiving written notice of the County's findings, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.
 1. In the event that any County Ordinance violation or any such complaint received by the County is related to conditions other than odor, Green Organics and/or Midwest shall take steps to immediately correct any such conditions that are determined reasonably to be a violation of the City's ordinances.
 2. Within seven (7) days of receiving any such complaint/potential County Ordinance violation, Midwest shall send the County a written response, including a description of any steps taken by Green Organics and/or Midwest to correct the conditions complained of.
- b. City's Performance Standards for odor can be found here:
https://library.municode.com/il/yorkville/codes/code_of_ordinances?nodeId=TIT10ZO_CH13MADI_ART_CPEST_10-13C-4OD
3. Require a detailed decommissioning plan (site plan, timing of decommissioning, restoration plans, etc.) because the plans the City has received for decommissioning are not detailed.
4. Notification of operation management change and contact information updated annually.

Hope this helps. Let me know if you need any clarification of the information provided herein.

Best Regards,

Krysti J. Barksdale-Noble, AICP
(she/her)
Community Development Director
United City of Yorkville



651 Prairie Point Drive
Yorkville, Illinois 60560
☎ (630) 553-8573
📍 (630) 742-7808
🌐 www.yorkville.il.us

From: Matt Asselmeier <masselmeier@kendallcountyil.gov>
Sent: Thursday, June 8, 2023 2:14 PM
To: Krysti Barksdale-Noble <knoble@yorkville.il.us>
Cc: Latreese Caldwell <LCaldwell@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>; Bart Olson



July 15, 2023

Mr. Matt Asselmeier
Kendall County Planning, Building, & Zoning
111 West Fox Street
Yorkville, IL 60560-1498

Subject: 1270 E Beecher Road
WBK Project 19-102.BN

Dear Mr. Asselmeier:

We have received and reviewed the following information for the subject project:


- Stormwater Management Permit prepared by Jeff Milroy dated June 29, 2023 received July 6, 2023.
- Site Plan prepared by Tebrugge Engineering dated June 29, 2022, and received July 6, 2023.
- Plat of Survey prepared by Phillip D Young and Associates dated June 13, 2023 and received July 6, 2023.

The following comments require resolution prior to plan approval and our recommendation for issuance of a stormwater permit. Based on the information provided with this submittal these comments may not be comprehensive and should only be considered the initial review response to documents provided.

1. Provide a project narrative addressing drainage impacts and permit requirements.
2. Determine off-site flows tributary to the property and how they will be conveyed and facilitated by the project.
3. Significant drainage area is tributary to the north line of the project. Utilize streamstats to determine tributary area, design flow values for 100 year event and whether the flow is contained within the banks of the existing channel or result in overbank flooding. The limits of 100 year event conveyance is necessary to determine the adequacy of the proposed plan.
4. Provide a grading plan for the proposed swale drainage features noted on the plan.

5. Provide a cross section and design water surface elevations for proposed swales. Provide drainage calculations supporting the design of drainage swales.
6. Provide a landscape or restoration plan for the swales based on swale flow velocities.
7. Provide a grading and landscape plan for the screening berms denoted on the plan.
8. USACE determination of creek jurisdiction is necessary prior to County permit approval.
9. Depict the existing stormwater basin on the property and describe how the proposed project will impact the basin. Identify existing and proposed tributary areas.
10. Provide a grading plan for the proposed detention basin as well as a utility plan and outlet details. Provide hydrograph routing for the basin to determine adequacy of the design.
11. Define the surface for parking areas and other “pads” denoted on the plans. Provide dimensions for all parking, pads, truck access routes noted on the plan.
12. Clarify if the asphalt creek crossing is existing or proposed. Also clarify if drainage culverts are existing or proposed. Verify the ability of the roadway and culvert facilities to convey 100 year flows within banks or result in an overbank flooding condition.
13. Depict erosion control measures. Determine if an NPDES NOI is necessary.

The applicant’s design professionals are responsible for performing and checking all design computations, dimensions, details, and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve applicant’s design professionals of their duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications. If you have any questions or comments, please contact us at (630) 443-7755.

Sincerely,

Greg Chismark PE
WBK Engineering, LLC