

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
October 2, 2023 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:05 p.m.

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, Dick Whitfield and Jillian Prodehl

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, CFM, Director and Wanda Rolf, Administrative Assistant

Others Present: Jeff Milroy and Jesse Sexton

MINUTES:

Member LeCuyer made a motion, seconded by Member Fox, to approve the minutes of the August 28, 2023, hearing/meeting.

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

PETITIONS

The Zoning Board of Appeals continued their review and re-opened the public hearing of Petition 23-26 at 7:07 p.m.

Petition 23 – 26 – Jeffery D. Milroy on Behalf of Milroy Farms, LLC

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

Mr. Asselmeier provided an update from the August hearing.

At the August hearing, information was provided regarding a court order right-of-way for the Rob Roy Drainage District. Upon review, the subject property was not included in the list of impacted properties mentioned in the court order. Accordingly, the revised site plan remained the official site plan.

The parking stall size issued has not been resolved and no variance has been requested.

No comments have been received regarding stormwater review.

None of the reports required by the State have been submitted.

The proposed Host Community Agreement has been added as an attachment.

Condition 4 was amended to include information about the northern and western berms.

Condition 8 was amended to include a requirement to have contact information for the Kendall County Solid Waste Coordinator included on the sign.

Mr. Asselmeier stated that the Petitioner provided a revised site plan approximately thirty (30) minutes before the hearing, which was provided. The layout of windrows had changed from the previous version. Maximum windrow height was twelve feet (12'). The sign location was noted. One (1) proposed new building sixty foot (60') foot by eighty foot (80') and twenty-four feet (24') feet in height with the final location yet to be determined. There was a multi-purpose-area between the east and west field and additional windrows. Dimensions were provided for a receiving pad, scale pad, processing pad, dumpster pad and parking area. The parking area was removed.

The property was not included in the list of properties in the Rob Roy Drainage District lawsuit.

The revised site plan was not reviewed for stormwater purposes or for State requirements.

Member LeCuyer asked if the plans incorporate the right-of-way referenced in the Drainage District lawsuit. The property was not included in the Drainage District lawsuit. However, the proposed pond was outside of the proposed drainage right-of-way.

Chairman Mohr requested that the site plan identify the specific location of the proposed new building. It was noted that the site plan controls the location of the ponds, berms, parking area, and size of signs.

Mr. Asselmeier noted that drainage information was not provided with the site plan and the drainage had not been studied. If changes were required as part of stormwater review, amendments to the site plan could be required.

Discussion occurred regarding accuracy of the topographic information on the site plans and the Board's options to issue a recommendation.

The Petitioner noted that the engineering company that prepared the plans in 1993 would not revise the plans for him.

The Petitioner was agreeable to removing the western berm, which was located within the Drainage District right-of-way. The specific location of the right-of-way was unknown.

Chairman Mohr favored resolving the outstanding stormwater and site issues before forwarding a recommendation to the County Board. He was also concerned about setting a precedent for advancing

a proposal to the County Board with incomplete information.

Mr. Asselmeier explained the process of stormwater review and the potential to go through the amendment depending on potential changes. He also noted the County's requirement that site plans be no older than five (5) years. He also expressed concerns that the Petitioner intended to develop the site according to the proposed site plan.

The proposed building would be used for storage.

Member Prodehl asked if there was any lighting on property. The response was no lighting was on the property. There was a Knox box on the property for emergency access.

The Petitioner asked about the cure pile. Mr. Asselmeier noted that the definition of the site changed from the existing host agreement to the proposed host agreement. If the piles were brought onto the property under the old host agreement, the tipping fee would not be required. If the materials were brought onto the site under the new agreement, then the tipping fees could be charged. The host agreement expires December 1, 2023.

Discussion occurred regarding cleaning up the adjacent property; a landowner could sue for damages to get the property fixed.

The opinion of several members was to have the Petitioner address the topography, site layout, and building location issues before issuing a recommendation. The Petitioner noted that the topographic lines shown on the site plan were not accurate due to grading of the site since the topography was shot in the early 1990s.

Chairman Mohr was fine with not having a large pond. He was also open to the Petitioner asking for a moratorium or waiver of the tipping fees because the tipping fees were already paid. The County Board would have the final say on the tipping fee schedule.

The next hearing is October 30, 2023.

Member LeCuyer made a motion, seconded by Member Whitfield, to continue the public hearing on this proposal to October 30, 2023.

The votes were as follows:

Ayes (6): Fox, LeCuyer, Mohr, Prodehl, Thompson, and Whitfield

Nays (0): None

Abstain (0): None

Absent (1): Cherry

The motion passed.

The proposal returns to the Zoning Board of Appeals on October 30, 2023.

Petition 23-26 will be the only item on the October 30, 2023, agenda.

The Zoning Board of Appeals completed their review of Petition 23-26 at 8:05 p.m.

NEW BUSINESS/OLD BUSINESS

Approval of Fiscal Year 2023-2024 Meeting Calendar

Member Prodehl made a motion, seconded by Member Thompson, to approve the calendar.

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

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier reported that Petition 23-24 was approved by the County Board.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 8:09 p.m.

The next regularly scheduled hearing/meeting will be on October 30, 2023.

Respectfully submitted by,

Wanda A. Rolf

Administrative Assistant

Exhibits

1. Memo on Petition 23-26 Dated September 28, 2023
2. Site Plan Dated October 2, 2023



**KENDALL COUNTY
ZONING BOARD OF APPEALS
OCTOBER 2, 2023**

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

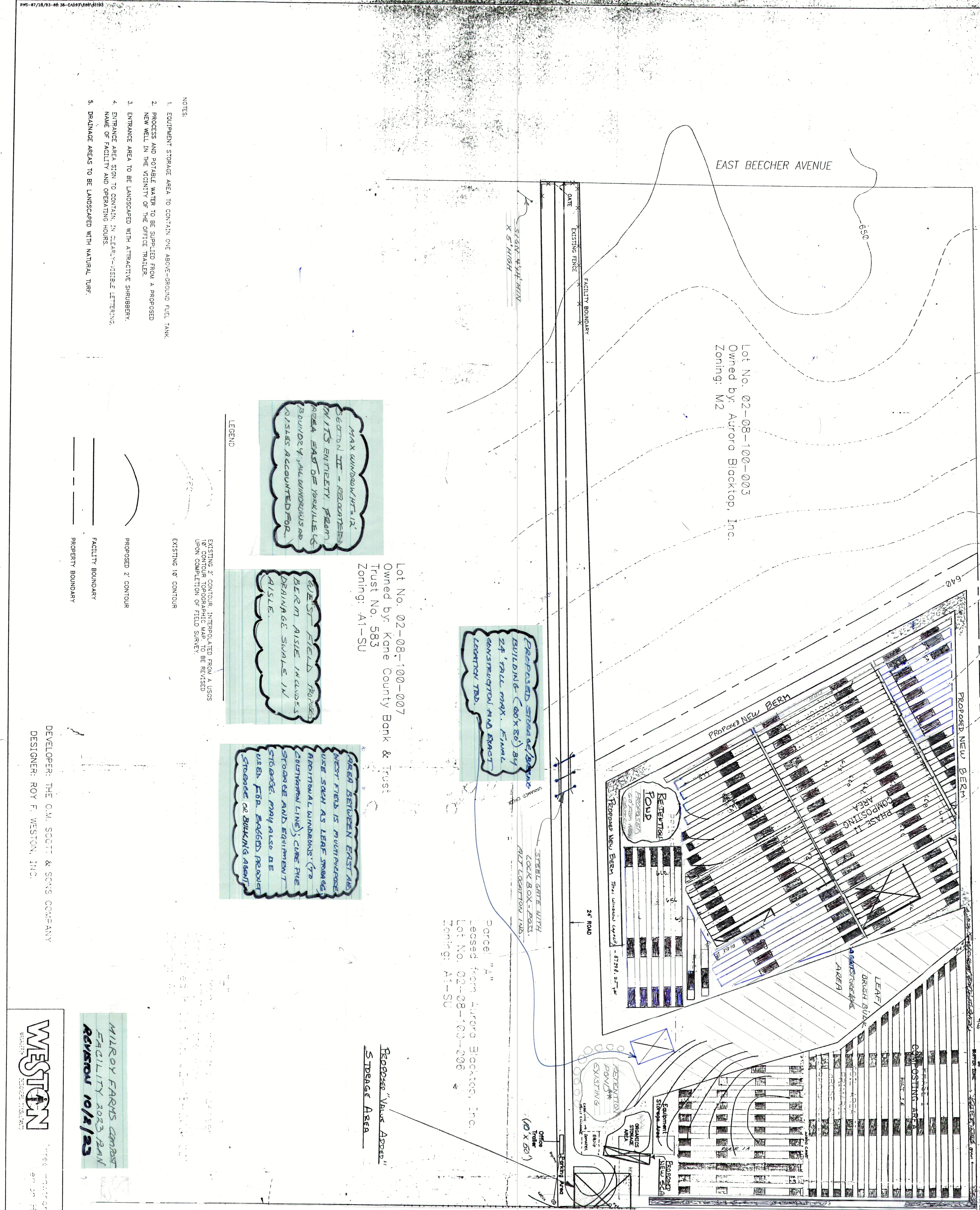
NAME	ADDRESS	SIGNATURE
M. J. Ray Forster		

Lot No. 02-05-300-004
 Owned by: Aurora Blacktop, Inc.
 Zoning: A1

Lot No. 02-05-400-000
 Owned by: Mr. Richard Uresser
 Zoning: A1

Lot No. 02-08-100-003
 Owned by: Aurora Blacktop, Inc.
 Zoning: M2

Lot No. 02-08-200-000
 Owned by: Mr. Richard Uresser
 Zoning: A1



MAX WINDOW WITH 1/2 SECTION II - RELOCATED TO AREA EAST OF YOKVILLE IS BOUNDARY, ALL WINDOWS AND RISERS ACCOUNTED FOR.

Proposed Storage Barn Building (60' x 80') by 24' tall max. Final construction and exact location TBD.

WEST FIELD ROAD BERM AISLE INCLUDES DRAINAGE SWALES IN AISLE

AREA BETWEEN EAST AND WEST FIELDS IS MULTIPURPOSE USE SUCH AS LEAF STORAGE, ADDITIONAL WINDROWS (72 COUNTER LINE), CURE FIRE STORAGE AND EQUIPMENT STORAGE. MAY ALSO BE USED FOR BARRIERS, PRODUCT STORAGE OR BUNKING AREA.

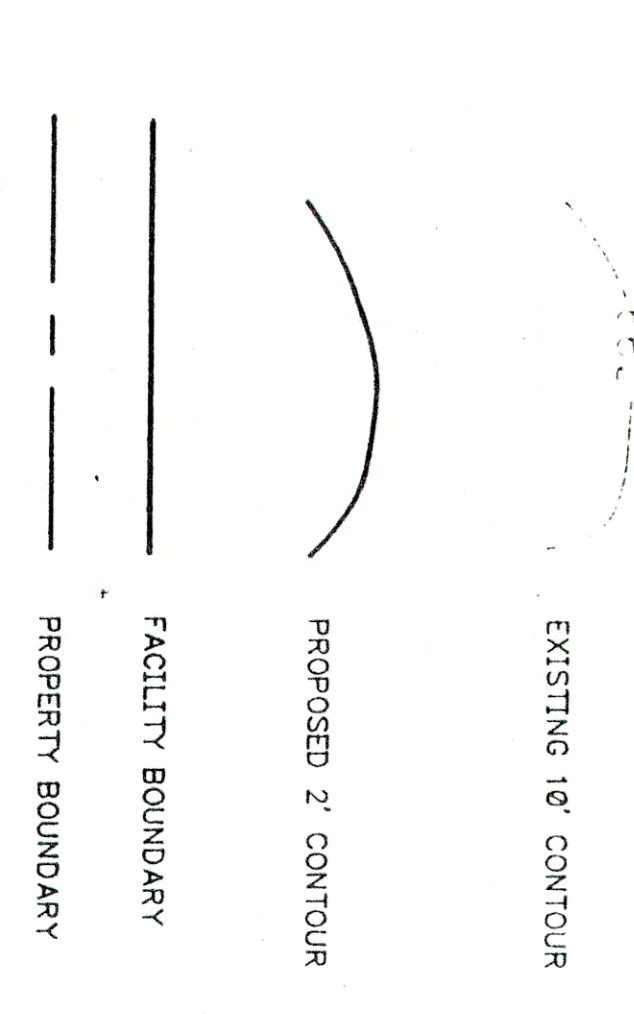
WEST FIELD: ELEMENTS HAVE INCREASED DUE TO PROPOSED COMPOST APPLICATION AND EXISTING OF TREES ALONG ACCESS ROAD. TREES ARE BEING GRABBED TO APPROXIMATELY 12% SLANT THAT STARTS FROM ROAD TO MATCH BERDINAS CLASSY AS POSSIBLE.

PAD SIZE SCHEDULE:
 RECEIVING PAD - 60' x 80'
 SCALE PAD - 60' x 80'
 PROCESSING PAD - 75' x 80'
 DUMPSTER PAD - 50' x 70'
 FACILITY AREA - 100' x 100'
 TRAIL SLIP

FINISHES:
 ORIGINAL DRAINAGE PAVES LOCATION AND APPROXIMATE SITE SHOWN ON REF. SW. & 6173 INTER SLIP 2 LABELED FIGURE 3

LANDSCAPING BUFFER REPROPOSED BERM EAST YOKVILLE BOUNDARY TO BE PAINTED 6" SEEDLING EVERY 40'

- NOTES:
- EQUIPMENT STORAGE AREA TO CONTAIN ONE ABOVE-GROUND FUEL TANK.
 - PROCESS AND PORTABLE WATER TO BE SUPPLIED FROM A PROPOSED NEW WELL IN THE VICINITY OF THE OFFICE TRAILER.
 - ENTRANCE AREA TO BE LANDSCAPED WITH ATTRACTIVE SHRUBBERY.
 - ENTRANCE AREA SIGN TO CONTAIN, IN CLEARLY-VISIBLE LETTERING, NAME OF FACILITY AND OPERATING HOURS.
 - DRAINAGE AREAS TO BE LANDSCAPED WITH NATURAL TURF.



Lot No. 02-08-100-007
 Owned by: Kene County Bank & Trust
 Trust No. 583
 Zoning: A1-SU

Parcel "A"
 Leased from Aurora Blacktop, Inc.
 Lot No. 02-08-100-006
 Zoning: A1-SU

Reproposed "Value Added" Storage Area

MILROY FARMS COMPOST FACILITY 2023 PLAN
 REVISION 10/2/25

WESTON ENGINEERING

SITE LAYOUT AND ZONING PLAN

DATE	10/2/25
BY	RWS
SCALE	AS SHOWN
PROJECT	MILROY FARMS COMPOST FACILITY
CLIENT	WESTON ENGINEERING
LOCATION	LOT 02-08-100-003
DATE	10/2/25
BY	RWS
SCALE	AS SHOWN
PROJECT	MILROY FARMS COMPOST FACILITY
CLIENT	WESTON ENGINEERING
LOCATION	LOT 02-08-100-003



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

UPDATE FROM AUGUST HEARING

At the August hearing, information was provided regarding a court order right-of-way for the Rob Roy Drainage District. Upon review, the subject property was not included in the list of impacted properties mentioned in the court order. Accordingly, the revised site plan (Attachment 4A) remains the official site plan.

The parking stall size issued has not been resolved and no variance has been requested.

No comments have been received regarding stormwater review.

None of the reports required by the State have been submitted.

The proposed Host Community Agreement has been added as an attachment (Attachment 12).

Condition 4 was amended to include information about the northern and western berms.

Condition 8 was amended to include a requirement to have contact information for the Kendall County Solid Waste Coordinator included on the sign.

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. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review. The proposed Host Community Agreement is included as Attachment 12.

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 original submitted site plan and landscaping plan, is included as Attachment 4. The decommissioning plan is included as Attachment 5.

On August 17, 2023, the Petitioner submitted a revised site plan, included as Attachment 4A.

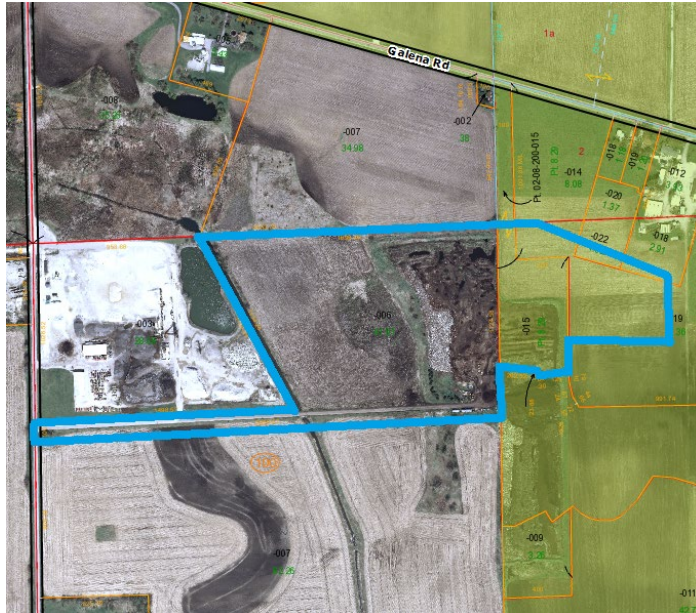
The original submitted site plan and the revised site plan do not match the approved site plan on file with the Illinois Department of Natural Resources. This site plan is included as Attachment 9.

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

Township: Bristol

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 northwest corner of the property.

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 should be conducted by a qualified biologist, with the results forwarded 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.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

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, the Illinois Environmental Protection Agency has rules 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.

The August Yorkville Economic Development Committee and Planning and Zoning Commission meetings were cancelled. The proposal was reviewed at the Yorkville City Council meeting on August

8, 2023, with no comments, and was reviewed again at the August 22, 2023, Yorkville City Council meeting. The Yorkville City Council recommended approval of the proposal. A memo from the United City of Yorkville on the steps they would take to address odor complaints was included as Attachment 10.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

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

ZPAC

The Kendall County ZPAC reviewed the proposal at their meeting on August 1, 2023. Discussion occurred regarding odor control measures. The Committee did not believe that using an olfactometer, as Yorkville recommended, was practical. The Committee favored requiring the operator of the business allowed by the special use permit to track wind daily, avoid turning the windrows when the wind was blowing to populated areas, and adding an amendment to the windrows in cases when turning was necessary and the wind was blowing towards populated areas. The Committee expressed little concern regarding the Illinois Department of Natural Resource's recommendation related to the Rusty Patch Bumble Bee. The Committee was concerned about runoff. Discussion occurred regarding the definition of food scraps; food scraps were collected from grocery stores and include items that were composted at homes. A recommendation regarding equipment at the property being classified as non-agricultural was removed. ZPAC recommended approval of the proposal with the removal of the condition related to the classification of equipment and add a requirement requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were included as Attachment 8.

RPC

The Kendall County Regional Planning Commission reviewed the proposal at their meeting on August 23, 2023. Discussion occurred regarding the tipping fee; this fee is set in the host agreement. Discussion occurred related to bonding and the decommissioning plan. The bonding figure and the decommissioning plan must be approved by the State. Discussion occurred related to odors; few residential land uses were located nearby even though the properties inside Yorkville were zoned residential. A neighboring property owner in Yorkville plans to install solar panels on their property. Discussion occurred regarding food scraps; a maximum of ten percent (10%) of the materials collected at the property could be food scraps per State regulations. Discussion occurred regarding tracking wind speed and direction; the Petitioner was opposed to the restriction related to not turning windrows or adding amendments to the materials when the wind was blowing towards populated areas. The Kendall County Regional Planning Commission recommended approval of the proposal with the revised site plan (Attachment 4A) as the official site plan by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were included as Attachment 11.

ZBA

The Kendall County Zoning Board of Appeals initiated a public hearing on this proposal on August 28, 2023. Discussion occurred regarding the bonding; the bond is filed with the State. The Petitioner might obtain approval of the special use permit, but need to amend the special use permit in the future depending on State approval of various plans. The suggestion was made to add the phone number of the Kendall County Solid Waste Coordinator to the sign. Discussion occurred regarding moving piles of materials from properties inside Yorkville to subject property. The Petitioner was opposed to the restriction related to not turning windrows when the wind was blowing towards populated areas or adding amendments. The heights of piles would be determined by the stormwater permit for the property. Information was presented regarding a sixty foot (60') right-of-way from the center of the Rob Roy Creek which was obtained by court order and assigned to the Rob Roy Drainage District. The right-of-way would impact the layout of the site. The Zoning Board of Appeals continued the public hearing to October 2, 2023, by a vote of six (6) in favor and zero (0) in opposition with one (1) member absent.

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 original site plan (Attachment 4, Page 3) showed several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

The revised site plan (Attachment 4A) shows thirty-two windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

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

Both site plans show 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. The Petitioner planned to reevaluate the Decommissioning Plan.

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.

After the ZPAC meeting, the Petitioners indicated that they may install another building on the property. On the revised site plan (Attachment 4A), one (1) sixty foot by eighty foot (60'X80') building was shown. This structure was twenty-four feet (24') tall. The building would be used for storage of equipment. The final location of the building was undetermined.

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 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 original 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 revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit based on the original site plan.

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. The revised site plan was sent to WBK on August 24, 2023. To date, no comments were received.

As mentioned previously, the submitted site plans did not match the site plan on file with the Illinois Department of Natural Resources. The State has not evaluated the impact of the proposed site plans on the Surface Water Management Plan presently on file with the State.

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 revised site plan (Attachment 4A), one (1) gravel parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. The total number of park stalls was seven (7). The parking stalls did not meet the minimum depth requirement of twenty feet (20') as outlined in Section 11:02.F.4 of the Kendall County Zoning Ordinance.

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 original 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 revised site plan (Attachment 4A), 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.

No landscaping information was provided on the revised site plan (Attachment 4A).

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.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

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

§ 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 operation is controlled by the Illinois EPA and inspected regularly by the Health Department and they have not found anything to 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. **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. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.**

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. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.**

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

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.**

RECOMMENDATION

Staff recommends approval of the requested renewal subject to the following conditions and restrictions, even though no phasing plan has been submitted outlining when the old, State approved site plan is phased out and the new site plan is brought online. 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, grass **and food waste**). **(Amended after ZPAC)**
 3. The site shall be developed substantially in accordance with the site plan (Attachment 4A) provided that the parking stalls conform to the requirements of the Kendall County Zoning Ordinance and the owners of the business allowed by the special use permit may erect one (1) building a maximum of sixty foot by eighty foot (60'X80') in size with a maximum height of twenty-four feet (24') on the property, and the site plan shall be kept on file as "Exhibit A" attached hereto. **(Amended at RPC)**
 4. A fifteen foot (15') buffer and a berm will be provided between the composting area and the United City of Yorkville's boundary to the east. The berm will be at least fifteen feet (15') wide and three feet (3') high. A twenty-five foot (25') wide berm at least three feet (3') in height will be provided near the western and northern property lines. 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. **(Amended at RPC and after ZBA)**

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. **The phone number of the County Solid Waste Coordinator shall be added to a sign on the property that is visible from the street. (Amended at ZBA)**
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. (Deleted at ZPAC)~~
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. At least one (1) water truck shall be onsite for dust control purposes. **(Added after ZPAC)**
19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. **(Added after ZPAC)**

20. 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.
21. 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.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. 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 Original Site Plan)
- 4A. Revised Site Plan Submitted August 17, 2023
5. Decommission Plan
6. Pre-Application Emails with United City of Yorkville
7. July 15, 2023, WBK Comment Letter
8. August 1, 2023, ZPAC Meeting Minutes
9. IDNR Approved Site Plan
10. August 10, 2023, Yorkville Memo
11. August 23, 2023, Kendall County Regional Planning Commission Meeting Minutes
12. September 5, 2023 Community Host Agreement


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

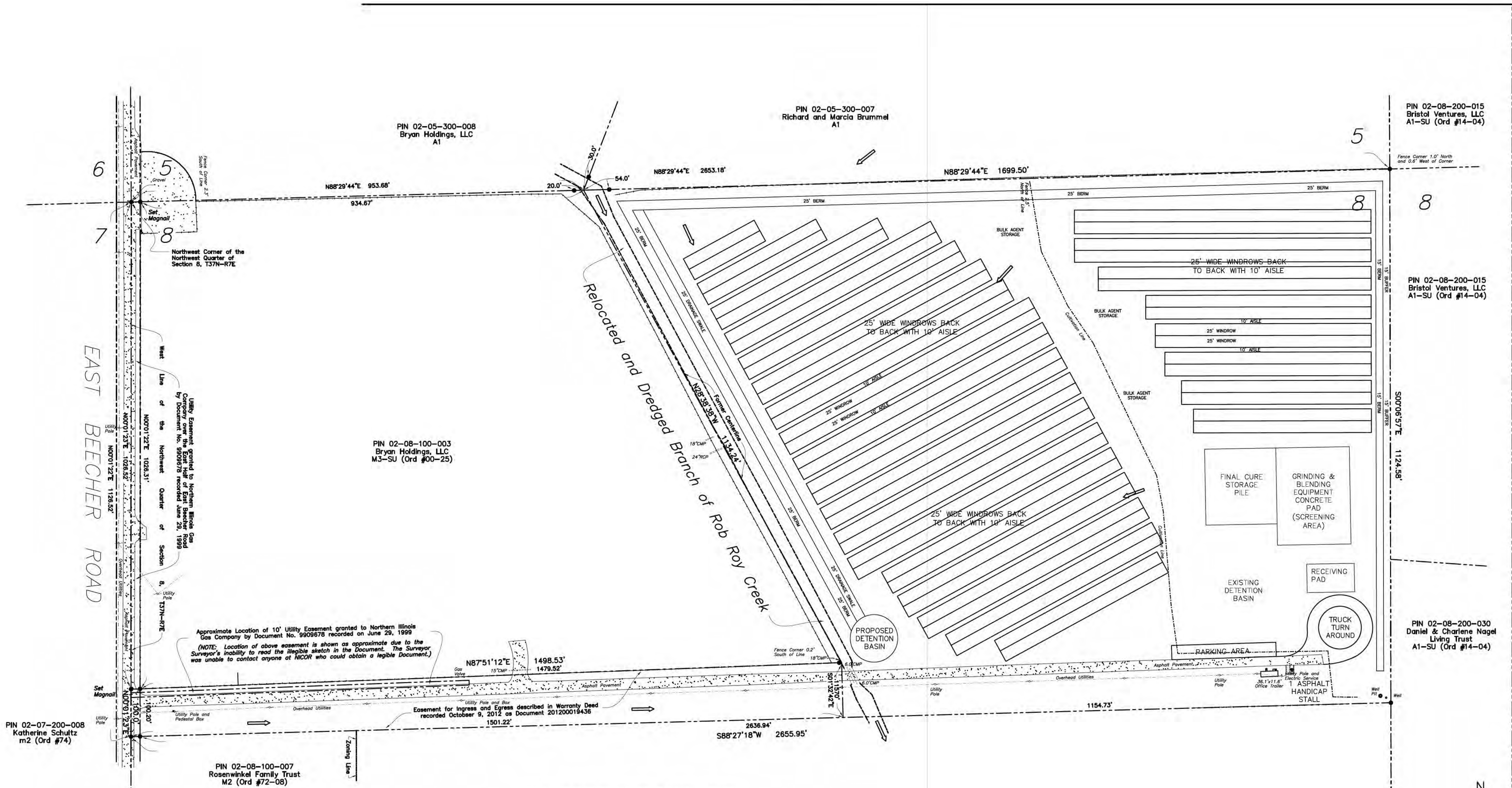
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

 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°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.

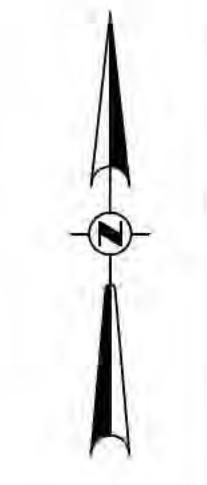
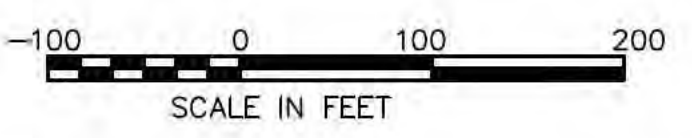
DEVELOPER:
 Jeff Milroy
 Milroy Farms, LLC

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~~ JL

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
Continuation This Business LLC
[Redacted]

2012-204034

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that CRAIG NASENBALG me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31 day of Aug. 2012

[Signature]
[Redacted]
Notary Public



p:\home\pc\craig\abt.auction\geneva construction\dcad.parcel.2.docx

STATE TAX
STATE OF ILLINOIS
SEP. 19. 12
KENDALL COUNTY

0000017846
REAL ESTATE TRANSFER TAX
0057850
FP 103035

[Handwritten initials]

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 289.25 *[Handwritten initials]*

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%

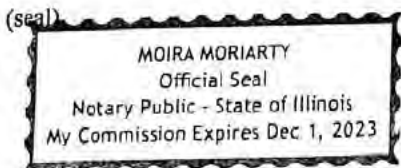
6. Name, address, and capacity of person making this disclosure on behalf of the applicant:

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



**Kendall County Soil & Water
Conservation District**

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

www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Milroy Farms LLC **Contact Person:** Jefferey Milroy
Address: _____ **City, State:** _____
Phone Number: _____ **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

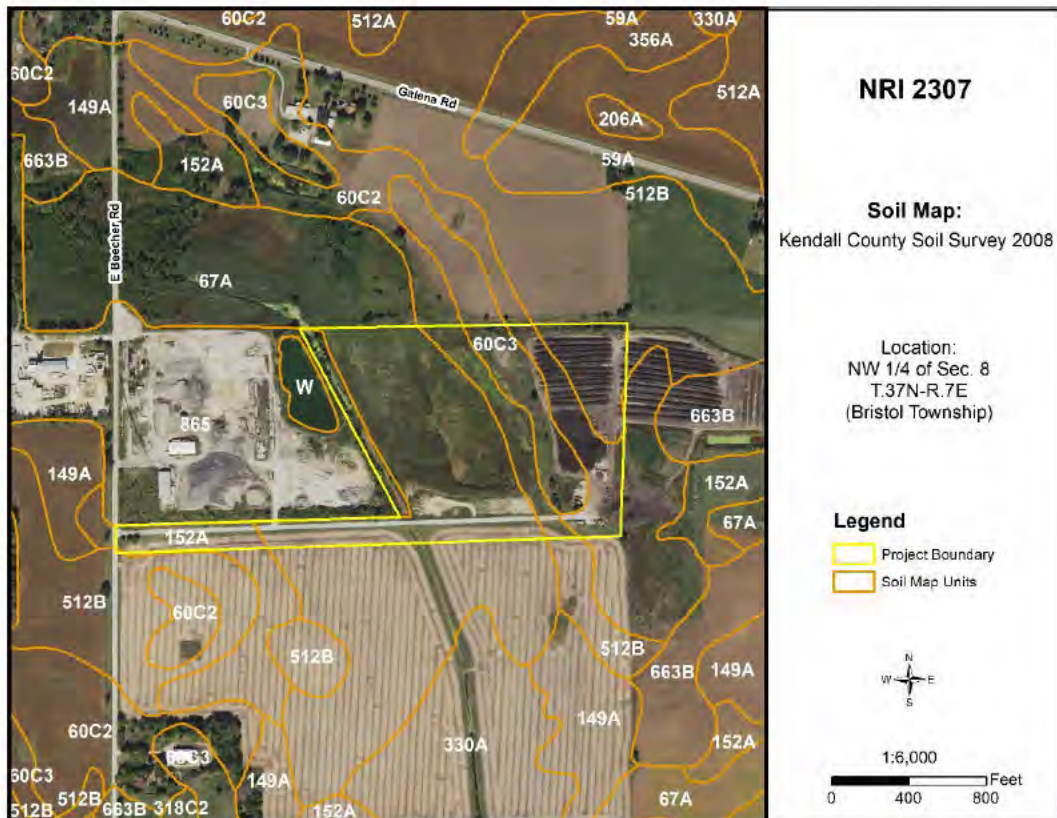
Jefferey Milroy

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.

Terms of Use

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

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

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

Privacy

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

IDNR Project Number: 2317303



EcoCAT Receipt	Project Code 2317303
-----------------------	-----------------------------

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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County of Kendall

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:



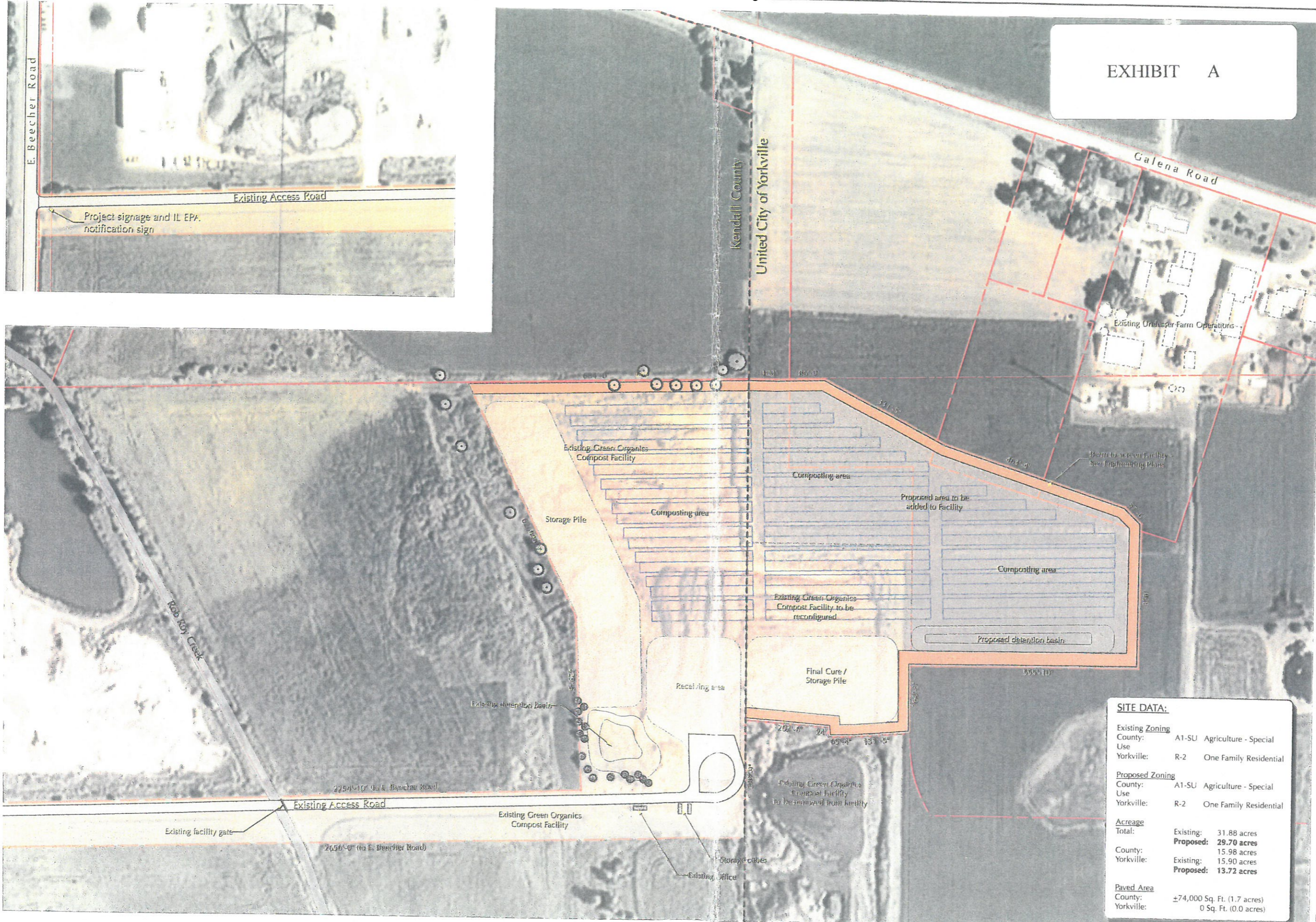
Debbie Gillette
Kendall County Clerk



John Shaw
Kendall County Board Chairman

EXHIBIT A

Prepared: October 15, 2013

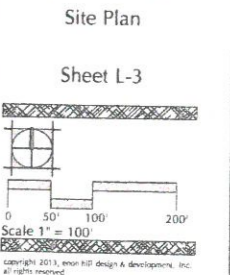


Green Organics Compost Facility
 1270 E. Beecher Road, Bristol, IL
 Green Organics, Inc.

SITE DATA:

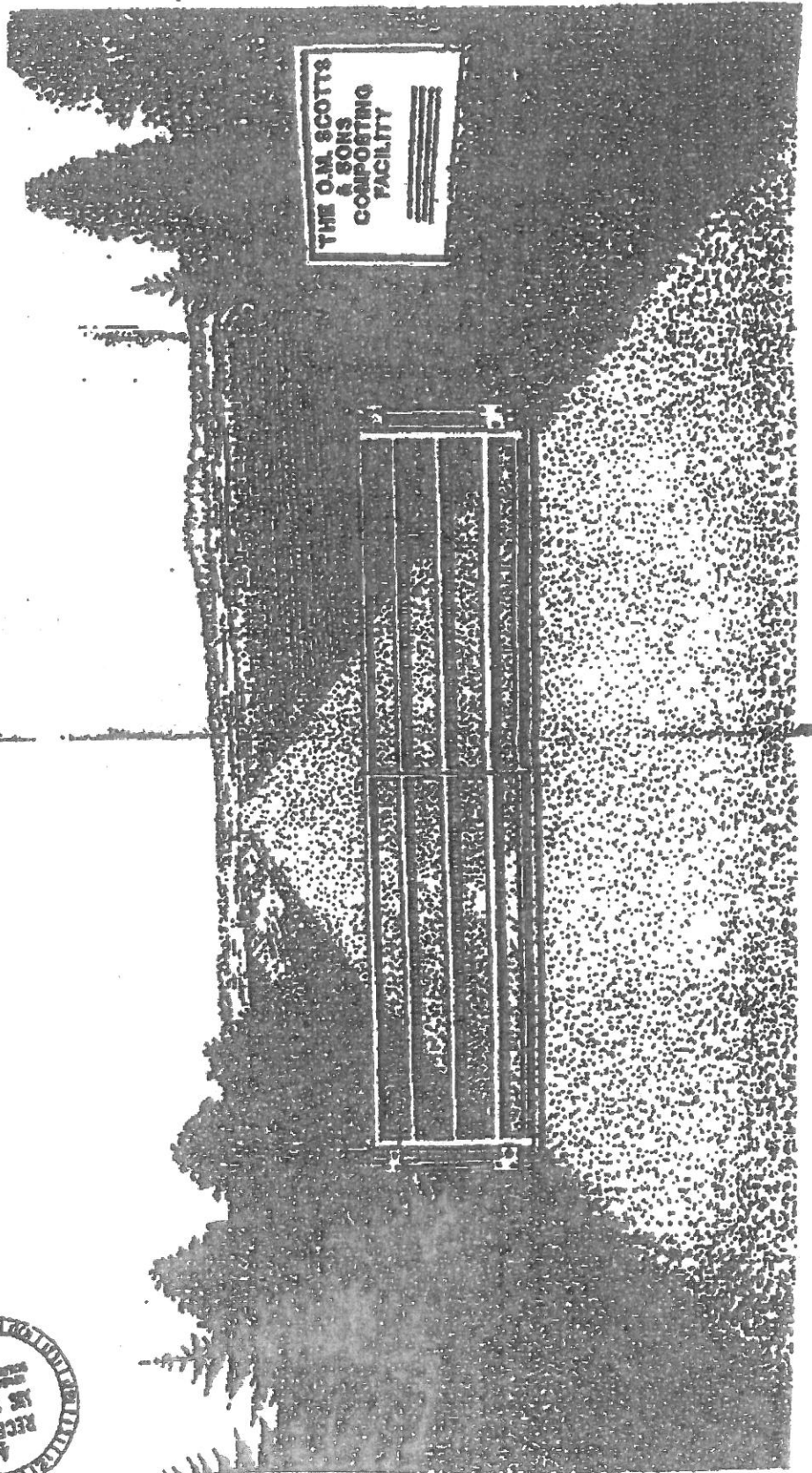
Existing Zoning	
County:	A1-SU Agriculture - Special
Use:	
Yorkville:	R-2 One Family Residential
Proposed Zoning	
County:	A1-SU Agriculture - Special
Use:	
Yorkville:	R-2 One Family Residential
Acres	
Total:	Existing: 31.88 acres Proposed: 29.70 acres
County:	15.98 acres
Yorkville:	Existing: 15.90 acres Proposed: 13.72 acres
Paved Area	
County:	±74,000 Sq. Ft. (1.7 acres)
Yorkville:	0 Sq. Ft. (0.0 acres)

enon hill
 design & development, inc.
 524 cheyenne trail
 carol stream, il 60188
 630.800.8362
 630.748.4701 fax
 land planning
 landscape architecture
 land development



Copyright 2013, enon hill design & development, inc. All rights reserved.

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,

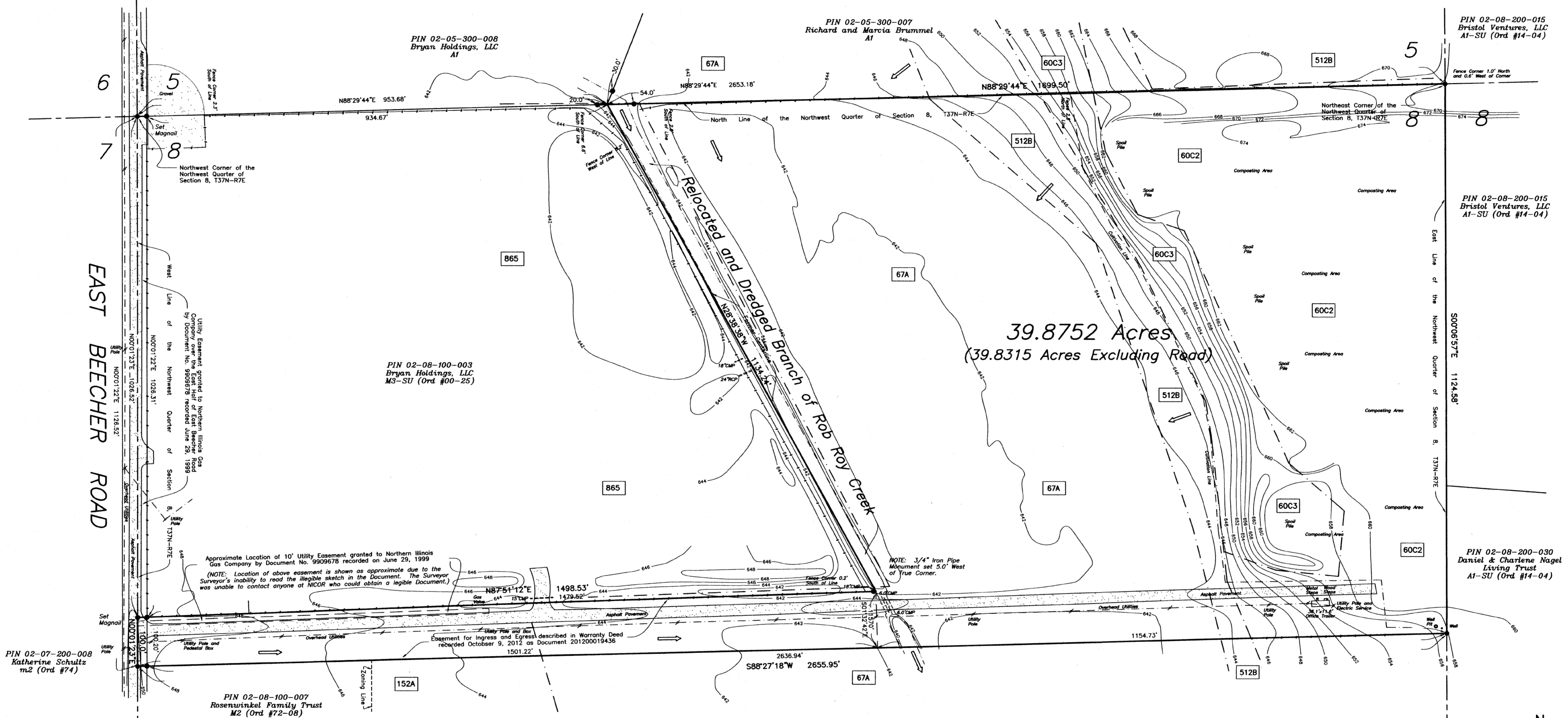
Terese M. Laciak
President

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)

PIN 02-07-200-008
Katherine Schultz
m2 (Ord #74)

PIN 02-08-100-007
Rosentwinkel Family Trust
M2 (Ord #72-08)

PIN 02-08-100-003
Bryan Holdings, LLC
M3-SU (Ord #00-25)

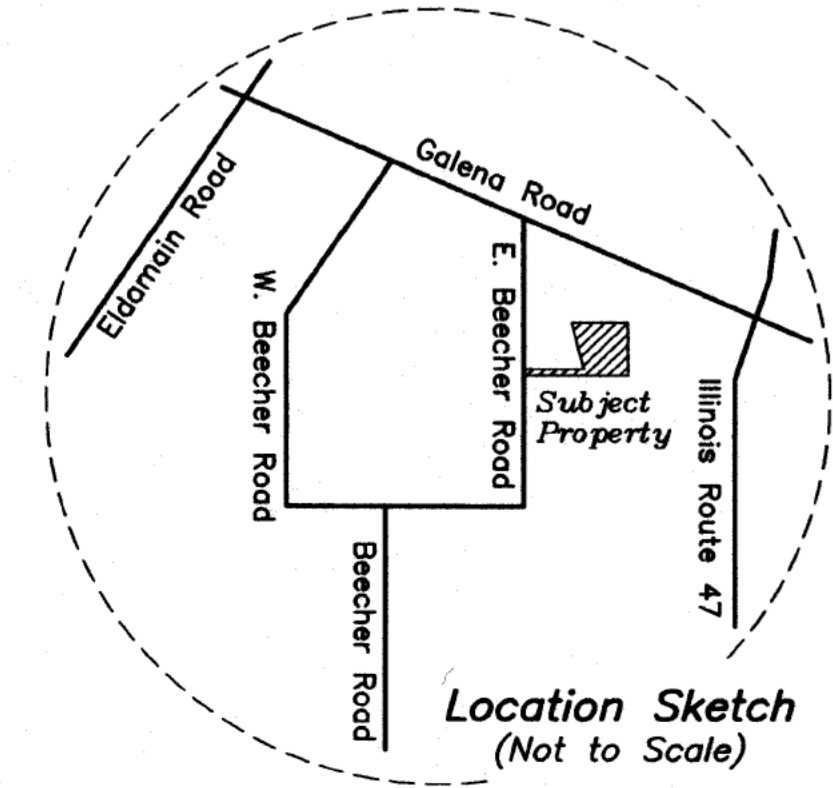
PIN 02-05-300-008
Bryan Holdings, LLC
A1

PIN 02-05-300-007
Richard and Marcia Brummel
A1

PIN 02-08-200-015
Bristol Ventures, LLC
A1-SU (Ord #14-04)

PIN 02-08-200-015
Bristol Ventures, LLC
A1-SU (Ord #14-04)

PIN 02-08-200-030
Daniel & Charlene Nagel
Living Trust
A1-SU (Ord #14-04)



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.

- 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

SCALE:
1"=100'

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

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

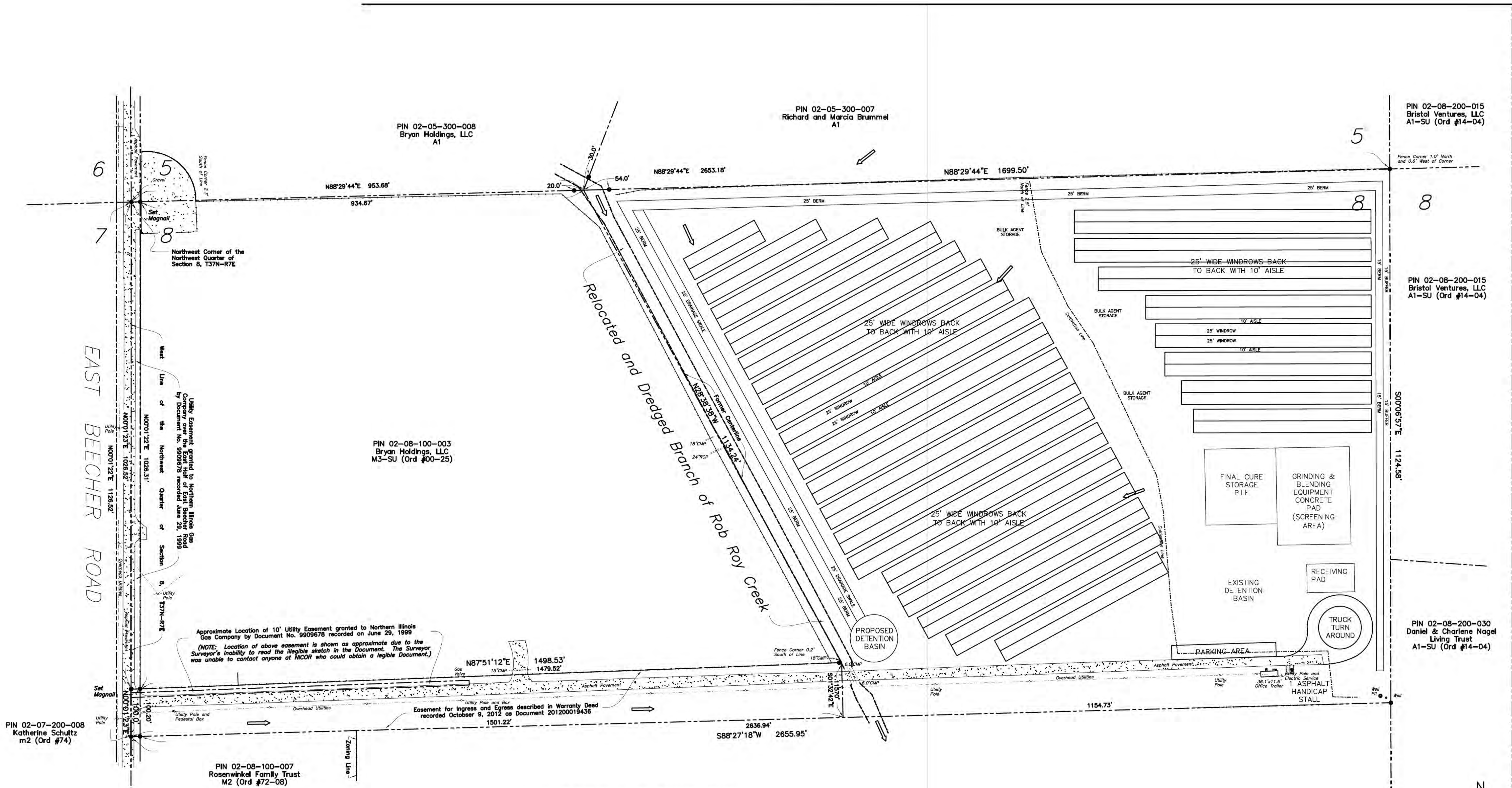
JOB NO. 23073
JOB NAME MILROY
DWG FILE 23073
REVISION DATE

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.
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 - 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°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.

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 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.

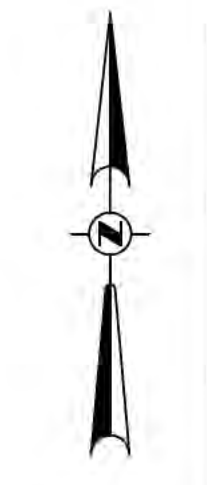
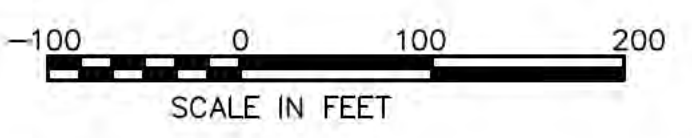
DEVELOPER:
 Jeff Milroy
 Milroy Farms, LLC

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
"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: 270 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.

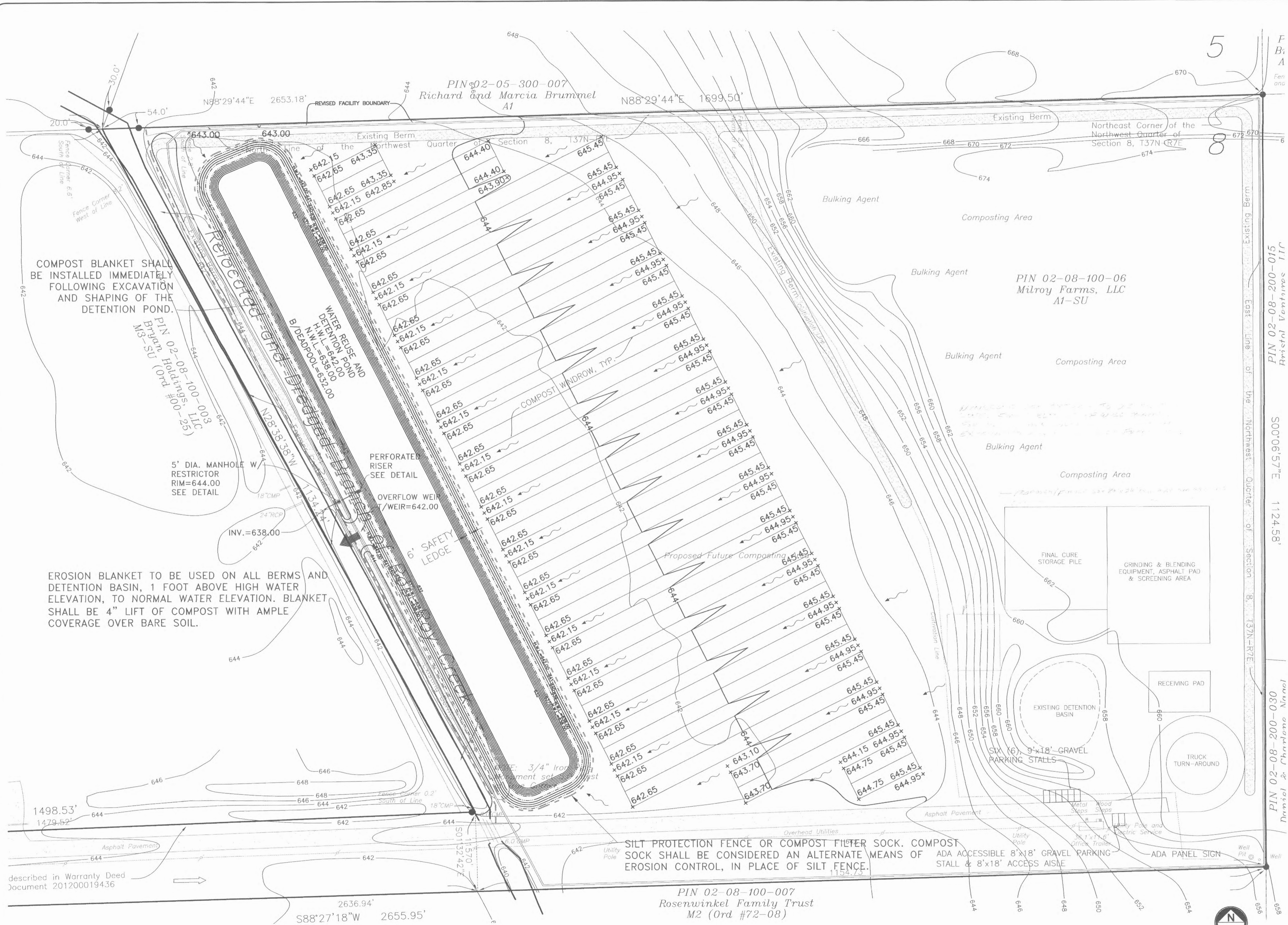
Regards,

[REDACTED SIGNATURE]
Terese M. Laciak
President

EXHIBIT C

TML/cab

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



COMPOST BLANKET SHALL BE INSTALLED IMMEDIATELY FOLLOWING EXCAVATION AND SHAPING OF THE DETENTION POND.

EROSION BLANKET TO BE USED ON ALL BERMS AND DETENTION BASIN, 1 FOOT ABOVE HIGH WATER ELEVATION, TO NORMAL WATER ELEVATION. BLANKET SHALL BE 4" LIFT OF COMPOST WITH AMPLE COVERAGE OVER BARE SOIL.

SILT PROTECTION FENCE OR COMPOST FILTER SOCK. COMPOST SOCK SHALL BE CONSIDERED AN ALTERNATE MEANS OF EROSION CONTROL, IN PLACE OF SILT FENCE.

DATE	DESCRIPTION	DRAWN BY

IG CONSULTING, INC.
 CONSULTING CIVIL ENGINEERS, PLANNERS & LAND SURVEYORS
 300 WARDLORD DRIVE - WHEELING, ILLINOIS 60090 PH: (847) 215-1133 | FAX: (847) 215-1177
 1129 MAIN STREET UNION GROVE, WISCONSIN 53182 PH: (262) 878-6200 | ig@igconsulting.net

SITE DEVELOPMENT PLAN SCALE: 1"=60'
 DESIGN: J.K. DRAFTING: A.W.
 DATE: 06/29/23

MILROY FARMS
 1270 E. BEECHER ROAD
 BRISTOL, ILLINOIS

PROJECT No. 13223C
 4 of 6



**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 Prarie 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

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
August 1, 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
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Karen Milroy, Jeff Milroy, and Marlin Hartman

AGENDA

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

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

MINUTES

Mr. Rybski made a motion, seconded by Ms. Briganti, to approve the July 5, 2023, meeting minutes.

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

PETITIONS

Petitions 23-26 Jeffery D. Milroy on Behalf of Milroy Farms, LLC

Mr. Asselmeier summarized the request.

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, Ordinance 2014-04, plat of survey, business plan, including the site plan and landscaping plan, and decommissioning plan were provided.

The property is located at 1270 E. Beecher Road.

The property is just under forty (40) acres in size.

The County's Future Land Use Map calls for the western end of the property to be Mixed Use Business and the eastern part of the property to be Suburban Residential. Yorkville's plan calls for the property to be Estate/Conservation Residential.

E. Beecher Road is a Local Road maintained by Bristol Township.

There is a proposed trail along E. Beecher Road.

There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

The adjacent land use to the west is Manufacturing. The other adjacent land uses are Agricultural.

The adjacent properties are zoned A-1, A-1 SU, M-2 and M-3 SU in the County. The adjacent properties inside Yorkville are zoned R-2 Planned Unit Development and R-2, R-4, and B-3 Planned Unit Development.

The County's Future Land Use Map calls for the area to be Suburban Residential, Mixed Use Business, and Urban Area. Yorkville Future Land Use Map calls for the area to be Estate/Conservation Residential.

The zoning districts within one half (1/2) mile in the County are A-1, A-1 SU, M-1, M-2, and M-3 SU. Inside Yorkville, there are a variety of residential planned unit developments.

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

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 should be conducted by a qualified biologist, with the results forwarded 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.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection. The NRI was provided.

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

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, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were provided.

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.

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

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.

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 shows several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

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, the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

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.

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

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.

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.

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, which was provided. Staff was waiting for comments from the Petitioner regarding WBK's comments.

Per the site plan, 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.

According to the site plan, 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.

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

According to the business plan, 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.

According to the site plan, 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 references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the site plan, 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, 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.

Per the business plan, noise levels cannot exceed Illinois Pollution Control Board standards.

The business plan 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.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

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

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.

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). The Petitioner would like to take in food waste.
 3. The site shall be developed substantially in accordance with the site plan and the site plan shall be kept on file as "Exhibit A".
 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". 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" 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 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 entireties.
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. The Petitioner was opposed to this condition.
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.

Chairman Wormley asked which conditions, besides the condition classifying vehicles and equipment as non-agricultural, did the Petitioner have objections. Mr. Asselmeier responded that the Petitioner opposed the request by the Health Department to measure wind direction and speed daily, the Illinois Department of Natural Resources requirements related to the Rusty Patch Bumble Bee, and Yorkville's odor measurement and compliance requirements.

Chairman Wormley felt that odor control measures should be implemented. He felt that using an olfactometer would be difficult. He was in favor of removing the non-agricultural vehicle classification requirement. He was in favor of having the wind speed and direction monitoring requirement.

Mr. Rybski recommended paying attention to odor. The most common complaint was odor complaints after further development occurred in the area. He said the easiest way to control odor was to monitor wind speed and direction and behave accordingly.

Chairman Wormley explained the impact of the closure of the facility.

Ms. Olson asked if the monitoring of wind speed and direction occurred at the subject facility. Mr. Rybski responded that wind speed and direction were monitored at the subject property. Mr. Rybski noted that wind speeds and direction can change quickly so monitoring alone would not solve all of the problems.

Marlin Hartman, Kendall County Solid Waste Coordinator, provided a history of the property. He said amendments could be added to the materials. These amendments cost money; monitoring the wind did not cost money. He noted that complaints related to odors stopped when the operators tracked the wind and avoided turning windrows when the wind was blowing towards Yorkville; there has not been an odor complaint in the last three (3) years. He said that if the facility was

operating, there probably would be dust complaints. He would like to see the conditions related to water truck and wind tracking be included in the special use permit.

Mr. Klaas noted that the only place in the County identified as area occupied by the Rusty Patch Bumble Bee was the southern approach of the new Eldamain Road bridge. He was skeptical about the location of the Rusty Patch Bumble Bee.

Mr. Klaas noted the quality of the Rob Roy Creek south of the subject property. He asked about runoff and questioned the size of the detention pond. He felt the detention pond was too small. He asked about the definition and amount of food scrap. Mr. Asselmeier provided WBK's comments and runoff items should be addressed in the stormwater management permit. Karen Milroy described food scraps that would be accepted; items that would normally be composted by residents.

Ms. Milroy explained that composting is a science and wind considerations is not the factor to consider when addressing odors. Chairman Wormley asked for suggestions for managing odors. Ms. Milroy explained the activities of previous operators. She expressed concerns about not being able to turn the windrows, if winds were blowing from the wrong direction.

Mr. Hartman discussed food waste in landfills. He favors allowing the Petitioner to receive food waste. The site is allowed to accept ten percent (10%) food waste per their permit from the Illinois Environmental Protection Agency. He discussed the importance of mixing the materials to avoid getting bugs and rodents. He emphasized the importance of watching the wind. Knowing the direction of wind also helps the Petitioner in cases of unfounded odors. He discussed the addition of amendments to the composting materials at times when winds were blowing towards populated areas; there was a cost to adding odor amendments.

Food scraps were collected from grocery stores or restaurants. Discussion occurred regarding quality control for food scraps and contamination of materials. Deliveries must be inspected.

Mr. Rybski made a motion, seconded by Mr. Klaas, to recommend approval of the proposal with the conditions proposed by Staff with the amendment requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions and remove the requirement relate to the classification of equipment as non-agricultural.

Ms. Olson asked about inclusion of the comments from WBK Engineering. Mr. Asselmeier responded that a condition existed related to complying with applicable regulations and the stormwater permit would be an applicable regulation. He also discussed complying with the site plan on file with the State and the Petitioner's permit with the Illinois Environmental Protection Agency.

Mr. Klaas favored the Petitioner tracking wind conditions.

Jeff Milroy, Petitioner, discussed existing regulations related to wind. Wind directions have to be considered when turning windrows. He also discussed the impact of adding amendments to the materials.

The votes were follows:

- Ayes (6): Asselmeier, Briganti, Klaas, Olson, Rybski, and Wormley
- Nays (0): None
- Abstain (0): None
- Absent (4): Chismark, Guritz, Holdiman, and Langston

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on August 23, 2023.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

The Committee reviewed the building evacuation plan.

ADJOURNMENT

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

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

The ZPAC, at 9:59 a.m., adjourned.

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

Green Organics Compost Facility

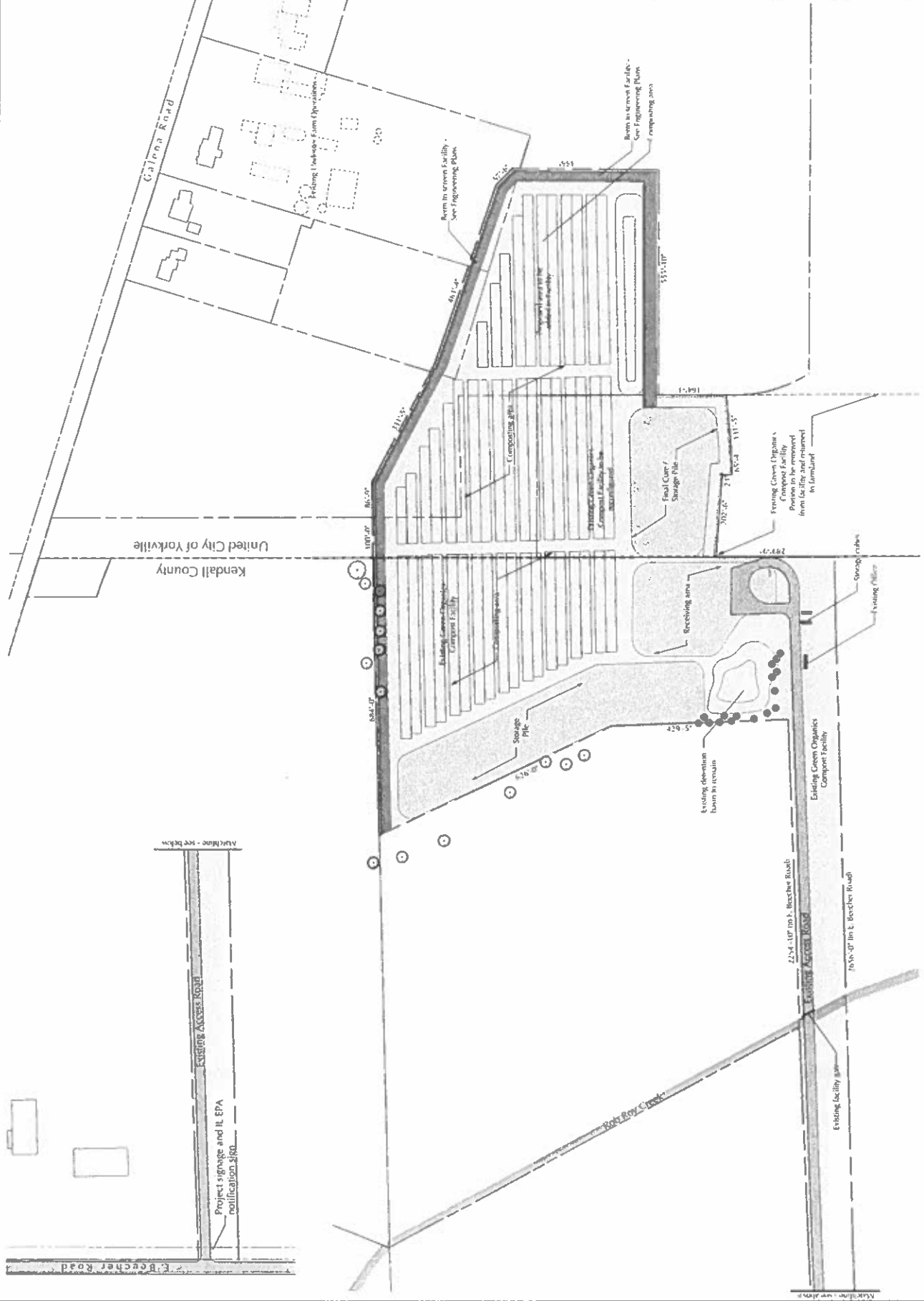
1270 E. Beecher Road, Bristol, IL
Green Organics, Inc.

Attachment 9, Page 1

ENVIRONMENTAL
DESIGNED, INC.
Prepared On: 8/16/11
Project No: 11101000000
Job No: 111011

enon hill
design & development, inc.
5217 Reynolds Road
and across a creek
North Yorkville, IL 62458
618.708.4700
Local planning
landscape architecture
interior design services
800.755.8393
Site Plan
Enlarged
Sheet 1-1
Date: 8/16/11
Scale: 1/8" = 1'-0"

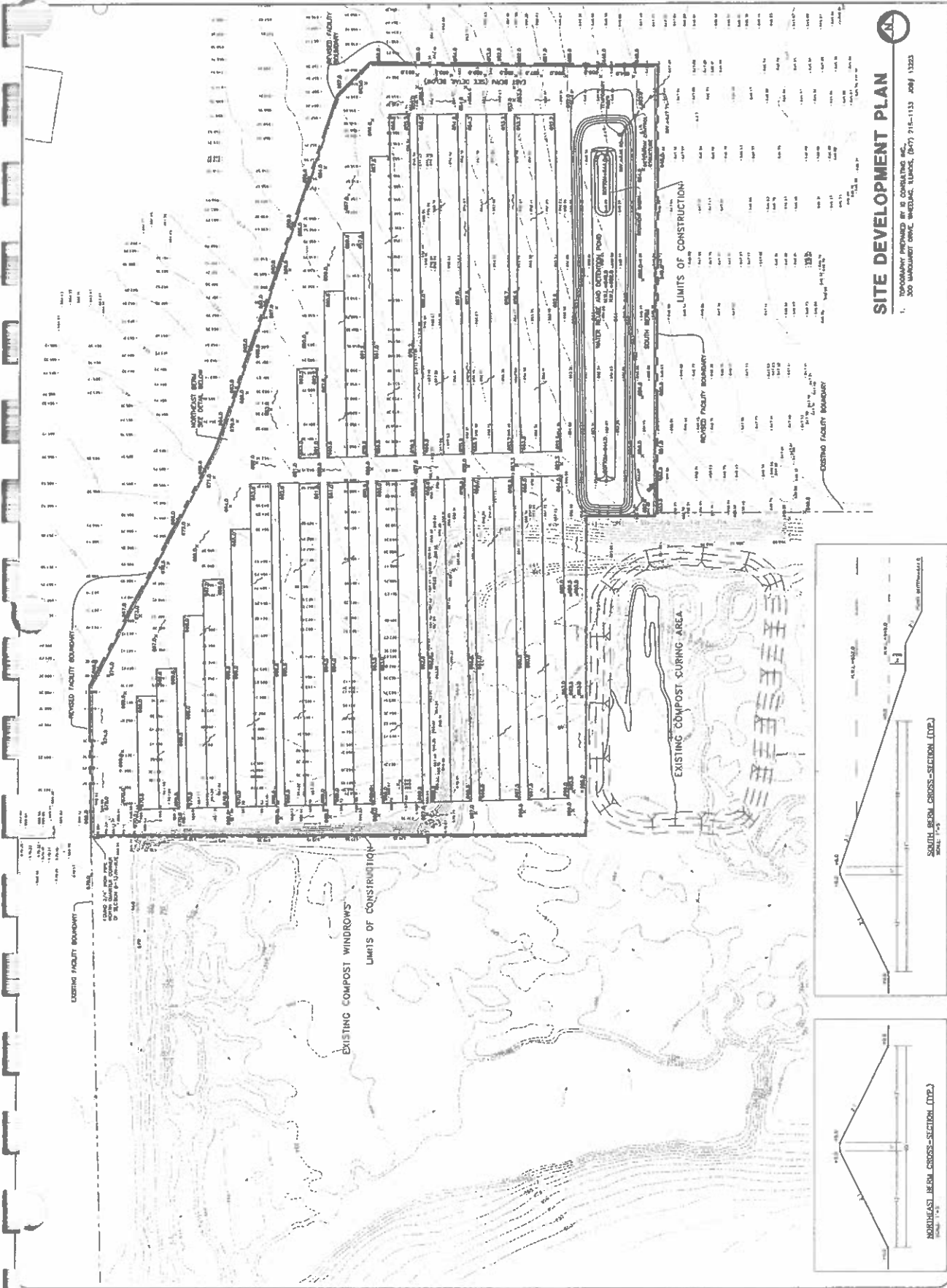
1 of 2



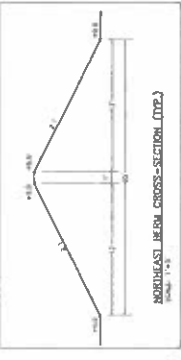
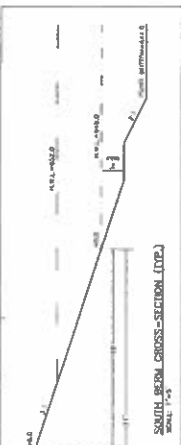
GREEN ORGANICS, INC. COMPOSTING FACILITY EXPANSION
1270 E. BEECHER ROAD
BRISTOL, ILLINOIS 60512

PROJECT No.
13223
2 of 2

REVISIONS
DATE: 08/28/13
SCALE: 1"=50'
DESIGN: CJK
DRAFTING: SFLM
DEVELOPMENT PLAN
GREEN ORGANICS, INC.
CONSULTING CIVIL ENGINEERS, PLANNERS & LAND SURVEYORS
300 WASHINGTON DRIVE, BIRDAIR, ILLINOIS 60512
TEL: (618) 715-1133 FAX: (618) 715-1177



SITE DEVELOPMENT PLAN
1. TOPOGRAPHY PROVIDED BY G. CONSULTING INC.
2. 300 WASHINGTON DRIVE, BIRDAIR, ILLINOIS 60512





Memorandum

To: City Council
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: August 10, 2023
Subject: **PZC 2023-11– Kendall County Petition 23-26**
Milroy Farm – 1270 E. Beecher Road - 1.5 Mile Review (Special Use)

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioner, Jefferey D. Milroy on behalf of Milroy Farms, LLC, is requesting to renew its current special use permit, approved in 2014, for the operation of a compost facility on approximately 39.87 acres in unincorporated Kendall County. The current special use authorization is set to expire in Kendall County on December 1, 2023. If approved, the new special use will expire on December 1, 2033. The petitioner is not seeking to continue the compost facility on the adjacent (east) approximately 18-acre parcel located within Yorkville’s corporate boundary, which was required to be decommissioned on or by March 2, 2024, per a Settlement Agreement with the City. Additionally, the petitioner states the compost facility will not be run by the previous operator, Green Organics. The subject property is located at 1270 E. Beecher Road which is generally located on the east side of E. Beecher Road and approximately 0.5 miles south of Galena Road.

STAFF COMMENTS

Staff has reviewed the request for special use renewal for the compost facility and still has some specific concerns related to the odor control regulations. **Staff would recommend** that in the event the City of Yorkville receives an odor complaint, the City can reach out directly to the property owner and Kendall County’s Solid Waste Coordinator and receive a response in writing as to how the odor will be/was mitigated within seven (7) business days.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

This item was scheduled to be discussed at the August 9, 2023 Planning and Zoning Commission meeting. However, this meeting was unable to be held due to a lack of quorum, therefore, no recommendation or objection to the special use request was provided.

ATTACHMENTS

1. PZC Memorandum
2. Application with Attachments

Attachment 11, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

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

Unapproved - Meeting Minutes of August 23, 2023 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:10 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Larry Nelson, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: Tom Casey, Dave Hamman, Karin McCarthy-Lange, and Ruben Rodriguez

Staff Present: Matthew H. Asselmeier, Director

Others Present: Jeff Milroy, Jesse Sexton, and Dan Nagel

APPROVAL OF AGENDA

Member Wilson made a motion, seconded by Member Bernacki, to approve the agenda. With a voice vote of six (6) ayes, the motion carried.

APPROVAL OF MINUTES

Member Nelson made a motion, seconded by Member Wilson, to approve the minutes of the of the July 26, 2023, meeting. With a voice vote of six (6) ayes, the motion carried.

Member Bernacki noted that the Gas-N-Wash on Caton Farm Road and Ridge is presently under construction and not open.

PETITION

Petition 23-26 Jeffery D. Milroy

Mr. Asselmeier summarized the request.

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. The Petitioner answered those questions at the Planning, Building and Zoning Committee meeting on August 7, 2023, and the proposed Host Community Agreement was forwarded to the State's Attorney's Office for review.

Green Organics is no longer associated with the property.

The application materials, Ordinance 2014-04, the plat of survey, the business plan, including the site plan and landscaping plan, and the decommissioning plan were provided.

On August 17, 2023, the Petitioner submitted a revised site plan, which was provided. The Petitioner admitted that this site plan was a working copy and not necessarily the final version of the proposal.

The original submitted site plan and the revised site plan do not match the approved site plan on file with the Illinois Department of Natural Resources. This site plan was provided.

The property is located at 1270 E. Beecher Road.

The property is just under forty (40) acres in size.

The County's Future Land Use Map calls for the western end of the property to be Mixed Use Business and the eastern part of the property to be Suburban Residential. Yorkville's plan calls for the property to be Estate/Conservation Residential.

E. Beecher Road is a Local Road maintained by Bristol Township.

There is a proposed trail along E. Beecher Road.

There are no floodplains on the property. There is a wetland on the extreme northwest corner of the property.

The adjacent land use to the west is Manufacturing. The other adjacent land uses are Agricultural.

The adjacent properties are zoned A-1, A-1 SU, M-2 and M-3 SU in the County. The adjacent properties inside Yorkville are zoned R-2 Planned Unit Development and R-2, R-4, and B-3 Planned Unit Development.

The County's Future Land Use Map calls for the area to be Suburban Residential, Mixed Use Business, and Urban Area. Yorkville Future Land Use Map calls for the area to be Estate/Conservation Residential.

The zoning districts within one half (1/2) mile in the County are A-1, A-1 SU, M-1, M-2, and M-3 SU. Inside Yorkville, there are a variety of residential planned unit developments.

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

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 should be conducted by a qualified biologist, with the results forwarded 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. The EcoCat Report was provided.

The Petitioner was not agreeable to either recommendation related to the Rusty Patch Bumble Bee. The Illinois Department of Natural Resources said if that if the Petitioner impacted the Rusty Patch Bumble Bee, that would be problematic.

The NRI Application was submitted on June 20, 2023. The LESA score was 175, indicating a low level of protection. The NRI Report was provided.

Petition information was sent to Bristol Township on July 19, 2023. No comments were received.

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, the Illinois Environmental Protection Agency has rules regarding complaints.

Yorkville's email and Staff's response were provided.

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.

The August Yorkville Economic Development Committee and Planning and Zoning Commission meetings were cancelled. The proposal was reviewed at the Yorkville City Council meeting on August 8, 2023, with no comments, and was reviewed again at the August 22, 2023, Yorkville City Council meeting. The Yorkville City Council recommended approval of the proposal. A memo from the United City of Yorkville on the steps they would take to address odor complaints was provided.

Petition information was sent to the Bristol Kendall Fire Protection District on July 19, 2023. No comments were received.

The Kendall County ZPAC reviewed the proposal at their meeting on August 1, 2023. Discussion occurred regarding odor control measures. The Committee did not believe that using an olfactometer, as Yorkville recommended, was practical. The Committee favored requiring the operator of the business allowed by the special use permit to track wind daily, avoid turning the windrows when the wind was blowing to populated areas, and adding an amendment to the windrows in cases when turning was necessary and the wind was blowing towards populated areas. The Committee expressed little concern

regarding the Illinois Department of Natural Resource's recommendation related to the Rusty Patch Bumble Bee. The Committee was concerned about runoff. Discussion occurred regarding the definition of food scraps; food scraps were collected from grocery stores and include items that were composted at homes. A recommendation regarding equipment at the property being classified as non-agricultural was removed. ZPAC recommended approval of the proposal with the removal of the condition related to the classification of equipment and add a requirement requiring the operator of the business to track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing in unfavorable directions by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

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.

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 original site plan showed several twenty-five foot (25') wide windrows. These windrows are separated by ten foot (10') foot driving aisles. Most of the windrows are eight feet (8') tall or less in height.

The revised site plan showed thirty-two windrows. No information was provided regarding driving aisles. Windrows might extend to the cultivation line. Final elevations will change for composting surface depending on excavated materials used for the pond.

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

Both site plans show 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, the site will be converted back to farming within five (5) months, this includes the removal materials, grading, seeding, and removal of all structures. The Petitioner planned to reevaluate the Decommissioning Plan.

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.

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

After the ZPAC meeting, the Petitioners indicated that they may install another building on the property. On the revised site plan, one (1) sixty foot by eighty foot (60'X80') building was shown. This structure was twenty-four feet (24') tall. The building would be used for storage of equipment. The final location of the building was undetermined.

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, KCRPC Meeting Minutes 8.23.23

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.

Though not shown on the site plan, a dumpster is located on the property. The business plan 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.

The property drains to the south and west.

One (1) existing detention basin is shown on the site plan north of parking area. The original 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 revised site plan shows a much larger water reuse and detention pond.

The Petitioners submitted an application for a stormwater management permit. WBK submitted comments in a letter dated July 15, 2023, which was provided. Staff was waiting for comments from the Petitioner regarding WBK's comments. At the Petitioner's request, the revised site plan was not sent to WBK.

As mentioned previously, the submitted site plans did not match the site plan on file with the Illinois Department of Natural Resources. The State has not evaluated the impact of the proposed site plans on the Surface Water Management Plan presently on file with the State.

Per the site plan, 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.

According to the revised site plan, one (1) gravel parking area was shown north of the office trailer and one (1) handicapped accessible parking space was shown east of the office trailer. The total number of park stalls was seven (7). The parking stalls did not meet the minimum depth requirement of twenty feet (20') as outlined in Section 11:02.F.4 of the Kendall County Zoning Ordinance.

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

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

According to the business plan, 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.

According to original the site plan, 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
KCRPC Meeting Minutes 8.23.23

references a locked gate. The gate is locked during closed hours, but a lock box is available for emergency response vehicles.

Per the original site plan, 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, 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.

No landscaping information was provided on the revised site plan.

Per the business plan, noise levels cannot exceed Illinois Pollution Control Board standards.

The business plan 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.

The Health Department requested that a water truck be onsite for dusty conditions and that the operator be required to chart wind direction and speed daily. The Petitioner was in agreement regarding the water truck condition, but was not in favor of charting wind speeds.

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

The proposed Findings of Fact were as follows:

*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.***

*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. **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. Reasonable restrictions may be placed in the special use permit to address hours of operation, dust, and odor control measures. No evidence has been provided suggesting that property values have declined in the area since the facility commenced operations.***

*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***
KCRPC Meeting Minutes 8.23.23

unless the operation is open. State law and the Kendall County Zoning Ordinance require a Surface Water Management Plan.

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

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.

Staff would like confirmation that the revised site plan will be the final version of the controlling site plan for the property. Staff would also like to see a phasing plan by which the old, State approved site plan is phased out and the new site plan is brought online. 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, grass and food waste). (Amended after ZPAC)
 3. The site shall be developed substantially in accordance with the site plan 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" 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" 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 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. (Deleted at ZPAC)~~
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. At least one (1) water truck shall be onsite for dust control purposes. (Added after ZPAC)
19. The operator of the business allowed by this special use permit shall track wind direction and speed daily and add amendments to the composting materials if windrows are turned with winds blowing towards populated areas. (Added after ZPAC)
20. 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.
21. 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.
22. 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.
23. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.
24. 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.

Member Nelson asked about the tipping fee. Mr. Asselmeier said the tipping fee was in the host agreement. Member Nelson wanted to make sure that the Petitioners were current on the tipping fee and he would like to see a requirement in the special use permit stating that they had to be current on tipping fee payments.

Member Bernacki asked if a deadline existed for the decommissioning plan. Mr. Asselmeier said the decommissioning plan was in the packet and explained the process for amending the decommissioning plan.

Member Wilson asked if a bond would be posted to guarantee the decommissioning plan. Mr. Asselmeier responded the bonding requirements were set and posted by the State. Discussion occurred regarding updating the bond figures in the decommissioning plan. The property owner was ultimately responsible for cleaning up the property. The State controls approving the dollar amounts in the decommissioning plan.

Jeff Milroy, Petitioner, discussed the decommissioning plan for the use on the Yorkville portion of the operations and related legal settlements. He will update the decommissioning plan when the State permit is transferred to him; he did not have a copy of the legal agreement between Yorkville and Green Organics.

Discussion occurred regarding surrounding land uses in relation to odors. Mr. Asselmeier said that Yorkville submitted a request regarding procedures and methods for addressing odor complaints.

Dan Nagel explained that the adjoining properties in Yorkville were zoned residential. He intended to use a portion his property for a solar field. The composting business will operate in the County only and not inside Yorkville. The solar field will create a buffer between residential uses and the composting facility.

Member Wilson asked about the acceptance of food scraps. The Petitioner would be taking in food scraps per the IEPA guidelines, which was up to ten percent (10%) of the materials collected. Member Nelson asked about the definition of food scraps. Jesse Sexton, Operator of the Facility since 1999, explained the types of food scraps that would be accepted, no meat or dairy would be accepted. Concerns about attracting rodents and pest were unfounded.

Member Bernacki asked about tracking wind speed and direction. Mr. Sexton said they do monitor wind, but, if the facility was operated correctly, odor would not be an issue. Mr. Milroy disagreed with the condition requiring avoiding turning the windrows when the wind was blowing towards populated areas; he did not oppose tracking the wind generally. Mr. Milroy questioned the meaning of populated area. Discussion occurred about maintaining a wind log in relation to complaints. Mr. Milroy explained when the IEPA wanted piles turned in relation to wind. Mr. Sexton explained the timing and rationale for turning windrows in relation to temperature for decomposition.

Member Wilson asked what percentage of the site would be used for composting operations. The response was seventy-five percent (75%).

Member Wormley stated that he was not in favor of not allowing the turning of windrows when the winds were blowing towards populated areas because the restriction could negatively impact the operations of the business and create additional odor problems. He also noted the service provided by the business allowed by the special use permit. He also expressed his support for existing businesses.

Member Wormley made a motion, seconded by Member Nelson, to recommend approval of the renewal of the special use permit. Chairman Ashton asked which site plan would be the controlling plan. Mr. Milroy explained the history of developing the site plan. Discussion occurred regarding amending special use permits. Mr. Milroy also explained some site work that will occur at the property. Member Wormley withdrew is original motion and Member Nelson withdrew his second.

Member Wormley made a motion, seconded by Member Nelson, to recommend approval of the renewal of the special use permit using the revised site plan as the controlling site plan.

Mr. Nagel discussed drainage related to the Rob Roy Creek Drainage District and getting the District's KCRPC Meeting Minutes 8.23.23

equipment near the Creek.

The Petitioner would still need to comply with IEPA requirements related to the site plan.

The new building would not be an agricultural exempt building.

The votes were as follows:

Ayes (6): Ashton, Bernacki, Nelson, Stewart, Wilson, and Wormley

Nays (0): None

Absent (4): Casey, Hamman, McCarthy-Lange, and Rodriguez

Abstain (0): None

The motion carried. The proposal will go to the Kendall County Zoning Board of Appeals on August 28, 2023.

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

NEW BUSINESS

Village of Plainfield Community Visioning Workshops

Commissioners reviewed the flyer for the workshops. Member Bernacki planned to attend the Wednesday workshop. If necessary, the Commission might a pass resolution related to Plainfield's proposal.

Member Nelson would like to review the Future Land Use Maps for Minooka and Shorewood.

Joliet has not been actively updating their Comprehensive Plan.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCEMENTS

None

ADJOURNMENT

Member Nelson made a motion, seconded by Member Wormley, to adjourn. With a voice vote of six (6) ayes, the motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 8:12 p.m.


Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Director

Encs.



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
AUGUST 23, 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)
David N. Sgarbi		



Memorandum

To: City Council
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: August 10, 2023
Subject: **PZC 2023-11– Kendall County Petition 23-26**
Milroy Farm – 1270 E. Beecher Road - 1.5 Mile Review (Special Use)

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioner, Jefferey D. Milroy on behalf of Milroy Farms, LLC, is requesting to renew its current special use permit, approved in 2014, for the operation of a compost facility on approximately 39.87 acres in unincorporated Kendall County. The current special use authorization is set to expire in Kendall County on December 1, 2023. If approved, the new special use will expire on December 1, 2033. The petitioner is not seeking to continue the compost facility on the adjacent (east) approximately 18-acre parcel located within Yorkville’s corporate boundary, which was required to be decommissioned on or by March 2, 2024, per a Settlement Agreement with the City. Additionally, the petitioner states the compost facility will not be run by the previous operator, Green Organics. The subject property is located at 1270 E. Beecher Road which is generally located on the east side of E. Beecher Road and approximately 0.5 miles south of Galena Road.

STAFF COMMENTS

Staff has reviewed the request for special use renewal for the compost facility and still has some specific concerns related to the odor control regulations. **Staff would recommend** that in the event the City of Yorkville receives an odor complaint, the City can reach out directly to the property owner and Kendall County’s Solid Waste Coordinator and receive a response in writing as to how the odor will be/was mitigated within seven (7) business days.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

This item was scheduled to be discussed at the August 9, 2023 Planning and Zoning Commission meeting. However, this meeting was unable to be held due to a lack of quorum, therefore, no recommendation or objection to the special use request was provided.

ATTACHMENTS

1. PZC Memorandum
2. Application with Attachments

HOST COMMUNITY AGREEMENT

THIS HOST COMMUNITY AGREEMENT (“Host Agreement” or “Agreement”) is entered into as of the **INSERT DAY** of **INSERT MONTH** 2023, among the County of Kendall, Illinois (“County”) and Milroy Farms, LLC (“the Company”), an Illinois corporation with its principal place of business located in Kendall County, Illinois.

RECITALS

WHEREAS, the Company currently leases approximately 39.87 acres 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), in Bristol Township from Milroy Farms, LLC which property is more specifically described in the legal description set forth in Attachment A (the “Property”); and

WHEREAS, said Property is currently zoned A-1 Agricultural with an existing Special Use for the operation of a landscape and food waste composting site (hereinafter referred to as “the Facility”); and

WHEREAS, the County Board of Kendall County, Illinois did grant the original special use permit on October 19, 1993 (*see* Ordinance 1993-19) and also granted the Company’s, or the Company’s predecessor in interest’s, requests for renewal of the special use permit on August 19, 1997 (Ordinance 1997-13), on April 18, 2000 (Ordinance 2000-18) and on May 20, 2008 (Ordinance 2008-17); and

WHEREAS, on October 25, 2011, the Kendall County Zoning Administrator and Deputy Zoning Administrator granted the Company’s petition for a minor amendment to the special use permit to allow the Facility to accept and process food waste (Minor Amendment No. 10-25-11); and

WHEREAS, the County Board of Kendall County, Illinois did grant a renewal of the special use permit on March 19, 2014 (Ordinance 2014-04) and renewed the host agreement on the same date; and

WHEREAS, the Company recently filed a petition for a renewal and major amendment to their special use permit, which was signed by the Company and the Property's owners, seeking the Company to continue operating the Facility but modifying the site plan to eliminate operations within the City of Yorkville, adjusting the site plan; and adding new conditions to the Property (*see* Petition 23-26); and

WHEREAS, if the County grants Company's petition to amend the special use permit and the Illinois Environmental Protection Agency ("the Agency") issues all appropriate and necessary permits for the continued development and operation of the Facility on the Property, the Company is willing to afford certain benefits as set forth herein to the County; and

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Company and the County hereby agree as follows:

ARTICLE 1. GENERAL

1.1 Incorporation of Recitals. The above recitals are incorporated as part of this Agreement as though fully set forth herein.

1.2 Property. This Agreement encompasses and relates to the Property, as legally described in Attachment A. Any further or future requests for expansion of the Facility, whether on the Property or located elsewhere in the County, is not encompassed by this Agreement and will be the subject matter of a separate Host Agreement, or a supplement to this Agreement, as later determined by the parties to this Agreement.

1.3 Effective Date. This Agreement shall be effective upon acceptance of its terms by the Kendall County Board.

1.4 Expiration Date. This Agreement shall expire on **December 1, 2033**. If environmental permitting is not achieved and maintained throughout the term of the Agreement or if the Facility ceases to be operational for any other reason, this Agreement shall expire thirty (30) calendar days after written notification of termination from the Company to the County. Any petition for renewal of this Agreement and the Property's special use permit shall be submitted to the County on or before the close of business on **June 30, 2033**. This Agreement may be terminated by the County for any other reason upon written notice delivered to the Company at least sixty (60) calendar days prior to the effective date of termination. Termination of the Agreement will not adversely impact the special use approval and composting operations shall be allowed to continue. No penalties or early termination charges shall be required upon County's early termination of the Agreement.

ARTICLE 2. DEFINITIONS

Whenever used in this Agreement, the following terms shall have the following meanings unless a different meaning is required by the context:

2.1. **“Act”** refers to the Illinois Environmental Protection Act, 415 ILCS 5/1 *et. seq.*, the Illinois Pollution Control Board regulations issued pursuant thereto and relevant permit requirements the Agency may in the future issue with respect to the Facility.

2.2. **“Agency”** and **“IEPA”** refer to the Illinois Environmental Protection Agency.

2.3. **“Agreement”** or **“Host Agreement”** refer to this Agreement and the provisions contained herein.

2.4. **“Authorized Waste”** means landscape and food waste that the Facility is authorized to accept and compost pursuant to the terms of the Facility’s IEPA permit and the terms of this Agreement.

2.5. **“Board”** refers to the Kendall County Board.

2.6. **“County”** refers to the County of Kendall, Illinois.

2.7. **“Host Community Fee”** refers to the fee paid to the County, for the benefit of the County, as set forth in this Agreement;

2.8. **“Landscape waste”** refers to landscape waste as defined in Section 5/3.270 of the Act.

2.9. **“Unauthorized Waste”** refers to any other form of waste that is not expressly authorized pursuant to the terms of the Facility’s IEPA permit and the special use permit issued for the Property.

ARTICLE 3. COMMITMENTS AND GUARANTEES

3.1. Operational Commitment. The Company commits that it will be the sole operator of the Facility and will not transfer its lease of the Property or assign its rights and obligations to operate related to the Facility, including any component thereof, without the written approval of the Board.

3.2. Covenant Guarantee. The parties acknowledge their mutual intent at the time of entering into this Agreement to create a covenant running with the land in favor of the County and that the obligations stated in this Agreement touch and concern the use of the Property. It is the intent of the parties hereto that the Company’s obligation to make payments pursuant to this Agreement is and shall be a covenant running with the Property and is and shall be binding upon transferees, successors, assigns, and subsequent tenants and owners of the Property, and is and

shall be a lien upon the Property. Said covenant shall benefit the County and its successors, transferees, and assigns. The Company agrees the County may prepare, and the Company shall promptly execute duplicate originals of the Host Agreement and record such Host Agreement in the Kendall County Recorder's Office.

ARTICLE 4. OPERATIONS

4.1. Authorized Waste. The Facility shall accept only Authorized Waste. The Facility shall comply with all relevant regulations and IEPA permits relative to load checking and waste acceptance.

ARTICLE 5. ENVIRONMENTAL PROTECTIONS

5.1. Compliance. At all times in connection with the operation of the Facility, the Company shall comply with all laws, ordinances, rules, regulations and permits of any applicable Federal, State or local governmental agency or authority relating to the operation of the Facility. At all time in connection with the operation of the Facility, the Company shall also comply with all provisions of the Property's special use permit and all conditions listed in the applicable sections of the Kendall County Zoning Ordinance pertaining to composting of landscape waste and food waste as it currently exists and as it may be amended in the future. The County will continue to provide all inspections and testing for the Facility. The Company shall provide the Kendall County Solid Waste Coordinator with notice of all complaints received about the Facility and a copy of all documents requested by the Kendall County Solid Waste Coordinator regarding the complaints. The Kendall County Solid Waste Coordinator shall maintain a log of all complaints received about the Facility.

5.2. Indemnification. The Company agrees to indemnify, hold harmless and defend with counsel of the County's own choosing, the County, and its Board members, elected

officials, agents, servants, and employees, from and against any and all lawsuits, claims, demands, liabilities, losses and expenses (including court costs, litigation expenses and attorney's fees) for or on the account of any injury to any person or any death at any time resulting from such injury, or any damage to property or the environment, or any other damage of any type, kind or sort which may arise or which may have been alleged to have arisen out of or in connection with the Property's special use permit or this Agreement.

5.3. Third Party Claims. Promptly after receipt by the County, or municipality within the County, of notice of any claim, action, suit or proceeding by any person who is not a party to this Agreement which is subject to indemnification hereunder, the County or such municipality shall provide reasonable notice to the Company.

5.4. Insurance. The Company shall obtain and maintain all insurance coverage required by the EPA. In the event the EPA ceases to require the Company to maintain insurance coverage, the Company shall promptly notify the County and the parties shall amend this Agreement to include insurance coverage requirements.

ARTICLE 6. HOST COMMUNITY FEES AND BENEFITS

6.1. Host Fees. On a monthly basis, the Company shall pay a Host Community Fee to the County pursuant to the Host Fee Schedule set forth in "Attachment B", which is attached hereto, for all waste received by the Facility.

6.2. Payment Form. Each Host Community Fee payment shall be accompanied by a form prescribed by the County stating the weight of authorized waste accepted at the Facility during the payment period; a copy of all weight receipts for the Facility during the payment period; and all such other information as may be necessary for the County to assure compliance

with this Agreement. The form shall be signed by the Facility's operator or his authorized representative.

6.3. Books and Records. The Company shall keep complete and accurate books and records relating to the determination of the fees owed under Article 6 of this Agreement, in an auditable form. The Company shall permit the County's designated representatives access to such books and records for inspection and photocopying, during the Facility's normal business hours. In the event that such inspection reveals any underpayment(s) of the host fee, the Company shall promptly pay to the County the amount(s) of such underpayment(s) due and owing to the County, and reimburse the County for its costs and expenses of such inspection and, if necessary, collection, including any professional and technical fees in connection therewith.

ARTICLE 7. REMEDIES

7.1. Remedies. In the event of any default or breach by the Company of their obligations set forth in this Agreement, the County may bring an action to enforce this Agreement and seek any and all relief available at law or in equity. The Company shall reimburse the County for its reasonable attorneys' fees and costs (including fees for expert witnesses and consultants) incurred in enforcing this Agreement.

7.2. Remedies Not Exclusive. No right, power or remedy conferred upon or reserved to any Non-Defaulting Party under this agreement or under law shall be considered exclusive of any other right, power or remedy, but such rights, powers and remedies shall be cumulative and shall be addition to every other right, power and remedy given hereunder or now or hereafter available at law or in equity or by statute or otherwise, and every right, power and remedy given by this Agreement to any Non-Defaulting Party may be exercised from time to time and as often as occasion may arise or as may be deemed expedient, without precluding an Non-Defaulting

Party's simultaneous or later exercise of any or all other rights, powers or remedies, including, by way of example, the right of the County to file a complaint with the IPCB alleging a violation of the Act. No delay or omission of the Non-Defaulting Party to exercise any right, power or remedy arising from an default or breach hereof on the part of the Defaulting Party shall impair any such right, power or remedy or shall be construed to be a waiver of any such default or breach or any acquiescence therein.

ARTICLE 8. MISCELLANEOUS

8.1. Notice. Any notice to be given hereunder by either party to another shall be in writing and be sent by personal delivery, by overnight delivery service or by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed communicated when delivered or after four (4) business days from the date of mailing, whichever is earlier. Notice shall be addressed as set forth below, but each party may change its address by written notice to the others.

To the County: Kendall County
111 West Fox Street
Yorkville, Illinois 60560-1498
Attention: County Clerk

with a copy to: Kendall County Courthouse
Office of the Kendall County State's Attorney's Office
807 West John Street
Yorkville, Illinois 60560
Attention: Kendall County State's Attorney

Kendall County Planning, Building & Zoning Department
111 W. Fox Street
Yorkville, Illinois 60560
Attention: Director

To the Company: Milroy Farms, LLC
287 Woodstock Avenue
Glen Ellyn, IL 60137

Attention: Jeff Milroy

8.2. Entire Agreement and Modification of Agreement. This Agreement constitutes the entire agreement of the parties hereto relating to the subject matter hereof, and all prior communications, discussions, understandings and agreements are hereby merged herein. This Agreement may not be modified except in writing acknowledged by all parties to the Agreement.

8.3. Caption. Captions of the Articles, Sections and Sub-Sections of this Agreement are for convenience of reference only, and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

8.4. Governing Law and Forum for Litigation. This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois. Any litigation filed by any party hereto against any other party hereto and involving this Agreement shall be filed in the Circuit Court for the Twenty-Third Judicial Circuit, Kendall County, Illinois.

8.5. Severability. The provisions of this Agreement shall be deemed to be severable, and the invalidity or unenforceability of any one provision shall not affect the validity and enforceability of the other provisions hereof.

8.6. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective successors and assigns.

8.7. Force Majeure. No party hereto shall be deemed to be in default or to have breached any provision of this Agreement, as a result of any delay, failure in performance or interruption of services resulting directly or indirectly, from new technology that substantially reduces the amount of waste available for disposal at the Facility, acts of God, acts of civil or military authority, civil disturbance, war, acts or orders of any governmental entity, riots, or any

governmental action that prevents the Company from meeting its minimum guarantee set forth herein. The Company's inability to satisfy the guaranteed minimum Host Community Fee due to its own action does not constitute a *force majeure* event hereunder. Such aforementioned government actions include, but are not limited to, restrictions on operations imposed due to non-compliance with applicable legal requirements or involuntary reduction of waste receipts by the Company for reasons not otherwise set forth in this Agreement or any other Agreement of the parties. The closure or suspension of operations at the Facility by government action does not constitute a *force majeure* event under this section where the closure or suspension is the result of (a) a court of competent jurisdiction (or IPCB) finding that the Company willfully or recklessly violate the Act; (b) IEPA finding in an order issued pursuant to §34 of the Act that the Company willfully or recklessly violated the Act, which order was not appealed by the Company; or (c) the Company admitting to willfully or recklessly violating the Act. In the event a *force majeure* event does prevent the Company from meeting its guaranteed minimum Host Community Fee, the Company shall exercise commercially reasonable efforts to maximize the delivery of waste to the Facility.

8.8. Non Third-Party Beneficiaries. Nothing in this Agreement, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any persons or entities other than the parties and their respective successors and assigns, nor shall any provision give any third persons or entities any right or rights of action against any party to this Agreement.

8.9. Authorization. Each of the parties hereto represent to the others that the individual(s) executing this Agreement on its behalf are duly authorized and empowered to bind such party.

8.10. Conflict of Interest. The parties represent, to the best of their knowledge and belief, that no member or employee of the County and no other public official who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out this Agreement has any direct personal or financial interest in the Agreement or in the proceeds thereof. If any County officer or elected official does have a direct or indirect pecuniary interest in Company or this Agreement, that interest, and the procedure followed to effectuate this Agreement has a will comply with 50 ILCS 105/3.

8.11. Execution of Additional Documents. Each of the parties hereto agree to execute and deliver to the other party any and all documents that may be necessary or appropriate to effectuate the terms of this Agreement whether on or after the Effective Date, including but not limited to execution and recordation of the Agreement.

8.12. Counterparts. This Agreement may be executed in counterparts, and each such counterpart shall constitute one and the same instrument.

8.13. Non-Discrimination. The Company shall not, in the performance of this Agreement, discriminate or knowingly permit discrimination against any person on account of sex, race, age, creed, color, national origin, or political or religious opinion or affiliation and shall comply with all relevant state and federal laws concerning discrimination and equal opportunity.

8.14. Reservation of Police Powers. The County reserves all its power and authority, including the power to tax and zone the Property except that the County agrees not to impose fees or taxes specific to the disposal of authorized waste on the Property other than as provided in this Agreement.

8.15. Waiver. Any waiver of a right, power or remedy under this Agreement must be in writing and accompanied by legal opinion stating (a) the signing party has the power and authority to waive the right, power or remedy under this Agreement; (b) the person(s) signing the waiver on behalf of the waiving party has been properly authorized to do so; and (c) the waiver has been duly authorized, executed, and delivered by the waiving party and constitutes the valid and binding amendment of this Agreement of the signing party and is enforceable against the signing party in accordance with its terms.

8.16. Certification. Company certifies that Company, its parent companies, subsidiaries, and affiliates are not barred from entering into this Agreement as a result of a violation of either 720 ILCS 5/33E-3 or 5/33E-4 (bid rigging or bid rotating) or as a result of a violation of 820 ILCS 130/1 *et seq.* (the Illinois Prevailing Wage Act). Company further certifies by signing the Contract documents that Company, its parent companies, subsidiaries, and affiliates have not been convicted of, or are not barred for attempting to rig bids, price-fixing or attempting to fix prices as defined in the Sherman Anti-Trust Act and Clayton Act. 15 U.S.C. § 1 *et seq.*; and has not been convicted of or barred for bribery or attempting to bribe an officer or employee of a unit of state or local government or school district in the State of Illinois in that Officer's or employee's official capacity. Nor has Company made an admission of guilt of such conduct that is a matter of record, nor has any official, officer, agent, or employee of the company been so convicted nor made such an admission.

8.17. Compliance with State and Federal Laws. Company agrees to comply with all applicable federal, state and local laws and regulatory requirements and to secure such licenses as may be required for its employees and to conduct business in the state, municipality, county and location. Such obligation includes, but is not limited to, environmental laws, civil rights

laws, prevailing wage and labor laws. It is understood and agreed to by the parties that all contracts entered into by a government body, such as Kendall County, are open to public review and as such will be on file with the County Clerk's office and may be discussed in open session pursuant to the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and/or may be released pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 et seq.).

8.18. Authority to Execute Agreement. The County and Company each hereby warrant and represent that their respective signatures set forth below have been and are on the date of this Agreement duly authorized by all necessary and appropriate corporate and/or governmental action to execute this Agreement.

8.19. Assignment. Neither party shall assign, sublet, sell, or transfer its interest in this Agreement without prior written consent of the other.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the day and year first above written.

COUNTY OF KENDALL, ILLINOIS

MILROY FARMS, LLC

By: _____
Matt Kellog
Kendall County Board Chairman

By: _____
Jeff Milroy
President

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.

ATTACHMENT B**HOST FEE SCHEDULE**

The Company shall pay a host fee to Kendall County on a monthly basis and shall provide all weight receipts to Kendall County with each host fee payment. The host fee schedule shall be as follows:

Date to Begin	Fee Per Ton of Landscape Waste Received
Effective date of Ordinance (December 1, 2023)	\$0.90
December 1, 2026	\$0.95
December 1, 2029	\$1.00

100% of the host fees are to be paid to Kendall County.