

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
July 29, 2024 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

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

Members Absent: Randy Mohr

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

Others Present: Gloria Foxman

PETITIONS:

The Zoning Board of Appeals started their review of Petition 24-17 at 7:04 p.m.

Petition **24 – 17 – Kendall County Planning, Building and Zoning Committee**

Request: Text Amendments to the Kendall County Zoning Ordinance Pertaining to Pipeline Depth

Mr. Asselmeier summarized the request.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy’s ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:

a. A minimum of five (5) feet of top cover where it crosses cropland.

b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.

c. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.

d. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses wooded/brushy land or other sensitive areas.

e. Substantially the same top cover as an existing parallel pipeline, but not less than ~~three (3)~~ **five (5)** feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.

2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30~~ **sixty (60)** inches.

The proposal was sent to the townships and fire protection districts on June 10, 2024. Steve Knutson submitted an email stating that the Fox Township Planning Commission informally found the proposal uncontroversial. This email was provided. No other comments were received.

ZPAC reviewed this proposal at their meeting on July 2, 2024. Discussion occurred regarding the reasons for selecting five feet (5') as the requirement; these included safety, room to bury other infrastructure below the freeze line, and concerns about pipelines flexing. Discussion occurred regarding federal regulations and whether any other counties had similar regulations; it was determined that other counties do not have these regulations because Kendall County was unique with the number of pipelines underground. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting were provided.

The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 24, 2024, and recommended approval by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Nelson noted that the County Stormwater Engineer would inspect pipelines for compliance and the pipeline pays the bill for the inspections.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2024. Discussion occurred on who TC Energy was legally; they are TransCanada Energy. Mitchell Schaben from TC Energy was in attendance and had no comments regarding the proposal. Discussion occurred about setting pipelines below the permafrost depth. Discussion also occurred regarding setbacks from pipelines. Staff will be researching this topic, including rationale for establishing the setback for the August Comprehensive Land Plan and Ordinance Committee meeting by contacting the municipalities and neighboring counties. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Vice-Chairman LeCuyer opened the public hearing at 7:05 p.m.

No one from the public testified at the public hearing.

Vice-Chairman LeCuyer adjourned the public hearing at 7:05 p.m.

Member Fox made a motion, seconded by Member Thompson, to recommend approval of the proposal.

The votes were as follows:

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

Nays (0): None

Abstain (0): None

Absent (1): Mohr

The motion carried.

The townships will be notified of the results of the hearing.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on September 9, 2024.

The Zoning Board of Appeals completed their review of Petition 24-17 at 7:08 p.m.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 24-10 and 24-11 were approved by the County Board.

PUBLIC COMMENTS

Mr. Asselmeier stated that on July 30, 2024 the Village of Plainfield will have their open house regarding their comprehensive plan at village hall from 6:30 p.m. to 8:30 p.m.

Mr. Asselmeier stated that for their next month's meeting they have a request for rezoning on Miller Road outside Plano. They would like to rezone to R-1 to build homes. Also, at the corner of Legion Road and Highpoint Road, there is rezoning request to R-1 to build homes. There is also a request for a Special Use Permit for a landscaping business inside the Village of Millbrook.

The Brighter Daze Banquet Farm completed their annexation into Millington.

Note, the next meeting will be on Tuesday the day after Labor day.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Cherry made a motion, seconded by Member Prodehl, to adjourn.

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

The Zoning Board of Appeals meeting adjourned at 7:09 p.m.

The next regularly scheduled meeting/hearing will be on Tuesday September 3, 2024.

Respectfully submitted by,
Wanda A. Rolf
Administrative Assistant

Exhibits

1. Memo on Petition 24-17 Dated July 25, 2024
2. Certificate of Publication for Petition 24-17 (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, CFM, Director
Date: July 25, 2024
Re: Petition 24-17 Proposed Amendments Related to Pipeline Depth

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy's ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

A. Pipeline Depth

1. Except for above ground piping facilities, such as mainline block valves, tap valves, meter stations, etc., the pipeline will be buried with:
 - a. A minimum of five (5) feet of top cover where it crosses cropland.
 - b. A minimum of five (5) feet of top cover where it crosses pastureland or other agricultural land comprised of soils that are classified by the USDA as being prime soils.
 - c. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses pastureland and other agricultural land not comprised of prime soils.
 - d. A minimum of ~~three (3)~~ **five (5)** feet of top cover where it crosses wooded/brushy land or other sensitive areas.
 - e. Substantially the same top cover as an existing parallel pipeline, but not less than ~~three (3)~~ **five (5)** feet, where the route parallels an existing pipeline within a 100-foot perpendicular offset.

2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30~~ **sixty (60)** inches.

The proposal was sent to the townships and fire protection districts on June 10, 2024. Steve Knutson submitted an email stating that the Fox Township Planning Commission informally found the proposal uncontroversial. This email is attached. No other comments were received.

ZPAC reviewed this proposal at their meeting on July 2, 2024. Discussion occurred regarding the reasons for selecting five feet (5') as the requirement; these included safety, room to bury other infrastructure below the freeze line, and concerns about pipelines flexing. Discussion occurred regarding federal regulations and whether any other counties had similar regulations; it was determined that other counties do not have these regulations because Kendall County was unique with the number of pipelines underground. ZPAC recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) member absent. The minutes of the meeting are attached.

The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 24, 2024, and recommended approval by vote of six (6) in favor and zero (0) in opposition with

three (3) members absent. Member Nelson noted that the County Stormwater Engineer would inspect pipelines for compliance and the pipeline pays the bill for the inspections.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on July 24, 2024. Discussion occurred on who TC Energy was legally; they are TransCanada Energy. Mitchell Schaben from TC Energy was in attendance and had no comments regarding the proposal. Discussion occurred about setting pipelines below the permafrost depth. Discussion also occurred regarding setbacks from pipelines. Staff will be researching this topic, including rationale for establishing the setback for the August Comprehensive Land Plan and Ordinance Committee meeting by contacting the municipalities and neighboring counties. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting are attached.

If you have any questions regarding this memo, please let me know.

MHA

Encs: July 2, 2024, ZPAC Meeting Minutes (This Petition Only)

July 22, 2024, Email from Steve Knutson

July 24, 2024, Kendall County Regional Planning Commission Minutes (This Petition Only)

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
July 2, 2024 – 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
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Greg Chismark – WBK Engineering, LLC

Audience:

Dan Kramer

PETITIONS

Petition 24-17 Kendall County Planning, Building and Zoning Committee

Chairman Wormley explained the reason for the proposal. He explained the proposed pipeline projects in Kendall County and making the top of pipe topsoil level at least five feet (5'). He wanted the pipelines below the freeze line. He also discussed federal guidelines.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

In May 2024, TC Energy's ANR Pipeline announced a pipeline project in Kendall County. Concerns were raised regarding the proposed depth of the pipelines.

At their meeting on June 10, 2024, the Kendall County Planning, Building and Zoning Committee voted to initiate an amendment to the pipeline depth requirements contained in Section 6:07 of the Kendall County Zoning Ordinance. The proposed changes are as follows:

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2. Notwithstanding the foregoing, in those areas where rock is in its natural formation and/or a continuous stratum of gravel exceeding 200 feet in length are encountered, the minimum cover will be ~~30 sixty (60)~~ **(60)** inches.

Petition information was sent to the townships and fire protection districts on June 25, 2024. No comments received.

Mr. Klaas asked about a national standard for pipeline depth. Chairman Wormley discussed the Federal Energy Regulatory Commission's rules which might be a lower standard than the proposal.

Mr. Klaas asked if any other counties adopted similar pipeline depth regulations. Mr. Asselmeier was not aware of counties having similar depth requirements as proposed by this Petition. It was noted that many other counties do not have the number of pipelines that were located in Kendall County.

Discussion occurred regarding pipelines flexing, which was a reason for the proposal.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the proposal for approval.

The votes were follows:

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

The motion passed.

The proposal goes to the Kendall County Regional Planning Commission on July 24, 2024.

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

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

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

The ZPAC, at 9:23 a.m., adjourned.

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

Enc.

**KENDALL COUNTY
ZONING & PLATTING ADVISORY COMMITTEE
JULY 2, 2024**

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)
<i>Don Krom</i>		

Matt Asselmeier

From: Stephen knutson <[REDACTED]>
Sent: Monday, July 22, 2024 9:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 24-17

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,

I am very sorry, but I have missed the deadline to respond.

However, an informal survey of the Fox Township Plan Commission found that the change in pipeline depth seemed uncontroversial. we had no comment.

I will try to be more responsive in the future.

Stephen Knutson

Fox Township Plan Commission

On Jun 25, 2024, at 4:01 PM, Matt Asselmeier <masselmeier@kendallcountyl.gov> wrote:

Dear Township Officials:

Please see the attached public notice and memo regarding Petition 24-17.

The Kendall County ZPAC will meet on this proposal on July 2nd at 9:00 a.m., in the County Boardroom at 111 W. Fox Street, Yorkville.

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

<24-17 Public Notice.pdf><24-17 ZPAC Memo.pdf>

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

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

Unapproved - Meeting Minutes of July 24, 2024 - 7:00 p.m.

Chairman Bill Ashton called the meeting to order at 7:04 p.m.

ROLL CALL

Members Present: Bill Ashton, Eric Bernacki, Tom Casey, Larry Nelson, Claire Wilson, and Seth Wormley

Members Absent: Dave Hamman, Karin McCarthy-Lange, Ruben Rodriguez, and Bob Stewart

Staff Present: Matthew H. Asselmeier, Director, and Wanda A. Rolf, Office Assistant

Others Present: Dan Kramer and Mitchell Schaben

APPROVAL OF AGENDA

Member Bernacki made a motion, seconded by Member Wormley, 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 June 25, 2024, meeting. With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 24-17 Kendall County Planning, Building and Zoning Committee

Mr. Asselmeier summarized the request.

In 2001, through Ordinance 2001-33, Kendall County established pipeline regulations in the Zoning Ordinance.

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The Kendall County Comprehensive Land Plan and Ordinance Committee reviewed the proposal on July 24, 2024, and recommended approval by vote of six (6) in favor and zero (0) in opposition with three (3) members absent. Member Nelson noted that the County Stormwater Engineer would inspect pipelines for compliance and the pipeline pays the bill for the inspections.

Member Nelson asked who TC Energy was legally. Mitchell Schaben, TC Energy, responded they were TransCanada Energy.

Mr. Asselmeier asked if Mr. Schaben had an opinion of the proposal. Mr. Schaben responded that he had no opinion.

Member Nelson asked about pipeline depth requirements in other counties where this project was occurring. Mr. Schaben said the Kendall County proposal would match those depths.

Member Wilson asked why five feet (5') was common. Mr. Schaben said the depths have changed as new, large pipes have been installed.

Mr. Asselmeier discussed the variance process.

Member Wilson asked about safety considerations for burying pipelines deeper in the ground. Mr. Schaben responded yes, to get below the permafrost line.

Member Nelson asked about the width of pipeline rights-of-way. Mr. Schaben responded fifty feet (50') on either side. Discussion occurred about changing the Kendall County setback requirements for primary structures around pipelines. The present regulation is five hundred feet (500') from certain pipelines. Mr. Asselmeier will contact the municipalities and neighboring counties regarding their regulations, including the rationale for their regulations, and bring that information to the August Comprehensive Land Plan and Ordinance Committee. The pipeline did not have an additional restriction on setbacks beyond the pipeline

right-of-way. Discussion also occurred regarding what constituted a safe distance from pipelines to build structures and reasons for setbacks.

Member Nelson made a motion, seconded by Member Bernacki, to recommend approval of the text amendment and have Staff conduct research regarding pipeline setbacks and rationale for those setbacks.

The votes were as follows:

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

Nays (0): None

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

Abstain (0): None

The motion carried.

The proposal goes to the Kendall County Zoning Board of Appeals on July 29, 2024.

CITIZENS TO BE HEARD/PUBLIC COMMENT

Mitchell Schaben announced a public hearing will occur on August 6, 2024, between 4:00 p.m. and 6:30 p.m., at the Yorkville Public Library, regarding the pipeline project. This public hearing is occurring as part of the NEPA Report by the Federal Energy Regulatory Commission. The notice will be mailed to impacted landowners and adjacent landowners. Member Nelson requested a copy of that notice be sent to the Planning, Building and Zoning Department.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier reported that the Village of Plainfield will have an open house regarding their comprehensive plan update on July 30, 2024, between 6:30 p.m. and 8:30 p.m., at the Plainfield Village Hall.

Mr. Asselmeier reported there will be a map amendment for a property on Miller Road, a map amendment for a property on Legion Road, and a special use permit application for a landscaping business in Millbrook on the August agenda.

Chairman Ashton requested an update on the investigation of the asphalt business on Route 52. Mr. Asselmeier will check the status of the investigation.

Mr. Asselmeier reported that the Village of Millington has annexed the banquet facility at 10978 Crimmin Road and the Village was still working on the paperwork for recording purposes.

ADJOURNMENT

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

The Kendall County Regional Planning Commission meeting adjourned at 7:41 p.m.

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



**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JULY 24, 2024**

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)
Dan Keane		
Mitchell Schaben		

Matt Asselmeier

From: Stephen knutson <[REDACTED]>
Sent: Monday, July 22, 2024 9:32 PM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 24-17

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However, an informal survey of the Fox Township Plan Commission found that the change in pipeline depth seemed uncontroversial. we had no comment.

I will try to be more responsive in the future.

Stephen Knutson

Fox Township Plan Commission

On Jun 25, 2024, at 4:01 PM, Matt Asselmeier <masselmeier@kendallcountyl.gov> wrote:

Dear Township Officials:

Please see the attached public notice and memo regarding Petition 24-17.

The Kendall County ZPAC will meet on this proposal on July 2nd at 9:00 a.m., in the County Boardroom at 111 W. Fox Street, Yorkville.

Thanks,

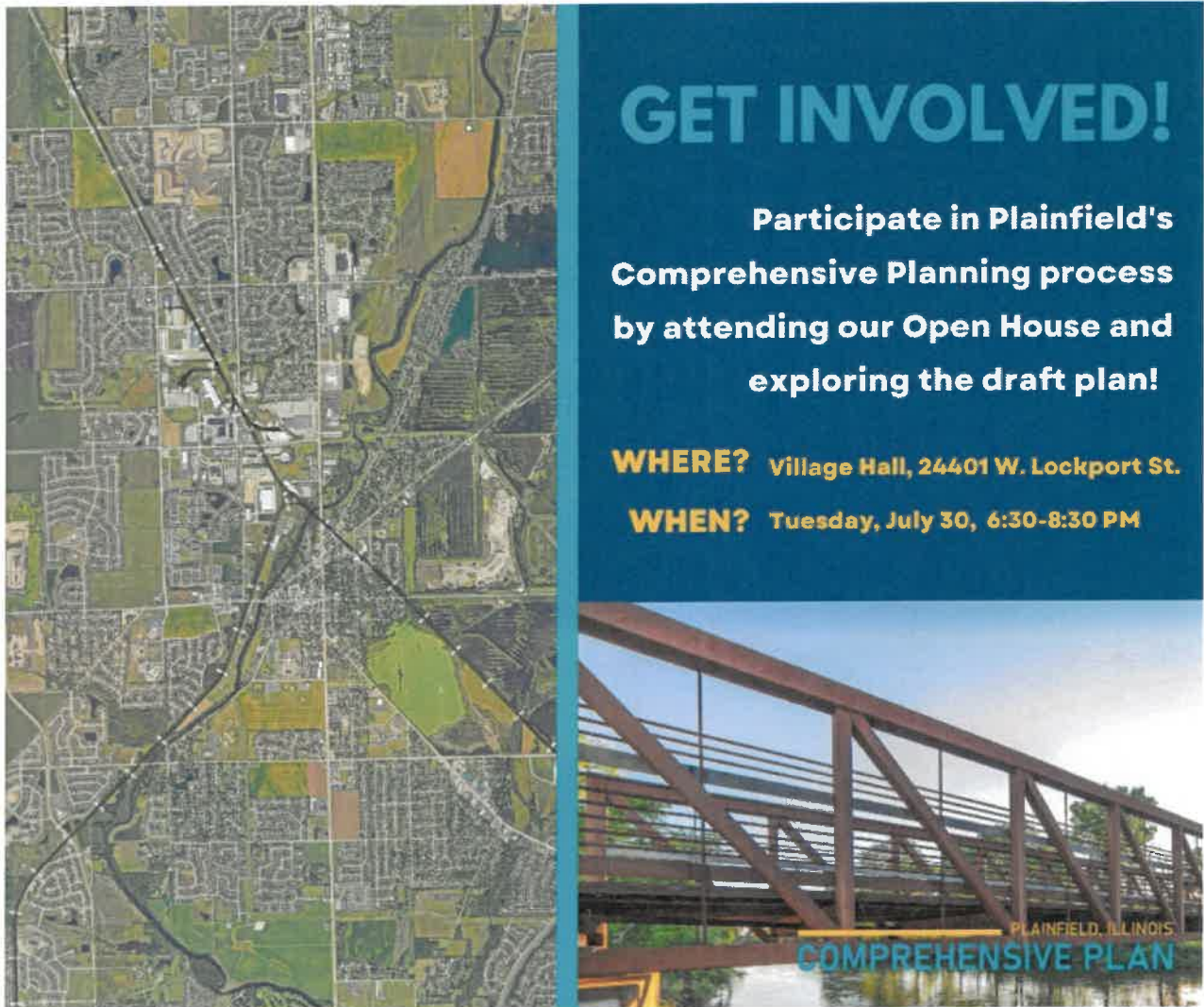
Matthew H. Asselmeier, AICP, CFM
Director
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

<24-17 Public Notice.pdf><24-17 ZPAC Memo.pdf>

Matt Asselmeier

From: Jake Melrose <jmelrose@goplainfield.com>
Sent: Monday, July 22, 2024 4:16 PM
Subject: [External]Village of Plainfield Comprehensive Plan Open House - July 30

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.



The Village is nearing the final stages of its update to the Comprehensive Land Use Plan and is holding an Open House on Tuesday, July 30, to garner feedback on new exhibits for the plan created by the Village's consultant, Houseal Lavigne.

The open house is informal, stop by Village Hall any time between 6:30 and 8:30 p.m. to share your input.

We look forward to seeing you!

If you have any questions about the Open House, please contact the Planning Department at planning@goplainfield.com.

Regards -

Jake Melrose, AICP
Economic Development Director
Village of Plainfield, IL
815.439.2826