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## DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

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(630) 553-4141

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### MEMORANDUM

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To: ZPAC  
From: Matthew H. Asselmeier, AICP, CFM, Director  
Date: October 25, 2024  
Re: Proposed Text Amendment Related to Setbacks of Pipelines from Occupied Principal Structures (Petition 24-34)

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Section 36-247 (7) (a) of the Kendall County Code contains the following regulations regarding the setback of certain pipelines from Occupied Principal Structures:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of five hundred (500) feet from any occupied principal structure.”

In July 2024, the Kendall County Regional Planning Commission requested Staff to contact the municipalities and neighboring counties to ask what their regulations were pertaining to setback and the reason for their respective setback. A table with that information is attached.

Staff also contacted a representative from a pipeline company to see what the industry standard was for temporary construction easements. That email is attached.

At their meeting on September 25, 2024, the Kendall County Regional Planning Commission, by a vote of eight (8) in favor and zero (0) in opposition with two (2) members absent voted to initiate a text amendment to the Kendall County Zoning Ordinance reducing the setback from five hundred (500) feet to twenty-five feet (25).

The redlined version of the proposal is as follows:

“All pipelines greater than ten (10) inches in diameter which carry/conduct flammable or hazardous material shall be located a minimum of ~~five hundred (500)~~ **twenty-five (25)** feet from any occupied principal structure.”

The Commission’s reasons for the proposal were as follows:

1. The present five hundred (500) foot regulation negatively impacted a property owner’s ability to use their land by consuming too much land for setback purposes.
2. The present five hundred (500) foot regulation did not address public health and safety. The regulation of pipeline depth more adequate addresses public health and safety. Pipelines become a problem for public health and safety when they are disturbed and, if a pipeline is disturbed, five hundred (500) feet would not be an adequate setback to prevent property damage.

Information was sent to the Townships on October 25, 2024.

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

MHA

Encs.: Comparison Table  
August 20, 2024, Email from Andrew Black

| <b>Municipality</b> | <b>Distance</b> | <b>Reason</b>   |
|---------------------|-----------------|---|
| Aurora              | N/A             |   |
| Joliet              | N/A             |   |
| Lisbon              |                 |   |
| Millbrook           |                 | See Kendall County  |
| Millington          | N/A             |   |
| Minooka             |                 |   |
| Montgomery          | N/A             |   |
| Newark              | N/A             |   |
| Oswego              | N/A             | Pipeline are in ROWs or easements and cannot build a home on easement.  |
| Plainfield          | N/A             |   |
| Plano               | N/A             |   |
| Plattville          |                 | See Kendall County  |
| Sandwich            | N/A             |   |
| Shorewood           | N/A             |   |
| Yorkville           | 50'             | The pipeline industry has a recommended 50' setback for any building. This is measured from the end off of the easement in which the pipeline is placed. This only applies to "high Hazard" pipelines. The IEPA has issued a recommendation in some of their handout that 50' off the easement is recommended and no blasting or explosive excavation with in 325' of the easement. That is the standard we would use in Yorkville unless the Illinois Environmental Protection Agency were to provide use with a different standard. |

| <b>County</b> | <b>Distance</b> | <b>Reason</b>                    |
|---------------|-----------------|----------------------------------|
| DeKalb        | N/A             | Regulations repealed in 2009.    |
| Kane          | 3'              | The 3' rule is for any easement. |
| DuPage        | N/A             |                                  |
| Will          | N/A             |                                  |
| Grundy        | 500'            | Unsure Why that Distance is Used |
| LaSalle       | N/A             |                                  |
| Kendall       | 500'            |                                  |

N/A=No regulation

## Matt Asselmeier

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**From:** Andrew Black <andrewblack@ohiovalleyacquisition.com>  
**Sent:** Tuesday, August 20, 2024 1:09 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Pipeline Easement Question

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

The temporary construction workspace is traditionally 50' but it can vary. ANR has 50' on one side of the easement and 10' on the opposite side overlapping our existing easement. There is also Additional Temporary Workspace, for this project it is an additional 25-50' depending on the location and the purpose for the workspace. Both the temporary and additional temporary workspace revert to the landowner upon project completion. After project completion ANR will only maintain the permanent easement, mowing will be done on a scheduled basis determined by operations. Residential and agricultural areas will not be maintained by the company.

*Andrew D Black*

Non-Environmental Permit Coordinator  
Ohio Valley Acquisition  
Representing Columbia Gas Transmission, ANR Pipeline Subsidiaries of TC Energy  
[AndrewBlack@ohiovalleyacquisition.com](mailto:AndrewBlack@ohiovalleyacquisition.com)



**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Monday, August 19, 2024 8:35 AM  
**To:** Andrew Black <andrewblack@ohiovalleyacquisition.com>  
**Cc:** Aaron Thompson <aaron\_thompson@tcenergy.com>  
**Subject:** Pipeline Easement Question

Andrew:

What is the industry standard for the width of a temporary construction easement for general upkeep and maintenance of a pipeline?

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
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